

October 2, 2020

GENERAL LETTER NO. 3-C-3

ISSUED BY: Division of Mental Health and Disability Services

SUBJECT: Employees' Manual, Title 3, Chapter C, **State Juvenile Facility**, Title Page, Contents page 1, pages 1-3, 5-10, 16-21 revised.

Summary

This chapter is revised to:

- ◆ Revise manual to bring policy and procedures up-to-date with a focus on Abuse and Incident Management.

Effective Date

October 1, 2020

Material Superseded

Remove the following pages from Employees' Manual, Title 3, Chapter C, and destroy them, replacing the affected pages with the revised pages listed above:

<u>Page</u>	<u>Date</u>
Title Page	May 27, 2016
Contents Page 1	May 27, 2016
1-3	May 27, 2016
5-10	May 27, 2016
16-21	May 27, 2016

Additional Information

Refer questions about this general letter to Wendy DePhillips of MHDS.

State Juvenile Facility

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Overview

The purpose of the boy's State Training School (STS) is to protect the public safety while at the same time providing court-committed male juvenile delinquents a program, which focuses upon education, supervision, and rehabilitation, designed to help juveniles recognize accountability for delinquent behavior by confronting and eliminating delinquent norms, criminal thinking, and antisocial behavior.

The STS will assist the juvenile offender in the development of skills necessary to function effectively and positively in the community in a manner consistent with public safety by:

- ◆ Providing a humane, secure setting;
- ◆ Providing programs within the framework of professional juvenile justice standards and best practices while using available resources effectively;
- ◆ Holding juveniles accountable for their delinquent behavior; and
- ◆ Developing efficient and effective juvenile delinquent treatment and rehabilitation.

The STS at Eldora admits male youth who are court ordered as delinquents, or for an evaluation.

The youth served by the training school usually have many medical and mental health needs that require the services of professional clinical staff that are committed to providing treatment services in the most integrated manner possible to maximize good health and well-being.

To assure that services comply with current professional standards and are maintained, it is essential that an ongoing process be in place to evaluate clinical judgment against practice standards along with the implementation of processes that continuously seek to improve the quality of the services provided.

The training school shall establish, maintain, and adhere to written policies and procedures that comply with applicable federal and state law, policy, regulations, and ensure that policies and procedures reflect a commitment to quality through integrated teamwork. The facility's policies shall be subject to the review and approval of the division administrator.

Legal Basis

Iowa Code section 218.1 provides that the director of the Department of Human Services has full authority to control, manage, direct, and operate the Department's facilities and may assign this authority to the superintendent at the State Training School at Eldora.

Iowa Code section 218.13 requires the Department to conduct background checks of any person who is:

- ◆ Being considered for employment involving direct responsibility for a resident or with access to a resident when the resident is alone; or
- ◆ Requesting permission to reside on the grounds of the training school.

The purpose of the background check is to determine whether the person has been convicted of a crime or has a founded child abuse or dependent adult abuse record. If so, the Department is required to determine if the conviction or founded abuse warrants prohibition of the person from employment or residing on grounds.

Iowa Code Chapter 233A and 441 Iowa Administrative Code Chapter 103 outlines the authority and responsibilities of the STS at Eldora.

Except as otherwise provided, the procedure for the commitment of youth to the STS shall be the same as provided in Iowa Code Chapter 232.

Iowa Code sections 232.67 through 232.77, Iowa Code Chapter 235A, and 441 Iowa Administrative Code Chapter 175 define child abuse and require reporting, investigation, and actions to be taken to protect children from abuse.

Iowa Code Chapter 235B and 441 Iowa Administrative Code Chapter 176 defines dependent adult abuse and requires reporting, investigation, and actions to be taken to protect dependent adults from abuse.

Iowa Code section 709.1 defines sexual abuse.

Civil Rights of Institutionalized Person Act (CRIPA) at 42 USC §§1997j requires the United States Attorney General to investigate conditions of egregious or flagrant deprivation of rights of persons residing in public institutions.

Public Law 106-402, the Developmental Disabilities Assistance & Bill of Rights Act of 2000: (DD Act), codified at 42 USC 15001, provides that programs, projects, and activities for persons with developmental disabilities shall be carried out in a manner consistent with supporting the rights of the persons served.

