

## **7### Incident Reporting and Debriefing**

### **I. Policy**

- (a) All Arkansas Department of Human Services (DHS) employees and all Contracted Provider staff are mandated reporters of child abuse and neglect under Arkansas law and must report all suspected instances directly to the Child Abuse Hotline.
- (b) Staff members unsure if incidents require reporting will report as a precautionary measure.
- (c) All DYS staff and contracted provider staff will follow a standardized process for reporting and documenting incidents that occur on campus or in the community which may affect the health and safety of youths, employees, volunteers, or visitors or that interrupt or prevent the delivery of services. The initiating facility must complete a comprehensive assessment of the cause and response to incidents and propose corrective actions as needed.
- (d) Staff must prepare an incident report for any critical, serious, or major incident as defined by in the DYS glossary of terms, and submit the report to their respective facility or program administrative staff for review.
- (e) Staff must report all critical, serious, and major incidents to the DYS on-call personnel within one hour. Incident reports will be entered into the electronic system, within 24 hours.

### **II. Staff Training Requirements for Incident Reports**

- (a) All staff must be instructed as to policy, procedure, and the use of all forms used with incident reporting. This information and training will be provided to new employees during the DYS New Employee Orientation.
- (b) All DYS contractors' training personnel can request training on the incident reporting process and form use (DYS 1R-1). Certification of incident reporting training is required before an employee may work and provide direct care to youth at a facility. The DYS Training Coordinator will document and ensure that training is completed.

### **III. Incident Reporting**

- (a) Reporting and filing of incident reports will be the responsibility of all staff who participate in, observe, witness, discover, or have knowledge of incidents listed in this policy. This does not apply to senior administrative or management personnel on the scene conducting brief observation or limited intervention unless previously unreported.
- (b) Reports to the hotline and written incident reports must be completed independently of other staff reporting on the same incident. The DYS Incident Report form will be used to report all incidents within DYS and DYS contracted facilities, service providers of all types and related subcontracted organizations.

- (c) The individual employee making the report has no authority or responsibility to make a determination as to whether the incident was accidental, unpreventable or that the incident was intentional and could have been avoided. Incidents listed in this policy must be reported by the service provider, staff or DHS personnel, all of whom are mandated to report suspected incidents.
- (d) An incident report form must be completed when a report is made to the Child Abuse Hotline. The allegation must be reported to the Child Abuse Hotline prior to pursuing further investigative actions other than fact-finding for reporting purposes (including determining the actual occurrence).
- (e) On-duty managers or supervisors will be responsible for reviewing incident reports for completion and accuracy of facts prior to data entry into the electronic system by the end of their shift. The reviewer will ensure that the report is complete and any required attachments are provided (for example, narratives from all involved staff, youth statements, mark sheets, etc.). Under no circumstance will an incident report or information requiring an incident report submission remain at the facility or program after hours to await review by a manager or supervisor who is not present at the time of the incident.
- (f) If any DYS staff conducts a site visit and an allegation is made during any youth interview, a report must be initiated by DYS staff to which the allegation was made, if the facility cannot provide an incident report specific to the allegation. This notification is to be made regardless of the date, time or place where the abuse allegedly occurred. For example, a youth may allege that abuse occurred prior to commitment to DYS, at a different facility, or at a prior date in their current placement.

#### **IV. Reporting Other Incidents**

- (a) Other incidents that appear to affect or impair services must be reported by all staff with any knowledge of the incident. An incident report must be completed on all other incidents as soon as possible but no later than the end of the shift. The DYS designated reviewing staff will ensure that all pertinent information is included and documented by signature that they have confirmed that all information is included.

#### **V. Types of Reporters**

- (a) Three reporting sources, identified for the purpose of compliance with this policy, include:
  - (1) Staff reports: An incident report written by staff that participated in, observed, witnessed, discovered or have knowledge of the incident shall submit the report to the facility director.
  - (2) Youth report: A youth may complete an incident report and submit the report to any staff member for logging with the facility director for referral. All youth incident reports will be reviewed, distributed and referred as required by this policy. If a youth is alleging abuse or neglect, staff must immediately contact the Child Abuse Hotline and transmit the report to the DYS Incident Review Investigator.

