

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA  
FALL TERM 2003

IN RE: UNANIMOUS REPORT OF THE GRAND JURY CONCERNING  
PREMIER BEHAVIORAL SOLUTIONS D/B/A FLORIDA INSTITUTE  
FOR GIRLS AND THE DEPARTMENT OF JUVENILE JUSTICE.

IN THE NAME AND BY THE AUTHORITY BY THE STATE OF FLORIDA

The Grand Jury presentment on Premier Behavioral Solutions d/b/a Florida Institute for  
Girls and the Florida Department of Juvenile Justice.

In May 2003, a news reporter conveyed to a Juvenile Court Judge concerns about  
the Florida Institute for Girls, a High/Maximum Risk correctional facility for teenage  
girls who have committed criminal acts, many who have mental health needs. The packet  
given to the judge, containing 24 reports about alleged abuse of the girls, painted a  
disturbing picture. The juvenile judge forwarded this information to the Chief Judge who  
asked Palm Beach County State Attorney, Barry E. Krischer, to look into the allegations.  
The State Attorney convened this Grand Jury to investigate issues concerning the safety  
and well-being of the girls incarcerated in the Florida Institute for Girls.

The Florida Institute for Girls (hereinafter referred to as F.I.G.) is located in Palm  
Beach County and receives public money through the Department of Juvenile Justice  
(hereinafter referred to as D.J.J.) contracted dollars. The acceptance of public funds  
places Premier within the jurisdiction of this Grand Jury.

On October 7, 2003, the Fall term Grand Jury was sworn in. Over the last four  
months this Grand Jury heard testimony from 39 witnesses including therapists, female  
juvenile offenders, staff (past and present), management (past and present), law  
enforcement, and representatives of the Department of Children and Families (hereinafter

referred to as D.C.F.) and D.J.J. The Grand Jury reviewed more than one thousand pages of documents, numerous security tapes, videos and photographs.

This investigation focused on D.J.J. and a private for-profit corporation called Premier Behavioral Solutions f/k/a as Ramsay Youth Services, Inc. (hereinafter referred to as Premier), the contracted provider responsible for F.I.G.

A brief explanation of the Juvenile Justice system is necessary to understand the issues of this investigation.

Any child under the age of eighteen (18) who commits a criminal-type offense falls within the jurisdiction of the Juvenile Court. This Court proceeds in a similar fashion to adult court including the presentation of evidence at a non-jury trial, ensuring that all constitutional rights are protected. At the sentencing phase juvenile court diverges from its adult counterpart. Once a juvenile is found guilty of violating the law, the judge has two options at sentencing. The first is probation, where the court allows the juvenile to remain at home under stringent rules and with certain sanctions. The second is commitment, where the juvenile is removed from the home and placed in a facility operated through D.J.J.

When the court chooses the option of commitment, D.J.J. has a staffing to determine its commitment level recommendation. The commitment staffing includes the juvenile offender, the juvenile's parent, the juvenile's attorney, a school representative, a mental health representative, the juvenile probation officer and a commitment specialist. The result of this staffing is a determination from D.J.J.'s perspective as to which level of commitment is required to meet the juvenile offender's needs while still maintaining public safety.

There are four levels of commitment. Low Risk Residential is for the least violent offenders who need short-term residential care in a non-secure environment. Moderate Risk Residential is for offenders who have repeated convictions for crimes and need twenty four (24) hour supervision. High Risk Residential is for all serious juvenile offenders who need approximately twelve (12) months of programming and treatment in a secure environment. Maximum Risk Residential is for the most serious juvenile offenders who will serve 18-36 months in a maximum security environment.

F.I.G. is a combined High Risk/Maximum Risk Residential Commitment Program. Girls who are committed to the High Risk program are serious offenders who are to serve approximately twelve months if their behavior is good and they successfully move through each level of the program. Girls who are committed to the Maximum Risk program are the most serious offenders who are to serve a minimum of eighteen (18) months and a maximum of thirty six (36) months.

F.I.G. is the only Maximum Risk Program for Girls in the State of Florida and only one of a few in the nation. It was developed and opened in April of 2000 to house fifty (50) of the most serious delinquent girls. In 2001, the legislature appropriated money for an additional fifty (50) beds with the stipulation that these beds handle the serious delinquent girls who also have major mental health issues. As the only facility in Florida for teenage girls whose mental health issues cause their behavior to be unmanageable by any other juvenile commitment program in the State, the beds filled quickly.

#### EXECUTIVE SUMMARY

The initial matter investigated by the Grand Jury was a reporter's packet of select incident reports from F.I.G. This packet reflected only twenty four (24) of over 300 reports reviewed by the Grand Jury. From the outward appearance of the incidents, one would certainly think that Florida Institute for Girls and the Department of Juvenile Justice were not taking the necessary steps to address the safety and well-being of the girls incarcerated at F.I.G. Taken alone, these twenty four (24) reports painted a picture of numerous abuses to the girls that were somehow covered up or eluded investigation.

However, testimony of thirty nine (39) witnesses and review of over one thousand documents revealed no evidence of systemic cover-up of abuse allegations by D.J.J. or Premier. Evidence reflected investigations of the girls' abuse allegations were completed by as many as three different agencies.

This investigation did uncover other serious issues affecting the safety of the girls and staff at this facility. Hundreds of incident reports were logged at F.I.G. The issues behind these reports became the major focus of this investigation.

