

1999

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES
OUT-OF-STATE CERTIFICATION REVIEW
OF
RITE OF PASSAGE
MINDEN AND YERINGTON, NEVADA

BACKGROUND

Facility Information

Rite of Passage (ROP) has six separate facilities in the state of Nevada and three facilities in California. The Nevada facilities are:

- Qualifying House #1, licensed capacity 13, 10 California youths
- Qualifying House #2, licensed capacity 13, 8 California youths
- Qualifying House #3, licensed capacity 13, 5 California youths
- Qualifying House #4, licensed capacity 6, no California youths
- Athletic Training Campus (ATC), licensed capacity 225, 163 California youths.
- Remote Training Center (RTC) (not authorized for placement of California youths, but is operational for youths from other states)

ROP operates a chartered school under El Dorado County of Education.

All of the California youths placed at each of the sites are subject to California Family Code Sections 7911 et al.

Support Agencies

The ROP facilities are licensed by more than one licensing agency. Qualifying Houses I, II and III are licensed by the Washoe Tribal Council; Qualifying House IV is licensed by the State of Nevada; the ATC is licensed by the Piate Tribal Council; and the RTC is licensed by the Walker River Tribe.

The Washoe Tribal Council conducts annual health and safety inspections of Qualifying Houses I, II, and III. This agency is very small. The director is also the licensing worker.

The State of Nevada licensing unit conducts annual health and safety inspections of Qualifying House IV.

The Piate Tribal Council employs a social worker to monitor the ATC as well as perform other duties to serve the community. This worker conducts an annual two-day inspection of the ATC. A review of the ATC licensing file revealed ROP was cited for lack of criminal record clearance waivers, lack of a fire escape plan, and physical plant deficiencies between the period 5/93 – 4/98. The file documents indicated that these deficiencies were corrected.

The Department of Human Resources, Division of Children and Family Services, Child Protective Services Section (CPS), investigates complaints of physical and sexual abuse for the State of Nevada. CPS reported that CPS staff primarily investigate abuse complaints in foster home settings. Staff are not trained to investigate complaints regarding abuse that occurs as a result of physical restraints.

CPS has no authority to investigate complaints on tribal land. Although the tribal agencies are involved in the investigation at the outset, CPS indicated they attempt to work in conjunction with the tribal social worker at the invitation of the tribe. CPS indicated that they are usually permitted to participate in the investigations on tribal land.

Fire inspections were completed at all sites in December 1998 by a professional Civil Engineer.

California Placing Agencies

There are approximately 28 California probation departments that use these facilities.

RITE OF PASSAGE PROGRAM STATEMENT

Rite of Passage's philosophy of treatment is that youths change their behavior because the norms of their peer group are positive. Therefore, ROP operates on a Positive Peer Culture (PPC) model. PPC is a model for group living that teaches respect, tolerance, and the giving and receiving of verbal feedback from one's peers. This feedback is provided in Guided Group Meetings (GGMs) and "shadowing" of youths who are not complying with the agency's norms by other youths or staff.

ROP serves boys ages 13-18 years of age. ROP accepts youths that are wards of the Court with a history of impulsive behaviors, conduct disorders and prior records of juvenile offenses. Youths must also be physically capable of participating in an athletic training program. Youths at ROP may have a history of alcohol/drug abuse, a risk of delinquent/anti-social activity, may be gang members or associate with gang members.

Youths with the following characteristics will be accepted only when an exception is granted by the ROP Treatment Review Committee: serious felony convictions, sex offenses, homicide and attempted murder, psychosis diagnosed by a psychiatrist, mental illness requiring medications, documented repeated inappropriate sexual activity, documented active arson and Seriously Emotionally Disturbed (SED) as documented by a current Individual Education Plan (IEP).

Youth with epilepsy or chronic medical conditions will not be accepted.

ROP is an achievement based, multi-level program that builds on individual achievements learned and earned while in the program. The program offers educational advancement, vocational skills, athletics, life skills, individualized graduation plans, demonstrated behavior changes, aftercare plans and treatment plans.

"Movement out of the Athletic Training Campus and Qualifying Houses is largely dictated by the youth's progress on his VALIDATE plan. VALIDATE stands for Vocational training, Athletics, Life skills, an Individual treatment plan, Demonstrated behavior changes, an Aftercare plan and Education. Depending on a youth's progress in each of the areas listed he will exit as either a progression, completion, or graduate." Youths who fail to make significant progress may be removed by the placing agency or at the request of ROP.

