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|---|-------------------------------|
| Chapter: Internal Reporting                 | <b>Effective Date: 9/1/23</b> |
| <b>Title: Incident Reporting</b>            |                               |
| References: <a href="#">28 CFR §115.361</a> |                               |
|   | Page: 1 of 7                  |
|   | Replaces: GAP.07.03, 2/1/19   |

(a) **Policy.**

Incidents must be properly documented and reported. Critical incidents, serious incidents, and the suspected mistreatment of youth must be reported immediately to the Office of Inspector General – Incident Reporting Center (IRC).

(b) **Applicability.**

This policy applies to all TJJD staff.

(c) **Definitions.**

(1) **Abuse, Neglect, or Exploitation** – see definition in [GAP.380.9333](#).

(2) **Critical Incident** – includes any of the following:

| <b>INCIDENT TYPE</b>   | <b>Residential Facility</b><br>(TJJD-operated or contracted) | <b>Parole</b><br>(TJJD-operated or contracted) |
|--|--|--|
| Riot   | X  | X  |
| Employee work stoppage   | X  | X  |
| Hostage situation  | X  | X  |
| Man-made or natural disaster (e.g., weather emergency, loss of power exceeding eight hours, environmental accident, serious illness affecting operations and involving large numbers of youth or staff)  | X  | X  |
| Escape or unauthorized absence from a residential facility   | X  |  |
| Escape during secure transport   | X  | X  |
| Death of a youth or on-duty staff member   | X  | X  |
| Alleged sexual abuse of youth, as defined in <a href="#">GAP.380.9337</a>  | X  | X  |
| Alleged sexual misconduct by a youth that involves: <ul style="list-style-type: none"> <li>• contact, including penetration, as defined in <a href="#">GAP.380.9503</a>; or</li> <li>• touching or fondling, as defined in GAP.380.9503</li> </ul> | X  |  |
| Sexual harassment of youth by other youth, as defined in GAP.380.9337  | X  |  |
| Sexual harassment of youth by staff, contractor, or volunteer, as defined in GAP.380.9337  | X  | X  |
| Life-threatening suicide attempt, life-threatening self-harm incident, or life-threatening injury  | X  | X  |
| Hospital admission of a youth for any reason   | X  |  |
| Off-site emergency medical treatment of youth for any reason   | X  |  |

| INCIDENT TYPE   | Residential Facility<br>(TJJD-operated or contracted) | Parole<br>(TJJD-operated or contracted) |
|---|---|---|
| Any of the following injuries to a youth that are not clearly accidental: <ul style="list-style-type: none"> <li>• eye injury</li> <li>• broken bone</li> <li>• loss of consciousness</li> <li>• loss of tooth or portions of tooth</li> <li>• cut requiring tissue adhesive or stitches</li> <li>• internal injury</li> <li>• eardrum injury</li> <li>• serious wound involving loss of skin or hair</li> <li>• joint injury</li> <li>• extensive welts and bruises</li> <li>• concussion diagnosed by a medical provider</li> </ul> | X   |   |
| Emergency administration of psychotropic medication   | X   |   |
| Use of oleoresin capsicum (OC) spray  | X   |   |
| Discovery of a weapon or an item adapted for use as a weapon or ammunition in a residential facility  | X   |   |
| Assault by more than one youth on another youth or a staff member   | X   |   |
| Use of deadly force by Office of Inspector General staff  | X   | X                                       |
| Non-medical emergency situation that calls for immediate, coordinated action involving resources outside the facility   | X   |   |

(3) **Serious Incident** – includes any of the following:

| INCIDENT TYPE   | Residential Facility<br>(TJJD-operated or contracted) | Parole<br>(TJJD-operated or contracted) |
|---|---|---|
| Off-site emergency medical treatment of a staff member resulting from an assault within a facility  | X   |   |
| Emergency medical treatment of a parole officer resulting from an assault while on duty   |   | X                                       |
| Call to 911 for any reason  | X   |   |
| Discovery of an illegal weapon or firearm in a parole office  |   | X                                       |
| Reason to believe a parolee is in possession of any weapon, firearm, explosive device, or ammunition or has attempted to possess one of these items |   | X                                       |
| Discovery of drugs (including prescription drugs)   | X   |   |
| Any incident the chief local administrator determines is a serious offense that could result in criminal charges                                    | X   | X                                       |
| A communication or activity that suggests an inappropriate adult-youth relationship involving a staff member, volunteer, or contractor              | X   | X                                       |
| A use of force that the chief local administrator or designee believes to be in violation of TJJD policy  | X   | X                                       |

- (4) **Chief Local Administrator** – as used in this policy, the chief local administrator is:
- (A) the superintendent or serious incident administrator, for TJJD-operated institutions;
  - (B) the superintendent or administrative duty officer, for TJJD-operated halfway houses;
  - (C) the case management coordinator, for contract residential facilities; or
  - (D) the regional parole manager, for TJJD-operated or contract parole offices.
- (5) **Life-Threatening** – an incident involving a youth who is unresponsive, unconscious, not breathing, experiencing severe respiratory distress (e.g., wheezing, anaphylaxis), bleeding severely (i.e., in streams or spurts), or incoherent due to a known medical condition. Life-threatening incidents also include any incident that would have likely resulted in the death of a youth except for circumstances beyond the youth's control, as determined by a health-care professional.

