

Community Supervision Standards	CHAPTER: DOCUMENTATION, REPORTING AND RECORDS	STANDARD NO. CSS-03-106
	SUBJECT: CRITICAL INCIDENT REPORTING	PAGE: 1 of 4
Kansas Department of Corrections- Division of Juvenile Services State of Kansas	REFERENCES: K.S.A. 21-5501 through K.S.A. 21-5513, K.S.A. 75-712f, K.A.R. 40-46-10, JS-0066A	DATE ADOPTED: 1-1-2013 DATE AMENDED: 9-19-2022 DATE REVIEWED: 9-19-2022

STANDARD: Written policy, procedure and practice shall require the Community Supervision Agency to report critical incidents involving juveniles that are in the court ordered custody of the Secretary, except juvenile offenders in a Juvenile Correctional Facility (JCF).

The following critical incident category types shall be immediately reported verbally upon learning of the incident, and shall be reported in writing electronically within two (2) business days upon learning of the incident:

- Suicide: Intentionally killing oneself
- Homicide: The killing of one person by another
- Other death: Accidental death or death from natural causes of a juvenile
- Riot/hostage situation: Any disturbance by three (3) or more juveniles that seriously disturbs the operation of a facility, jeopardizes the control of an area, threatens violence against or destruction of property, or results in significant property damage or personal injury to juveniles or staff. This includes any hostage situation
- Other: Incidents in this category would also include any incident not reported in another category and have the potential for significant media coverage

The following procedure shall be followed for immediately reporting incidents verbally:

- During regular working hours (Monday-Friday, 8 a.m. till 5 p.m.) call for a Program Consultant in the Early Intervention Services Unit at 785-296-3317 to report the critical incident. If a Program Consultant in the Early Intervention Services Unit is not available, advise the phone receptionist your call is regarding a critical incident and request to speak to a Program Consultant in the Community Based Services Division. If no Program Consultants are available ask to speak to a member of the Community Based Services executive staff.
- Outside of regular working hours call 785-354-9800 extension 0 to speak to Central Control Staff. Inform the Central Control Staff that you are reporting a community critical incident.

NOTE: The standards and procedures set forth herein are intended to establish operational guidelines for community supervision agencies operating through the board of county commissioners and their employees/contractors and the juvenile offenders under supervision. They are not intended to establish state created liberty interests for community supervision agencies, or the board of county commissioners, or their employees/contractors, or juvenile offenders, or an independent duty owed by the Kansas Department of Corrections- Division of Juvenile Services to community supervision agencies operating through the board of county commissioners or their employees/contractors, supervised juvenile offenders or third parties. This standard and procedure is not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

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STANDARD (cont.):

The following critical incident category types must be reported in writing electronically within two (2) business days upon learning of the incident:

- Abuse: Any act or failure to act which results in death, physical harm, or presents imminent risk of harm to a juvenile
- Sexual abuse or sexual harassment: Any contact or interaction with a child in which the child is being used for the sexual stimulation of the perpetrator, the child or another person.
 - Sexual abuse shall include: allowing, permitting or encouraging a child to engage in prostitution or to be photographed, filmed or depicted in pornographic material; sexual abuse by a juvenile by another juvenile; sexual abuse of juvenile offender by a staff member, contractor or volunteer
 - Sexual abuse of a juvenile by another juvenile is when one or more juveniles engage in, or attempt to engage in unwanted sexual contact with another offender by force, the use of threats, intimidation, unwanted touching, or other actions, and/or communications by one or more juveniles aimed at coercing and/or pressuring another juvenile to engage in a sexual act, and includes any act prohibited by K.S.A. 21-5501 through K.S.A. 21-5513, that is perpetrated on a juvenile, and any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or unable to consent or refuse: contact between the penis and the vulva or the penis and the anus, including penetration, however slight; contact between the mouth and the penis, vulva or anus; penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument; 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 an employee, contractor or volunteer includes any act prohibited by K.S.A. 21-5501 through K.S.A. 21-5513, that is perpetrated on a juvenile, and any of the following acts, with or

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without consent of the juvenile: (1) contact between the penis and 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; any attempt, threat or request by a staff member, contractor or volunteer to engage in the activities described in items one (1) through five (5) of this definition; any display by a staff member, contractor or volunteer of his or her uncovered genitalia, buttocks or breasts in the presence of a juvenile; voyeurism by a staff member, contractor or volunteer.

- Sexual harassment includes: repeated and unwelcomed sexual advances, requests for sexual favors or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one juvenile directed towards another; 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.
- Absent without official leave (AWOL): A youth's departure from a placement or supervision without lawful authority, as defined by K.S.A. 75-712f. This also includes juveniles while on a supervised off grounds setting (i.e. transports, hospital and medical visits)
- Serious juvenile injury/illness: Any juvenile illness that requires the juvenile to be hospitalized or receive significant medical treatment. Significant medical treatment is treatment that could not be handled by a trained health care person outside of the hospital or clinical setting

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STANDARD (cont.):

- Verbal Threat: A statement of immediate intent to create fear or apprehension in another person that escalated to law enforcement involvement. The youth must be capable of carrying out the specific threat.
- Physical Altercation: Intentionally causing bodily harm against another person that resulted in receiving treatment by a medical professional or resulted in law enforcement involvement.
- Serious infectious disease: Diseases such as, but not limited to Tuberculosis (TB), Hepatitis A/B/C or a serious Sexually Transmitted Disease (STD) as tracked by the Center for Disease Control (CDC). This only needs to be reported if there is a threat of transmission of the disease to staff or other juveniles
- Attempted suicide: The attempt to intentionally kill oneself and the attempt caused injury or could have resulted in serious injury or death if not detected
- Natural disaster: Acts of nature which cause personal injury to staff and/or juveniles, or which causes structural damage to the physical structure housing the juveniles
- Other: Incidents not reported in another category that may or may not require a child protection report, law enforcement report, licensing report and do not have the potential for significant media coverage.

The following procedure shall be followed for reporting incidents electronically:

- Written incident reports shall be entered in the critical incident module of the Kansas Department of Corrections (KDOC) case management system.

DISCUSSION: Local policy and procedure should define internal activities required to notify local administrators, supervisors and other county officials, and make clear for staff the process for sending notification to the Division of Juvenile Services. The JS-0066A form is available for use by local agencies to notify Community Supervision Agency Directors and/or designees.

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