OUT-OF-STATE CERTIFICATION REVIEW FINDINGS

A certification review was conducted by the Out-of-State Certification Team (OSCT) January 4-8, 1999 and April 5-8, 1999. A sample of nineteen client files and ten staff files were reviewed followed by interviews with nineteen youths and ten staff at the Athletic Training Center (ATC). A sample of seven client files and thirteen staff files were reviewed followed by interviews with seven youths and five staff at the Qualifying Houses. Staff interviews included the psychologist, intake staff, nurse, school principal and direct childcare staff. In addition to the file reviews and interviews, the team inspected all physical plants, toured the academic site used by youths from the Qualifying Houses, toured the academic and vocational sites at the ATC, observed two Guided Group Meetings (youths discussed substance abuse issues and other problems under the direction of a staff), attended a Validation Program (three youths orally presented their validation to staff and peers for graduation from the Qualifying Houses) and attended a Treatment Review Committee meeting.

Program Overview

The Positive Peer Culture (PPC) is the cornerstone of the ROP program. There are four status levels within the PPC: rookie, Ram intern, Ram, and Block R. A youth's ability to conform to the "norms," determines his progress through the levels of the program. The "norms" include: treating others with respect, confronting negative behavior, supporting confrontation, taking ownership, giving feedback to help, being a gentleman, looking presentable, valuing your education, and valuing your health. As youths progress through the levels, they are granted more privileges as well as responsibility. Youths can also regress by portraying negative behaviors.

The ROP physical exercise elements include structured physical education classes, sanctioned high school athletics, and intramural activities. Mandating physical exercise as a consequence for program rule infractions or program misbehavior is prohibited. However, youths may choose to complete extra physical exercise in lieu of extra chores or extra writing assignments.

Effective January 1, 1999, ROP was no longer authorized to use the RTC as the entry level, or retraining level, for California youths. The California youths now enter the ROP program at the ATC level. A five-week orientation has been established at the ATC for California youths. The first week of orientation consists of various testing including medical screening, assessments for psychological evaluation, physical fitness, and program orientation including daily schedules, rights and privileges, introduction to the PPC, site orientation and tour, and file development. The remaining 4 weeks consists of various training including extensive PPC training, team meeting and treatment group orientation, individualized counseling, shop practices, CPR and first aid, keyboarding and introduction to computers, career path orientation, career counseling, education program, and physical conditioning. This orientation program has been developed; however, due to the low number of new youths from California, this program has not been fully implemented.

Staff responsible for the intake process at ROP have degrees in psychology and/or counseling. They interview the prospective youth as well as his family, if available, prior to admission. The intake staff use a questionnaire to determine the history and needs of the youth. This questionnaire also helps to determine the need for a psychological evaluation if an earlier evaluation is not available. A recommendation to accept the youth is made to the admissions officer and reviewed by the director of case management. (The admissions officer and director of case management have backgrounds in social work.)

The "Concerns" program (as described by administration as well as youths) is an independent element of the program, developed to deal with youths who are unable to function in the PPC. (This program was developed as an alternative to sending California youths back to the RTC.) In this program youths are temporarily removed from the activities of campus life. Youths are sent to a living unit, which has individual rooms with a bed and dresser. Youths may stay in the Concerns program for a few hours to a few days. A youth must take ownership for his behavior in a GGM and comply with group sanctions before he re-enters the regular program. More individualized education, training and treatment are provided in the Concerns program. The staffing ratio is contingent upon the behaviors of the youths in the program. It may be a 1:1 ratio if needed. It was reported that a bathroom break is permitted every two hours while in the Concerns program; however, youths are not denied use of the bathroom.

The Treatment Team (which includes the Director of Case Management, Staff Psychologist, Life Skills Instructor, ROP Charter High School Principal, Nurse Practitioner, Treatment Coordinator, Certified Resource Special Education Teacher, Career Counselor and Social Work Assistant), is now responsible for developing the needs and services plans, whereas the unit managers had completed them prior to our return visit. The Treatment Contracts (needs and services plans) reviewed during the second visit described treatment issues, but were not specific in that there were no measurable outcomes or achievement dates provided.

The treatment team now meets weekly to discuss the progress of youths. A decision may be made at this meeting to discharge a youth who is not progressing in the program. Fifteen California youths were discharged between the period of January 8 – April 5, 1999.

Reports from youths regarding their school experiences were very positive. Each youth interviewed appeared to be aware of his progress in school and knew whether he was striving for a high school diploma, a GED, or the ability to re-integrate into public school when he is discharged from the program.

A certified Drug and Alcohol Abuse counselor teaches the Life Skills class (at the ATC) which addresses drug and alcohol abuse. All youths are required to complete a least one Life Skills session. Currently, there is no ongoing, one on one drug and alcohol abuse counseling available except when the youth makes a request to see the psychologist. However, these issues are often addressed in the daily Guided Group Meetings (GGMs) which are lead by coach counselors. ROP administration indicated they are in the planning stages for establishing AA and NA meetings (Twelve Step Program) at the ATC.

To deal with medical or psychological issues, ROP has recently employed a nurse practitioner with a psychiatric background to make an initial assessment of the medical and psychiatric needs of the clients. They have also entered into a new contract with West Hills Psychiatric Hospital for emergencies.