Policy on Admissions

It is the policy of the Department that admission to the State Training School shall be for male youth court adjudicated delinquent in order to protect the public safety, to provide a safe, secure, and humane environment, and to provide a program which focuses upon appropriate developmental skills, treatment, placements, and rehabilitation.

All admissions must be screened to assure that:

- ◆ An order transferring the legal and physical custody of a youth to the facility has been ordered by the court, and
- ◆ The court has transmitted the order, its finding, and a summary of information concerning the youth to the facility.

All youth shall undergo thorough screening and assessment at admission. Youth are assigned to specific cottage programs, educational and vocational programs, and special services to meet their individual needs. Youth shall receive complete orientation of procedures, rules, expectations, programs, and services at the STS.

General Principles

State Training School written policies and procedures shall assure that:

- ◆ Admission of the youth has been determined as legal.
- ◆ The youth's rights are protected throughout the admission process.
- ◆ Parent notification and involvement in admission occurs as appropriate and in accordance with the court order.
- ◆ The youth is informed that the training school's goal is to protect the public safety, to provide a safe, secure and humane environment, and to successfully return the youth to the least restrictive setting and that the discharge process begins with admission.

Employees, especially those involved in the admission process, understand this goal.

- ◆ Out-of-state admissions shall be in accordance with Iowa Code section 232.171, Interstate Compact on Juveniles, and procedures are followed.
- ◆ Approval for the out-of-state admission shall be obtained from the division administrator.
- ◆ No youth who is adjudicated a child in need of assistance shall be admitted to the State Training School, except for diagnosis and evaluation when a current petition is on file that alleges the youth to have committed a delinquent act.

30-Day Delinquent Evaluations

- ◆ Admission is made only when an evaluation has been court ordered for a youth who is at least 12 years of age.
- ◆ A delinquency petition is on file.
- ◆ The length of stay ordered by the court is no longer than 30 days.
- ◆ Admissions are based on a first-come, first-served basis within the dedicated beds for evaluation purposes, and deviations are mutually agreed upon by the chief juvenile court officer and the superintendent of the facility.
- ◆ The 30-day court ordered evaluation shall include:
 - A summary of the youth's background and history
 - Psychological assessment and findings
 - Psychiatric evaluation, as appropriate
 - Academic testing
 - Substance use disorder assessment, as appropriate
 - Sex offender assessment, as appropriate
 - Medical assessment
 - A behavior summary report that covers the evaluation period when the youth attends school, receives counseling, and participates in programming, recreational, and living unit activities
 - A recommendation regarding treatment and placement

Admission Authorization

State Training School written policies and procedures authorizing admission shall assure that:

- ◆ A youth shall meet all the admission criteria before receiving admission, support, and treatment services.
- ◆ Admissions shall be accepted only from Iowa juvenile courts for Iowa residents or out-of-state residents under the Interstate Compact on Juveniles.
- ◆ At the time of admission:
 - There shall be a copy of a court order that awards temporary custody to the director of the Department of Human Services for purposes of placement at the facility and complies with Iowa Code Chapter 232 and a copy of relevant petitions, and
 - The youth's expected length of stay shall be identified.
- ◆ All court orders shall be followed, including any specific instructions.
- ◆ Admissions shall be made in accordance with the bed allocation for each judicial district that is established annually by the Population Guidelines Committee in accordance with the population guidelines established under 1990 Iowa Acts, chapter 1239, section 21. Deviations are mutually agreed upon by the chief juvenile court officer and the superintendent of the facility.
- ◆ To the extent possible, admission shall be scheduled between 8 a.m. and 4 p.m., Monday through Friday.
- ◆ The facility shall authorize reasonable visitation and communication with the youth by parents and family, unless prohibited by the court order that visitation and communication would not be in the youth's best interest.

Admission Receiving Process

State Training School written policies and procedures authorizing admission shall assure that:

- ◆ A person is designated to manage the intake process and procedures for admitting youth and to coordinate admissions in advance with juvenile court officers and Department caseworkers.
- ◆ The youth is assigned a bed and assigned to specific programs and services to meet the needs of the youth.

