

**North Carolina
Department of Public Safety**



JUVENILE JUSTICE
Community Programs
CP 3: Direct Service Contracts
(Short-Term Residential and
Community-Based Contractual Services)
Incident Management and Review
POLICY

February 2022



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Document and Signature History

Direct Service Contracts Incident Management and Review Policy:
Document and Signature History

Action	Date
Policy created	02/28/2019
Policy reviewed and revised	02/14/2022

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02/14/2022

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02/14/2022

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Related Standards, Citations, and/or Legislation

Related Standards (S), Citation (C), Legislation (L), Other (O)

Type	Number	Name
L	28 C.F.R. §§ 115.341	<i>PREA; Community Programs PREA Policy; Sexual Abuse and Harassment</i>
L	N.C. Gen Stat.§ 7B-301	<i>Duty to report abuse, neglect, dependency, or death due to maltreatment.</i>
O	JJ 17	<i>Juvenile Justice Investigations Policy</i>
O	CP PREA	<i>Community Programs PREA Policy</i>
O	DPS-PREA-100 DPS-PREA-200 DPS-PREA-300	<i>NC DPS PREA Policy: PREA Prevention Planning</i> <i>NC DPS PREA Policy: PREA Reporting</i> <i>NC DPS PREA Policy: Investigations</i>



1 Purpose, Rationale, and Incident Domains

1.1 Purpose

This policy establishes statewide guidelines and requirements for the oversight and management of incident reports received by the Juvenile Justice Community Programs Section.

1.2 Rationale

This policy provides procedures for reporting incidents involving both juveniles and staff in addition to assisting the Juvenile Justice Community Programs Section in mitigating the potential risk of reoccurrences. It further aids in the collection of trend analysis data for the ongoing evaluation of incidents and programs for quality assurance purposes. The policy also assists in facilitating system-wide learning opportunities on how to minimize risks and employ effective risk management strategies.

1.3 Incident Domains

Domains have been identified within this policy to classify the types of incidents reported to the Department and to further address the most appropriate corrective action plan for Providers for each type of incident. Defined in this policy are incident reports classified as either: a) critical; b) non-critical; and c) informational only.



2 Incident Reporting Procedures

2.1 Critical, Non-Critical and Informational Only Reporting

1. Incidents shall be reported to the Department of Public Safety, Division of Juvenile Justice, Community Programs Contract Administrator (see specific reporting timeframes for each domain described in this policy).
2. For Critical Incidents Only: In the event the Community Programs Contract Administrator is unavailable, the provider shall continue up the chain of command within Community Programs until the communication has been successfully received.



3 Critical incidents

3.1 Critical Incident Categories

The fourteen (14) critical incident categories identified below require immediate notification to the Community Programs Section and do not represent an all-inclusive listing of incidents, which may occur in short-term residential facilities.

NOTE: All manner of sexual abuse, harassment or misconduct occurring among juveniles on juveniles or staff on juvenile is considered a reportable critical incident. Specifics of what constitutes sexual abuse, harassment and misconduct are included below.

Critical Incident Categories	Definitions
1. Absconder/Runaway	Any incident in which the whereabouts become unknown for a youth under the care and supervision of a short-term residential facility or placement.
2. Juvenile on Juvenile Sexual Abuse	<p>Juvenile engages in sexual abuse of another juvenile if the following acts occur without consent of the other juvenile, or when the juvenile is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:</p> <ul style="list-style-type: none"> 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. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and d. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.
3. Sexual Misconduct	<p>Juvenile engages in sexual misconduct with another juvenile if the following acts occur without force or coercion:</p> <ul style="list-style-type: none"> 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;



	<ul style="list-style-type: none"> c. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and d. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation. e. Ejaculating, emitting, or placing semen, urine, or feces upon any part of another person.
<p>4. Alleged Abuse/Neglect</p>	<p>Any activity involving the intentional maltreatment of a juvenile either physical or emotional. Neglect is defined as the failure of staff to provide for the physical and/or emotional needs of a juvenile. (Refer to www.ncdhhs.gov for additional information on abuse and neglect.)</p>
<p>5. Alleged Sexual Harassment</p>	<p>Sexual harassment includes:</p> <ul style="list-style-type: none"> a. Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one detainee or resident directed toward another; and b. Repeated verbal comments or gestures of a sexual nature to a detainee or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.
<p>6. Staff on Juvenile Sexual Abuse</p>	<p>Sexual abuse of a juvenile by an employee, contractor, or volunteer includes any of the following acts:</p> <ul style="list-style-type: none"> 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; to include kissing; 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



