

Chapter: Suspension and Separation	Effective Date: 10/15/19
Title: Removal of Access to Youth Due to Abuse Allegation	Page: 1 of 4
Implements: GAP.380.9333	Replaces: PRS.11.08, 3/1/17

(a) **Policy.**

- (1) An employee who is accused of engaging in sexual contact with a youth or causing serious bodily injury to a youth **must** be immediately removed from direct-care duties.
- (2) An employee who is accused of any other type of abuse, neglect, or exploitation of a youth **may** be removed from direct-care duties.
- (3) A volunteer who provides services in a TJJD-operated facility or to TJJD youth in the community must have his/her access to TJJD youth and TJJD facilities immediately suspended if the volunteer is accused of any type of abuse, neglect, or exploitation.
- (4) A contractor, social services provider, or registered advocate who provides services in a TJJD-operated facility or through a TJJD contract to youth in the community must have his/her access to TJJD youth and TJJD facilities immediately suspended if the person is accused of any type of abuse, neglect, or exploitation.

(b) **Definitions.**

- (1) **Direct-Care Duties** – responsibilities that may involve youth supervision duties or unsupervised access to youth. Duties that may involve interactions with youth that are incidental and momentary are not considered direct-care duties.
- (2) **Serious Bodily Injury** – an injury that creates a substantial risk of death, serious permanent disfigurement, or extended loss or impairment of the function of any bodily member or organ.
- (3) **Sexual Contact** – includes any of the following:
 - (A) contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 - (B) contact between the mouth and the penis, vulva, or anus;
 - (C) contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 - (D) penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire; or
 - (E) any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire.

(c) **Procedures for Employees.**

(1) **Decision to Remove from Direct-Care Duties.**

- (A) Immediately upon learning of an allegation that may involve sexual contact or serious bodily injury, the **chief local administrator** or designee removes the employee from direct-care duties.

- (B) Immediately upon learning of an allegation of any other type of abuse, neglect, or exploitation, the **chief local administrator** or designee determines whether the nature of the allegation requires the employee to be removed from direct-care duties. In making this determination, the chief local administrator or designee considers factors including, but not limited to:
- (i) the specific actions or inactions that are alleged;
 - (ii) the impact that the alleged conduct, if true, would have on the safety of youth and the integrity of the investigation;
 - (iii) any available video footage;
 - (iv) available documents, such as incident reports, continuation forms, and use of force reports; and
 - (v) the employee's disciplinary history and any prior allegations or grievances involving similar issues.
- (C) If the employee will be removed from direct-care duties, the employee must be suspended or reassigned.
- (D) An employee who is reassigned may not be placed in the control center/picket in the housing unit where the alleged victim is currently housed.
- (2) **Suspension.**
- The employee may be suspended with or without pay pending the outcome of the investigation. See [PRS.11.09](#) for factors to be considered when making this determination.
- (3) **Reassignment.**
- (A) If the **chief local administrator** or designee determines the employee will be reassigned to non-direct-care duties, the chief local administrator or designee notifies:
- (i) the employee; and
 - (ii) the campus shift administrator, who documents the reassignment on the [Campus Shift Administrator Report, CCF-420](#).
- (B) The **chief local administrator** may allow the employee to return to direct-care duties if:
- (i) video of the alleged incident exists, the chief local administrator or designee has reviewed the video, and the video clearly indicates that misconduct warranting removal did not occur; or
 - (ii) all official investigations have been completed and disciplinary termination will not be pursued. Notification from the director of administrative investigations is sufficient for this purpose. Closure of the investigation file is not required.
- (C) If a decision is made to return the employee to direct-care duties:
- (i) the **chief local administrator** or designee notifies:
 - (I) the director of secure facilities or designee;
 - (II) the employee; and
 - (III) the campus shift administrator; and

- (ii) the **campus shift administrator** documents the following on the [CCF-420](#):
 - (I) the date and time the employee was approved to return to direct care and the name of the staff member who reviewed video of the incident (applies only if the employee was returned before the completion of all official investigations); or
 - (II) a note that the employee was returned to direct care following completion of all official investigations.

(d) **Procedures for Volunteers.**

- (1) Immediately upon learning that a volunteer has been accused of abuse, neglect, or exploitation, the **chief local administrator** or designee:
 - (A) notifies appropriate staff that the accused volunteer may not enter TJJD premises or have any contact with youth; and
 - (B) issues a letter informing the volunteer of the restrictions that will be in place pending the outcome of the investigation.
- (2) The **chief local administrator** may allow the volunteer to resume services if all official investigation files have been closed and the volunteer will not be terminated from the volunteer program.
- (3) If the volunteer is allowed to resume services, the **chief local administrator** or designee:
 - (A) notifies the volunteer that he/she is no longer restricted from entering TJJD premises or having contact with TJJD youth; and
 - (B) notifies appropriate facility staff that the restrictions have been removed.

(e) **Procedures for Contractors, Social Services Providers, and Registered Advocates.**

- (1) This section applies to contactors, social service providers, or registered advocates who provide services in a TJJD facility or who provide services through a TJJD contract to youth in the community. When such a person has been accused of abuse, neglect, or exploitation, the **superintendent, director of reentry services, or a designee**:
 - (A) notifies appropriate staff that the accused person may not enter TJJD premises, have any contact with youth, or have access to youth records; and
 - (B) issues a letter that informs the person and/or the person's employer of the allegation and provides notice of the restrictions that will be in place pending the outcome of the investigation.
- (2) A contractor, social services provider, or registered advocate who is under investigation may be allowed to resume services if all official investigation files have been closed and no conduct is found that would warrant a permanent denial of access.
- (3) If the person is allowed to resume services, the **superintendent, director of reentry services, or a designee**:
 - (A) notifies the accused person and/or the person's employer that the person is no longer restricted from entering TJJD premises, having contact with TJJD youth, or having access to youth records; and
 - (B) notifies appropriate facility staff that the restrictions have been removed.

(f) **Procedures for Other Individuals.**

- (1) If a person who is not covered above (e.g., personal attorney, personal clergy) is accused of abuse, neglect, or exploitation, the chief local administrator, director of reentry services, or a designee must contact the Office of General Counsel for assistance in determining whether access should be restricted.
 - (2) If the accused person arrives at a facility for visitation before the Office of General Counsel responds, the chief local administrator or designee may deny the person entry to the facility.
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