

## 24 OBSERVATION STATUS & ADMINISTRATIVE CONFINEMENT IN A JCI

### OVERVIEW OF CHAPTER CONTENTS

#### PRIMARY TOPICS COVERED IN THE CHAPTER

- Types of Temporary Status in a JCI
- Observation Status
- Administrative Confinement
- Voluntary Confinement

#### FORMS DISCUSSED IN THE CHAPTER

- Notice of ACRC Hearing (DOC-2101)
- Youth Appeal of Administrative Confinement (DOC-2100)
- Self-Harm Assessment (DOC-2097)
- Notice of Review For Continued Observation (DOC-2099)
- Administrator's Decision on Appeal by Youth in Observation Status (DOC-2149)
- ACRC Hearing Decision & Review of Placement in Administrative Confinement (DOC-2152)
- Notice of Rights and Appeal [Observation Status] (DOC-2098)
- Review of Placement in Observation Status (DOC-2148)
- Notice of Review Hearing Decision & Appeal (DOC-2153)
- Voluntary Confinement (DOC-1675)

All the forms listed above are available on MyDOC. When completing any form, check MyDOC to be certain the most current version is being used.

### TYPES OF TEMPORARY STATUS IN A JCI

#### DISCUSSED IN THIS CHAPTER

During placement at a JCI, some youth engage in behaviors that result in temporary placement in a special status governed by the Wisconsin Administrative Code. Chapter DOC 374 covers **administrative confinement** while ch. DOC 375 deals with **observation status and voluntary confinement**.

#### NOT DISCUSSED IN THIS CHAPTER

Youth may be placed in **security status** (close or modified room confinement) prior to a hearing on a major rule violation and/or to serve a major penalty following the hearing. This topic is **not discussed in the CMM**. [see ch. DOC 373, WI. Adm. Code and "Guide to the Administrative Rules" handbook].

A youth serving a major penalty may be placed in **control status**. Property is removed from the youth's room for a period of time based upon the belief by staff that the youth has used or may use items in his or her room to harm self or others. [see ch. DOC 373, WI. Adm. Code and "Guide to the Administrative Rules" handbook ].

## ADMINISTRATIVE CONFINEMENT

### OVERVIEW

A JCI superintendent may place a youth in administrative confinement. The **youth is confined in a locked room because the youth's behavior presents one or more of the risks listed in the next paragraph.**

The procedures for placing a youth in administrative confinement are described in chapter DOC 374, WI. Adm. Code. Living conditions while in confinement are contained in s. DOC 374.10, WI. Adm. Code. [see ch. DOC 374, WI. Adm. Code and "Guide to the Administrative Rules" handbook ].

### REASONS FOR PLACEMENT

- Youth presents a significant risk of harm to self, another person, or institution security
- Youth's presence in the general population poses a significant risk of escape
- Youth's continued presence in general population poses a significant risk of disturbance

### NOTICE OF ACRC HEARING

Within 24 hours of the youth's placement in administrative confinement, a staff person must serve the youth with the **DOC-2101**. It informs the youth of why he or she is in confinement, his or her due process rights at the ACRC hearing, and the date, time and location of the hearing.

- DOC-2101 includes the following narrative sections:
  - ✓ Reason(s) that staff think youth is in need of confinement
  - ✓ Evidence to be considered at the hearing
  - ✓ Sources of information to be relied upon.
  - ✓ Explanation of possible consequences of the hearing decision.

The form should be completed via MyDOC on the computer because it has expanding text boxes for the narrative sections.

### ACRC COMMITTEE MEMBERSHIP

Superintendent appoints the members of the Administrative Confinement Review Committee. Membership includes representatives from security, youth's treatment team and a supervisor who serves a chair.

### HEARING DECISION & REVIEW OF PLACEMENT

The ACRC chairperson completes the **top section** of **DOC-2152** to inform the youth of the ACRC **hearing decision** which is one of two conclusions:

- Evidence supports need for administrative confinement or
- Evidence does not support the need for continued confinement: youth must be released from confinement as soon as possible.

The **bottom section** of the form is used for recording the decision made at the required **every-7- day review** of the need for continued placement in administrative confinement.

Each time that the form is completed, the youth receives a copy. The form can either be completed by hand or by computer in MyDOC.