- ◆ Immediately upon admission, a thorough and complete search of the youth and the youth's possessions is completed.
- ◆ Personal property is inventoried and is stored or otherwise disposed of. All personal property in the possession of the newly admitted youth shall be inventoried. The youth shall be given a hard copy of the inventory that includes all property returned to the youth's home or held until the youth's release.
- ◆ The youth is fingerprinted, and the records are forwarded within ten days to the Department of Public Safety and to the Federal Bureau of Investigation. EXCEPTIONS: The following youth shall not be fingerprinted:
 - Youth admitted for a 30-day delinquent evaluation,
 - Youth admitted as out-of-state residents under the Interstate Compact on Juveniles (unless ordered by the court).
- ◆ As necessary, the facility shall provide:
 - A shower and hair care
 - Clean, laundered, properly fitted clothing
 - Personal hygiene articles
- ◆ A medical, dental, and mental health screening shall be completed.
- ◆ Housing shall be assigned and a brief tour of the housing unit shall be completed.
- ◆ Basic personal data (names, addresses, telephone numbers, etc.) shall be recorded for use on mail and visiting lists.
- ◆ Assistance is provided to youth, as appropriate, in notifying their families of their admission and procedures for mail and visiting are provided.
- ◆ At the time of admission, a verbal orientation about the facility and program offered shall be provided and facility rules, regulations, and procedures to be followed shall be explained.
 - The youth shall receive written material, including information about the treatment program, facility policies and procedures, and individual rights. Each youth shall sign a form indicating that the youth has read and understands the material.
 - When English is not the primary language, arrangements shall be made to interpret this information for the youth.

- ◆ Every effort shall be made to reassure the youth and dispel any fears the youth may have in being admitted to the facility.
- ◆ The staff member completing the intake summary shall introduce the youth to cottage staff as available.

Admission Assessment

State Training School written policies and procedures shall assure that:

- ◆ The youth shall be screened and assessed within 10 working days of admission. This assessment provides the basis for development of the youth's care plan. Assessment shall include information related to the youth's:
 - Education
 - Acute and chronic health
 - Mental health, including psychiatric reporting as appropriate
 - Behavior
 - Substance use disorder issues
 - Social history
 - Physical assessment and immunization history
 - Psychological evaluation, including intellectual assessment
 - The referring agency's case plan
 - Correspondence regarding the youth
 - Legal documents
- ◆ The assessment includes written and verbal information from referral sources, observable behavior at intake, and the initial interview with the youth and the family, school contacts, physical examinations, and other relevant material.

Case Plan

State Training School written policies and procedures shall assure that an Individual Care Plan (ICP) shall be developed that addresses needs and outlines the services to be provided based on the assessment.

Performance Improvement

State Training School written policies and procedures shall assure that quality assurance practices are in place to:

- ◆ Monitor the admission process to identify actual or potential systemic issues, needing corrective action; and
- ◆ Monitor the implementation and completion of corrective action plans.

Data Collection and Review

State Training School written policies and procedures shall assure:

- ◆ Data about youth shall be collected and recorded on a form approved by the governing body.
- ◆ Data gathered from data analysis shall be used consistently for identifying and addressing individual or systemic issues to improve the admission process.
- ◆ The STS shall review data from all admissions to assure that:
 - Problems are timely and adequately detected and appropriate corrective actions are implemented; and
 - When possible, root causes are identified that lead to corrective action.

Reporting Requirements

State Training School written policies and procedures shall assure that:

- ◆ The data collected shall be available for analysis by each data element collected.
- ◆ The division administrator's office shall be provided with a monthly summary of delinquents by program and admissions received.
- ◆ The division administrator shall be notified of restrictive measures used within the time frame required as spelled out in specific policy and procedures.

Employee Training and Education

State Training School written policies and procedures shall assure that:

- ◆ All newly hired employees who will be responsible for processing admissions and court orders shall receive competency-based training on the following topics:
 - State laws governing the commitment and admission of youth to the training school.
 - STS policy on admitting youth and treatment philosophy.
- ◆ All employees responsible for processing admissions shall receive annual competency-based training. Annual training sessions may be an abbreviated version of the original training.
- ◆ All employee training shall be regularly documented in the training record for each employee in a manner that permits the information to be available individually and in aggregate form.
- ◆ Training curriculum shall be updated regularly to reflect changes in laws, policies, and procedures.

