

<p align="center">GEORGIA DEPARTMENT OF JUVENILE JUSTICE</p>	<p align="center">Transmittal # 18-12</p>	<p align="center">Policy # 8.9</p>
<p>Applicability: {x} All DJJ Staff { } Administration { } Community Services { } Secure Facilities</p>	<p>Related Standards & References: O.C.G.A. §§19-7-5, 15-11-2 ACA Standards: 4-JCF-3D-01, 02, 04, 07, 09, 3-JDF-3D-6-02, 3-JDF-3D-06-04, 3-JDF-3D-06-013 NCCHC Juvenile Health Care Standards, 2011: Y-A-10, Y-B-05 The Prison Rape Elimination Act of 2003 (PREA, P.L. 108-79) DJJ 5.1, 8.5, 22.3, 23.1</p>	
<p>Chapter 8: SAFETY, SECURITY, AND CONTROL</p>	<p>Effective Date: 7/10/18 Scheduled Review Date: 7/10/19 Replaces: 11/30/17</p>	
<p>Subject: CHILD ABUSE REPORTING</p>	<p>APPROVED:</p>	
<p>Attachments: None</p>	<p align="center">  <hr/> Avery D. Niles, Commissioner </p>	

I. POLICY:

The Department of Juvenile Justice shall utilize a standardized process for reporting and responding to child abuse allegations. All suspicions of child abuse, child neglect, youth on youth sexual penetration, youth on youth sexual contact, staff/contractor/volunteer/intern sexual penetration, and staff/contractor/volunteer/intern sexual contact involving any Department of Juvenile Justice youth shall be reported immediately in compliance with Georgia law. Any sexual contact between staff and a youth, regardless of whether it is consensual, is prohibited and is subject to administrative sanctions and criminal prosecution.

II. DEFINITIONS:

Child: For purposes of this policy, a child is a youth under the age of 21.

Child Abuse: A caretaker causing non-accidental physical injury, unexplained physical injury resulting from acts or omissions of person responsible for child's care, emotional abuse, sexual abuse or exploitation, prenatal abuse, and family violence as defined in OCGA §19-13-1 to a youth under the age of 21. Instances of youth on youth sexual abuse or exploitation will be considered child abuse as well. Use of force within the guidelines of the Department's Use of Force policy (DJJ 8.30) will not constitute abuse.

Community Residential Programs: Groups homes, emergency shelters, and other placements that provide 24-hour care in a community based residential setting.

Director: For purposes of this policy, the staff member responsible for the overall operation of a Regional Youth Detention Center (RYDC), Youth Development Campus (YDC), community service office, or other DJJ owned, operated, or contracted facility or program.

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Mandated Reporters: Those statutorily required to report or cause reports to be made when they have reasonable cause to believe that suspected child abuse has occurred, pursuant to OCGA §19-7-5 (c)(1). All DJJ staff are mandated reporters.

Mistreatment of Youth: Violation of DJJ policy, injury to a youth resulting in an injury severity rating of 1 or 2, this includes slapping, shoving, kicking, biting, and spitting at/on a youth.

Report of Youth Injuries: The document used by medical services staff to document the youth’s verbatim statement and physical condition following an incident, and to assign an injury severity rating to any injury sustained in the incident.

Special Incident: An event involving youth, employees, programs/facilities/offices (owned, operated or contracted by DJJ) that interrupts normal procedure or precipitates a crisis. (See DJJ 8.5, Attachment I.)

Special Incident Report (SIR): A report that provides details regarding an event involving youth, employees, and/or facilities/programs/offices that interrupts normal procedure or precipitates a crisis.

Staff: For purposes of this policy only, DJJ employees or individuals who contract, volunteer, or intern with DJJ.

Totality of Circumstances: What constitutes “objectively reasonable” is dependent on a number of additional factors, collectively known as the “totality of circumstances.” The entire situation needs to be examined in order to determine whether the actions of staff are reasonable. Some of the factors which must be considered when using force are the size, strength, and skill level of the officer and subject, degree of physical exhaustion, number of subjects, other force options available, ability to escape, severity of the crime/threat, etc.

Use of Force: Physical force used to compel an individual to take action against his/her will or to prevent a subject from taking action that would be damaging to him/her, other persons, or property directed toward another. This may involve the direct laying on of hands or putting of an object into motion that touches the individual (e.g. oleoresin capsicums [OC Spray], PepperBall system, ASP Baton, and the use of firearms).

III. ALLEGATIONS OF CHILD ABUSE:

- A. Any staff of a Regional Youth Detention Center (RYDC), Youth Development Campus (YDC), Central Office, community residential program, or Community Services Office (CSOs) who has reasonable cause to believe that a child has been abused, as defined above, must immediately verbally report the suspicion to his/her immediate supervisor or next level supervisor and complete a Special Incident Report (SIR) in accordance with DJJ 8.5, Special Incident Reporting.