(d) **Procedures.**

(1) **Staff Responsibilities.**

(A) **TJJD Institutions.**

- (i) Any staff member who witnesses a critical or serious incident or who has reasonable cause to believe that a youth has been a victim of abuse, neglect, or exploitation must notify:
  - (I) the IRC by telephone immediately; and
  - (II) the campus shift administrator by radio immediately after calling the IRC.
- (ii) After receiving notification, the campus shift administrator notifies the chief local administrator by telephone.

(B) **Halfway Houses, Parole, and Contract Care.**

Any staff member who witnesses a critical or serious incident or who has reasonable cause to believe that a youth has been a victim of abuse, neglect, or exploitation must notify:

- (i) the IRC by telephone immediately; and
- (ii) the chief local administrator by telephone immediately after calling the IRC.

(2) **Chief Local Administrator's Responsibilities.**

- (A) After being notified of an abuse, neglect, or exploitation allegation or a critical or serious incident, the chief local administrator ensures:

- (i) the campus shift administrator is notified of the incident for inclusion on the [Campus Shift Administrator Report, CCF-420](#); or
- (ii) the senior juvenile correctional officer (JCO) on duty is notified of the incident for inclusion on the [Halfway House Shift Log, HWH-120](#).

Note: If no senior JCO is on duty, the chief local administrator ensures appropriate on-duty staff are notified for inclusion on the HWH-120.

- (B) As soon as possible, but no later than 24 hours after being notified by staff or the IRC of an abuse, neglect, or exploitation allegation or of a critical or serious incident, the chief local administrator or designee must email the form below to the appropriate TJJD administrators (or to the relevant distribution list, if applicable):

- (i) [Serious Incident and Debriefing Report \(Institutions\), CCF-352](#);
- (ii) [Serious Incident and Debriefing Report \(Halfway Houses\), CCF-351](#);
- (iii) [Serious Incident and Debriefing Report \(Parole\), CCF-350](#); or
- (iv) [Serious Incident and Debriefing Report \(Contract Care\), CCF-353](#).

**(3) Central Office Actions upon Receipt of a Report.**

- (A) Upon receipt of a verbal report of alleged abuse, neglect, or exploitation or of a serious or critical incident, the IRC staff documents the report and confirms receipt by providing a tracking number to the caller when appropriate.
- (B) The IRC staff ensures all verbal, electronic, or hard-copy reports are entered into the IRC database.
- (C) The IRC staff immediately notifies appropriate TJJJ administrators by email:
  - (i) if the allegation involves a staff member engaging in sexual contact or causing serious bodily injury; or
  - (ii) if deemed necessary by the chief inspector general or designee for any other critical or serious incident.
- (D) No later than two workdays after receipt of a reported incident or allegation, the supervisor over the IRC or designee reviews the incident and refers the case for investigation and/or resolution to the appropriate TJJJ department, as indicated below. Reports involving separate issues that require resolution by different departments are separated and referred as appropriate.
  - (i) Incidents involving criminal allegations are referred to the Office of Inspector General (OIG) Criminal Investigation Division for investigation and resolution.
  - (ii) Incidents involving allegations of abuse, neglect, or exploitation are referred to the OIG ANE Investigation Division for investigation and resolution in accordance with [GAP.380.9333](#).
  - (iii) Incidents involving youth grievances are referred to the Youth Rights Department and processed in accordance with [GAP.380.9331](#).
  - (iv) Policy violations are generally assigned to the appropriate division for resolution and may also be referred for an OIG investigation.

**(4) Critical Incident Debriefing.**

- (A) Debriefings are held as soon as possible after the situation has stabilized but no later than the following time frames, except as noted in (4)(B) and (4)(C) below:

| Setting  | Deadline  |
|--|---|
| TJJJ-operated institutions                       | 72 hours after the chief local administrator is notified of the allegation or incident        |
| Parole settings and TJJJ-operated halfway houses | 3 business days after the chief local administrator is notified of the allegation or incident |
| Contract-care facilities                         | 3 business days after the case management coordinator is notified of the incident             |

- (B) If OIG has advised that a debriefing would interfere with a pending or ongoing investigation, the debriefing is postponed until the earlier of the following:
  - (i) OIG determines the debriefing can proceed without adversely affecting the investigation; or
  - (ii) the first business day after seven calendar days have elapsed since the incident was reported to the IRC.

