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| TITLE: <b>INVESTIGATIONS</b>  |   |
|  | POLICY NUMBER: <b>101.15</b>  |
|   | AMERICAN CORRECTIONAL ASSOCIATION (ACA) STANDARDS   |
|   | <u>CENTRAL ADMINISTRATION:</u>  |
|   | <u>JUVENILE TRAINING SCHOOL:</u> 3-JTS-3C-09, 12  |
|   | <u>JUVENILE PAROLE &amp; AFTERCARE:</u>   |
| <u>JUVENILE COMMUNITY RESIDENTIAL FACILITIES:</u>                                 |   |
| EFFECTIVE DATE:<br>January 1, 2003  | RELATED POLICIES  |
| REVISED EFFECTIVE:<br>November 10, 2003   | STANDARD OPERATING PROCEDURE: (1) Procedures and Protocols for Investigation of Critical and Non-Critical Incidents; (2) EEO Investigations |
|   | LOCAL PROCEDURE: Prohibited 101.15  |
|   | Director's Signature:                                     |

## I. Policy Provisions

The policy of the Department of Youth Services is to establish procedures for determining when and by whom investigations occurring in a facility, office or other location within the control, supervision or responsibility of the Department of Youth Services are conducted. Specific investigative procedures and protocols to be followed by all Department staff in carrying out this policy shall be separately established in standard operating procedure. When an alleged rule violation is reported, an appropriate investigation is begun within 24 hours of the time the violation is reported and is completed without unreasonable delay, unless there are exceptional circumstances for delaying the investigation. (3-JTS-3C-12) Where a juvenile allegedly commits an act covered by criminal law, the case shall be referred to appropriate court or law enforcement officials for consideration for prosecution. (3-JTS-3C-09)

## II. Applicability

This policy applies to all employees, volunteers and interns of the Department of Youth Services. Compliance with this policy is mandatory to ensure the safety and security of the public, staff and juveniles; to ensure consistency and expediency in the reporting of incidents; and to ensure those incidents which warrant investigation by the Chief Inspector's Office or law enforcement are referred in a timely manner.

## III. Definitions

Administrative Investigation – an objective investigation into alleged violations of departmental policy which is conducted by the Chief Inspector's Office or site personnel, as applicable.

Criminal Investigation – an investigation into alleged violations of state or federal criminal statutes conducted by a designated law enforcement agency.

Investigation – a systematic and objective fact-finding process.

PCSA – a local Public Children’s Services Agency

Site- any ODYS operated state owned or leased location; i.e. institution, regional office, central office or SOCC; or other location where ODYS staff are present where an incident or allegation of an incident occurs.

#### **IV. Procedure**

##### **A. Types of Investigations:**

##### **1. Critical Incidents**

The Chief Inspector’s Office shall conduct an investigation of all critical incidents. The following incidents shall be considered critical incidents and shall be reported to the Chief Inspector’s Office within one (1) hour of their occurrence or knowledge of their occurrence on the emergency hotline reporting system. Reporting persons are to report as detailed and complete information as possible. An incident report will be generated in the Activity Management System (AMS) by the end of the current shift in which the allegation took place.

- a. Deaths of any on-duty employees, volunteers or interns or the deaths of any juveniles who, at the time of death, are under the supervision of DYS. This includes but is not limited to deaths caused by foul play, accidents, natural causes or suicide.
- b. Life threatening/endangering injuries to any on-duty employees, volunteers or interns or to any juveniles under the supervision and custody of DYS that require immediate and emergency medical care in an outside medical facility.
- c. Suicide attempts by any on-duty employees, volunteers or interns or any juveniles under the supervision and custody of DYS that require transport to an outside facility for treatment.
- d. Alleged murder, attempted murder, sexual battery or kidnapping committed by any juvenile under the supervision of DYS as evidenced by arrest, indictment, information (official charging document), or law enforcement complaint. This does not include offenses committed prior to the juvenile being placed under the supervision of or in the custody of DYS.
- e. Escapes from any secure DYS facility or from lawful transportation to or from a DYS facility. Escape includes juveniles leaving the program, leaving the facility grounds or boundaries, or leaving the custody of facility staff when outside the facility regardless of the length or duration of the departure and regardless of the juvenile’s intent. Escapes must be reported regardless of whether formal escape charges will be or have been brought by law enforcement.
- f. Disturbances which necessitate the calling in of local law enforcement or other outside sources to assist in quelling the disturbance and getting the facility back under control regardless of whether there are any resulting injuries.

