

<p style="text-align: center;">Department of Health &amp; Human Services</p>  <p style="text-align: center;">N E B R A S K A</p>	<p><b>Department of Health and Human Services</b>  <b>Division of Children and Family Services</b>  <b>Office of Juvenile Services</b>  <b>Administrative Regulation</b></p>	
<p><b>Subject: Prevention, Detection, Reporting, Investigation and Treatment of Abuse, Neglect, Sexual Harassment, Sexual Abuse / Assault</b></p>	<p><b>Number:</b>  <b>115.17</b></p>	<p><b>Page Number:</b>  <b>1 of 24</b></p>

**PURPOSE**

The purpose of this policy is to provide guidelines for the prevention, detection, reporting, investigation and treatment of abuse, neglect, sexual harassment and sexual abuse / assault of juveniles confined at the Youth Rehabilitation and Treatment Centers in Kearney and Geneva, NE.

This policy shall be in compliance with applicable American Correctional Standards (ACA), Prison Rape Elimination Act (PREA) Juvenile Facility Standards, and Nebraska Revised Statute 28-711; (2011 Edition) for reporting child abuse and / or neglect to DHHS Adult & Child Abuse & Neglect Hotline (1-800-652-1999). All instances of child abuse and / or neglect shall be reported consistent with this state law.

**GENERAL**

YRTC's provide confinement and care to a number of juveniles that have been victims of abuse, neglect, sexual harassment, sexual abuse / assault and / or have been responsible for victimizing others. Occasionally in a group treatment setting juveniles report incidents of abuse or neglect that occurred prior to entering the YRTC. Also, group confinement can result in allegations of abuse, sexual harassment, or sexual abuse / assault between juveniles, or less commonly abuse or neglect committed by staff.

In addition to DHHS Adult & Child Abuse & Neglect Hotline reporting requirement, the Prison Rape Elimination Act (PREA) of 2003 generated mandatory standards for YRTC's. The PREA Standards are specific to sexual harassment and sexual abuse / assault.

**DEFINITIONS:**

**Zero Tolerance:** Sexual abuse and harassment conduct between staff and juveniles, volunteers or contract personnel and juveniles and / or juvenile(s) on juvenile(s), regardless of consensual status is prohibited and subject to administrative and criminal disciplinary proceedings.

**Abuse or Neglect as defined in Nebraska State Statute 28-710:** means knowingly, intentionally, or negligently causing or permitting a minor child to be:

1. Placed in a situation that endangers his or her life or physical or mental health;
2. Cruelly confined or cruelly punished;
3. Deprived of necessary food, clothing, shelter, or care;
4. Left unattended in a motor vehicle if such minor child is six years of age or younger;
5. Sexually abused; or

<p>Department of Health &amp; Human Services</p>  <p>N E B R A S K A</p>	<p><b>Department of Health and Human Services Division of Children and Family Services Office of Juvenile Services Administrative Regulation</b></p>	
<p><b>Subject: Prevention, Detection, Reporting, Investigation and Treatment of Abuse, Neglect, Sexual Harassment, Sexual Abuse / Assault</b></p>	<p><b>Number:</b> <b>115.17</b></p>	<p><b>Page Number:</b> <b>2 of 24</b></p>

- 6. Sexually exploited by allowing, encouraging, or forcing such person to solicit for or engage in prostitution, debauchery, public indecency, or obscene or pornographic photography, films, or depictions;

**Sexual Abuse of a juvenile by another juvenile** includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

- 1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- 2. Contact between the mouth and the penis, vulva, or anus;
- 3. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
- 4. 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.

**Sexual Abuse of a juvenile by a staff member, contractor, or volunteer** includes any of the following acts, with or without consent of the juvenile:

- 1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- 2. Contact between the mouth and the penis, vulva, or anus;
- 3. 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;
- 4. Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- 5. 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;
- 6. Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1)-(5) of this section;
- 7. Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of a juvenile, and
- 8. Voyeurism by a staff member, contractor, or volunteer.

**Voyeurism by a staff member, contractor, or volunteer** means an invasion of privacy of a juvenile by staff for reasons unrelated to official duties, such as peering at a juvenile who is using a toilet in his or her living unit to perform bodily functions; requiring a juvenile to expose his or her buttocks, genitals, or

<p>Department of Health &amp; Human Services</p>  <p>N E B R A S K A</p>	<p><b>Department of Health and Human Services Division of Children and Family Services Office of Juvenile Services Administrative Regulation</b></p>	
<p><b>Subject: Prevention, Detection, Reporting, Investigation and Treatment of Abuse, Neglect, Sexual Harassment, Sexual Abuse / Assault</b></p>	<p><b>Number:</b> <b>115.17</b></p>	<p><b>Page Number:</b> <b>3 of 24</b></p>

breasts; or taking images of all or part of a juvenile’s naked body or of a juvenile performing bodily functions.

**Sexual Harassment:**

1. Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one juvenile directed toward another; and
2. Repeated verbal comments or gestures of a sexual nature to a juvenile 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.

**Sexual Assault:**

For State of Nebraska definitions related to sexual assault of a child, reference Nebraska State Statutes 28-319.01 <http://nebraskalegislature.gov/laws/statutes.php?statute=28-319.01>, and 28-320.01 <http://nebraskalegislature.gov/laws/statutes.php?statute=28-320.01>.

**OJS AFFIRMATION**

YRTCs will develop written policy that mandates zero tolerance toward all forms of abuse, neglect, sexual harassment, and sexual abuse / assault from other juveniles, staff, contractors or volunteers. Such conduct is prohibited and subject to administrative and criminal disciplinary sanctions. YRTCs shall outline their approach to preventing, detecting, reporting, investigating, and providing treatment to victims of such conduct.

**PROCEDURES**

**I. PREVENTION**

- A. During the intake process, juveniles shall receive information explaining, in an age appropriate fashion, the agency’s zero tolerance policy regarding abuse, neglect, sexual harassment, and sexual abuse / assault. Intake information shall include information on prevention and intervention, self-protection, the reporting of abuse, neglect, sexual harassment, sexual abuse / assault, treatment and counseling.
- B. Within ten (10) days of intake, YRTCs shall provide comprehensive age-appropriate education to juveniles, either in person or through video, regarding their rights to be free from abuse, neglect, sexual harassment, sexual abuse / assault and to be free from retaliation for reporting

<p>Department of Health &amp; Human Services</p>  <p>N E B R A S K A</p>	<p><b>Department of Health and Human Services Division of Children and Family Services Office of Juvenile Services Administrative Regulation</b></p>	
<p><b>Subject: Prevention, Detection, Reporting, Investigation and Treatment of Abuse, Neglect, Sexual Harassment, Sexual Abuse / Assault</b></p>	<p><b>Number:</b> <b>115.17</b></p>	<p><b>Page Number:</b> <b>4 of 24</b></p>

such incidents, and regarding DHHS / YRTC policies and procedures for responding to such incidents.

