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Commissioner

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DHS Response to Office of Youth Ombudsperson (OYO) Report regarding the Use of Seclusion at the Philadelphia Juvenile Justice Services (PJJSC)

Introduction

This document is written in response to a November 18, 2024 Office of the Youth Ombudsperson's (OYO) report regarding the use of seclusion at the Philadelphia Juvenile Justice Services Center (PJJSC).

Background

The Philadelphia Department of Human Services (DHS) operates a secure juvenile detention facility called the PJJSC located at 91 N. 48th Street, Philadelphia, PA. The PJJSC is licensed by the Pennsylvania Department of Human Services and is a temporary twenty-four-hour living setting for delinquent and alleged delinquent youth, ages 10 up to 21. With a maximum licensed capacity of 184, youth are ordered by the court to be held at the PJJSC while they are either awaiting a court hearing regarding their alleged delinquent or criminal offense or are awaiting residential placement. In its capacity as a temporary detention facility, the PJJSC provides services to the youth in its care and supervision including education, social services, medical, behavioral health and recreational activities.

Over the past several years, the number of youth held at the PJJSC increased dramatically due to the significant number of youth who were waiting for placement at state secure facilities. In 2022 and 2023, the PJJSC was severely over its licensed capacity of 184 youth resulting in overcrowding conditions. Given the gravity of the overcrowding and the impact that it had on the safety of the youth at the PJJSC, the City of Philadelphia filed a petition for injunctive relief to mandate the Commonwealth of Pennsylvania to timely admit youth into state secure facilities who were court ordered to receive treatment, supervision and rehabilitation.

After a challenging couple of years, in 2024, the number of youth being held at the PJJSC has been consistently within its licensed capacity. This has resulted in significant improvements in the quality of programming at the PJJSC.

DHS Investigation

As the OYO notes in its November 18, 2024 report, "since its inception, the OYO has been in close and

continuous communication with DHS, where leadership and staff have shown a commitment to our collective mission, sharing information and openly working to integrate the OYO into new and existing internal control functions.”

Consistent with the Executive Order, No.5-22, signed by Mayor James F. Kenney on November 30, 2022, the OYO has been granted access to the PJJSC to conduct trainings with youth regarding their rights, to observe and speak with youth, and to conduct surveys of youth. When issues and concerns arise, OYO brings them to DHS’ attention, and DHS’ Performance Management and Technology (PMT) division investigates, responds, and addresses any areas of concern. It is important to note that PMT is a division of DHS that provides quality assurance for DHS and contracted providers, monitors and evaluates provider performance, investigates service concerns, and does data analytics.

The OYO report alleges that “seclusion at the PJJSC has been overly employed and not in strict compliance with applicable laws that are designed to ensure the safety and well-being of youth in detention.” PJJSC uses seclusion by putting a youth in their locked room when they are a danger to themselves or someone else. Most seclusion occurs after a youth gets into a physical altercation with another youth, and once the situation is de-escalated and mediated, the seclusion ends.

In order to investigate concerns about the use of seclusion, PMT reviewed a sample of 85 seclusion forms generated between February 22, 2023 through August 19, 2024 involving 65 distinct youth. Additionally, PMT also interviewed a total of 24 youth, 23 of which were randomly selected and 1 (one) whom was the subject of an OYO inquiry. Youth were interviewed on May 30, 2024, July 8, 2024 and October 11, 2024. Of the 24 youth who were interviewed, 15 of the youth did not experience a seclusion event, and 9 of the youth were held in seclusion, as verified by reviewing their seclusion logs.

Analysis

Per PA § 3800 regulations, seclusion of youth in detention may not exceed four (4) hours and extensions require reauthorization for a new 4-hour period, which PJJSC documents on a new incident form. Authorization by supervisory staff is required prior to each use of seclusion. If seclusion is interrupted for any purpose and reused within 24 hours after the initial use of seclusion, it is considered continuation of the initial seclusion period. A staff person must observe a child in seclusion at least every 5 minutes. A child in seclusion must be checked and observed by a supervisory staff person who is not continually observing the child, at least every 2 hours the seclusion is used.

Furthermore, PA Regulations require youth to have a court order to be in seclusion for more than eight (8) hours in a 48-hour period. If youth were in seclusion for extended time periods, PMT could expect to find multiple incident forms. Of the 85 seclusion forms that PMT analyzed, 79 (93%) of the incidents indicated that youth were not held in seclusion for more than four (4) hours on a single incident of seclusion. However, there were 6 (7%) of the seclusion forms where PMT was unable to determine how long a youth was in seclusion because the form was missing key information about the length of time the youth was held in seclusion.

