

**Idaho Department of
Juvenile Corrections
Institutional
Policy/Procedure**

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SUBJECT: JUVENILE DISCLOSURE OF CRIMINAL ACTIVITY/ABUSE

CATEGORY: JUVENILE RIGHTS AND
RESPONSIBILITIES

Policy

The purpose of this policy is to provide guidelines for the reporting of disclosures made by juveniles committed to the Idaho Department of Juvenile Corrections (IDJC) in the circumstances noted below.

1. Disclosures of prior criminal activity that falls under mandatory reporting, not involving sexual behavior.
2. Disclosures of prior sexual abuse perpetrated by the juvenile.
3. Disclosures of any current or prior abuse or neglect in which the juvenile was a victim.
4. Disclosures of sexual or abusive activity among juveniles while in a facility.
5. Disclosures of sexual or abusive activity among juveniles at previous placements.

The IDJC's obligation under the accountability and public safety terms of the Juvenile Corrections Act includes working with juveniles in custody to have them accept full responsibility for their offenses. The IDJC also has responsibility for protecting the rights of juveniles in custody, including the right against self-incrimination.

Any IDJC staff who has reason to believe, by way of disclosure by a juvenile or other reliable source, that a juvenile in the IDJC's custody has been abused, neglected, or has participated in some previously unreported criminal offense that meets the criteria outlined in guidelines above must report that information to law enforcement or other appropriate agency or cause the information to be reported within the timeframes and limits of Idaho Statute §16-1605, Reporting of Abuse, Abandonment or Neglect.

Operating Procedures

I. Notice of Limited Confidentiality

Within 24 hours of arrival, every juvenile committed to the IDJC will read, or have read to them, and sign the Notice of Limited Confidentiality (DJC-206) form, which

describes in detail the circumstances under which IDJC staff are required to report criminal disclosures made by juveniles. The DJC-206 form will explain the juvenile's rights to them. The staff reviewing the DJC-206 form with the juvenile will discuss the terms of the notice to ensure that the juvenile understands the DJC-206 form. A juvenile's refusal to sign the form in no way alters staff's responsibility in this regard. Refusal to sign is noted on the DJC-206 form. The DJC-206 form is filed in the juvenile's permanent [case management file](#).

II. Disclosure Reporting

Reporting of prior or present offenses disclosed by juveniles to staff will be done in accordance with Idaho Code and will reflect the mandates of the Juvenile Corrections Act for accountability and community protection. Staff will report prior criminal activity that has a potential victim.

- A. Staff who become involved in discussions with juveniles that include disclosure of past or present criminal, abusive, or neglectful behaviors (whether victim or perpetrator) will advise the juvenile of the reporting requirement and will ensure that the disclosure is documented in the Notification of Disclosure and/or PREA Incident (DJC-131) form or forwarded to the appropriate person to document in the DJC-131 form.
- B. Interns, volunteers, or contract providers providing individual, group, or family counseling as well as staff facilitating other specialized services (substance abuse groups, religious volunteers, sexual abuse meetings) must meet the legally-mandated reporting requirements. Following the report and before leaving the facility, they should forward all relevant information to an IDJC staff.
- C. The IDJC will cooperate with any ongoing investigation. IDJC staff may be asked to restrict the juvenile's communication regarding the disclosure during the course of a criminal investigation. Refer to Correspondence and Communication – Telephone, Mail, and Visitation (674) policy and procedure.
- D. When a juvenile makes a disclosure of past or present criminal, abusive, or neglectful behavior, it is important that the staff documenting the disclosure includes all known pertinent information about the juvenile and the incident(s) described. Staff will not conduct an interview beyond documenting the following information:
 - 1. Name of the juvenile, their home county, and names of [Juvenile Service Coordinator](#) , [Juvenile Probation Officer](#) , and Rehabilitation Specialist.
 - 2. The date of the incident, including where it occurred, when or over what period of time it took place, and who else was involved.
 - 3. If possible, some identification of the victim, even if not by name or if not an individual.

4. Description of the source of the information/disclosure, either through a written or verbal report.
- E. Juveniles may be asked, but will not be required, to provide a written statement in addition to the report provided by staff.
- F. Any disclosure of past or present sexual abuse by a juvenile must be reported by phone within 24 hours of the disclosure to the Department of Health and Welfare (DHW) Central Intake or the law enforcement agency in the county in which the crime was committed. If it is unknown where the crime was committed, contact the law enforcement agency from where the juvenile was committed.
- G. The report of the disclosure and reporting made to either IDHW or law enforcement officials will be documented on the DJC-131 form. Any written statement offered by the juvenile will be attached to the DJC-131 form. The DJC-131 form is distributed as indicated on the form and saved to the juvenile's case management file.
- H. In the case of imminent risk that requires immediate attention or a disclosure of serious criminal actions, designated staff will call law enforcement or IDHW. The IDJC staff will notify the [Superintendent](#) and designee. The Superintendent, or designee, will notify the Director.
- I. Any IDJC staff involved in an ongoing investigation regarding a disclosure will keep the Superintendent informed of the current situation.

Reference: [Glossary of Terms and Acronyms](#)
[Idaho Statute § 16-1605 Reporting of Abuse, Abandonment or Neglect](#)
[Records Retention Schedules](#)

Related Policies: [Privileged Communications \(675\)](#)
[Placement of Juveniles with History of Sexual Misconduct \(438\)](#)
[Use of Polygraph in Assessment and Treatment of Juvenile Sex Offenders \(428\)](#)
[Prison Rape Elimination Act \(PREA\) Compliance \(613\)](#)
[Correspondence and Communication: Telephone, Mail, and Visitation \(674\)](#)
[Records Management Policy and Procedure \(117\)](#)
[Public Records \(901\)](#)

Related Forms: [Notice of Limited Confidentiality \(DJC-206\)](#)
[Notification of Disclosure and/or PREA Incident \(DJC-131\)](#)
[Records Destruction Log \(DJC-279\)](#)