Minnesota Department of Corrections

Division Directive:	**302.121**	**Title: Reporting Maltreatment - Juvenile Facilities**
Issue Date:	**7/15/14**	
Effective Date:	**8/5/14**	

AUTHORITY: Minn. Stat. §626.556 and 626.557

PURPOSE: To provide a procedure in reporting abuse or neglect of juvenile residents to the appropriate authority.

APPLICABILITY: Minnesota Department of Corrections (DOC); juvenile facilities

DIRECTIVE: Mandatory reporting of maltreatment of minors includes information received regarding maltreatment experienced by a DOC resident, either at a DOC juvenile facility or in the community prior to placement at the DOC facility. Reportable events include:

A. Substantial child endangerment (as defined in Minn. Stat. §626.556, subd. 2c);
B. Sexual abuse (as defined in Minn. Stat. §626.556, subd. 2d);
C. Neglect (as defined in Minn. Stat. §626.556, subd. 2f);
D. Physical abuse (as defined in Minn. Stat. §626.556, subd. 2g);
E. Mental injury (as defined in Minn. Stat. §626.556, subd. 2k); and
F. Threatened injury (as defined in Minn. Stat. §626.556, subd. 2n).

Juvenile facilities licensed by the Department of Human Services (DHS) also report maltreatment of vulnerable adults. Mandatory reporting includes information received regarding maltreatment experienced by a DOC resident at a DOC facility, if there is reason to believe the vulnerable adult was maltreated in a previous facility, or the resident is a vulnerable adult as defined in Minn. Stat. §626.5572, subd. 21. Event characteristics define if it is reportable or a report is not required. Reportable events include:

A. Abuse (as defined in Minn. Stat. §626.5572, subd. 2);
B. Neglect (as defined in Minn. Stat. §626.5572, subd. 17); and
C. Financial exploitation (as defined in Minn. Stat. §626.5572, subd. 9).

Residents do need to follow formal communication processes to report maltreatment. They may make the report verbally or in writing to any staff. Residents may also request family or a community member to make the report on their behalf. Anonymous reports of sexual abuse may be made.

Suspicions of maltreatment may also be made through staff observation and reporting.

DEFINITIONS:

Facility – as defined in Minn. Stat. §626.5572, subd. 6.

Juvenile residents – minors 11 through 20 years of age residing at juvenile facilities operated by the DOC.

Report not required – as defined in Minn. Stat. §626.5572, subd. 3a.

Vulnerable adult – as defined in Minn. Stat. §626.5572, subd. 21.

PROCEDURES:

A. Reportability (see Minn. Stat. §626.556, subd. 3)

1. All staff are mandatory reporters.

2. Staff that fail to report maltreatment of a minor or vulnerable adult may be subject to criminal prosecution.

3. Agencies to which maltreatment allegations must be reported:
   a) Local welfare agency - sexual abuse perpetrated by a parent, guardian, sibling, or an individual functioning within the family unit as a person responsible for the minor's care, or a person that resides in the minor's household and has a significant relationship to the minor;
   b) Licensing agency (i.e. Departments of Health, Human Services, Corrections, Education) – licensed facilities (day care, foster care, schools etc.); and
   c) Medical examiner or coroner – if a child died because of neglect or abuse.

4. Staff that receives information of alleged or suspected maltreatment must:
   a) Make an initial verbal report and a follow up written report within 72 hours excluding weekends and holidays to include:
      (1) The identity of the minor or vulnerable adult;
      (2) The person believed responsible for the abuse or neglect (if known);
      (3) The nature and extent of abuse or neglect; and
      (4) The reporter's name and address.
   b) Complete a confidential incident report to include:
      (1) How the information was received;
      (2) Type of maltreatment;
      (3) Name of victim(s), location(s), count(ies), date(s), and other available details; and
      (4) The name of the agency and person that was notified of the allegation, his/her contact information, and any information he/she provided.

5. All confidential reports are placed in the resident's confidential file and/or the warden's confidential file and retained according to the retention schedule.

6. Facilities must report all allegations or suspicions of maltreatment to the resident's probation/parole officer (PO).

7. DHS licensed facilities may write instructions to ensure proper reporting of maltreatment of vulnerable adults.

B. Reporting incidents alleged to have occurred at a DOC juvenile facility

1. Staff that suspect, or receive information regarding, alleged maltreatment that occurred on-grounds or involves DOC staff, volunteers, or contractors must immediately verbally notify their supervisor/designee and complete a confidential report. If the supervisor is alleged to have perpetrated the maltreatment, the staff notifies his/her supervisor's supervisor instead.

2. Facilities must make immediate arrangements to ensure the safety of the resident alleged to be the victim.

3. The office of special investigations (OSI) coordinates the investigation with the appropriate agency per Policy 107.007, "Criminal Investigations." Investigative files are retained by OSI and/or the appropriate human resources department.

4. A children's residential facility (CRF) critical incident report must be made to the appropriate licensing authority within ten days. CRF critical incident report packets are retained for two licensing inspection periods by the CRF licensing coordinator.

C. Staff that receive information of alleged maltreatment that occurred to DOC residents while off-grounds in the community must:
   1. Notify his/her supervisor/designee;
   2. Make a verbal report to the agency responsible for assessing or investigating alleged maltreatment (see Procedure B); and
   3. Complete a confidential incident report.

D. Prison Rape Elimination Act (PREA) allegations
   1. Staff must immediately report knowledge, suspicion, or information received regarding:
      a) An incident of sexual abuse or sexual harassment that occurred at the facility;
      b) Retaliation against residents or staff that reported such an incident; and
      c) Any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.

   2. Staff must follow reporting requirements as stated in this policy and its associated instructions.

   3. Staff must not reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment, investigation, and other security and management decisions.

   4. The warden/designee must promptly report the allegation to the alleged victim's parent/legal guardian unless the facility has official documentation showing the parent/legal guardian should not be notified.
      a) If the alleged victim is under the guardianship of the child welfare system, the report is made to the caseworker instead.
      b) If the juvenile court retains jurisdiction over the alleged victim, the report is made to the PO within 14 days.

   5. All allegations of sexual abuse and sexual harassment are reported to the facility's OSI investigator.

INTERNAL CONTROLS:

A. Confidential reports are retained in the resident's confidential file and/or the warden's confidential file.

B. Investigative files are retained by the OSI and/or by human resources.

C. CRF critical incident report packets are retained for two licensing inspection periods by the CRF licensing coordinator.

REVIEW: Annually

REFERENCES: Minn. R. 2960.0080 (2013)
Instruction 300.300RW, "Incident Reports/Critical Incident Reports/Daily Administrative Reports"
Instruction 303.010RW, "Discipline Plan and Rules of Conduct"
Policy 202.057, "Sexual Abuse/Harassment Prevention, Reporting, and Response"

SUPERSESSION: Division Directive 302.121, "Reporting Maltreatment – Juvenile Facilities," 2/18/14. All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: None

/s/
Assistant Commissioner, Facility Services

Instructions
302.121RW, "Reporting Maltreatment"