- C. Current juveniles who have not received such education shall be educated within one year of the effective date of the PREA standards, and shall receive education upon transfer to a different facility to the extent that the policies and procedures of the juvenile’s new facility differ from those of the previous facility.
- D. YRTCs shall provide juvenile education in formats accessible to all juveniles, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to juveniles who have limited reading skills. Information shall be communicated to each juvenile both orally and in writing, in a language clearly understood by the juvenile.
- E. YRTCs shall maintain documentation of juvenile participation in these education sessions.
- F. In addition to providing such education, the YRTCs shall ensure that key information is continuously and readily available or visible to juveniles through posters, juvenile handbooks, or other written formats.
- G. The YRTC’s procedure and practice shall ensure that information about abuse, neglect, sexual harassment, sexual abuse / assault is provided to all YRTC staff. The information shall include prevention / intervention, and the reporting of abuse, neglect, sexual harassment, sexual abuse / assault.

**II. DETECTION**

- A. Juveniles shall be screened within 24 hours of arrival at the YRTC for potential vulnerabilities or tendencies of acting out with sexually aggressive behavior. Housing assignments shall be made accordingly.
- B. Juveniles identified as high risk with a history of assaultive behavior shall be assessed by a mental health or other qualified professional. Such juveniles are identified, monitored, counseled, and provided appropriate treatment.
- C. Juveniles identified as at-risk for sexual victimization shall be assessed by a mental health or other qualified professional. When a YRTC learns that a juvenile is subject to a substantial risk of imminent sexual abuse, it shall take immediate action to protect the juvenile. Such juveniles are identified, monitored, and counseled.

<p>Department of Health &amp; Human Services</p>  <p>N E B R A S K A</p>	<p><b>Department of Health and Human Services Division of Children and Family Services Office of Juvenile Services Administrative Regulation</b></p>	
<p><b>Subject: Prevention, Detection, Reporting, Investigation and Treatment of Abuse, Neglect, Sexual Harassment, Sexual Abuse / Assault</b></p>	<p><b>Number:</b> <b>115.17</b></p>	<p><b>Page Number:</b> <b>5 of 24</b></p>

- D. Within 72 hours of the juvenile’s arrival at the facility and periodically throughout a juvenile’s confinement, the YRTC shall obtain and use information about each juvenile’s personal history and behavior to reduce the risk of sexual abuse by or upon a juvenile.
- E. Such assessments shall be conducted using an objective screening instrument.
- F. At a minimum, the DHHS / YRTC shall attempt to ascertain information about:
  1. Prior sexual victimization or abusiveness;
  2. Any gender nonconforming appearance or manner or identification as lesbian, gay, bisexual, transgender, or intersex, and whether the juvenile may therefore be vulnerable to sexual abuse;
  3. Current charges and offense history;
  4. Age;
  5. Level of emotional and cognitive development;
  6. Physical size and stature;
  7. Mental illness or mental disabilities;
  8. Intellectual or developmental disabilities;
  9. Physical disabilities;
  10. The juvenile juveniles own perception of vulnerability; and
  11. Any other specific information about individual juveniles that may indicate heightened needs for supervision, additional safety precautions, or separation from certain other juveniles.
- G. If the juvenile identifies as transgender or intersex, at any time during their commitment to YRTC or there is prior knowledge that the juvenile identifies as transgender or intersex the following will take place:
  1. The juvenile will be given the opportunity to complete a Statement of Search Preference Form.
  2. Upon completion of the Statement of Search Preference Form, the form will be submitted to the PREA Compliance Manager(s), who will meet with a multi-disciplinary team to review the request, and a determination will be made on a case by case basis.
  3. Upon completion of the review, the juvenile will be notified by the PREA Compliance Manager(s), or designee, as to the outcome of the review.
  4. Upon approval of the request, the staff member performing the search should be the same sex as identified by the juvenile’s search preference, when possible.

<p>Department of Health &amp; Human Services</p>  <p>N E B R A S K A</p>	<p><b>Department of Health and Human Services Division of Children and Family Services Office of Juvenile Services Administrative Regulation</b></p>	
<p><b>Subject: Prevention, Detection, Reporting, Investigation and Treatment of Abuse, Neglect, Sexual Harassment, Sexual Abuse / Assault</b></p>	<p><b>Number:</b> <b>115.17</b></p>	<p><b>Page Number:</b> <b>6 of 24</b></p>

5. The search shall be documented, as to whether the search preference was followed, and if not, what the circumstance(s) were.  
Refer to AR 303.1 for search procedures.

- H. This information shall be ascertained through conversations with the juvenile during the intake process and medical and mental health screenings; during classification assessments; and by reviewing court records, case files, facility behavioral records, and other relevant documentation from the juvenile’s files.
- I. The DHHS / YRTC shall implement appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the juvenile’s detriment by staff or other juveniles.
- J. If the screening indicates that a juvenile has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff shall ensure that the juvenile is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening.
- K. If the screening indicates that a juvenile has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff shall ensure that the juvenile is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening.
- L. Any information related to sexual victimization or abusiveness that occurred in an institutional setting shall be strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law.
- M. YRTCs shall develop a written facility plan to coordinate actions taken in response to an incident of sexual abuse among staff first responders, medical and mental health practitioners, investigators and facility leadership.
- N. Staff first responder duties.
  - 1. Upon learning of an allegation that a juvenile was sexually abused, the first staff member to respond to the report shall be required to:
    - a. Separate the alleged victim and abuser;

<p>Department of Health &amp; Human Services</p>  <p>N E B R A S K A</p>	<p><b>Department of Health and Human Services Division of Children and Family Services Office of Juvenile Services Administrative Regulation</b></p>	
<p><b>Subject: Prevention, Detection, Reporting, Investigation and Treatment of Abuse, Neglect, Sexual Harassment, Sexual Abuse / Assault</b></p>	<p><b>Number:</b> <b>115.17</b></p>	<p><b>Page Number:</b> <b>7 of 24</b></p>

- b. Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence;
  - c. If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating; and
  - d. If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.
2. If the first staff responder is not a security staff member, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff.