Advisory Committee

State Training School superintendent shall establish and monitor the operation of an advisory committee as follows:

- ◆ With the consent of the governing body, appoint the membership;
- ◆ Facilitate the called meetings;
- ◆ Consult with the governing body on the agenda;
- ◆ Take and maintain the minutes from the meetings; and
- ◆ Provide the governing body with a report of the activities of each committee meeting.

“Victim advocate” means an individual, who may or may not be affiliated with the facility, who provides a victim with a range of services during the forensic exam and investigatory process. These services may include:

- ◆ Emotional support,
- ◆ Crisis intervention,
- ◆ Information and referrals, and
- ◆ Advocacy to ensure that the victim’s interests are represented, their wishes respected, and their rights upheld.

“Visual body cavity search” means a visual inspection of a body cavity, defined as the mouth or rectal cavity, for the purpose of discovering whether contraband is concealed in it.

“Volunteer” means an individual who donates time and effort on a recurring basis to enhance the activities and programs of the agency.

“Voyeurism by a staff member, contractor or volunteer” means an invasion of privacy of a student by staff for reasons unrelated to official duties, such as:

- ◆ Peering at a student who is using a toilet in the student’s cell to perform bodily functions;
- ◆ Requiring a student to expose the student’s buttocks, genitals or breasts; or
- ◆ Taking images of all or part of a student’s naked body or of a student performing bodily functions.

Policy on Incident Management for Abuse, Sexual Assault, and Harassment

It is the policy of the Department to provide services in a safe and humane environment where abuse shall not be tolerated. Individuals shall be free from abuse and protected from abuse. The State Training School promotes Zero Tolerance of sexual abuse, sexual harassment, or abuse of any kind.

- ◆ Where abuse or harassment is alleged, the allegation shall be thoroughly investigated. If the allegation is confirmed, corrective action shall be taken to prevent the abuse from reoccurring.
- ◆ The division administrator shall designate an upper-level central office, facility PREA coordinator with sufficient time and authority to develop, implement, and ensure consistent compliance with PREA standards. In addition, at the facility level a PREA manager shall be designated and assigned to the STS to ensure on-sight oversight of PREA compliance.

- ◆ Any new contract or renewal contract the Department enters into for the confinement of its students in facilities operated by private agencies or other entities shall include the entity's obligation to adopt and comply with the PREA standards. The contract shall also include a monitoring provision to ensure that the contractor is in compliance.

Abuse and Harassment Incident Management Principles

The principles include:

- ◆ Abuse shall not be tolerated.
- ◆ There are consequences for persons who commit abuse.
- ◆ It is the policy of the Iowa Department of Human Services to provide equal treatment and provision of services to all students without regard to race, color, national origin, sex, sexual orientation, gender identity, religion, age or disability.
- ◆ Individuals shall be provided treatment in a safe and humane environment, free from abuse, harassment or harm, and where such behaviors shall not be tolerated.
- ◆ A safe environment provides the basis to accomplish the State Training School's mission of providing quality treatment and rehabilitation services that will enable individuals to fully achieve their maximum potential in a manner consistent with protecting everyone's safety while still maintaining an individuals' dignity.

Personnel Practices

State Training School written policies shall ensure:

- ◆ The safety of all individuals served is considered by providing the following:
 - Adequate staff to student ratios,
 - Unannounced supervisory rounds, and
 - Video monitoring where appropriate.
- ◆ The dignity and safety of all individuals served by providing same gender strip, visual body cavity, and pat down searches where appropriate in an effort to protect students against sexual abuse and harassment except in exigent circumstances. Exigent circumstances should be documented and preserved for review.

- ◆ The safety and dignity of all individuals served. Individuals will be encouraged to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their genitalia or buttocks. Video monitoring should be adjusted where appropriate in an effort to protect individuals against sexual abuse or harassment except in exigent circumstances which shall be documented.

Employees, Promotions, and Hiring

State Training School written policies shall ensure that:

- ◆ The safety of the individuals served is protected and a safe environment where the individual is safe from abuse or neglect is provided. Background checks shall be conducted before a volunteer, contractor or a contractor's employees performing work on the campus of the facility is:
 - Offered employment,
 - Authorized to volunteer on a regular basis, or
 - Authorized to provide contract services.

All record checks shall be completed as outlined in the **Registry and Record Check Manual for DHS** issued by the Department's Office of Human Resources.

