

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

INMATES OF THE RHODE ISLAND)
TRAINING SCHOOL,) C.A. No. 71-4529-L
)
Plaintiffs,)
)
v.)
)
TRISTA PICCOLA, ET AL.,)
)
Defendants.)
_____)

DECLARATION OF KEVIN MCKENNA

I, Kevin McKenna, pursuant to 28 U.S.C. §1746, hereby make the following declaration:

1. I am the Executive Director of the Rhode Island Department of Children, Youth, and Families (DCYF), Division of Juvenile Correctional Services and have served in this position for over two years.
2. I have previously served as the Associate Director of Juvenile Corrections Services from June of 2012 through May of 2015.
3. I have attached my resume as **Exhibit 1** to my declaration.
4. A full, initial audit of RITS' compliance with the JDAI+ Standards was conducted from July 14-16, 2014 by three juvenile justice experts, a medical expert, a behavioral health specialist, and an education expert. These experts are associated with the Center for Children's Law and Policy (CCLP), a national public interest law and policy organization focused on the reform of juvenile justice and other systems that affect troubled and at-risk children, and the protection of the rights of children in those systems.

5. The JDAI Standards address eight different areas of operation at the RITS. The standards include the following: Section I Classification and Intake; Section II Health Care; Section III Access; Section IV Programming; Section V Training and Supervision; Section VI Environmental Issues; Section VII Restraints and Isolation; Section VIII Safety. Including all sub-parts and the additional standards incorporated from the 2000 Court Order, there are over 600 JDAI+ Standards.
6. In order to achieve “substantial compliance” with the JDAI+ Standards under the Court Order, it was agreed that the RITS must conform to all of the designated mandatory standards and 90% of the non-mandatory standards. The mandatory standards were negotiated by the parties, the Special Master, and the JDAI expert auditors. There are 262 mandatory standards and over 350 non-mandatory standards.
7. The parties had not expected that RITS would achieve “substantial compliance” at the time of the 2014 audit. Instead, the audit allowed the institution and the parties to clearly identify the areas where sustained work and expert consultation would be necessary to assist the facility to conform to the best practices.
8. The results of the 2014 audit identified several areas that required changes to policy, practice and operations. For example, in the areas of fire alarm testing during all shifts and ensuring a written policy mandating regular updates to the school library.
9. Many of the standards for which RITS was found not to have conformed to best practices required a straightforward change of policy and subsequent enforcement in practice. The most significant challenges were found in the areas of staffing (a 1:8 ratio between Juvenile Program Workers (JPWs) and youth), staff training, behavior management and crisis intervention, and individual treatment plan development and implementation.

10. After these areas were identified, the parties, the Special Master, and the expert consultants worked together to review and revise nearly all aspects of staff training in the institution. Subjects ranged from Medical and Mental Health Emergencies, First Aid, CPR & AED, to Preventing Victimization, Observing Residents' Federal Rights, and Restraints/Use of Force/De-escalation, to Protocols for Developing Behavior Management Plans and Individual Treatment Plans. Curricula were updated and created to raise the level of skill and practice of RITS staff at all levels. Curricula for the initial training academy for all JPWs were also revised. Once all of these curricula were approved and finalized, RITS started the process of re-training all of its staff.
11. Over 100 training sessions were conducted during an 18 month period. These sessions were held during all times of day and night in order to accommodate an institution that operates twenty-four hours every day of the year.
12. At the same time, RITS worked to secure new JPW positions in order to achieve the best practice staffing ratio of 1:8. Two pre-employment training academies were conducted in order to hire and retain new and qualified staff. The RITS hired additional custody and control staff to ease the staffing burden at the facility.
13. Enhancing the clinical work of the institution was also a focus of time and resources. The experts worked with RITS staff to develop more effective training for all clinical staff and also provided ongoing technical assistance to enhance the Individualized Treatment Plans (ITPs) and Behavior Management Plans (BMPs) so that the institution could move towards a strength-based model when dealing with youth. These areas of practice are a priority of all parties, as the level of mental health need and acuity has risen over the last few years amongst the youth in the institution.

14. After nearly two years of retraining, staff development, and institutional overhaul, the JDAI experts returned to RITS for another on-site audit on June 14-15, 2016. Prior to the audit, voluminous compliance documentation was provided to the three juvenile justice experts conducting the audit.
15. As a result of this audit, the experts found that only 6 standards remained where additional work had to be done for the RITS to be deemed in substantial compliance with the best practice standards. Three of these standards were mandatory.
16. Following the June 2016 audit, the parties and the auditors worked together to devise a means to reduce physical restraints on youth at the institution. An agreement was reached with the JDAI auditors, the plaintiffs' counsel and the Special Master that the RITS would explore a different de-escalation and restraint model.
17. As a result, the Rhode Island Training School adopted the experts' recommendation and engaged the well-regarded Safe Crisis Management crisis intervention model as offered by JKM Training Inc.
18. In the fall of 2016, JKM Training Inc. trained seventeen (17) juvenile corrections staff at the RITS to become trainers in the Safe Crisis Management Model. In turn, those staff trained over 120 staff in this new de-escalation and restraint model.
19. A large group of custody and control staff were trained in late November 2016 and early December of 2016 and the facility went fully operational with the new model in the January of 2017.
20. One of the key areas under review at the final audit was the behavioral management system and efforts to decrease restraints and increase staff skills in the de-escalation of conflict with youths. From the start of the training until the JDAI auditors' visit on April

13th, 2017, the RITS experienced a significant decline in the number of restraints due to non-compliant behaviors. For the period of June of 2016 through March of 2017, Training School data reflects a 65% reduction in the utilization of physical restraints in response to a youth's non-compliant behavior.

21. In addition to the positive results reflected in the data, the auditors were concerned that staff also demonstrate a better awareness of how the implementation of de-escalation skills provides for a safer, more effective means to address behavioral issues within the facility. In order to review this culture change, the auditors reviewed extensive documentation and interviewed both residents and staff.
22. Based on the significant reduction in restraints and the observed change in culture within the facility, the auditors found the RITS to be in substantial compliance with the mandatory standard(s) related to behavior management techniques.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 18th day of July, 2017, in Providence, Rhode Island.



Kevin McKenna