**III. REPORTING**

A. Staff and YRTC reporting duties:

- 1. YRTCs shall require all staff to report immediately and according to DHHS policy any knowledge, suspicion, or information they receive regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the YRTC; retaliation against juveniles or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.
- 2. YRTCs shall also require all staff to comply with any applicable mandatory child abuse reporting laws.
- 3. Apart from reporting to designated supervisors or officials and designated State or local services agencies, staff shall be prohibited from revealing any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in DHHS policy, to make treatment, investigation, and other security and management decisions.
- 4. YRTC medical and mental health practitioners shall be required to report sexual abuse to designated supervisors and officials pursuant to paragraph (a) of this section, as well as to the designated State or local services agency where required by mandatory reporting laws.

Such practitioners shall be required to inform juveniles at the initiation of services of their duty to report and the limitations of confidentiality.

Upon receiving any allegation of sexual abuse, the Facility Administrator or his or her designee shall promptly report the allegation to the appropriate DHHS office. If the

<p>Department of Health &amp; Human Services</p>  <p>N E B R A S K A</p>	<p><b>Department of Health and Human Services Division of Children and Family Services Office of Juvenile Services Administrative Regulation</b></p>	
<p><b>Subject: Prevention, Detection, Reporting, Investigation and Treatment of Abuse, Neglect, Sexual Harassment, Sexual Abuse / Assault</b></p>	<p><b>Number:</b> <b>115.17</b></p>	<p><b>Page Number:</b> <b>8 of 24</b></p>

alleged victim is under the guardianship of the child welfare system, the report shall be made to the alleged victim’s caseworker / probation officer instead of the parents or legal guardians.

If the alleged victim is not under the guardianship of the child welfare system the Facility Administrator, or his / her designee shall notify the alleged victim’s parents or legal guardians, unless the YRTC has official documentation showing the parents or legal guardians should not be notified.

If a juvenile court retains jurisdiction over the alleged victim, the Facility Administrator or designee shall also report the allegation to the juvenile’s attorney or other legal representative of record within 14 days of receiving the allegation.

The alleged victim / perpetrator’s parents or legal guardians shall be notified upon completion of the criminal or administrative investigation, unless the YRTC has official documentation showing the parents or legal guardians should not be notified.

- 5. The YRTC shall report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility’s designated investigators.
- B. Third Party and Internal ways to report:
- 1. The DHHS / YRTCs shall establish a method to receive third-party reports of sexual abuse and sexual harassment and shall distribute publicly information on how to report sexual abuse and sexual harassment on behalf of a juvenile.
  - 2. DHHS / YRTCs shall provide multiple internal ways for juveniles to privately report abuse, neglect, sexual harassment, sexual abuse / assault and retaliation by other juveniles or staff that may have contributed to such incidents.
- C. Reporting by filing an emergency grievance:
- 1. YRTCs shall establish procedures for the filing of an emergency grievance alleging that a juvenile is subject to a substantial risk of imminent sexual abuse.
  - 2. After receiving an emergency grievance alleging a juvenile is subject to a substantial risk of imminent sexual abuse, the YRTCs shall immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken, shall provide an initial response within 48 hours, and shall issue a final YRTC decision within 5 calendar days. The initial response and final agency decision shall document the YRTC’s determination

<p>Department of Health &amp; Human Services</p>  <p>N E B R A S K A</p>	<p><b>Department of Health and Human Services Division of Children and Family Services Office of Juvenile Services Administrative Regulation</b></p>	
<p><b>Subject: Prevention, Detection, Reporting, Investigation and Treatment of Abuse, Neglect, Sexual Harassment, Sexual Abuse / Assault</b></p>	<p><b>Number:</b> <b>115.17</b></p>	<p><b>Page Number:</b> <b>9 of 24</b></p>

whether the juvenile is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance.

- 3. The YRTC may discipline a juvenile for filing a grievance related to alleged sexual abuse only where the YRTC demonstrates that the juvenile filed the grievance in bad faith.

D. Time limits on reporting:

- 1. DHHS / YRTCs shall not impose a time limit on when a juvenile may submit a grievance regarding an allegation of sexual abuse.
- 2. DHHS / YRTCs may apply otherwise-applicable time limits on any portion of a grievance that does not allege an incident of sexual abuse.

E. Informal grievance:

- 1. The DHHS / YRTC shall not require a juvenile to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse.

F. Filing a grievance with YRTC and outside entities:

- 1. A juvenile who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint, and
- 2. Such grievance is not referred to a staff member who is the subject of the complaint.
  - a. The YRTC shall issue a final YRTC decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance.
  - b. Computation of the 90-day time period shall not include time consumed by juveniles in preparing any administrative appeal.
  - c. The YRTC may claim an extension of time to respond, of up to 70 days, if the normal time period for response is insufficient to make an appropriate decision. The YRTC shall notify the juvenile in writing of any such extension and provide a date by which a decision will be made.
  - d. At any level of the administrative process, including the final level, if the juvenile does not receive a response within the time allotted for reply, including any properly noticed extension, the juvenile may consider the absence of a response to be a denial at that level.
- 3. Third parties, including fellow juveniles, staff members, family members, attorneys, and outside advocates, shall be permitted to assist juveniles in filing requests for administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of juveniles.

<p>Department of Health &amp; Human Services</p>  <p>N E B R A S K A</p>	<p><b>Department of Health and Human Services Division of Children and Family Services Office of Juvenile Services Administrative Regulation</b></p>	
<p><b>Subject: Prevention, Detection, Reporting, Investigation and Treatment of Abuse, Neglect, Sexual Harassment, Sexual Abuse / Assault</b></p>	<p><b>Number:</b> <b>115.17</b></p>	<p><b>Page Number:</b> <b>10 of 24</b></p>

4. If a third party, other than a parent or legal guardian, files such a request on behalf of a juvenile, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.
5. If the juvenile declines to have the request processed on his or her behalf, the YRTC shall document the juvenile's decision.
6. A parent or legal guardian of a juvenile shall be allowed to file a grievance regarding allegations of sexual abuse, including appeals, on behalf of such juvenile. Such a grievance shall not be conditioned upon the juvenile agreeing to have the request filed on his or her behalf.
7. DHHS / YRTCs shall also provide at least one way for juveniles to report abuse or harassment to a public or private entity or office that is not part of the DHHS and that is able to receive and immediately forward juvenile reports of sexual abuse and sexual harassment to DHHS officials, allowing the juvenile to remain anonymous upon request. Juveniles detained solely for civil immigration purposes shall be provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security.

