

NEBRASKA

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DEPT. OF HEALTH AND HUMAN SERVICES



Jim Pillen, Governor

July 1, 2023

Ms. Jennifer Carter
Inspector General of Nebraska Child Welfare
1225 L Street
Lincoln, NE 68508

Subject: YRTC Grievances Report

Dear Ms. Carter:

Neb. Rev. Stat. § 83-105 requires the Youth Rehabilitation and Treatment Centers (YRTC) to submit a quarterly report regarding the number of youth grievances filed, a categorization of the issues to which the grievance relates, the process for addressing such grievances and any actions or changes made as a result of such grievances.

Below, please find the numbers for youth grievances submitted for each of the YRTCs for the period of March 16, 2023, to June 15, 2023. This report is due for your review on the first day of the month following the conclusion of each quarter and given the time that is allotted for the resolution of a grievance, the numbers reflected below will contain the numbers up until the 15th of the last month of the quarter. The remaining data for the latter half of the month will be reflected in the next quarterly report.

Annually, O.M. 116.1 is attached to this report for a reference regarding Youth's Rights and the grievance process. Youths are informed on how to file a grievance upon their arrival at the respective facilities through the Youth Handbook.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark LaBourchardiere", with a horizontal line underneath.

Mark LaBourchardiere
Administrator, Office of Juvenile Services

Attachment

Office of Juvenile Services

YRTC Grievances Report

July 1, 2023

Neb. Rev. Stat. § 83-105

Number and Categorization of Grievances

March 16, 2022 – June 15, 2023

YRTC – KEARNEY

Summary of Grievances:

This quarter in Kearney there were a total of 27 grievances. Compliance collected 16 grievances for the fourth quarter determined to be resolved and were addressed through mediation with the youth's treatment team or through process improvement as a result of Compliance investigating. A total of 10 grievances were determined to be unfounded, and one grievance was investigated by the Compliance Team and determined to be substantiated.

Month/Year	Total # of Grievances	# Substantiated	# Unfounded	# Resolved
March 16, 2022	3	0	0	3
April 2023	5	0	1	4
May 2023	12	1	5	6
June 15, 2023	7	0	4	3

Grievance Types:

Category	March 16 th	April	May	June 15 th
Canteen		1		
Daily Routine				2
Disciplinary Procedure			2	1
Food	1			
Mail				2
Professional Care	1	2	2	1
Programming		1		
Staff-on-Youth: Physical Abuse			1	
Staff-on-Youth: Sexual Harassment		1	1	
Youth-on-Youth: Physical Abuse			1	
Youth-on-Youth: Sexual Harassment			1	1
Youth-on-Youth: Sexual Touching			4	
Youth-on-Youth: Verbal Abuse			1	

YRTC – HASTINGS

Summary of Grievances:

This quarter at YRTC-Hastings there were a total of 40 grievances submitted. Of the 40 grievances, there were 37 resolved through mediation with the youth’s treatment team or through process improvement as a result of Compliance investigating. The Compliance received three grievances determined to be substantiated; one of the three was investigated by Compliance. There were zero grievances submitted this quarter determined to be Unfounded.

Month/Year	Total # of Grievances	# Substantiated	# Unfounded	# Resolved
March 16 th , 2023	17	0	0	17
April 2023	14	0	0	14
May 2023	6	1	0	5
June 15 th , 2023	3	2	0	1

Grievance Types:

Category	March 16 th	April	May	June 15 th
Accounting/Business Office		1		
Case Management	6	2		
Daily Routine		2		1
Disciplinary Procedures			1	
Medical Services	1	1		
Personal Hygiene		1	1	
Phone	1			
Professional Care	9	7	2	1
Property Damage				1
Staff-on-Youth: Physical Abuse			1	
Religious Beliefs			1	

YRTC – LINCOLN

Summary of Grievances:

This quarter at YRTC-Lincoln there was a total of 23 grievances. A total of 21 grievances were resolved through mediation with the youth’s treatment team or through process improvement as a result of Compliance investigating. Two grievances this quarter were determined to be substantiated that were not investigated by Compliance. Zero grievances this quarter were determined to be unfounded.

