

POLICY TITLE: REPORTING OF ALLEGATIONS OF ABUSE OR NEGLECT OF RESIDENTS AT JUVENILE FACILITIES		PAGE <u>1</u> OF <u>5</u>
POLICY NUMBER: 7.2		
CHAPTER 7: INVESTIGATIONS		
	STATE of MAINE DEPARTMENT OF CORRECTIONS Approved by Commissioner: 	PROFESSIONAL STANDARDS: See Section VII
EFFECTIVE DATE: November 1, 2005	LATEST REVISION: March 7, 2017	CHECK ONLY IF APA []

I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in Title 34-A M.R.S.A. Section 1402(8).

II. APPLICABILITY

All Department Juvenile Facilities

III. POLICY

It is the policy of the Department to require the reporting of abuse or neglect or suspected abuse or neglect of a resident of a juvenile facility in accordance with state laws.

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- Procedure A: Reporting Allegations of Abuse or Neglect by Individuals Not Connected to the Department
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V. ATTACHMENTS

- Attachment A: [Department of Health and Human Services Interagency Agreement/Protocol Report](#)
- Attachment B: [Initial Report of Allegation of Abuse or Neglect form](#)

VI. PROCEDURES

Procedure A: Reporting Allegations of Abuse or Neglect by Individuals Not Connected to the Department

1. A resident of a juvenile facility may report to any Department staff, volunteer, or student intern that he or she has been a victim of abuse or neglect by an individual who is not connected to the Department, e.g., a parent, a public school teacher, etc.
2. If facility staff (a Department employee or person providing services to residents under contract or by agreement), a volunteer, or a student intern observes, receives a report of, or otherwise discovers abuse or neglect or suspected abuse or neglect of a resident by an individual who is not connected to the Department, e.g., a parent, a public school teacher, etc., that person shall report the allegation verbally to the Department of Health and Human Services (DHHS), Child Protective Services.
3. In addition to the verbal report to DHHS, if the allegation is against an individual who is not a parent, guardian, or legal custodian, the facility staff, volunteer, or student intern shall make a verbal report to the district attorney's office for the location where the alleged abuse or neglect occurred.
4. A report shall be accepted by facility staff, a volunteer, or a student intern from any source and in any form, be it received from an internal or external source, and whether made by a complainant wishing to be identified or remain anonymous, provided that the report alleges abuse or neglect by an identified or identifiable individual.
5. Besides making the verbal report(s), the facility staff, volunteer, or student intern shall complete, in so far as possible, the Department of Health and Human Services Interagency Agreement/Protocol Report, Attachment A.
6. That person shall forward the report to the facility Superintendent, or designee, who shall review the report and sign the report to acknowledge its receipt.
7. The facility Superintendent, or designee, shall forward the report to the Department of Health and Human Services, Child Protective Services, and, if applicable, the appropriate district attorney's office.
8. The Superintendent, or designee, shall ensure a copy of the report is placed in the resident's facility Master Administrative Record.
9. All information pertaining to the allegation of abuse or neglect is confidential by law and shall be kept confidential by all those who have learned of the allegation, except as otherwise provided in applicable departmental policies.

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Procedure B: Reporting Allegations of Abuse or Neglect by Individuals Connected to the Department

1. A resident of a juvenile facility may report to any Department staff, volunteer, or student intern that he or she has been a victim of abuse or neglect by an individual who is connected to the Department (a Department employee, person providing services to residents under contract or by agreement with the Department, a volunteer, or a student intern).
2. If facility staff (a Department employee or person providing services to residents under contract or by agreement), a volunteer, or a student intern observes, receives a report of, or otherwise discovers abuse or neglect or suspected abuse or neglect of a resident by an individual connected to the Department (a Department employee, person providing services to residents under contract or by agreement with the Department, a volunteer, or a student intern), that person shall immediately report the allegation verbally to the Juvenile Program Manager or Unit Manager, or in that person's absence, the Shift Commander, i.e., the on-duty Juvenile Facility Operations Supervisor or the Captain.
3. A report shall be accepted by facility staff, a volunteer, or a student intern from any source and in any form, be it received from an internal or external source, and whether made by a complainant wishing to be identified or remain anonymous, provided that the report alleges abuse or neglect by an identified or identifiable individual.
4. The Juvenile Program or Unit Manager, or in that person's absence, the Shift Commander, shall determine if the complaint, if true, rises to the level of abuse or neglect or any other misconduct, as set forth in Department Policy 7.3, Administrative and Personnel Complaint Investigations.
5. If the Juvenile Program or Unit Manager, or in that person's absence, the Shift Commander, determines the complaint, if true, rises to the level of abuse or neglect, the staff person, volunteer, or student intern reporting the alleged abuse or neglect shall complete, in so far as possible, the Initial Report of Allegation of Abuse or Neglect form, Attachment B, and forward it to the Juvenile Program or Unit Manager, or in that person's absence, the Shift Commander.
6. If the complaint, if true, rises to the level of abuse or neglect, the Juvenile Program Manager or Unit Manager, or in that person's absence, the Shift Commander shall immediately verbally report the allegation to the Superintendent, or designee, along with any comments or any recommendations for actions to protect the resident from the risk of future abuse or neglect or retaliation in connection with the report.
7. If the Juvenile Program Manager or Unit Manager, or in that person's absence, the Shift Commander receives a report of or observes an injury to the resident or the resident complains of an injury, that person shall immediately notify facility health care staff and ensure that photographs are taken of any visible injuries, or the lack thereof.