G. Methods available to juveniles to report abuse / harassment:

1. YRTC staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports.
2. YRTCs shall provide juveniles with access to tools necessary to make a written report.
3. DHHS / YRTCs shall provide a method for staff to privately report sexual abuse and sexual harassment of juveniles.

H. Reporting of abuse / harassment that occurred outside of the YRTC:

1. In the course of stay at the YRTC, a juvenile may disclose that he or she has been a victim of abuse, neglect, sexual harassment, sexual abuse or sexual assault outside of the YRTC by a parent, stepparent or other individual. This information is to be reported to the DHHS Adult & Child Abuse & Neglect Hotline immediately unless the YRTC has documentation confirming that the disclosure was previously reported to other sources. The YRTC employee shall assist a juvenile in making the report to the DHHS Adult & Child Abuse & Neglect Hotline (1-800-652-1999) and / or shall call the hotline directly on behalf of the juvenile. A juvenile's decision not to call the hotline himself / herself does not negate the employee's obligation to directly report the alleged incident. Juveniles who are the victim of abuse, neglect, sexual harassment, sexual abuse / assault have the option to report the incident to any staff member other than an immediate point-of-contact line staff member.

<p>Department of Health &amp; Human Services</p>  <p>N E B R A S K A</p>	<p><b>Department of Health and Human Services Division of Children and Family Services Office of Juvenile Services Administrative Regulation</b></p>	
<p><b>Subject: Prevention, Detection, Reporting, Investigation and Treatment of Abuse, Neglect, Sexual Harassment, Sexual Abuse / Assault</b></p>	<p><b>Number:</b> <b>115.17</b></p>	<p><b>Page Number:</b> <b>11 of 24</b></p>

2. Upon receiving an allegation that a juvenile was sexually abused while confined at another facility, the head of the facility that received the allegation shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred and shall also notify the appropriate investigative agency.
3. Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation.
4. The DHHS / YRTC shall document that it has provided such notification.
5. The facility administrator or agency office that receives such notification shall ensure that the allegation is investigated in accordance with these standards.

I. Reporting to Authorities:

1. The facility administrator or designee shall immediately notify law enforcement (Nebraska State Patrol) that a report has been filed with the DHHS Adult & Child Abuse & Neglect Hotline regarding the incident. The facility administrator shall also notify the Deputy Director of the Office of Juvenile Services immediately upon their notification, of an allegation of abuse, neglect, sexual harassment, sexual abuse / assault and shall provide a copy of the written report to the Deputy Director of the Office of Juvenile Services upon receipt.

**IV. INVESTIGATION POLICIES**

A. To the extent the DHHS / YRTC itself conducts its own investigations into allegations of sexual abuse and sexual harassment:

1. It shall do so promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports.
2. When sexual abuse is alleged, and to the extent the DHHS / YRTC is involved, shall use investigators who have received special training in sexual abuse investigations involving juvenile victims pursuant to PREA Standard §115.334.
3. YRTC investigators shall take measures to secure the scene and protect / preserve direct and circumstantial evidence, including any available physical and DNA evidence, until it can be collected by law enforcement, and monitor any available electronic data; when the quality of evidence appears to support criminal prosecution, the YRTC shall immediately contact law enforcement so as not become an obstacle for subsequent criminal prosecution, and shall provide access to law enforcement to review prior complaints and reports of sexual abuse involving the suspected perpetrator.
4. The DHHS / YRTC shall not terminate an investigation solely because the source of the allegation recants the allegation.

<p>Department of Health &amp; Human Services</p>  <p>N E B R A S K A</p>	<p><b>Department of Health and Human Services Division of Children and Family Services Office of Juvenile Services Administrative Regulation</b></p>	
<p><b>Subject: Prevention, Detection, Reporting, Investigation and Treatment of Abuse, Neglect, Sexual Harassment, Sexual Abuse / Assault</b></p>	<p><b>Number:</b> <b>115.17</b></p>	<p><b>Page Number:</b> <b>12 of 24</b></p>

5. The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person’s status as juvenile or staff. No agency shall require a juvenile who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation.
  6. The DHHS / YRTC will request that criminal investigations be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible.
    - a. Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution.
  7. The YRTC shall request and retain copies all written reports referenced in paragraphs (5) and (6) of this section for as long as the alleged abuser is incarcerated or employed by the agency, plus five years, unless the abuse was committed by a juvenile and applicable law requires a shorter period of retention.
  8. The departure of the alleged abuser or victim from the employment or control of the YRTC or DHHS shall not provide a basis for terminating an investigation.
    - a. Any State entity or Department of Justice component that conducts such investigations shall do so pursuant to the above requirements.
  9. When outside agencies investigate sexual abuse, the facility shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation.
- B. The YRTC shall ensure that an administrative or criminal investigation is completed for all allegations of abuse, neglect, sexual harassment, and sexual abuse / assault.
- C. The YRTC shall have in place a policy to ensure that allegations of abuse, neglect, sexual harassment, sexual abuse / assault are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior. The DHHS shall publish such policy on its website or, if it does not have one, make the policy available through other means. The DHHS shall document all such referrals.
- D. If a separate entity is responsible for conducting criminal investigations, such publication shall describe the responsibilities of both the DHHS and the investigating entity.

