

FLORIDA DEPARTMENT OF JUVENILE JUSTICE

Proposed Rule Text 63F-11 (Central Communications Center)

63F-11.002 Definitions.

For the purpose of this rule chapter, the following terms are defined as follows:

(1) Abscond – Absconding occurs when a supervised youth goes in a clandestine manner out of the jurisdiction of the court to avoid legal process, or when the youth hides, conceals or absents himself or herself with the intent to avoid legal process.

(2) Administrator – The state employee or designee at the Headquarters or Regional level responsible for the overall department operation in a geographic area or program.

(3) Central Communications Center (CCC) – The unit located in department headquarters that is charged with receiving reports regarding incidents and events involving youths in department custody or under supervision, and state and contracted employees from all department and provider facilities, programs funded in whole or in part, offices or sites operated by the department, a provider or grantee.

(4) CCC Duty Officer – The designated department employee who receives and processes the information coming into the CCC.

(5) Damage to Physical Structure – Damage that would render a building or other significant structure (e.g., a fence, gate, or a considerable portion of the building or structure) severely damaged, temporarily unsafe, or unsecured.

(6) Diligent Search – Is a thorough search made by the Juvenile Probation Officer (JPO) or Case Manager to check with the youth's parents, employer, school, family members, and others likely to have knowledge of his or her whereabouts, in order to document evidence supporting that the youth is hiding in an effort to avoid supervision.

(7) Facility/Program – A contracted or state-operated service or any other program funded in whole or in part by the department.

(8) Facility/Program Staff – Includes state and contracted employees, volunteers, and interns who manage, supervise, have oversight over such staff, or provide direct care or other services to department youths, provider staff of programs funded in whole or in part by the department, and other direct care job positions or positions in direct contact with youths. This includes corporate staff of contracted providers.

(9) Failure to Report – Any incident or event that is not reported to the CCC within (2) hours of the incident or event occurring, or two (2) hours after any facility/program staff ~~the program~~ gains knowledge of the incident or event.

(10) Grave Harm – An illness or injury that could potentially require emergency or urgent care.

(11) Incapacitating Illness or Injury – Any injury which involves substantial risk of death, protracted and obvious disfigurement, protracted loss or impairment of the function of a bodily member or organ or mental faculty, lacerations that cause severe hemorrhages, nerve, muscle, or tendon damage, second or third degree burns or any burns affecting more than five percent of the body surface, fracture of any bone, or the loss of sight in an eye.

(12) Non-Secure Residential Facilities: Programs or program models that are residential but may allow youth to have supervised access to the community. Facilities at this commitment level are either environmentally secure, staff-secure, or are hardware-secure with walls, fencing, or locking doors.

~~(13)~~(12) Protective Action Response (PAR) – The department-approved verbal and physical intervention techniques and the application of mechanical restraints used in accordance with Chapter 63H-1, F.A.C.

~~(14)~~(13) Reportable Incident – Any incident or event that involves state-run facilities, staff, contracted facilities, contracted programs, contracted staff, youth on community supervision, volunteers or visitors, that disrupts or has the potential to disrupt the normal operation of the facility or program, any illness or medical condition or injury which causes or has the potential to cause grave harm or death to an individual youth or group of youths; or any other occurrence which causes or has the potential to cause grave harm or death to an individual youth or group of youths, or involves allegations of fraud, abuses, and deficiencies relating to programs and operations administered or financed by the department, or may bring public attention to the department, or other occurrences which do not reach this standard but may still be required to be documented or reported to the department under its rules.

(15) Secure Residential Facilities: Those residential programs that are classified as High and/or Maximum Risk.

~~(16)(14)~~ Sexual Contact – Fondling, digital, oral, anal, or vaginal penetration by, or union with the sexual organ of another, or the anal or vaginal penetration of another by other object.

~~(17)(15)~~ Suicide Attempt – Any action deliberately undertaken by the youth with suicide ideation or intent, which, if carried out, would result in death.

~~(18)(16)~~ Youth – For the purposes of this rule a youth is defined as any person placed in the custody, care, or supervision of the department.

Rulemaking Authority 985.64 FS. Law Implemented 985.601 FS. History--New 10-11-10, Amended _____.

63F-11.004 Reportable Incident Types.

(1) Program Disruption Incidents, which include:

(a) Accident, Building Emergency, or System Malfunction: Any accident on the grounds of the facility or program, or any complete failure of an electronic or manual system that directly impacts the safety, security and welfare of department youths at a residential facility or program, juvenile assessment center, or detention center where maintenance staff cannot affect repairs within twenty-four (24) hours, and facility operations will be disrupted, or any emergency situation that requires evacuation or results in the evacuation of youths and staff from a department or provider building. This includes, but is not limited to, fire, bomb threat, or the discovery of a suspect device. Excluded are scheduled exercises, drills, and false alarms.