### **YOUTH APPEAL OF ADMINISTRATIVE CONFINEMENT**

- A youth may **appeal** the ACRC hearing decision and an every-7-day review decision **within 5 days of the decision**. The appeal goes first to the superintendent and then to the Administrator.
- The youth completes the top section of the (**DOC-2100**) form and the person to whom the youth appeals completes the bottom portion. The decision-maker may take one of the following actions within 7 days of receiving the appeal:
  - ✓ Affirm ACRC hearing or review decision.
  - ✓ Remand the appeal back to the ACRC for further proceedings
  - ✓ Reverse the ACRC hearing or review decision
  - ✓ Administrator affirms the superintendent's decision

## **OBSERVATION STATUS**

### **OVERVIEW**

Observation status is an involuntary **non-punitive status used to temporarily confine a youth to ensure the safety of the youth and others**. Observation is appropriate for youth with mental health needs or a medical problem requiring separation from others.

The procedures for placing youth in observation status are governed and described in the ch. DOC 375, WI. Adm. Code. The living conditions during observation are in s. 375.07, WI. Adm. Code. [see ch. DOC 375, WI. Adm. Code and "Guide to the Administrative Rules" handbook ].

### **INITIAL PLACEMENT IN OBSERVATION**

The following staff may place a youth in observation status:

- Superintendent/designee
- Health Service Professional
- Psychologist/physician

Has general authority for placement in observation for medical purposes, but for mental health placements only if psychologist/physician is not available

### **REASONS FOR PLACEMENT**

- Youth is mentally ill and dangerous
- Youth is exhibiting signs of acute mental distress
- Youth has communicable disease/infection or other medical condition requiring separation

### **NOTICE OF RIGHTS AND APPEAL**

**DOC-2098** is a 2 page form that staff must give the youth upon placement in observation. It informs the youth of the **reason for placement, his or her rights** depending on the reason for placement, and provides the youth with a **multi-purpose appeal form**. The form can be completed on MyDOC by computer or printed to be completed by hand.

### **SELF-HARM ASSESSMENT FORM**

If a staff member places a youth in observation for self-harm behavior, a psychologist/physician must complete the **DOC-2097** in addition to the DOC-2098. It provides considerable detail regarding the youth's mental status and behavior. The form is available on MyDOC with expanding text boxes for completion via computer.

### **REVIEW OF PLACEMENT IN OBSERVATION STATUS**

**DOC-2148** is completed by the staff person conducting the **every-3 day- review** of the need for continued placement in observation. A different section needs to be completed depending on the reason for the youth's placement in observation.

### **NOTICE OF REVIEW FOR CONTINUED OBSERVATION**

- **DOC-2099** is only used for youth placed in observation as mentally ill and dangerous for **more than 14 days pending ch. 51 proceedings**. At that point in time, the youth has the right to a review hearing and notice of his or her due process rights.
- The psychologist or physician making the decision to retain the youth in observation status must complete the form explaining the information below. The form should be completed on MyDOC on the computer because it has expanding text boxes:
  - ✓ Allegation of mental illness and dangerousness
  - ✓ Standards used to make the above determination
  - ✓ Evidence to be considered at the hearing
  - ✓ Sources of information to be relied upon
  - ✓ Possible consequences of the review hearing
- DOC-2099 contains an order stating the date, time and location of the review hearing.

### **NOTICE OF DECISION AND YOUTH'S APPEAL**

- **DOC-2153** tells the youth that the review hearing decision is to continue to hold the youth in observation status for more than 14 days pending ch. 51, Stats. The youth may appeal that decision to the DJC Administrator.
- If the hearing decision was to release the youth from observation, that release should take place immediately.

### **ADMINISTRATOR'S DECISION**

The Administrator completes **DOC-2149** within 5 days of receiving an appeal. It informs the youth of his or her decision regarding any appeal filed by a youth. The Administrator completes the form within 5 days of receiving an appeal.

## VOLUNTARY CONFINEMENT

A superintendent or designee may place a youth in voluntary confinement if all the following are true:

- **Youth requests the placement** in writing using the Voluntary Confinement Agreement (DOC-1675)
- **Superintendent is satisfied that the placement is necessary for the safety and welfare** of the youth.

**DOC-1675** explains to the youth all the conditions to which he or she must agree and provides space for the youth to explain why he or she thinks placement in voluntary confinement is necessary for the youth's health and/or safety. The superintendent reviews the continued need for placement at least every 7 days.