<p>Department of Health &amp; Human Services</p>  <p>N E B R A S K A</p>	<p><b>Department of Health and Human Services Division of Children and Family Services Office of Juvenile Services Administrative Regulation</b></p>	
<p><b>Subject: Prevention, Detection, Reporting, Investigation and Treatment of Abuse, Neglect, Sexual Harassment, Sexual Abuse / Assault</b></p>	<p><b>Number:</b>  <b>115.17</b></p>	<p><b>Page Number:</b>  <b>13 of 24</b></p>

- E. YRTCs shall ensure that any state entity responsible for conducting administrative or criminal investigations of abuse, neglect, sexual harassment, and sexual abuse / assault in their facilities shall have in place a policy governing the conduct of such investigations.
- F. The DHHS / YRTC shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

**V. SPECIALIZED TRAINING: INVESTIGATIONS**

- A. In addition to the general training provided to all employees pursuant to PREA Standard 115.331, the DHHS / YRTC shall ensure that, to the extent the DHHS / YRTC itself conducts sexual abuse investigations, its investigators have received training in conducting such investigations in confinement settings.
- B. Specialized training shall include, to the extent the DHHS / YRTC itself conducts sexual abuse investigations; techniques for interviewing juvenile sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral.
- C. The DHHS / YRTC shall maintain documentation that DHHS / YRTC investigators have completed the required specialized training in conducting sexual abuse investigations.
- D. Any State entity or Department of Justice component that investigates sexual abuse in juvenile confinement settings shall provide such training to its agents and investigators who conduct such investigations.

**VI. EVIDENCE PROTOCOL AND FORENSIC MEDICAL EXAMINATIONS.**

- A. To the extent the DHHS / YRTC is responsible for investigating allegations of sexual abuse, the DHHS shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions.
- B. The protocol shall be developmentally appropriate for juveniles and, as appropriate, shall be adapted from or otherwise based on the most recent edition of the U.S. Department of Justice’s Office on Violence against Women publication, “A National Protocol for Sexual Assault Medical Forensic Examinations, Adults / Adolescents,” or similarly comprehensive and authoritative protocols developed after 2011.

<p>Department of Health &amp; Human Services</p>  <p>N E B R A S K A</p>	<p><b>Department of Health and Human Services Division of Children and Family Services Office of Juvenile Services Administrative Regulation</b></p>	
<p><b>Subject: Prevention, Detection, Reporting, Investigation and Treatment of Abuse, Neglect, Sexual Harassment, Sexual Abuse / Assault</b></p>	<p><b>Number:</b> <b>115.17</b></p>	<p><b>Page Number:</b> <b>14 of 24</b></p>

- C. YRTCs shall offer all juveniles who experience sexual abuse access to forensic medical examinations whether on-site or at an outside facility, without financial cost, where evidentiary or medically appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The DHHS / YRTC shall document its efforts to provide SAFEs or SANEs.
- D. YRTCs shall attempt to make available to the victim a victim advocate from a rape crisis center. If a rape crisis center is not available to provide victim advocate services, the DHHS / YRTC shall make available to provide these services a qualified staff member from a community-based organization or a qualified DHHS / YRTC staff member. Agencies shall document efforts to secure services from rape crisis centers. For the purpose of this standard, a rape crisis center refers to an entity that provides intervention and related assistance, such as the services specified in 42 U.S.C. 14043g(b)(2)(C), to victims of sexual assault of all ages. YRTCs may utilize a rape crisis center that is part of a governmental unit as long as the center is not part of the criminal justice system (such as a law enforcement agency) and offers a comparable level of confidentiality as a nongovernmental entity that provides similar victim services.
- E. As requested by the victim, the victim advocate, qualified DHHS / YRTC staff member, or qualified community-based organization staff member shall accompany and support the victim through the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals.
- F. To the extent the DHHS / YRTC itself is not responsible for investigating allegations of sexual abuse, the DHHS shall request that the investigating agency follow the requirements of paragraphs (A) through (E) of this section.
- G. The requirements of paragraphs (A) through (F) of this section shall also apply to:
  - 1. Any State entity outside of the DHHS / YRTC that is responsible for investigating allegations of sexual abuse in juvenile facilities; and
  - 2. Any Department of Justice component that is responsible for investigating allegations of sexual abuse in juvenile facilities.
- H. For the purposes of this standard, a qualified DHHS / YRTC staff member or a qualified community-based staff member shall be an individual who has been screened for

<p>Department of Health &amp; Human Services</p>  <p>N E B R A S K A</p>	<p><b>Department of Health and Human Services Division of Children and Family Services Office of Juvenile Services Administrative Regulation</b></p>	
<p><b>Subject: Prevention, Detection, Reporting, Investigation and Treatment of Abuse, Neglect, Sexual Harassment, Sexual Abuse / Assault</b></p>	<p><b>Number:</b> <b>115.17</b></p>	<p><b>Page Number:</b> <b>15 of 24</b></p>

appropriateness to serve in this role and has received education concerning sexual assault and forensic examination issues in general.

**VII. ADMINISTRATIVE INVESTIGATIONS**

- A. Shall include an effort to determine whether staff actions or failures to act contributed to the abuse; and
- B. Shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.

**VIII. INVESTIGATION OF ALLEGATIONS BY JUVENILES AGAINST JUVENILES**

- A. YRTCs shall develop an Operational Memorandum that outlines procedures for the investigation of abuse, sexual harassment, and sexual abuse / assault by one juvenile against another juvenile.
- B. Procedures regarding sexual abuse, YRTC will first ensure the safety of the victim by immediately separating the victim from the alleged perpetrator followed by a written safety plan. The safety plan will be submitted to the Facility Administrator within 24-hours of the allegation of the abuse being reported.
- C. When a juvenile alleges abuse, sexual harassment, or sexual abuse / assault against another juvenile, the juvenile shall be given the opportunity to report the allegations to the DHHS Adult & Child Abuse & Neglect Hotline (1-800-652-1999). Staff shall offer assistance in making the report. Reports that are screened out by hotline staff because they did not meet the definitions in the screening procedure will be referred to the Facility Administrator, and documented on N-FOCUS, by DHHS Adult & Child Abuse & Neglect Hotline worker.
- D. YRTC staff shall require 3<sup>rd</sup> party reporters (family, extended family, others in the community) that are alleging abuse, neglect, sexual harassment, and sexual abuse / assault against an YRTC juvenile to report the allegation(s) to the DHHS Adult & Child Abuse & Neglect Hotline (1-800-652-1999). Reports that are screened out by hotline staff will be referred to the Facility Administrator. Staff shall accept reports from third parties, shall promptly document such verbal reports and follow facility reporting guidelines.