	<p>where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;</p> <ul style="list-style-type: none"> 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; f. Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (A)-(E) of this section; and g. Any display by an employee, contractor, or volunteer of his/her uncovered genitalia, buttocks, or breast in the presence of a juvenile. h. Voyeurism. Voyeurism is an invasion of privacy of juvenile by staff for reasons unrelated to official duties, such as peering at a juvenile who is using a toilet in his or her room to perform bodily functions; requiring a juvenile to expose his or her buttocks, genitals, or breasts; or taking images of all or part of a juvenile's naked body or of a juvenile performing bodily functions.
<p>7. Assaultive Behavior</p>	<p>Any activity or battery that occurs resulting in physical injuries, marks or bruises requiring immediate emergency treatment and results in law enforcement notification/involvement due to injuries sustained by a staff and/or juvenile. This includes, but is not limited to fighting (juvenile on juvenile or juvenile on staff), bullying, antagonizing, etc.</p>
<p>8. Death of a Juvenile</p>	<p>An event resulting in the loss of life of the juvenile.</p>
<p>9. Emergency Responders</p>	<p>Any activity or incident requiring the notification and/or involvement of emergency medical services (EMS), Fire Department, or Law Enforcement.</p>
<p>10. Medical</p>	<p>Incidents involving a medical injury or illness to a juvenile and the nature of the emergency requires treatment either on or off site, and it may correspond to one of the following categories: i) Heart or breathing difficulty; ii) Unconsciousness or unresponsiveness; iii) CPR; iv) Severe, prolonged or uncontrollable bleeding; v) Acute paralysis; vi) Overdose; vii) Acute or prolonged abdominal pain; viii) Acute or prolonged</p>



	<p>chest pain; ix) Ingestion of a poisonous or potentially poisonous substance; x) Seizure due to an undiagnosed medical condition, i.e. Epilepsy; xi) Unscheduled hospital or other healthcare facility admission requiring an overnight stay; and xii) Any illness, disease, or other medical condition which requires reporting to the local County Health Department. This includes all medical injuries, illness, and death.</p>
11. Mental Health/ Substance Abuse	<p>Any deliberate action taken by a juvenile to harm himself or herself causing a self-inflicted injury but is not necessarily associated with suicide ideation or suicide intent. Incidents requiring involuntary commitments are deemed mental health incidents.</p>
12. Natural or Environmental Disaster	<p>Any incident or event in which a facility is exposed to adverse elements of nature including, but not limited to, high winds, lightning, flooding, as caused by hurricanes, or earthquake that causes damage to the physical structure interrupting the operation of the program, results in the displacement and/or evacuation of juveniles and staff, or results in injury to juveniles or staff.</p>
13. Program Disruption	<p>Any activity or accident on the grounds of the short-term residential facility, or any complete failure of an electronic or manual system that directly impacts the safety and security of juveniles where maintenance staff cannot adequately make repairs within twenty-four (24) hours, and facility operations will be disrupted, or any emergency situation that requires evacuation or results in the evacuation of juveniles and/or staff from a building. This includes, but is not limited to, fire, bomb threat, hostage situation, or the discovery of a suspicious device.</p> <p>Any situation resulting in the loss of control at a short-term residential facility that necessitates contacting law enforcement to assist in the quelling of the disturbance, and in the Facility Administrator/Program Manager regaining control.</p>
14. Suicide	<p>Any deliberate action taken by a juvenile or staff resulting in the loss of life caused by a self-inflicted injury.</p>

3.2 Reporting Timelines and Procedures

1. The Provider shall notify all relevant parties, immediately or within two (2) hours of the occurrence (phone, text, email), to include:
 - a. The Community Programs Contract Administrator or designee;
 - b. Parent/legal guardian/custodian of juvenile(s) involved; and
 - c. Juvenile Court Counselor.