A review of youths' files revealed unprofessional and inappropriate comments on the psychological evaluations. During a follow up interview with Dr. Whitmore, staff psychologist, he stated that he did not intentionally make comments that would be degrading to the youths. He indicated he would refrain from using unprofessional comments in the future on the psychological evaluations.

Issues Involving Personal Rights

California licensing standards require that each child shall have personal rights which include, but are not limited to the following: (1) to be accorded dignity in his/her personal relationships; (2) to wear his/her own clothes; (3) to be free from unusual punishment, intimidation, coercion, threat, mental abuse, or other actions of a punitive nature; (3) to send and receive unopened correspondence unless prohibited by court order or by the child's authorized representative.

Following are findings and/or allegations of personal rights violations:

1. Two students alleged during the second visit to the ATC that they were inappropriately restrained or touched. Four students reported either having witnessed or heard of incidents involving physical abuse and/or personal rights violations by staff. (i.e., being thrown against a wall; pushed in the shoulder to be blocked from leaving the observation area (Concerns Program); poked in the chest; arms pulled up behind the back and placed in a full and half-nelson.) **These allegations are under further investigation at this time.**
2. Two youths alleged that at least two staff have cussed at them and made sarcastic, degrading and humiliating comments to them. One youth stated a staff "takes their dignity." Examples of language allegedly used by staff are:
 - "When are we going to start dipping these little mother fuckers."
 - "I have to put up with this retardation all day."

The terms braindead, moron and retard were also used by staff when talking to youths.

3. On 3/4/99, in violation of ROP's agreement not to place California children at the RTC, four California youths were transported to the RTC at 11:00 p.m. due to the threat of gang related retaliation against these four youths. Three of the youths were transported to their counties the next day. The fourth youth was returned to the ATC.
4. One youth alleged that when staff hear about someone "AWOLing," "kids have to sleep in their underwear. They get their shoes and clothes back the next day."

Per ROP administration, the taking of clothes and shoes is not an ROP policy and they will conduct an internal investigation of this practice.

5. Three youths interviewed stated the ROP grievance/complaint policy is not adhered to by staff. (Some of the youths stated they did not understand the grievance process or were unaware of it.) They stated staff does not follow-up on the written Resident's Statement form which is used by youths wishing to file a grievance. Staff either throw them away, ignore them, or administration fails to respond to them. Youths stated they felt it was a waste of time to submit a formal written complaint. Youths also felt that when they do make a complaint neither written nor verbal feedback is provided to them regarding the findings of their complaint.

The ROP administration admitted that the grievance procedure has not been adequate. It was stated if staff doesn't believe a complaint is legitimate they might not follow through on it.

6. A youth stated that he is not permitted to write to his mother in Spanish. Spanish is his mother's only language. (The youth was able to speak to her on the phone in Spanish.)

7. Dental and optometry care are dependent upon the availability of these services at the Paiute Tribal Clinic. Two youths did not receive timely follow-up dental care due to the unavailability of dental staff in Yerington.

Issues Involving Children's Records

California licensing standards require that children's records include the court status, if applicable, and an individual needs and services plan approved and signed by the child's authorized representative which includes the child's planned length of stay. Records must also document that children in care have been notified of the agency's discipline policies.

8. Some client files did not contain court documents.
9. The Treatment Contracts (needs and services plans) described treatment issues but the goals and objectives were not specific. There were no measurable outcomes or specific achievement dates provided.
10. Some client files did not contain Treatment Contracts which were signed by the Probation Officer or child's authorized representative. There was no documentation that the contract had been sent to the placement workers.
11. The agency's discipline policy was not signed by youths and placement workers and maintained in youths' files.

Issues Involving Reporting Requirements

California licensing standards require the reporting of "reportable events" be made within the next working day during the normal business working hours. As a condition of certification, out-of-state group home facilities are required to comply with reporting requirements for each child in care regardless of whether he is a California placement.

12. ROP failed to report at least one incident of alleged sexual abuse to the Out-of-State Placement Policy Unit within the required timeframe.

Issues Involving Buildings and Grounds, Fixtures, Furniture, Equipment, and Supplies

California licensing standards require that facilities shall be clean, safe, sanitary and in good repair. California licensing standards also require that individual beds be maintained in good repair; equipped with good springs and clean mattresses.

13. During the January visit, the following issues related to physical plant were noted: the infirmary was crowded, utilized bunk beds, and the fire extinguisher needed to be moved; beds were not equipped with good springs; one unit did not have a working telephone; there was a loose toilet seat and leaking shower; a toilet ran constantly; there was a splintered bedroom door, a broken window, and a broken dresser drawer; some acoustic ceiling panels needed to be replaced; a thermostat was pulling away from the wall; and portable closets needed to be bolted to the wall.

Documentation including pictures and receipts was submitted to the OSCT on January 25, 1999, which reflected correction of all of the above.