<p>Department of Health &amp; Human Services</p>  <p>N E B R A S K A</p>	<p><b>Department of Health and Human Services Division of Children and Family Services Office of Juvenile Services Administrative Regulation</b></p>	
<p><b>Subject: Prevention, Detection, Reporting, Investigation and Treatment of Abuse, Neglect, Sexual Harassment, Sexual Abuse / Assault</b></p>	<p><b>Number:</b> <b>115.17</b></p>	<p><b>Page Number:</b> <b>16 of 24</b></p>

- E. Allegations of sexual harassment and sexual abuse that have been screened out by the DHHS hotline must be investigated through the internal YRTC investigative process.
- F. The YRTC shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.
- G. The investigation shall be done promptly, thoroughly, and objectively for all allegations including third-party and anonymous reports.

**IX. INVESTIGATION OF ALLEGATIONS BY JUVENILES AGAINST YRTC STAFF, CONTRACTOR(S) OR VOLUNTEER(S)**

- A. YRTCs shall report all allegations of abuse, neglect, sexual harassment, and sexual abuse / assault to the DHHS hotline, and / or law enforcement when the allegation is directed toward a YRTC staff, contractor or volunteer.
- B. YRTCs shall immediately ensure the safety of the alleged juvenile victim by establishing a safety plan.
- C. YRTCs shall consult with Human Resources on the status of the alleged perpetrator’s current and future status with the YRTC.
- D. YRTCs shall advise the Deputy Director of the Office of Juvenile Services of the allegation.

**X. REPORTING TO JUVENILES**

- A. Following an internal investigation into a juvenile’s allegation of abuse, neglect, and sexual abuse / assault in either YRTC, the YRTC shall inform the juvenile as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.
- B. If the YRTC did not conduct the investigation, it shall request the relevant information from the investigative agency in order to inform the juvenile.
- C. Following a juvenile’s allegation that a staff member has committed abuse, neglect, sexual harassment, and sexual abuse / assault the YRTC shall subsequently inform the juvenile (unless the YRTC has determined that the allegation is unfounded) whenever:
  1. The staff member is no longer posted within the juvenile’s unit;
  2. The staff member is no longer employed at the facility;

<p>Department of Health &amp; Human Services</p>  <p>N E B R A S K A</p>	<p><b>Department of Health and Human Services Division of Children and Family Services Office of Juvenile Services Administrative Regulation</b></p>	
<p><b>Subject: Prevention, Detection, Reporting, Investigation and Treatment of Abuse, Neglect, Sexual Harassment, Sexual Abuse / Assault</b></p>	<p><b>Number:</b> <b>115.17</b></p>	<p><b>Page Number:</b> <b>17 of 24</b></p>

- 3. The YRTC learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or
  - 4. The YRTC learns that the staff member has been convicted on a charge related to sexual abuse within the facility.
- D. Following a juvenile’s allegation that he or she has been sexually abused by another juvenile, the YRTC shall subsequently inform the alleged victim whenever:
- 1. The YRTC learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or
  - 2. The YRTC learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.
- E. All such notifications or attempted notifications shall be documented.
- F. The YRTC’s obligation to report shall terminate if the juvenile is released from the YRTC’s custody.

**XI. INCIDENT REVIEWS**

- A. The YRTC shall conduct an abuse, neglect, sexual abuse / assault incident review at the conclusion of every investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded.
- B. Such review shall ordinarily occur within 30 days of the conclusion of the investigation.
- C. The review team shall include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners.
- D. The review team shall:
  - 1. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to abuse, neglect, sexual harassment, sexual abuse / assault
  - 2. Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or, gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility;
  - 3. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse, neglect, sexual harassment, sexual abuse / assault abuse;

<p>Department of Health &amp; Human Services</p>  <p>N E B R A S K A</p>	<p><b>Department of Health and Human Services Division of Children and Family Services Office of Juvenile Services Administrative Regulation</b></p>	
<p><b>Subject: Prevention, Detection, Reporting, Investigation and Treatment of Abuse, Neglect, Sexual Harassment, Sexual Abuse / Assault</b></p>	<p><b>Number:</b> <b>115.17</b></p>	<p><b>Page Number:</b> <b>18 of 24</b></p>

4. Assess the adequacy of staffing levels in that area during different shifts;
5. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and
6. Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to (D) (1) - (D) (5) of this section, and any recommendations for improvement and submit such report to the facility administrator, PREA compliance manager and PREA coordinator.
7. The facility shall implement the recommendations for improvement, or shall document its reasons for not doing so.

**XII. RECORDS RELATED TO REPORTS TO THE HOTLINE**

- A. The Facility Administrators shall develop a standardized reporting format for staff to record the information for the written report to the Deputy Director of the Office of Juvenile Services. At a minimum the following information is required:
  1. Name and address of the staff person reporting the abuse, neglect, sexual harassment, sexual abuse / assault;
  2. Name, address, and age of the juvenile;
  3. Identity of the alleged perpetrator(s);
  4. Nature and extent of the abuse, neglect, sexual harassment, sexual abuse / assault; and
  5. Any other information which, in the opinion of the reporting person, may be helpful in establishing the cause of the abuse, neglect, sexual harassment or sexual abuse / assault.
- B. All case records associated with allegations of abuse, including incident reports, investigative reports, juvenile information, case disposition, medical and counseling evaluation findings, and recommendations for post-release treatment and / or counseling are kept in a separate file for confidentiality and retained in accordance with an established schedule. Following the conclusion of the investigation and prosecution, if applicable, the juvenile's record shall include a notation that information concerning an allegation of abuse, neglect, sexual harassment, sexual abuse or sexual assault is contained in a separate file available through the Facility Administrator.

**XIII. MEDICAL EXAMINATIONS AND TREATMENT**

- A. When responding directly to the treatment needs of a juvenile who has been abused, sexually abused / assaulted an immediate medical consultation must be provided both for treatment and documentation of injuries. The YRTC's shall develop specific procedures, practices and protocol or agreements with other involved agencies.

<p>Department of Health &amp; Human Services</p>  <p>NEBRASKA</p>	<p><b>Department of Health and Human Services Division of Children and Family Services Office of Juvenile Services Administrative Regulation</b></p>	
<p><b>Subject: Prevention, Detection, Reporting, Investigation and Treatment of Abuse, Neglect, Sexual Harassment, Sexual Abuse / Assault</b></p>	<p><b>Number:</b>  <b>115.17</b></p>	<p><b>Page Number:</b>  <b>19 of 24</b></p>

B. Any examination conducted as a result of an allegation of abuse or sexual abuse / assault will be conducted following the protocol of the law enforcement agency for the area serving the YRTC to ensure the protection of evidence. Examination regarding abuse or sexual abuse / assault will only be conducted by the YRTC with agreement and direction from law enforcement to ensure protection of evidence. Each YRTC will work with the Child Advocacy Center for their area as directed by law enforcement and / or initial intake on a protocol for examination of juveniles in which abuse / sexual abuse / assault has been alleged.