NOTE: If the incident warrants the involvement of law enforcement and/or the Department of Health and Human Services, Division of Social Services, then notification shall be made based upon required reporting protocols and relevant state and federal law.

NOTE: For critical incidents after normal business hours, Juvenile Court Services shall be notified using the Juvenile Court Counselor on-call number, which is available in each judicial district.

3.3 Incident Reporting Submissions

1. At a minimum, the submission of preliminary and final incident reports shall include the following:
 - a. Name of the provider;
 - b. Name of the program manager/administrator;
 - c. Name(s) of any persons that may be involved or witnessed the incident;
 - d. Nature of the incident and the date and time when the incident occurred;
 - e. Incident domain (critical/non-critical/informational only);
 - f. Date and Time of Preliminary Report, when applicable;
 - g. Name of the person reporting the incident;
 - h. Phone number of the person reporting the incident;
 - i. Background information;
 - j. Immediate action taken; Date of next status update and/or pending action;
 - k. Date, time and form of notification to parent/legal guardian;
 - l. Date, time and form of notification to Juvenile Court Services to include the Juvenile Court Counselor, Court Counselor Supervisor, or Chief Court Counselor; and
 - m. Date, time and form of notification to third parties, including law enforcement, Department of Health and Human Services, Division of Social Services.

NOTE: Notifications to the aforementioned parties may not occur in the order as listed above, as each incident is assessed on a case-by-case basis. If

medical attention is required for a critical incident, then emergency services (e.g., Fire Department, Ambulatory Services, etc.) should be contacted immediately, before any other notifications.

2. Supplemental documentation, including written and signed statements from juveniles, staff and/or any other witnesses, when applicable, reports from law enforcement agencies, and other forms of supporting documentation relevant to the incident, may accompany incident reports.
3. Upon receipt and review, the Community Programs Contract Administrator shall provide copies of incident reports to the Compliance and Quality Assurance Manager.
 - a. If the alleged incident warrants further inquiry or investigation, the Community Programs Section may conduct an on-site visit.
 - b. In the event the incident requires corrective action, a corrective action plan shall be submitted by the Provider to the Community Programs Contracts Administrator and or the Compliance and Quality Assurance Manager within 7-10 business days.

3.4 Review

The Community Programs Section shall conduct a comprehensive review of received critical incident submissions, as needed. The purpose of periodic reviews is to evaluate the Provider's compliance with Department policies and procedures, discuss implications of corrective action plans, and to assist in the identification of resources to aid ongoing policy development efforts aimed at minimizing risks.

4 Non-Critical Incidents

1. Non-critical incidents shall be reported to the Community Programs Contract Administrator and the Juvenile Court Counselor in a timely manner. These incidents do not present a high level of risk jeopardizing operations or the health and well-being of a juvenile or staff member, nor do these incidents contribute to safety concerns of the larger juvenile population, but may include one of the following:
 - a. A pattern of disruptive and/or defiant behavior that changes the work culture for staff and therapeutic milieu for juveniles. A discharge recommendation review may be considered by the juvenile's child and family team; or
 - b. Treatment interventions are proven to be ineffective with the juvenile.
2. Non-critical incidents include contraband and restraints. Contraband is defined as any items in the possession of a juvenile or in a juvenile's room that is unauthorized, altered from its original state, or not issued/authorized by the short-term residential facility or community-based service provider. A restraint is any physical contact between staff and a juvenile wherein a physical technique (i.e., Therapeutic Crisis Intervention) is used by staff to safely and therapeutically hold a child for purposes of controlling a juvenile's behavior.
3. Because non-critical incidents can quickly escalate to the status of critical, it is imperative that service providers implement safety policies and procedures accordingly and notify the Department when an emergency child and family team meeting is convened to resolve the matter.



5 Informational Only Incidents

Informational only incidents are any other types of incidents that do not require an immediate response, emergency services or additional follow-up action by the Juvenile Community Programs Contract Administrator, as outlined in this policy. Upon receipt and review of “informational only” incidents, the submitted documentation is placed in the Provider’s file for record keeping purposes (e.g., missed medication, disclosures of abuse prior to admission to the short-term residential program, or a juvenile who has received an involuntary commitment while placed at the short-term residential program).