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8. If the Superintendent, or designee, determines the resident may be at risk of future abuse or neglect or retaliation, that person shall immediately take whatever action is necessary to protect the resident. Such action may include, but is not necessarily limited to, one or more of the following:
 - a. prohibiting the alleged perpetrator from having any contact with the alleged victim;
 - b. moving the resident to a different housing unit or different program or service area;
 - c. changing the responsibilities of the alleged perpetrator;
 - d. placing the alleged perpetrator, if a Department employee, on administrative leave with pay, pending the results of an investigation with the approval of the Commissioner, or designee; and
 - e. suspending the privilege of the alleged perpetrator, if not a Department employee, to come onto the grounds of the facility with the approval of the Commissioner, or designee.
9. The resident's Juvenile Program or Unit Manager, or in that person's absence, the Shift Commander, shall forward the Initial Report of Allegation of Abuse or Neglect form to the Superintendent, or designee.
10. In addition, if the allegation is of sexual misconduct, verbal and written reports shall be made to the Superintendent, or designee, and the facility PREA Monitor, and all other reporting requirements of Department Policy 6.11.3, PREA – Sexual Misconduct/Harassment Reporting and Investigation, shall be followed.
11. The Superintendent, or designee, shall document on the Initial Report any action taken to protect the resident from the risk of future abuse or neglect or retaliation, any notification to the facility health care staff, and any action taken to initiate an investigation.
12. If the complaint, if true, rises to the level of abuse or neglect, the Juvenile Program Manager or Unit Manager, or in that person's absence, the Shift Commander shall, as soon as possible, conduct an appropriate preliminary inquiry into the complaint and enter the resulting report into the Department's BlueTeam (complaint intake software program), as set forth in Department Policy 7.3, Administrative and Personnel Complaint Investigations.
13. The Department's Manager of the Office of Professional Review, or designee, shall determine whether to refer the alleged abuse or neglect for an administrative/personnel investigation, in accordance with Department Policy 7.3, Administrative and Personnel Complaint Investigations.
14. The Superintendent, or designee, shall forward the original Initial Report to the Commissioner, or designee, with copies to the Associate Commissioner for Juvenile Services, the Superintendent (if the report is forwarded by a designee), the Department's Director of Security, the resident's Juvenile Program Manager, and any other appropriate facility staff.

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15. The Department's Director of Security, or designee, shall determine whether to refer the alleged abuse or neglect for a criminal investigation, in accordance with Department Policy 7.1, Criminal Investigations.
16. All information pertaining to the allegation of abuse or neglect is confidential by law and shall be kept confidential by all those who have learned of the allegation, except as otherwise provided in an applicable departmental policy.
17. If the complaint, if true, does not rise to the level of abuse or neglect, but does rise to the level of other misconduct, it shall be handled as set forth in Department Policy 7.3, Administrative and Personnel Complaint Investigations.
18. If the complaint, if true, does not rise to the level of abuse or neglect or to the level of other misconduct, the Juvenile Program or Unit Manager, or in that person's absence, the Shift Commander, shall document in CORIS that determination.

Procedure C: Inter-Departmental Protocols

1. Once any investigation(s) is completed, the Superintendent, or designee, shall refer the report(s) of investigation to the Commissioner, or designee, who shall refer the reports for review by the Department of Health and Human Services, the Department of Public Safety, and the Office of the Attorney General in accordance with existing protocols.
2. This constitutes the legally required notification to the Department of Health and Human Services of an allegation of abuse or neglect.
3. If there has been a criminal investigation, once the investigation is completed, regardless of the outcome, the Superintendent, or designee, shall refer the report of investigation to the appropriate prosecutor's office.

VII. PROFESSIONAL STANDARDS

ACA:

- 4-JCF-3D-01 All instances of child abuse and/or neglect are reported consistent with appropriate state law or local laws.**

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