- (3) Anonymous report: Each facility director will establish a mechanism to ensure proper receipt and referral of anonymous incident reports. Any youth, staff, outside agencies, or member of the general public will be permitted to complete an anonymous incident report. All anonymous incident reports will be logged with the facility director and reviewed, distributed, and referred according to this policy.

## **VI. Disposition and Distribution of Incident Reports**

- (a) Upon review of an incident report, The DYS Incident Review Investigator (IRI) shall determine if investigative measures or other actions are necessary and request additional information as needed.
- (b) The DYS IRI will notify the facility director of investigative findings.
- (c) The distribution of incident reports at DYS and its contracted facilities will include:
  - (1) DYS Internal Affairs Unit;
  - (2) DYS Placement Unit at AJATC (for Master File);
  - (3) Case Coordinator; and,
  - (4) Residential Unit Supervisor.
- (d) All other investigative reports (for example, from CACD or local law enforcement) will be distributed by the DYS official who receives the final determination and to the following staff:
  - (1) DYS Incident Review Investigator;
  - (2) DYS Director;
  - (3) DHS Deputy Director; and,
  - (4) The Facility Director for disposition.

## **Evidence & Risk Containment Measures**

- (a) Following the discovery of an incident or circumstances that has the potential to adversely affect the health, safety or welfare of a youth, employee, volunteer, the community, or the ability to safely operate the facility, attending staff will immediately initiate measures to prevent and reduce further adversity. In potentially life-threatening situations, personnel on site will take any necessary measures to assure the safety and welfare of affected parties and reduce further risk of injury. When in doubt of what is deemed appropriate action, take precautionary measures including, but not limited to:
  - (1) Dial 911, request immediate assistance and consultation with emergency services;
  - (2) Call for on-site medical assistance;
  - (3) Alert emergency/disaster management services; and,
  - (4) Secure area, allowing entrance only to essential and necessary personnel.
- (b) The Facility Director is responsible for implementing further risk containment actions as follows, including:

- (1) Preserving the scene of the incident, pertinent documents or material evidence (including surveillance recordings) necessary to assure an effective analysis and record of the incident, as well as pre- and post-incident circumstances;
- (2) Gathering and documenting statements from youths, staff and other witnesses for the purpose of reporting facts. However, investigative interviews or conducting investigations not authorized by this policy are not permissible without documented permission from the DYS Director (or designee);
- (3) At the moment an incident is accepted by the Child Abuse Hotline, no further gathering or documentation of evidence is permitted unless authorized in writing by the DYS Director (or designee), or as directed by law enforcement officials. Evidence collected will be securely held until further written disposition instructions are received from DYS; and,
- (4) Documentation of the incident if not accepted by the Child Abuse Hotline. Upon notification that an incident is not accepted by the Child Abuse Hotline and is documented as such, the contracted provider may perform internal fact-finding or investigations as deemed necessary. Such investigative efforts are to be forwarded to DYS IAU in a timely manner.

## **VII. Incident Debriefing**

- (a) When an incident is identified, the facility administrator will contact appropriate staff to assemble at the facility to:
  - (1) Defuse and stabilize the incident;
  - (2) Ensure immediate compliance with the DYS Incident Reporting Policy and procedures; and,
  - (3) Initiate a formal debriefing within 72 hours of the incident.
- (b) The ranking supervisor who is not involved with the incident will act as the debriefing facilitator unless otherwise assigned by the Facility Director. Only staff who were directly involved in an incident may participate. This may occasionally include non-unit staff if they were involved in an incident that involved facility supervisory staff.
- (c) The debriefing facilitator must comply with all DHS policies governing privacy and security of confidential information, providing only the minimum necessary details needed to discover what was done correctly and to identify mistakes and implement a corrective action plan.
- (d) The debriefing facilitator will conduct the debriefing and post-debriefing meeting and will complete all written reports, employee referrals, and other necessary follow up within seven (7) business days. A copy of the written debriefing report and corrective action plan must be forwarded to the following parties:
  - (1) The Internal Affairs Investigator;
  - (2) The program administrator or contracting authority;
  - (3) DYS Assistant Director (appropriate program type); and,
  - (4) DYS Clinical Director.