(b) Discovery of Illegal or Controlled Drugs, Alcohol, Firearms, or Other Weapons: Any incident where the discovery occurred at any facility, program, office, vehicle or site operated by the department, a provider or grantee. The following are exceptions to the reporting requirement:

1. Controlled drugs properly stored and secured in a medical unit, in a staff housing unit located on the grounds of the facility/program, or in a department, provider or grant site.

2. Possession of a weapon or firearm by a certified law enforcement officer.

3. Items discovered during the intake process.

(c) Contraband: Any incident or event where the discovery of unauthorized items such as cigarette lighters, tobacco products, money, cellular telephones, or other items when the possession of said items presents a potential danger to youth or staff or otherwise disrupts or threatens program safety or security at any facility, program office, or site operated by the department, a provider or grantee. Contraband discovered during the intake process does not have to be reported.

(d) Food Boycott: Any incident where 50 percent or more of the youth population refuses to eat a scheduled meal.

(e) Disturbance: Any situation resulting in the loss of control at a facility or program that necessitates calling in law enforcement, or other outside sources to assist in the quelling of the disturbance, and in getting the facility back under control.

(f) Hostage Situation: Any incident where a person is held by force against his or her will to enforce the demands of the hostage-taker.

(g) Incidents Involving Visitors: Any incident involving visitors resulting in a report to law enforcement, in an investigation or in an arrest for a felony offense.

(h) Natural or Environmental Disaster: Any incident or event in which a state or contracted facility or program is exposed to adverse elements of nature including, but not limited to, high winds, lightning, flooding, as caused by hurricanes, or earthquake that causes damage to the physical structure interrupting the operation of the program, results in the evacuation of youths and staff, or results in injury to youths or staff. Any incident or event under this subsection involving the evacuation of a facility or program requires an update once the youth and staff return.

(i) Media Attention: Any incident or criminal activity that has resulted in media attention. This includes incidents where media representatives were at the scene of the incident or have called with questions.

(j) Loss or Theft of Department Vehicles, Equipment, or Youth Property: Any incident where the listed categories of property are lost or stolen regardless of incident location:

1. Any state-owned vehicle utilized by the department, a provider or a grantee.

2. Firearms or other weapons.

3. Keys to a facility, program, or office building, including mechanical keys, electronic keys or access cards, if they cannot be located within 2 hours.

4. Any state-owned property, including property in the custody of a provider, with a value exceeding \$300.

5. Computer, computer storage media, or other digital mobile device, such as cellular telephones and personal digital assistant devices, where there is a reasonable belief that the device may contain statutorily protected confidential information.

6. A department-issued seven-point star badge.

7. Any property of a youth with a value of \$50.00 or more that is alleged to have been lost or stolen from the facility.

8. Any U.S. currency belonging to a youth that is alleged to have been lost or stolen from the facility.

(k) Threatened Use or Discovery of an Explosive Device: Any incident where there is a threatened use of an explosive device or an explosive device is discovered at any facility, program, office, or site operated by the department, a provider or grantee.

(l) Vehicle Traffic Crash: Any traffic crash involving a department vehicle or other vehicle used by on-duty staff in the performance of their duties and/or occupied by department youths must be reported to the CCC regardless of injuries.

(m) Detention Placement Alert: Any incident where a youth in any of the following categories is admitted to a secure detention facility:

1. The admitted youth is 9 years of age or younger;

2. The admitted youth has a formal IQ of 70 or below;

3. The admitted youth exhibits behavior suggestive of intellectual disability or developmental disability, including significant deficits in comprehension/reasoning, language expression, or maturity level;

4. The admitted youth is in special education classes for students with "Intellectual Disabilities" or "Autism Spectrum Disorder";

5. The admitted youth is blind, deaf, mute, or unable to walk without the use of a mechanical aid.

(2) Escape/Abscond Incidents:

(a) Absconder:

1. Any incident in which the whereabouts become unknown for a youth who is pending an administrative transfer, committed to minimum-risk and on pre-placement status, is on an authorized home visit from a residential facility, or is on a temporary release status that was approved by the court. The incident should only be reported after a diligent search has been completed and the court has been formally requested to order that the youth be taken into custody.

2. Any incident in which a pre-placement youth is reported by the parent or legal guardian to have run away, the family of such a youth leaves the area with the youth without notifying the department or the court of their whereabouts, or a youth fails to arrive for transport to his or her program, and when the court has been formally requested to order that the youth be taken into custody as a result of the youth's whereabouts being unknown.