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- B. All allegations of abuse must also be reported to the Department of Family and Children’s Services (DFCS) within 24 hours.
- C. All contacts with DFCS will be documented in JTS.
 - 1. Reports to DFCS must be made electronically via cpsintake@dhs.ga.gov.
 - 2. A copy of the report and/or confirmation must be attached to the SIR and scanned and uploaded into JTS correspondence.
 - 3. No modifications may be made to the initial report by the designated reporter.
- D. Management and all staff will ensure that youth alleging child abuse or neglect are not victims of any form of retaliation.
- E. Secure Facilities
 - 1. In secure facilities, reasonable cause or suspicion of abuse is established when, upon a review of the totality of the circumstances and the evidence (such as Report of Youth Injuries, video evidence, witness statements, etc.), an ordinary and prudent person would conclude that the child has been abused.
 - 2. Facility Directors will ensure all allegations of child abuse of youth under the age of 21 that occurred on DJJ property and have an injury severity rating of 3 or higher are reported to DFCS within 24 hours. Allegations with an injury severity rating of 1 or 2 will be reported to the Office of Investigations. This report will be documented in the Administrative Review section of the SIR.
 - 3. Facility Directors will ensure all allegations of child abuse, as defined above, of youth under the age of 21 that occurred off DJJ property are reported to the DFCS within 24 hours.
 - 4. Facility Directors will ensure all allegations of youth on youth sexual penetration, youth on youth sexual contact, staff/contractor/volunteer/intern sexual penetration, and staff/contractor/volunteer/intern sexual contact of any youth under the age of 21 that occurred on DJJ property (regardless of the injury severity rating) are reported to DFCS within 24 hours.
 - 5. Facility Directors will ensure that any youth under the age of 16 who tests positive for a Sexually Transmitted Infection or pregnancy is reported by Medical to DFCS within 24 hours of confirming the test results. A Special Incident Report will be generated; however, staff will not report the test results in the SIR.
 - 6. Facility Directors will confirm and ensure all reports to DFCS are made within 24 hours, but are not responsible for making all DFCS reports.

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F. Community

1. In the community, the Community Case Managers (CCM) will report allegations of child abuse or child neglect to DFCS within 24 hours of youth's disclosure.
2. CCMs will report all allegations of youth on youth sexual penetration, youth on youth sexual contact, staff/contractor/volunteer/intern sexual penetration, and staff/contractor/volunteer/intern sexual contact of any youth under the age of 21 that occurred on DJJ property or in DJJ-contracted residential placements (regardless of the injury severity rating) to the District Director who will contact the DJJ Office of Investigations PREA Unit and report up the chain of command, immediately upon knowledge of an incident.
3. A DFCS report is not required for youth 16 or older who reports that he/she is engaging in consensual sex in the community.
4. CCMs will ensure that any pregnant youth under the age of 16 are reported to DFCS within 24 hours of confirming the youth is pregnant.
5. Juvenile Program Managers (JPMs) will confirm and ensure that all allegations of child abuse or neglect are reported to DFCS within 24 hours, but are not responsible for making all DFCS reports.

G. Investigations

1. The Office of Investigations will conduct an investigation in accordance with DJJ 22.3, Internal Investigations, and DJJ 23.1, Prison Rape Elimination Act. DJJ staff will not conduct investigations regarding child abuse, child neglect, and sexual abuse/exploitation alleged to have occurred in a youth's home; however, the facility Director or CCM will make a referral to DFCS.
2. The Office of Investigations will investigate or cause to be investigated Special Incident Reports with allegations of child abuse, child neglect, and sexual abuse/exploitation in private facilities/programs. The Office of Investigations will not investigate allegations of abuse or neglect that occurs in adult jails in which DJJ youth are housed.
 - a. Contracts with private vendors will include a provision that requires the reporting of all incidents/suspensions of child abuse or neglect to DFCS, DJJ Office of Investigations, the Deputy Commissioner of Community Services, and the Office of Residential Child Care Licensing.
 - b. Contracted residential placements will comply with all PREA requirements and standards.

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- H. In instances of suspected child abuse in a facility/program licensed or approved by the Department of Human Services, Office of Inspector General Residential Child Care Licensing (e.g., group homes, licensed childcare facilities), a copy of the Special Incident Report will also be submitted to the Director of the Office of Residential Child Care Licensing (RCCL) or his/her designee. The RCCL, DFCS, and DJJ Office of Investigations will conduct an investigation into the allegations of child abuse, sexual abuse/exploitation or neglect. Such investigations will be conducted regardless of the age of the youth.
- I. Once an investigation by the Office of Investigations begins, it will be completed, regardless of the resignation or termination of the employee alleged to have violated DJJ policy or the law, or the youth recanting the allegation.
- J. If the Office of Investigations substantiates the occurrence of abuse, the matter will be handled in accordance with DJJ 3.80, Employee Progressive Discipline, and a referral may be made to the local district attorney for prosecution.
- K. The facility will conduct a Sexual Abuse Incident Review within 10 days of the conclusion of every sexual abuse investigation unless the allegation was determined to be unfounded.

IV. LOCAL OPERATING PROCEDURES REQUIRED: NO