- (e) Upon receipt of the written debriefing report(s) and proposed corrective action from the facility or contracted provider, DYS executive team staff will conduct an administrative assessment of the incident. The DYS administrative debriefing will include coordination and feedback about the submitted incident, debriefing and corrective action and will be provided back to the Provider within fifteen (15) business days from DYS receipt of the Incident Debriefing form, and include:
- (1) A review of staff and offender actions during the incident;
  - (2) A review of the incident's impact on staff and offenders; and,
  - (3) A review of corrective actions taken and still needed; or,
  - (4) A determination that the response to the incident was appropriate; and,
  - (5) Plans for improvement to avoid another incident;

## **VIII. Categories of Incidents**

### **(a) Critical Incidents**

- (1) Death of a Person;
- (2) Neglect of a Person. Neglect includes:
  - A. Educational neglect;
  - B. Environmental neglect; or,
  - C. Medical neglect.
- (3) Physical Abuse of a Person. Physical abuse includes:
  - A. Abuse with a deadly weapon;
  - B. Bone fractures;
  - C. Brain damage or skull fracture;
  - D. Burns or scalding;
  - E. Cuts, bruises or welts;
  - F. Human bites; or,
  - G. Hospitalization admission due to injury resulting from physical abuse.
- (4) Sexual Abuse of a Person. Sexual abuse includes:
  - A. Oral sex;
  - B. Sexual contact;
  - C. Sexual exploitation; or,
  - D. Sexual penetration.
- (5) Program Disruption Activity by a Person. Program Disruption Activity includes:
  - A. Possession of a firearm;
  - B. Stolen automobile; or,
  - C. Arson.

### **(b) Serious Incidents**

- (1) Absence, escape, or AWOL;
- (2) Assault on staff with a weapon;
- (3) Sexual assault by youth on staff or other youths;
- (4) Disruption of service delivery due to involuntary facility closure, serious weather-related event or accident;
- (5) Fights or physical altercations involving staff, youths, or visitors with significant injury;

- (6) Riot- inciting a riot or fight with more than four participants if event disrupts service;
- (7) Medical emergency resulting in injuries (not physical abuse related);
- (8) Significant or major visible injury to staff, youths, or visitors not related to the use of force including attempted or successful self-injurious actions;
- (9) Property destruction which results in loss of state property exceeding \$100.00 value, or destruction of any significant property of others.
- (10) Serious or contagious (communicable) disease;
- (11) Criminal mischief, arson, vandalism or destruction of property by youths;
- (12) Events that interfere with campus programs or pose a threat to the safety and welfare of the youths, staff or community; or,
- (13) Hospitalization due to non-abuse or illness (medication concern, internal complication, disease).

**(c) Major Incidents**

- (1) Other assault on staff by youth (without weapon);
- (2) Other sexual misconduct;
- (3) Drug or alcohol related incident (youth or staff);
- (4) Fights or physical altercations involving staff, youths, or visitors without significant injury;
- (5) Riot- inciting a riot or fight with more than four participants if event is a minor disturbance;
- (6) Use of force or physical intervention;
- (7) Use of mechanical restraints other than for routine transportation purposes;
- (8) Contraband or youth in possession of contraband;
- (9) Verbal abuse (use of curse words or obscene language);
- (10) Aftercare violation/pick-up order issued;
- (11) Minor criminal mischief or destruction of property by youth; (less than \$100 value);
- (12) Accident with minor property damage (less than \$100 value);
- (13) Gang related incident;
- (14) Disorderly conduct;
- (15) Theft of property (facility or personal);
- (16) Disruption or disturbance;
- (17) When there is a significant change in a youths' medical condition (requiring a supplementary or follow-up report) that was the result of an incident, medical staff shall complete an incident report; and submit as an addendum to the initial report; or,
- (18) When a youth threatens, attempts or exhibits behavior suggesting thoughts of self-harm, the consultation with the DYS on-call personnel, mental health personnel, and any subsequent instructions, must be included in the incident report.