

# NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES



Jim Pillen, Governor

April 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 December 16, 2022, to March 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

April 1, 2023

Neb. Rev. Stat. § 83-105

# Number and Categorization of Grievances

December 16, 2022 – March 15, 2023

## YRTC – KEARNEY

### Summary of Grievances:

This quarter in Kearney there were a total of 12 grievances. All grievances for the third quarter were addressed through mediation with the youth’s treatment team. One grievance was investigated for professional care and determined to be unfounded.

Month/Year	Total # of Grievances	# Substantiated	# Unfounded	# Resolved
Dec 15, 2022	2	0	0	2
Jan 2023	3	0	1	2
Feb 2023	5	0	0	5
Mar 15, 2023	2	0	0	2

### Grievance Types:

Grievance Type	December	January	February	March
Food			3	
Visiting			1	
Phone				1
Physical Facility	1			
Canteen			1	
Issued Clothing				1
Daily Routine		1		
Professional Care	1	2		

# YRTC – HASTINGS

## Summary of Grievances:

This quarter in Hastings there were a total of 13 grievances. Of the 13 grievances, there were two unfounded grievances for sexual touching that were investigated by the Compliance Team. All other grievances for the second quarter were addressed through the mediation process with the youth’s treatment teams.

Month/Year	Total # of Grievances	# Substantiated	# Unfounded	# Resolved
Dec 15, 2022	7	0	0	7
Jan 2023	1	0	0	1
Feb 2023	4	0	2	2
Mar 15, 2023	1	0	0	1

## Grievance Types:

Grievance Types	December	January	February	March
Food	2			
Issued Clothing	2			
Daily Routine			2	
Professional Care		1		
Programing	1			
Case Management	1			1
Youth to Youth Sexual Touching			2	
Disciplinary Procedures	1			

# YRTC – LINCOLN

## Summary of Grievances:

This quarter at Lincoln there were a total of 25 grievances. Of the 25 grievances, there were two grievances that were classified as “other” as the complaints did not fall within normal parameters for tracking. One grievance was made as a report regarding another youth’s inappropriate physical presentation on the unit. The second was a complaint against staff for taking down a youth’s school computer background. All other grievances for the second quarter were addressed through mediation with the youth’s treatment team.

Month/Year	Total # of Grievances	# Substantiated	# Unfounded	# Resolved
December 15, 2022	3	0	0	3
January 2023	7	0	0	7
February 2023	14	0	0	14
March 15, 2023	1	0	0	1

## Grievance Types:

Grievance Types	December	January	February	March
Food			1	
Personal Hygiene			1	
Daily Routine		1		
Professional Care		3	4	
Programing	3	1	1	
Other			2	
Disciplinary Procedures		2	5	1

# 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 12 grievances from the youth population and determined one of the 12 to be unfounded. The unfounded grievance alleged Prison Rape Elimination Act (PREA) stating that a staff member made an inappropriate sexual comment toward a youth while playing video games. This grievance was investigated by the Compliance Department and was determined to be unfounded for sexual harassment as defined by current PREA standards but did determine that staff acted unprofessionally by facility standards. The staff member received progressive discipline for his actions.

### YRTC-Hastings

During this last quarter, the Compliance Department received 13 grievances from the youth population and determined two of the thirteen to be unfounded. Both grievances were in reference to the same incident that alleged incidental youth-on-youth sexual touching to have occurred during a volleyball game. The Compliance Department investigated these allegations

and was not able to produce significant enough evidence to determine that the allegation occurred due to no supporting video evidence or eyewitness accounts of it taking place. It was recommended that staff be more vigilant in observing the youth while on duty. The facility responded by discontinuing front-line staff participation in recreational activities to ensure constant supervision of the youth is maintained at the highest level of security necessary for the facility.

## **YRTC-Lincoln**

During this last quarter, the Compliance Department received 25 grievances from the youth population and all grievances received were satisfactorily resolved between the youth and their treatment team at the facility level. No investigations were initiated because of a youth grievance for this quarter and thus did not require compliance recommendations for change or action.