- ◆ They will not hire or promote anyone who may have contact with students, and not enlist the services of any contractor who may have contact with students, who has a substantiated charge of abuse in any other setting.
- ◆ Employee background checks will be completed every five years after the initial record check.
- ◆ All employees, contractors, and volunteers have a responsibility to assure individual safety and protection from harm and shall report all incidents of abuse, sexual abuse, and harassment immediately.

Employee Training and Reporting

State Training School written policies shall ensure that in order to carry out these responsibilities effectively, employees, contractors, and volunteers shall be adequately trained to recognize abuse, sexual abuse, and harassment and how to respond, preserve evidence, and report suspected sexual abuse or harassment in an efficient manner. Training materials will be offered in dual languages when appropriate.

Student Training and Reporting

State Training School written policies shall ensure that:

- ◆ In order to carry out these responsibilities effectively, students and individuals served shall be adequately trained to recognize abuse, sexual abuse, and harassment and how to respond, preserve evidence, and report suspected abuse or harassment in an efficient manner. Training materials will be offered in dual languages when appropriate both orally and in writing.
- ◆ Students will be trained in multiple methods of reporting which shall include, but are not limited to, verbally, in writing, anonymously, and by third party.

Victim Treatment

State Training School written policies shall ensure that:

- ◆ Victims of abuse are provided with the appropriate information needed to help with victim aftercare. Such information may include, but will not be limited to, therapists and counselors, hotlines, and advocacy or crisis organizations.
- ◆ Victims will be treated with the maximum amount of confidentiality required per state and federal laws.
- ◆ Victims will be offered medical treatment, tests, and evaluations as appropriate based on the type of allegation.
- ◆ Victims will be separated from their alleged abusers until the conclusion of the investigation at which time the need for further separation will be evaluated based on the outcome of the investigation.

Reporting, Retaliation, and Investigatory Duties

State Training School written policies shall ensure that:

- ◆ Allegations of abuse and harassment will be forwarded to local law enforcement and other regulatory agencies such as the Department of Inspections and Appeals immediately, as appropriate. The facility will fully cooperate with subsequent investigations.
- ◆ Regardless of whether local law enforcement or regulatory agencies are investigating alleged abuse or harassment at the facility the facility will also immediately initiate its own investigation which shall be completed in a timely manner.
- ◆ Reporters of suspected abuse will be protected from retaliation of any kind and monitored for evidence of retaliation at a minimum of 90 days.
- ◆ Multiple protection measures are considered to protect alleged victims from alleged abusers such as housing and staffing changes where appropriate.

Abuser Treatment and Prosecution

State Training School written policies shall ensure that:

- ◆ Alleged abusers shall be separated from alleged victims until the completion of the abuse investigation at which time the need for further separation will be evaluated based on the outcome of the investigation.
- ◆ Perpetrators of abuse served on campus are provided with the appropriate information needed to help with prevention and aftercare. Such information may include, but will not be limited to, evaluations, access to therapists and counselors, hotlines, and advocacy organizations.
- ◆ There are consequences for persons who commit sexual abuse or harassment including, but not limited to, prosecution under applicable state and federal laws or discipline up to termination of employment.

Data Collection, Review, and Notification

State Training School written policies shall ensure that:

- ◆ Incidents directly involving the care and treatment of an individual shall be identified and tracked for the purpose of:
 - Scrutiny and investigation,
 - Prevention of future harm, and
 - Assuring the maximum safety and protection of the individuals served.
- ◆ As appropriate and allowed by state and federal laws the individuals involved in an allegation or sexual abuse or harassment will be notified of the findings and such notification will be documented.
- ◆ All information is kept confidential as required per applicable state and federal laws and only those with a "need to know" will have access to relevant individual information and records and subsequent investigatory findings.
- ◆ A "review team" will be established that will convene quarterly to review sexual abuse and harassment investigations quality assurance measures and request and implement recommended changes as needed. Such meetings will be documented and the records retained.
- ◆ The facility will collect, report, and securely retain all applicable data related to allegations of sexual abuse and harassment, including investigatory findings.

State Determination and Certification of Full Compliance

State agency shall ensure that:

- ◆ In determining pursuant to 42 U.S.C. 15607(c)(2) whether the state is in full compliance with the PREA standards, the Governor shall consider the results of the most recent agency audit.
- ◆ The director of the Department of Human Services shall notify the Governor of the most recent PREA audit results.