3. When, through a diligent search, it is determined that a youth committed to minimum risk has absconded and the court has been formally requested to order that the youth be taken into custody. Mere absenteeism from the assigned program does not constitute absconding.

(b) Escape Attempts: Any incident involving a youth who leaves the grounds or boundaries of a secure residential facility, detention facility or juvenile assessment center, or is committed to a secure residential facility and leaves the custody of facility staff when outside the facility, must be reported as an attempted escape if the youth is apprehended immediately and facility staff maintained constant sight supervision throughout the incident.

(c) Escapes:

1. Any incident involving a youth who leaves the grounds or fenced boundaries of a secure residential facility, detention facility or juvenile assessment center, or who is committed or detained in such a place and leaves the custody of facility staff when outside the facility, must be reported as an escape regardless of the length or duration of the departure.

2. Any incident involving a youth who leaves the grounds or boundaries of a non-secure residential facility, or is committed to a non-secure residential facility and leaves the custody and sight supervision of facility staff when outside the facility, must be reported as an escape.

(3) Medical Incidents:

(a) Contagious Diseases: Any incident involving contagious disease requiring the quarantining or hospitalization of at least ten percent (10%) of the total population of youths or staff or six (6) individuals, whichever number is less, within a facility or program.

(b) Employee Death: Any death of an employee while he or she is on duty.

(c) PAR Restraint, Youth or Staff Injury: Any incident involving a PAR restraint where a youth or staff member receives a serious injury from any restraint that requires medical treatment beyond standard first aid.

(d) Off-site Medical Transport: Anytime a youth is transported off-site to a medical facility for evaluation or treatment. This does not include scheduled medical procedures, treatment or surgeries.

~~(e)~~ Youth Injury: Incidents or events involving a serious injury to a youth under department supervision occurring in a department facility, at a facility-based day treatment program, contracted facility, shelter, or contract site or program must be reported to the CCC when the nature of the injury requires immediate and emergency medical care. An incident under this category is required to be reported within 2 hours of staff verifying that a serious injury has occurred with the following:

1. Broken or dislocated bones;
2. Head Injury, excluding superficial cuts, bruises, or minor swelling unaccompanied by changes in mental acuity;
3. Eye injury involving a penetrating wound or an injury that alters vision;
4. Acute dental injury or broken teeth.

~~(f)~~ Medical Illness: Incidents or events involving medical illness to a youth under department supervision or occurring in a department facility, at a facility-based day treatment program, contracted facility, shelter, or contract site or program must be reported to the CCC when the nature of the life-threatening injury or illness requires treatment on or off site, and falls within one of the following:

1. Heart or breathing has stopped or the person is turning blue;
2. Unconsciousness or unresponsiveness to voice;
3. CPR is initiated;
4. Severe, prolonged or uncontrollable bleeding;
5. Acute paralysis;
- 6 Overdose;
7. Acute or prolonged abdominal pain;
8. Acute or prolonged chest pain;
9. Fever of 103 degrees or higher;
10. Inability to urinate for eight (8) hours;
11. Ingestion of a poisonous or potentially poisonous substance;
12. Seizure due to an undiagnosed medical condition, i.e. Epilepsy;
13. Complications of pregnancy;

~~14. Unscheduled hospital or other healthcare facility admission requiring an overnight stay. This does not include scheduled medical procedures, treatment, or surgeries;~~

~~14.15-~~ Any illness, disease, or other medical condition, or life endangering safety code violation, which requires reporting to the County Health Department, Board of Health, or other healthcare agency.

~~(g)~~ Youth Death: Any death of a youth occurring while under department supervision.

~~(g) Youth Dependent Medical: Any biological child of a youth who receives off site, non-scheduled emergency medical attention while in direct custody of the department.~~

(4) Mental Health and Substance Abuse Incidents:

(a) Self-Inflicted Injury: Any incident of self-inflicted injury that occurs at a department facility, juvenile assessment center, day treatment program, contracted facility, shelter, contracted site or program resulting in physical

injuries, marks or bruises requiring immediate, emergency treatment. Self-inflicted injury means any deliberate action taken by the youth to harm himself or herself, but is not necessarily associated with suicide ideation or suicide intent.

(b) Suicide Attempts: Any incident of a suicide attempt that occurs in a department facility, juvenile assessment center, day treatment program, contracted facility, shelter, contracted site or program requiring emergency medical services. Suicide attempts that do not require outside medical attention or emergency medical services, but which are believed to be potentially serious or life-threatening must also be reported to the CCC. When in doubt if the attempt was potentially serious or life-threatening, it shall be reported to the CCC.