**XIV. ABUSE OR SEXUAL ABUSE / ASSAULT REFERRAL**

Victims of abuse or sexual abuse / assault can be referred, under appropriate security provisions, to a community facility for treatment and gathering of evidence. If these procedures are preformed at the YRTC, the following guidelines shall be used:

- A. A history is taken by a qualified health care professional who conducts an assessment in order to document the extent of physical injury and to determine if referral to another medical facility is warranted. With the victim’s consent, the examination includes collection of evidence from the victim using a kit approved by the appropriate authority.
- B. For sexual abuse provision is made for the testing of sexually transmitted diseases (such as HIV, gonorrhea, hepatitis) and counseling, as appropriate.
- C. Prophylactic treatment and follow-up for sexually transmitted diseases are offered to all sexually abused victims, as appropriate.
- D. Within agreed upon protocol with local law enforcement, following the physical examination, an evaluation by a qualified health care or mental health care professional is available to asses the need for crisis-intervention counseling and long-term follow up.
- E. A report is made to the facility administrator or designee to assure separation of the victim from his or her assailant(s).

**XV. REFERRAL TO CHILD ADVOCACY CENTERS (CAC)**

As required by statute, child advocacy centers will be involved in abuse / sexual assault investigation / assessment involving any YRTC juvenile age 18 or younger who may be a victim of or witness to child abuse and neglect, (Administrative Memo #22-2012 -

<p>Department of Health &amp; Human Services</p>  <p>N E B R A S K A</p>	<p><b>Department of Health and Human Services Division of Children and Family Services Office of Juvenile Services Administrative Regulation</b></p>	
<p><b>Subject: Prevention, Detection, Reporting, Investigation and Treatment of Abuse, Neglect, Sexual Harassment, Sexual Abuse / Assault</b></p>	<p><b>Number:</b> <b>115.17</b></p>	<p><b>Page Number:</b> <b>20 of 24</b></p>

[http://dhhs.ne.gov/children\\_family\\_services/Documents/AM222012.pdf](http://dhhs.ne.gov/children_family_services/Documents/AM222012.pdf)), for details. YRTC's shall address procedures and practices to follow when responding to juveniles age 18 or younger that are reporting to YRTC staff to be victims or witnesses of abuse or neglect.

**XVI. REFERRAL TO TREATMENT PROGRAMS**

YRTC's shall develop procedures and practices for the referral of juveniles who are victims of abuse, neglect, sexual harassment, sexual abuse / assault to a community facility for treatment if deemed necessary by the YRTC Treatment Team and the Facility Administrator.

**XVII. YRTC FACILITY ADMINISTRATOR RESPONSIBILITIES FOLLOWING CONCLUSION OF AN INVESTIGATION**

The final results of the YRTC internal investigation or outside investigation will serve as a guide for decisions relative to placement of the juvenile by DHHS-OJS, including parole, furloughs, and visitation by the person(s) involved. All decisions relative to placement following an investigation shall be coordinated and agreed upon by the juvenile's Youth Counselor, OJS Case Worker and Probation Officer. Any disagreement must be resolved by the Facility Administrator and Children and Family Services, Service Area Administrator. If disagreement continues resolution will be given by the Deputy Director of the Office of Juvenile Services.

**REFERENCE**

**I. ATTACHMENTS:**

**DHHS ADMINISTRATIVE MEMO #22-2012  
STATEMENT OF SEARCH PREFERENCE FORM**

**II. ACA STANDARDS**

**4-JCF-3D-01, 4-JCF-3D-02, 4-JCF-3D-03, 4-JCF-3D-04, 4-JCF-3D-05, 4-JCF-3D-06,  
4-JCF-3D-07, 4-JCF-3D-08, 4-JCF-3D-09, 4-JCF-4C-50, 4-JCF-3A-02**

**III. PREA STANDARDS**

**115.311, 115.315(f), 115.321, 115.322, 115.333, 115.334, 115.341, 115.351, 115.352, 115.354,  
115.361, 115.362, 115.363, 115.364, 115.365, 115.371, 115.373, 115.381, 115.386**

**IV. REFERENCE:**

**NEBRASKA STATE STATUTE 28-710  
NEBRASKA STATE STATUTE 28-319.01 – 28-320.01**

<p>Department of Health &amp; Human Services</p>  <p>N E B R A S K A</p>	<p><b>Department of Health and Human Services Division of Children and Family Services Office of Juvenile Services Administrative Regulation</b></p>	
<p><b>Subject: Prevention, Detection, Reporting, Investigation and Treatment of Abuse, Neglect, Sexual Harassment, Sexual Abuse / Assault</b></p>	<p><b>Number:</b>  <b>115.17</b></p>	<p><b>Page Number:</b>  <b>21 of 24</b></p>

**APPROVED:**

**Tony Green, Deputy Director  
Office of Juvenile Services**

**Dr. Kenneth A. Zoucha  
YRTC Health Authority**

- EFFECTIVE: January 1, 1997
- REVISED: October 1, 1998
- REVISED: October 1, 1999
- REVISED: December 31, 2001
- REVIEWED: December 31, 2002
- REVISED: January 31, 2004
- REVISED: July 31, 2004
- REVISED: April 25, 2006
- REVISED: June 30, 2008
- REVISED: August 15, 2009
- REVISED: March 15, 2011
- REVISED: January 15, 2012
- REVISED: October 15, 2012
- REVISED: December 15, 2012
- REVISED: August 01, 2013
- REVISED: August 1, 2015**

**SUMMARY OF REVISIONS**

**August 1, 2015**

- Updated all references to “DHHS Adult & Child Abuse & Neglect Hotline” throughout
- Added “abuse” to sexual assault throughout
- Added additional PREA Standards 115.315(f), 115.334, 115.371
- Changed “Administrator” to “Deputy Director of the Office of Juvenile Services” throughout

<p>Department of Health &amp; Human Services</p>  <p>N E B R A S K A</p>	<p>Department of Health and Human Services Division of Children and Family Services Office of Juvenile Services Administrative Regulation</p>	
<p><b>Subject: Prevention, Detection, Reporting, Investigation and Treatment of Abuse, Neglect, Sexual Harassment, Sexual Abuse / Assault</b></p>	<p><b>Number:</b> <b>115.17</b></p>	<p><b>Page Number:</b> <b>22 of 24</b></p>