- g. All felony law violations by DYS employees, volunteers or interns as evidenced by arrest, indictment, information (official charging document) or law enforcement complaint.
- h. Alleged child abuse or medical neglect of juveniles under the supervision of DYS by employees, volunteers or interns of DYS if an abuse report required by law to be made to a public children services agency is made and there are serious physical injuries requiring immediate outside medical attention.
- i. Any use of force by a staff member against a juvenile under the supervision of DYS which requires medical care in an outside medical facility, regardless of whether the case has been reported to a public children services agency.
- j. Display/usage of deadly weapons/firearms by employees, volunteers, interns, visitors or juveniles while on DYS premises or contract sites.
- k. Contagious diseases requiring the quarantining or hospitalization of the entire facility.
- l. Alleged romantic/sexual contact or conduct between DYS employees, volunteers and interns and any juveniles under the supervision of DYS.
- m. Allegations of juvenile on juvenile nonconsensual sexual contact or conduct occurring within DYS facilities regardless of whether criminal charges have been brought or arrests made.
- n. Other unusual circumstances which result in all of the following: departmental liability, media attention and immediate notification of managers. All three of these conditions must be met before an incident is to be called in under this category.

## 2. Non-Critical Incidents

The site where the non-critical incident occurred shall conduct the investigation unless a specific request is made to the Chief Inspector by the DYS Director, a DYS Deputy Director or applicable Superintendent or Regional Administrator to have the Chief Inspector's Office conduct the investigation and the request is approved by the DYS Director or the Deputy Director of Legal Services.

The following incidents shall be considered non-critical incidents and shall be reported to the Chief Inspector's Office within twenty-four (24) hours of their occurrence or knowledge of their occurrence on the Activity Management System (AMS). Reporting persons are to report as detailed and complete information as possible.

- a. Escape attempts by juveniles under the supervision and custody of DYS. A reportable attempt includes, but is not limited to, the discovery of escape tools and paraphernalia, broken doors or windows, penetrated ceilings or vents, running from the facility, scaling fences or other unsuccessful attempts to leave the custody of staff or boundaries of a facility.
- b. Major health or life endangering safety code violations at DYS premises including, but not limited to, lead poisoning and asbestos.

- c. Alleged romantic/sexual contact or conduct between employees, volunteers, interns and providers and immediate family members of juveniles under the supervision and custody of DYS.
- d. Allegations of juvenile on juvenile consensual sexual contact or conduct.
- e. All misdemeanor law violations by employees, volunteers and interns as evidenced by arrest, indictment, information (official charging document) or law enforcement complaint.
- f. Physical attacks committed by juveniles against employees, volunteers or interns while on DYS premises or contract sites not requiring medical attention.
- g. Suicide attempts by juveniles under the supervision and custody of DYS which either result in physical injuries, marks or bruises to the juvenile or require the application of medical or first aid procedures to revive or resuscitate the juvenile but do not require care in an outside medical facility.
- h. Disturbances which necessitate response by all available staff to the area of disturbance in order to assist in quelling the disturbance and which result in injuries to juveniles or staff requiring first aid treatment.
- i. Physical attacks by persons against parole staff while on duty or any other employee, volunteer or intern who is working in the field at the time of the attack that do not require medical care in an outside medical facility.
- j. Any use of force by a staff member against a juvenile under the supervision of DYS which does not require medical care in an outside medical facility, regardless of whether the case has been reported to a public children services agency.
- k. Alleged child abuse of juveniles under the supervision and custody of DYS by employees, volunteers or interns that has been reported to a public children services agency but where there are not injuries requiring outside medical attention.
- l. Any altercation between staff that does not involve physical contact or require medical care or law enforcement involvement.
- m. Non life threatening/endangering injuries to any on-duty employees, volunteers or interns or to any juveniles under the supervision and custody of DYS.
- n. Any other violations of department policy that are not identified as critical incidents.

### 3. Alleged Criminal Activity

Criminal investigations do not negate the necessity to conduct an administrative investigation. Administrative investigations shall not interfere with criminal investigations.

All allegations of criminal misconduct shall be referred immediately by the site to law enforcement officials upon discovery of the allegation. If the alleged criminal activity occurs on state owned or leased property, the Ohio State Highway Patrol is to be notified. For all other allegations of criminal misconduct, local law enforcement is to

be notified. After notification to law enforcement, the site shall immediately notify the Chief Inspector's Office. The Chief Inspector's Office shall serve as the liaison to law enforcement during the investigation.

4. Youth Grievance

Investigations into youth grievances will be conducted in accordance with the guidelines outlined in Directive L-4 Youth Grievance Procedure.

5. Response to Resistance

Response to Resistance investigations are to be conducted by a fact-finding panel in accordance with policy 301.05 Management of Resistant Youth Behavior unless the incident is critical or becomes critical in nature.

6. EEO

EEO Investigations are to be conducted at the direction of the site administrator in accordance with separately established rules and regulations and in communication with the Central Office EEO Manager.

B. Reporting:

1. Activity Management System

All incidents, both critical and non-critical, must be entered into the Activity Management System (AMS) in accordance with the timelines established by this policy. Reporting persons are to report as detailed and complete information as possible.

**V. Attachments**

None.

**VI. Monitoring**

This policy shall be reviewed annually and updated as needed by the Deputy Directors of Corrections, Parole and Community Services, and Legal Services as well as the Bureau Chiefs of Parole, Institutions and the Chief Inspector.