(5) Complaints Against Staff Incidents:

(a) Force: Any alleged use of force including Protective Action Response (PAR) that results in an allegation of abuse. ~~For STAR Programs, any PAR incident where a youth is alleged to have been subjected to harmful psychological intimidation techniques or to violations of Chapter 63H-1, F.A.C., must be reported to the CCC.~~

(b) Accessing, Downloading or Introducing Sexually Explicit Material: Any incident of accessing, downloading or introducing sexually explicit material by a department provider, grant employee, volunteer or intern while on duty or on the premises of a department or provider facility, program, office, or site operated by the department, a provider, or grantee that is unrelated to their official duties.

(c) Sexual Misconduct: Any allegation involving the staff of a department facility, facility-based day treatment program, contracted facility, shelter, contracted site, or program, initiating and/or engaging in sexual misconduct or contact with a youth or youth's family while the youth is under department supervision.

(d) Improper Relationship: Any allegation involving the staff of a department facility, facility-based day treatment program, contracted facility, or program receiving department funding initiating and/or engaging in a relationship outside their scope of employment with a youth or youth's family while the youth is under department supervision.

(e) Employment Prior to Background Screening: Any incident occurring in a department facility, juvenile assessment center, day treatment program, contracted facility, shelter, contracted site or program where an applicant is utilized as an employee, volunteer, mentor, or intern prior to receiving an eligible rating on a department background screening.

(f) Employee Arrest: Any arrest of a department or contract employee, including grant employees, volunteers and interns.

(g) Falsification of Records or Documents: Any incident of falsification of records or documents with the intent to deceive or mislead related to any youth or to services provided to any youth where the youth is in custody of the department, under the supervision of the department, with a case pending before the court, or receiving services funded in whole or in part by the department. This includes youth served by prevention contracts and grants.

(h) Criminal Activity: Any incident or event of suspected or actual criminal activity occurring in a department facility, juvenile assessment center, day treatment program, contracted facility, shelter, contracted site, or program involving department or provider staff, volunteer, intern, or grant staff.

(i) Unauthorized Release: Any incident or event where a youth is improperly released from any state operated or contracted residential facility, secure detention center or juvenile assessment center. This includes the release of a youth from a shelter when the placement is pursuant to a court order.

(j) Health or Mental Health/Substance Abuse Services Complaint: Any known or reasonable suspicion of an improper action or omission of medical, mental health or substance abuse services that could potentially cause grave harm or injury to the youth by any administrative or direct-care staff, regardless of licensure, at a department facility, facility-based day treatment program, contracted facility, shelter, contracted site or program. This includes:

1. Denial of care, services or treatment;

2. Controlled medication ~~Narcotic~~ inventory discrepancy (medications requiring shift-to-shift inventory per Rule 63M-2.026, F.A.C.); and

3. All omitted prescribed ~~Omitted~~ medications.

(k) Other Agency Investigations: The CCC must be notified when an agency other than the department is present at a department facility, at a facility-based day treatment program, contracted facility, shelter, contracted site, or program to conduct an investigation of physical abuse, sexual abuse, neglect, or medical neglect.

(l) Use of Intoxicating Substances: Any incident of use of alcohol or illegal drugs by a department employee, provider employee, or grant employee while on duty or on the premises of a department or provider facility, program office, or site operated by department, provider or grantee.

(m) Threats by Staff: Any allegation where there are threats of violence between staff at a department or provider facility, program, office, or site operated by the department, provider or grantee.

(6) Youth Behavior Incidents:

(a) Battery: Any battery occurring in a department facility, facility-based day treatment program, contracted facility, shelter, contracted site, or program that results in a law enforcement arrest.

(b) Felony Activity or Incidents Involving Youths on Community Supervision: Any arrest of a youth for a capital offense or life felony, when as a result of the youth's actions a victim died or sustained serious injury.

(c) Felony Arrests of Youth for Violations Committed While in Custody: Any incident involving felonious acts committed while in a department facility or program, including juvenile assessment centers and facility-based day treatment, minimum-risk programs, or shelters, resulting in an arrest.

(d) Youth on Youth Sexual Contact: Any alleged incident or event occurring in a department facility, juvenile assessment center, day treatment program, contracted facility, shelter, contracted site or program where youths engage in sexual contact with one another. Additionally, any alleged sex act which may constitute a form of sexual battery as defined in Section 794.011, F.S., occurring in a department facility, juvenile assessment center, day treatment program, contracted facility, shelter, contracted site, or program in which there is obvious injury or physical evidence to support the allegations will be reported regardless of the elapsed time.

Rulemaking Authority 985.64 FS. Law Implemented 985.601 FS. History—New 10-11-10, Amended _____.