- **Pg. 1, PURPOSE – added “Juvenile Facility Standards”**
- **Pg. 1, DEFINITIONS – Zero Tolerance – added “and / or juvenile(s) on juvenile(s)”**
- **Pg. 3, DEFINITIONS – Sexual Assault – Deleted old Statute language and hyperlinked websites regarding revised statutes.**
- **Pg. 3 – OJS AFFIRMATION – removed examples listed that were in contradiction to PREA Standards**
- **Pg. 3, OJS AFFIRMATION – added “contractors and volunteers” and removed “staff”**
- **Pg. 5 & 6, Proc. II, Letter G – Added entire section to reflect PREA Standards**
- **Pg. 8, Proc. III, A, 4 – 2<sup>rd</sup> and 3<sup>th</sup> paragraph reordered to better reflect policy as related to YRTC’s.**
- **Pg. 8, Proc. III, A, 4 - 5<sup>th</sup> paragraph. Added.**
- **Pg. 9 & 10, Proc. III, Letter F – added sub-section F-2 (a) – (d) and #3 - 6**
- **Pg. 11 & 12, Proc. IV - Added Letter A and sub-sections 1-9 to reflect PREA Standard**
- **Pg. 13, Proc. V – Added entire Procedure to reflect PREA Standard**
- **Pg. 15, Proc. VIII, Letter B – added “regarding sexual abuse” and “of the abuse”**
- **Pg. 16, Proc. VIII, Letter C – Added “and documented on N-FOCUS, by the DHHS Adult & Child Abuse & Neglect Hotline worker”**
- **Pg. 16, Proc. VIII, Letter D. – added “Staff shall accept reports from third parties, shall promptly document such verbal reports and follow facility reporting guidelines.” In order to comply with PREA Standards.**
- **Pg. 18, Proc. XI, Letter D, #6 – Added “PREA Coordinator”**
- **Pg. 20, Proc. XV – updated the paragraph to reflect Administrative Memo #22-2012 and services provided to juveniles ages 18 and younger and added a hyperlink to Admin. Memo**
- **Pg. 20, Proc. XVII – Removed “case worker” and added “Youth Counselor, OJS Case Worker and Probation Officer”**
- **Deleted Summary of Revisions prior to 2010**
- **Re-organized Summary of Revisions to reflect current changes to oldest**

August 01, 2013

- Title of policy changed to include; “Detection” and “Investigation”
- Under “Purpose” ACA standard 3D-01 clearly stated.
- “Purpose” and “General” restructured to emphasize PREA standards.
- Under Definitions – definition of abuse / neglect combined and stated from Nebraska State Statute 28-710.
- Sexual abuse and sexual assault combined to sexual abuse / assault throughout policy since PREA definition of sexual abuse is descriptive of sexual assault.
- Two paragraphs of “OJS Affirmations” combined and to reflect all descriptors section contents.
- Procedure II changed to add PREA standards 115.362, 115.364 and 115.365

<p>Department of Health &amp; Human Services</p>  <p>N E B R A S K A</p>	<p><b>Department of Health and Human Services Division of Children and Family Services Office of Juvenile Services Administrative Regulation</b></p>	
<p><b>Subject: Prevention, Detection, Reporting, Investigation and Treatment of Abuse, Neglect, Sexual Harassment, Sexual Abuse / Assault</b></p>	<p><b>Number:</b> <b>115.17</b></p>	<p><b>Page Number:</b> <b>23 of 24</b></p>

- Procedure III changed to add PREA standards 115.352 (c) 1 and 2; 115.354; 115.361; and 115.363
- Procedure IV added to include Policies to conduct investigations and preponderance of evidence on an allegation (PREA 115.322 and 115.372)
- Procedure V Standard 115.321 “Evidence protocol and forensic medical examination” added
- Procedure VI, section on Administrative agency investigations; PREA115.17
- Procedure VII added to show process for juvenile complaints against juvenile investigations
- Procedure VIII added to show process for juvenile complaints against staff investigations
- Procedure IX added to show process for reporting to juveniles (PREA 115.373).
- Procedure X added to show process for sexual abuse incident reports (PREA 115.386).

December 15, 2012

- Under Procedure II Detection – I, J, & K added to insert PREA standard 115.381

October 15, 2012

- Under Purpose – Reference to ACA and PREA standards included; Statute 28-711 shown in 2011 statute edition instead of 2004.
- New definitions added for Zero Tolerance and Voyeurism added. Definitions on sexual harassment and sexual abuse reconstructed to meet PREA definitions.
- After General – Section named OJS Affirmation added. PREA standard 115.311 (a) stated. Sexual harassment and sexual conduct statement moved from prevention section to OJS affirmation section.
- Procedures I, Prevention – reference to “Zero Tolerance” plus PREA standard added that pertain to the intake process.
- Procedures II, Detection – PREA standards added to discuss assessments during intake.
- Procedure III, Reporting – PREA standard added to define reporting requirements with emphasis on sexual abuse.

January 15, 2012

- VII – Changed to “Referral to Child Advocacy Centers” to incorporate DHHS Administrative Memo #17-2011. Remainder of document renumbered accordingly.
- Under “Reference” – Program Memo #17-2011 shown as an attachment

March 15, 2011

- Under General, 3<sup>rd</sup> sentence added to include 4<sup>th</sup> edition standard 4-JCF-3A-02
- Procedure II A – the word “designated” removed and the word “any” added so juveniles can report sexual harassment, sexual abuse, assault, abuse and neglect to any staff member that they want.
- Sexual Harassment added to title, definition section and throughout policy

<p>Department of Health &amp; Human Services</p>  <p>NEBRASKA</p>	<p><b>Department of Health and Human Services Division of Children and Family Services Office of Juvenile Services Administrative Regulation</b></p>	
<p><b>Subject: Prevention, Detection, Reporting, Investigation and Treatment of Abuse, Neglect, Sexual Harassment, Sexual Abuse / Assault</b></p>	<p><b>Number:</b>  <b>115.17</b></p>	<p><b>Page Number:</b>  <b>24 of 24</b></p>

- Effective date of policy commensurate with when OJS came into DHHS system. All revision dates prior to that were eliminated