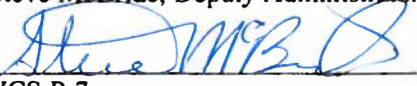



Incident Review Team Policy

DIVISION OF CHILD AND FAMILY SERVICES Juvenile Justice Services STATEWIDE INSTITUTIONAL POLICY	
SUBJECT:	Incident Review Team
POLICY NUMBER:	DCFS/JJ 300.4
NUMBER OF PAGES:	4
EFFECTIVE DATE:	February 1, 2015
ISSUE DATE:	January 8, 2015
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DATE:	1/7/15
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DATE:	 1/8/15
SUPERSEDES:	YCS P-7
APPROVED BY:	Amber Howell, Administrator – Division of Child and Family Services
DATE:	 1.8.15
REFERENCES:	ACA 3-JTS-3A-31
ATTACHMENTS:	A: Incident Report B: Incident Investigation Summary Form C: Incident Review Team Form D: Shift supervisor Report – Use of Information Sheet E: Direct Care Staff – Use of force Incident Checklist

- I. **POLICY:** Each facility will maintain an incident review team whose function it is to review all uses of force that occur within the facility.

- II. **PURPOSE:** The incident review team meets regularly in order to maintain a safe environment for youth and staff within the facility; they review all uses of force to determine if use of force responses were in compliance with policy and in cases where practice did not comply with policy expectation, they provide specific feedback aimed at correction or remediation. The information obtained from the incident review team will be used to improve facility functioning, training and daily practices.

- III. **DEFINITIONS**
 - A. **Incident Review Team:** A team of facility staff comprised of individuals who:
 1. Are familiar with the facility Use of Force policy.
 2. Who represent different departments within the facility, such as: education, mental health, nursing home life, administration, etc.
 3. Are not directly involved in the use of force being reviewed.

Incident Review Team Policy

Generally, the Incident Review Team will be facilitated by the individual assigned at the facility to complete the initial investigation of the use of force. In instances where necessity requires, the Superintendent may task another facility staff person with this assignment.

- B. Conflict of Interest: A situation that has the potential to undermine the impartiality of a person because of the possibility of a clash between the person's self-interest and professional interest or public interest.

- C. Use of Force: Force which is used in instances of justifiable self-defense, protection of others, protection of property, prevention of escapes or substantial disruption of programming. Use of force includes physical contact or use of equipment to control behavior in a confrontational or volatile situation. Use of force includes:
 - 1. Planned use of force: Utilized in situations that do not warrant immediate action, however, a response is required. In these instances, the Superintendent/ designee will be notified for further instructions and then the team may take action.
 - 2. Spontaneous: Force utilized because there is an immediate threat to self and/or others which necessitates immediate action.

IV. PROCEDURES

- A. The designated investigator for the facility will investigate each use of force incident.
 - 1. The investigator will not have or appear to have a conflict of interest in conducting the investigation with youth or staff.
 - 2. The investigator will collect and review all use of force related documentation, including but not limited to:
 - a. Incident Reports
 - b. Witness statements, either youth or staff
 - c. Youth statements
 - d. Medical reports
 - e. Dorm/living unit logs
 - 3. The investigator will conduct interviews with youth and staff directly involved or who witnessed the use of force. The investigator may also interview others as deemed appropriate who may have relevant information about the youth or possibly the situation that occurred.
 - 4. The investigator will submit a written report to the Incident Review Team (See Attachments B) within seven (7) business days of the incident. At a minimum, the report shall include the following information:
 - a. A summary of all of the relevant facts surrounding the incident.
 - b. A summary of the steps or actions taken during the course of the investigation.
 - c. Copies of all witness statements.
 - d. The questions asked and responses given for each person interviewed
 - e. The preliminary findings related to:
 - 1. Was the use of force consistent with statewide policy?
 - 2. Was the use of force utilized consistently with approved training techniques in ©Handle with Care
 - 3. Was the use of force warranted based on the information presented?
 - 4. If the use of force is not consistent with policy and training, what corrective action, training or remediation is warranted?
 - 5. The investigator will present a brief verbal overview to the Incident Review Team, summarizing the incident and the steps taken during the investigation. The

Incident Review Team Policy

investigator will invite and facilitate discussion amongst the team members. The investigator will make sure in each review that the four (4) items listed above in IV A. 4 e 1-4 are discussed. At no time will the investigator attempt to lead the team towards a specific outcome but will present the facts as clearly and neutrally as possible.

6. Any further information, prior to the issuance of a finding, requested by the Incident Review Team, must be submitted to the Incident Review Team by the investigator within two business (2) days.
7. The Incident Review Team shall reconvene if additional information was requested by them. The team should be reconvened as quickly as possible, preferably within two business (2) days of receiving the new information and at that time:
 - a. Review the new information for completeness and accuracy.
 - b. Proceed with the review and determine:
 1. Was the use of force consistent with statewide policy?
 2. Was the use of force utilized consistently with approved training techniques?
 3. Was the use of force warranted based on the information presented?
 4. If the use of force is not consistent with policy and training, what corrective action, training or remediation is warranted?
8. The Superintendent of the facility will be notified by the investigator of all investigations coming forward from the Incident Review Team requiring corrective action, remediation or training.
9. The Supervisor responsible for completing the Incident Review Team recommendations of training, remediation or corrective action will document in an E-mail the date, time and outcome of the action to the Superintendent on the same day the action took place and before the end of his or her shift.

B. Roles and Responsibilities:

1. Investigator is responsible for the following activities:
 - a. Completing all investigations.
 - b. Scheduling Incident Review Team Meetings.
 - c. Making sure that participants have Incident Review Team packets in advance of the meeting.
 - d. Facilitating the Incident Review Team meeting.
 - e. Documenting the findings of the Incident Review Team
 - f. Informing the Superintendent before the end of the work day in writing if any of the packets reviewed were not approved, i.e., called for training, remediation or corrective action.
 - g. Indicate whether Human Resources should receive a referral to determine if an investigation is warranted.
2. Superintendent is responsible for the following activities:
 - a. Reviewing all use of force packets following Incident Review Team.
 - b. Signing and dating the coversheet (See Attachment C) noting their review.

Incident Review Team Policy

- c. Coordinating with the other administrative personnel when corrective action, remediation or training is required for staff ensuring that the recommendations are followed.

C. Timeframes:

1. The investigator for the facility will complete their review within seven (7) business days following a use of force.
 - a. Exceptions to the timeframe must be noted in the Use of Force paperwork including the reasons why the timeframes were exceeded.
 - b. The Superintendent will be notified in writing by the investigator on each case that exceeds the timeframes; contributing factors will be noted as well.
2. The investigator will obtain information required by the Incident Review Team within two (2) business days and present to the team the additional information.
3. The Superintendent will review and sign each completed use of force investigation packet within three (3) business days.