Note: If OIG advises that a debriefing held beyond seven calendar days would still adversely affect an investigation, the chief local administrator and OIG investigator work together to determine when the debriefing can proceed.

- (C) If a Prison Rape Elimination Act (PREA)-related incident has been referred by OIG to non-OIG divisional staff for administrative investigation, the debriefing is postponed until the earlier of the following:
  - (i) the investigator determines the debriefing can proceed without adversely affecting the investigation; or
  - (ii) the first business day after seven calendar days have elapsed since the incident was reported to the IRC.
- (D) For critical incidents in parole settings and in TJJJ-operated facilities, the chief local administrator or designee coordinates a debriefing with appropriate staff.
- (E) For critical incidents in contract-care facilities, the TJJJ case management coordinator ensures the contract facility staff holds the debriefing.
- (F) To determine whether an incident should be classified as life-threatening, the chief local administrator or designee consults with medical personnel.
- (G) For life-threatening incidents in TJJJ institutions:
  - (i) the debriefing must include the health services administrator or designee; and
  - (ii) the chief local administrator must ensure the executive director or designee is notified in advance of the date and time of the debriefing.
- (H) For life-threatening incidents in halfway houses and contract-care facilities, the chief local administrator must ensure the deputy executive director for probation, reentry, and community services or designee is notified in advance of the date and time of the debriefing.
- (I) The debriefing must include:
  - (i) a review of the actions of staff and youth during the incident, including a review of video from body-worn cameras and overhead cameras, if available;
  - (ii) a review of the incident's impact on staff and youth;
  - (iii) a review of corrective actions taken and still needed; and
  - (iv) plans for improvement to avoid a similar incident.
- (J) The debriefing is documented on the:
  - (i) [CCF-352](#), for institutions;
  - (ii) [CCF-351](#), for halfway houses;
  - (iii) [CCF-350](#), for parole; or
  - (iv) [CCF-353](#), for contract-care facilities.
- (K) For institutions and halfway houses, the chief local administrator or designee sends a copy of the completed debriefing form to the distribution list noted on the form.
- (L) For contract-care facilities, the director of halfway houses and contract placements or designee sends a copy of the completed debriefing report to the distribution list noted on the form.

- (M) The safety officer (for institutions) or assigned risk management specialist (for all other locations) reviews the debriefing form and follows up as necessary on corrective actions or any identified physical plant deficiencies.
- (5) **Central Office Review Teams.**
- (A) The executive director or designee convenes a team to review the following types of incidents:
- (i) death of a youth placed in a facility operated by TJJD or under contract with TJJD;
  - (ii) death of an on-duty staff member;
  - (iii) escape from a secure facility or during transport to a secure facility;
  - (iv) suicide attempts as required by [GAP.380.9188](#) and [GAP.380.9189](#); and
  - (v) any other incident deemed appropriate by the executive director or designee.
- (B) The executive director or designee determines which staff members are included to ensure a thorough review based on the circumstances of the incident. At a minimum, the review team must include leadership from the affected division and a representative from OIG.
- (C) The committee determines whether any systemic issues contributed to the incident and recommends corrective action, as necessary, in areas such as:
- (i) employee training;
  - (ii) policies and/or operational procedures;
  - (iii) physical plant; and/or
  - (iv) program services.
- (6) **Routine Incident Reporting for TJJD-Operated Facilities.**
- (A) The [Incident Report, CCF-225](#), is used to document the following types of incidents:
- (i) certain types of critical and serious incidents, including hostage situations, death of a youth, and serious injuries;
  - (ii) major rule violations by youth;
  - (iii) minor rule violations by youth that result in referral to the regulation and safety unit;
  - (iv) parole rule violations;
  - (v) use of force, excluding physical escorts;
  - (vi) non-routine use of mechanical restraints;
  - (vii) non-routine strip searches;
  - (viii) self-referrals to the regulation and safety unit;
  - (ix) youth arrests; and
  - (x) admission to and release from the regulation and safety unit, isolation, or detention.
- (B) The staff member completing the CCF-225 must sign and date the form.
- (C) Except as described in (D) below, completed CCF-225 forms must be submitted as soon as possible and no later than the end of the current shift (or the end of the workday for non-shift workers).

- (D) A staff member who refers a youth to the regulation and safety unit must complete a CCF-225 form and submit the form to the regulation and safety unit as soon as possible after the incident, but no later than 30 minutes after the youth's arrival. If the form cannot be submitted within 30 minutes, the regulation and safety manager or designee may extend the time limit up to 30 additional minutes. The superintendent or designee may extend the time limit up to one additional hour.
  - (E) The chief local administrator or designee reviews and signs all CCF-225 forms and ensures they are entered into the agency's case management system and appropriately filed.
- (7) **Routine Incident Reporting for Contract-Care Facilities.**

Upon receipt of a contractor's incident report, the case management specialist enters the relevant information into the agency's case management system.

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See [INS.91.91](#) for procedures on incident report writing and data entry.