Next, PMT examined the 85 seclusion forms to determine if youth had multiple incidents of seclusion that added up to 1) more than eight (8) hours in a 48 hour period or 2) more than 72 hours- the amount of time for which youth who were interviewed by PMT stated that they were held in seclusion. There were a total of 65 youth in the sample. Most of the youth, 53 (82%) had one seclusion incident. These seclusion incidents did not last for more than 4 hours, and the remaining 12 (18%) youth had multiple seclusion incidents. In its' analysis, PMT found that of the 12 youth who experienced multiple incidents of seclusion while at the PJJSC, none of the youth's seclusion incidents lasted more than eight (8) hours in a 48-hour period, and none of the youth experienced seclusion for 3 or more days.

Youth Interviews

In addition to reviewing 85 seclusion forms, PMT also interviewed 24 youth. Of the 24 youth who were interviewed, 23 were identified using a random sample, and 1 youth was the subject of an OYO inquiry. Six or 24% of the youth interviewed by PMT reported being in seclusion for 3 days or more. In order to corroborate whether any of the 24 youth were held in seclusion for 3 or more days, school attendance records were reviewed, and none of the youth missed 3 or more consecutive days in school due to a seclusion incident.

Findings

As previously stated, of the 85 seclusion incidents that PMT analyzed, 79 (93%) of the incidents indicated that youth were not held in seclusion for more than four (4) hours. However, there were 6 (7%) of the seclusion forms where PMT was unable to determine how long a youth was in seclusion because the forms were missing key information about the length of time the youth was held in seclusion.

Additionally, while interviewing the 24 youth, 6 youth disclosed being held in seclusion for 3 or more days; however, after a review of the youth's school records, none of youth missed 3 consecutive days or more from school. Youth who are held in seclusion would not attend school, given that they still would be a threat to themselves or others.

It is important to note that during the multiple discussions between PJJSC leadership and the OYO, there was some disagreement between PJJSC and the OYO around breaks in seclusion. Breaks in seclusion occur when youth were sleeping, showering, or attending medical or behavioral health appointments. The seclusion clock stops when youth are sleeping, showering, or attending medical or behavioral health appointments, as they are no longer in their locked rooms. PJJSC staff admitted that that they do not inform youth when they are no longer in seclusion particularly when there are breaks in seclusion.

DHS disputes that PJJSC "use of seclusion is overly employed;" however, we do acknowledge the following concerns that are consistent with the concerns raised by the OYO:

- A need to inform youth when seclusion ends or that there are breaks in seclusion. Failure to do so may lead to misunderstandings among youth who might feel like they are in seclusion much longer than they are, or youth who believe their peers are in seclusion a lot longer than they are.

- A need for refresher training regarding minimizing the use of seclusion and ensuring that no youth is mechanically restrained while in seclusion.
- A need for more accurate and complete documentation of seclusion logs.
- Better supervisory observation and documentation of youth in seclusion, at least every two hours.

Plan of Action

DHS has developed a plan of action to ensure PJJSC's continued compliance with requirements around seclusion:

- **The PJJSC will better educate and communicate with youth on seclusion practices.** DHS does find it concerning that several youth reported that they were in seclusion for multiple days which suggest that youth need to be better educated about standard seclusion practices which include: defining seclusion and its purpose; seclusion periods not extending beyond 4 hours without medical clearances and proper supervisory documentation; clearly defined criteria that constitutes extended periods of seclusion with approval; and criteria for ending seclusion periods. Upon ending seclusion, the youth will be required to sign a verification form which will serve as formal notification. PJJSC will add seclusion protocols and documentation to youth orientation to ensure that youth are better informed and can accurately report if their rights are violated.
- **PJJSC revised its seclusion policy on October 10, 2024.** As the need arises, PJJSC will make additional revisions if necessary. The revised policy also has been added to the training curricula and is required within the 40 hours of annual staff training.
- **PJJSC will provide ongoing training to minimize the use of seclusion and adherence to regulations and policy.**
 - 120 PJJSC staff members received a refresher training on October 16, 2024 regarding the use of seclusion, the importance of documentation, and how best to document the use of the practice. The 120 staff signed off on receiving the revised policy and were given a copy of the policy.
- **The PJJSC has updated its Incident Report to note when Supervisor Checks are being completed every 2 hours. Additionally, a verification form was developed to track medical clearance checks every four hours of a youth's time in seclusion. This process is monitored by PJJSC's shift managers.**
- **The PJJSC will conduct quality reviews of its Seclusion Forms to ensure that all information is complete and accurate.**
- **PMT will continue to monitor PJJSC's use of seclusion to ensure compliance with the State regulations.**

Conclusion

DHS is committed to continuing to provide optimal care for youth being held at the PJJSC. DHS will continue to collaborate with the OYO to ensure that the voices and experiences of young people at the PJJSC are heard. PJJSC has revised its policies and enhanced internal protocol and management processes to promote best practice regarding the use of seclusion. PMT will continue to conduct quality assurance reviews on PJJSC's operations to support continued adherence to State regulations.

12/19/2024

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Commissioner