Even though the quantity of incident reports originating from F.I.G. could not be benchmarked against similar facilities in Florida (since there are none), the volume seemed high, and was having a negative impact on resources at F.I.G., D.J.J., D.C.F. and the Palm Beach County Sheriff's Office (hereinafter referred to as P.B.S.O.). Each incident was properly investigated. Results were reviewed by the Grand Jury and it finds that a small number of girls at F.I.G. were found to have generated a high number of the incident reports. More than an estimated 75% of the reports involving abuse allegations were unfounded or false.

Anytime an incident was determined to have involved inappropriate conduct by staff, the situation was dealt with immediately and appropriately through internal procedures and the legal system. Any allegation resulted in F.I.G. management instantaneously removing the staff from direct contact with that girl. Only upon completion of the investigation by D.C.F. and subsequently the Office of Inspector General for D.J.J.(hereinafter referred to as O.I.G.), was a staff person allowed to return to all duties.

This Grand Jury finds that while processes were in place to address each incident as it occurred, D.J.J. and Premier did not adequately address the root causes, so as to reduce the quantity of incidents. Neither Premier nor D.J.J. pro-actively monitored the incidents for trends or other signs of problem areas which resulted in having to rely on the media to bring attention to the situation at F.I.G.

This Grand Jury finds three major areas of concern that directly affect the safety of both the girls and the staff at F.I.G. These include **staffing, staff training and behavior management** of the girls.

The consistent problem as voiced in testimony from all witnesses was the inadequate staffing at F.I.G. by Premier. Inadequate staffing often resulted in a domino effect leading to the following: increased number of lock-downs, cancellation of physical/outdoor activities, cancellation of educational classes, cancellation of various therapy sessions (group and individual), cancellation of volunteer programs, cancellation of special activities, pent-up levels of energy and frustration in the girls, increased violence and defiance by the girls resulting in more take-downs, potential physical and sexual abuse of the girls by the staff, increased abuse calls and subsequent investigations.

Inadequate staffing at F.I.G. by Premier also resulted in the following staff issues: high turnover rates, excessive overtime, poor morale, lack of respect for F.I.G. management and no time for staff training.

The second concern that also contributed to confusion and violence in this facility is the lack of sufficient training for each staff person.

Testimony revealed that staff were often placed on active duty with as little as one week of training. Instruction on how to safely execute physical take-downs, a procedure called Protective Action Response (hereinafter referred to as P.A.R.), was often not provided for four ( 4) to six (6) months after the staff person entered the dorm. This is in direct conflict with a special provision of Premier's contract requiring 120 hours of training (including forty (40) hours of P.A.R.) prior to a staff person taking active duty. This training requirement was clearly outlined in the bid process. D.J.J. failed to enforce their own contract requirements. Premier failed to provide the required training. This breakdown clearly resulted in inappropriate take-downs, as well as girls targeting the untrained staff person in an effort to manipulate them.

Staff training in working with girls with major mental health issues was totally inadequate. Premier's training did not include the necessary tools for staff to deal with the behaviors resulting from mental health issues or the girls' tremendous need for attention.

Training on ethics and professionalism for the staff was also lacking. This deficiency contributed to a negative peer culture among some of the staff, fueling coverups and inappropriate conduct.

Behavior management of the girls is the third area of operation that this Grand Jury finds contributed to the volatile environment at F.I.G.

Premier accepted this contract for approximately five (5) million dollars a year to incarcerate and treat female juvenile offenders with mental health issues. Over the last three (3) years, the behavior management systems that have been tried were modeled after male commitment programs with fewer mental health issues. Each year this portion of the facility was rated as failing. Many times the girls were out of control and the staff did not have the tools to effectively manage behavior that was often violent, manipulative and hopeless. Girls with little or no mental health issues were constantly mixed with those who

had serious mental health issues. Co-mingling caused major disruptions between the two groups.

This environment fostered the hopelessness of many of the girls in the facility. They felt there was nothing to gain from the program. They just “did their time.” Promises by staff were often broken because of intervening disruptive behavior by a few who ruined it for others.

The Grand Jury recognizes that over the last few months a different behavior management system has been initiated. The number of incidents and abuse calls appear to have lessened. It is hoped that this decrease is a sign of success for the program. However, if behavior management is not brought under control by F.I.G., a new provider should be considered.

The Grand Jury finds that Premier has flexibility to spend additional funds to improve these problem areas at the cost of decreased profits. The financial records reviewed indicated Premier’s profit margin is healthy enough to make these changes. Premier contracts for millions of dollars from the State of Florida to run a number of juvenile programs. This company must accept responsibility and comply with its contractual obligations. The status quo at F.I.G. is not sufficient to ensure the safety and well being of the girls and staff.

D.J.J. must also accept responsibility for improving these issues at F.I.G. in any area that Premier is not contractually liable.

In conclusion, this Grand Jury recommends that Premier increase staff at F.I.G. to ensure the safety of the girls and that all necessary services are provided. Further, Premier must comply with its contractual obligation to provide staff with 120 hours of training prior to direct contact with the girls. Premier must establish an effective behavior management plan that ensures that the girls are safe and controllable. It is only after these objectives are met that the girls will be able to benefit from all the services Premier is under contract to provide.

Further, D.J.J. must more actively monitor these three areas of concern, especially in areas of contractual obligations.

Everything must be done to ensure the safety of the girls and the staff.