Month/Year	Total # of Grievances	# Substantiated	# Unfounded	# Resolved
March 16 th , 2023	4	2	0	2
April 2023	10	0	0	10
May 2023	5	0	0	5
June 15 th , 2023	4	0	0	4

Grievance Types:

Grievance Types	March 16 th	April	May	June 15 th
Professional Care		3	4	1
Youth-on-Youth: Verbal Abuse		1		
Staff-on-Youth: Sexual Harassment				1
Disciplinary Procedures	4	6	1	2

Process for Addressing Grievances

Grievances are categorized upon completion as either substantiated, unfounded, or resolved. A substantiated grievance is defined as having sufficient information to determine that the basis of the youth's grievance is accurate. A determination of unfounded is defined as either the basis of the youth's grievance being false, or there is a lack of sufficient evidence to determine whether the incident occurred. Grievances about a youth's rights as defined in Operational Memorandum (O.M.) 116.1 are handled directly by the facility's internal Compliance Team.

Grievances noted as resolved are about issues that are not defined in O.M. 116.1. These types of grievances could be, for example, a youth disputing their progress in programming, a disagreement with another youth, or a youth requesting not to be served a particular food item due to personal preference. These grievances are resolved through the youth's treatment team and the process of mediation. Youth are encouraged to write a grievance on any issue that they feel they cannot resolve on their own.

Each grievance is reviewed by the Compliance Team and assigned to the appropriate party to address. Should the grievance be about any verbal, physical, or sexual abuse of the youth, the situation is handled by the Compliance Team and reported promptly to the Nebraska DHHS Hotline and the Nebraska State Patrol for proper investigation of any abuse or criminal act. Youth have several different ways to report abuse, which include the grievance process, a verbal report to staff, or a phone call to the Nebraska DHHS Hotline that the youth can access without the assistance of staff.

Actions or Changes as a Result of Grievances

YRTC-Kearney

During this last quarter the Compliance Department received 27 grievances from the youth population and determined two of complaints to be substantiated. There was a total of seven grievances submitted that were formally investigated by the Compliance Team determined to be unfounded. Those were found to have been submitted either under false youth names or falsely reported with intentions to cause duress, discipline to other youth, or as retaliation. Compliance recommended appropriate progressive discipline for the submitting youth. Progressive discipline ranges from the youth speaking with their assigned therapist for behavioral management purposes, up to receiving a violation for False Reporting.

The substantiated grievance involved Youth-on-Youth: Sexual Touching resulting in a formal PREA investigation by the Compliance Team. The sexual touching allegation resulted in a recommendation that the youth perpetrator receive a Major Violation and be placed on an assigned one-to-one staff monitoring, behavioral plan until PREA concerns for behavioral incidents were mitigated.

The sexual touching from one youth to another

YRTC-Hastings

During this last quarter, the Compliance Department received 40 grievances in total from the youth population and determined three of the 40 to be substantiated. Two of the three substantiated grievances did not contain elements necessary for a formal investigation through the Compliance Team. These grievances were completed by the assigned Unit Managers, and resulted in

One out of the three substantiated grievances involved a Staff-on-Youth: Physical Abuse claim. This claim involved allegations against four Youth Security Supervisor employees not executing appropriate Handle with Care techniques. Facility administration and the Human Resources Department are still actively working on pursuing corrective measures with the staff involved. Administration is also reviewing the findings of the investigation for the purposes of improvement in documentation.

YRTC-Lincoln

During this last quarter, the Compliance Department received 23 grievances in total from the youth population. One grievance was investigated by the Compliance Team regarding an allegation of Staff-on-Youth: Sexual Harassment resulting in an unsubstantiated determination for lack of evidence to support the allegation. The result of the investigation was a recommendation for facility improvement regarding attempts to limit amount of time staff are alone with youth on a one-to-one basis, in order to mitigate lack of evidence for possible future claims.

The two substantiated grievances were regarding violations for youth misconduct or behaviors. While the facility possesses a formal disciplinary appeal process, the grievances were allowed as an exception with the reminder to use the appropriate process in the future. One youth requested to include an additional staff witness to support his claim for the reporting staff misunderstanding the situation. The facility accepted the addendum and updated the original sanction which ultimately resulted in the report being dropped from the youth's record. The facility allowed the substitution of the second youth grievance in place of an official appeal, thus resulting in moving forward with the appropriate process for review and consideration to update the initial sanction.