

ATASCOSA COUNTY JUVENILE DETENTION CENTER

REFERRALS OF ALLEGATIONS FOR INVESTIGATIONS

PREA Standard: §115.322

Policy Number

18.9

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§ 115.322 Policies to ensure referrals of allegations for investigations.

(a) The agency shall ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment.

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(b) The agency shall have in place a policy to ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior. The agency shall publish such policy on its website or, if it does not have one, make the policy available through other means. The agency shall document all such referrals.

(c) If a separate entity is responsible for conducting criminal investigations, such publication shall describe the responsibilities of both the agency and the investigating entity.

(d) Any State entity responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in juvenile facilities shall have in place a policy governing the conduct of such investigations.

(e) Any Department of Justice component responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in juvenile facilities shall have in place a policy governing the conduct of such investigations.

POLICY

ACJDC will ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment. The ACJDC Detention Superintendent (FA) will assure that all allegations of sexual abuse or sexual harassment are investigated for administrative or criminal charges. Further, the FA will assure that every ACJDC staff member (to include contractors and volunteers) fully cooperates in any investigation. It is the policy of ACJDC to ensure that all allegations of sexual abuse and sexual harassment are referred for investigation to JPD or TJJD as these agencies have the legal authority to conduct criminal investigations of sexual abuse and criminal sexual harassment in juvenile facilities. The FA shall assure that an administrative and/or criminal investigation is completed for all allegations of sexual abuse and sexual harassment.

PROCEDURE

1. ACJDC understands that every staff member, contractor, or volunteer share in the responsibility to protect ACJDC residents from harm. Every staff member, contractor, or volunteer has a duty to report any suspected case of child abuse or neglect.

2. Every staff member, contractor, or volunteer is required by State of Texas law to report all cases of sexual abuse occurring at this facility to the TJJD hotline at 1-877-786-7263 and to local law enforcement.

3. ACJDC staff will notify the FA, Detention Supervisor and PC immediately after notifying TJJD and JPD. The ACJDC PC is responsible for ensuring that all allegations of sexual abuse, occurring at this facility, are reported to the JPD or TJJD immediately, but no later than 1 hour from the time there was reasonable cause to believe a resident had been abused. In the absence of the PC, the Detention Superintendent will act on behalf of the PC in receiving and reporting allegations of sexual abuse.

4. Reasonable cause of abuse is established when, upon a review of the totality of the circumstances and the evidence (such as Youth Injury Reports, video evidence, witness statements, etc.), an ordinary and prudent person would conclude that the child has been abused.

5. The PC, or in his/her absence their assigned designee, will document all contacts with JPD or TJJD on ACJDC's Incident Report form.

6. The Incident Report regarding all contact with JPD or TJJD will be completed by the PC, or in the event of his/her absence, their assigned designee, within 1 hour of contacting JPD and/or TJJD. A copy of the completed form will be submitted to the ACJDC FA within 1 hour of completion of the form.

7. If the allegation does not involve potentially criminal behavior, the PC shall ensure that a thorough and comprehensive investigation is conducted to determine if any administrative action is required. All referrals for investigation will be documented on an incident report.

8. All administrative investigations will be handled by the FA, Detention Supervisor, and the PC unless the allegation involves any of the administrative investigators. In the event the allegation involves the Detention Superintendent, Detention Supervisor and the PC, the Commissioner's Court will appoint a committee who will be responsible for conducting and completing the investigation.

9. The PC shall ensure that a complete copy of this policy is published on the ACJDC website at www.atascosacounty.texas.gov.

10 When a report of sexual abuse or sexual harassment is made the following will occur:

Jourdanton Police Department (JPD) or TJJD Responsibilities:

1. JPD or TJJD staff will take the lead in all criminal investigations.

2. JPD or TJJD staff will have access to all records and files as legally permissible; and

3. The JPD or TJJD will be responsible for completing the criminal investigation consistent with their policies governing the conduct of such investigations and for referring any individual or individuals for criminal prosecution.

ACJDC Responsibilities:

1. Providing access to all legal permissible records and files, to include video records.

2. Providing space for JPD or TJJD staff to conduct interviews and/or to review records and files; and

3. Ensuring that all ACJDC staff, contractors, and volunteers fully cooperate in the investigation.

(a) The ACJDC FA will request from any State entity responsible for conducting administrative or criminal investigations of sexual abuse and sexual harassment in juvenile facilities a copy of the agency's policy governing the conduct of such investigations.

(b) Documentation of this request by the FA to the State entity responsible for conducting administrative or criminal investigations of sexual abuse and sexual harassment in juvenile facilities will be maintained by the FA and the PC.

(c) The FA will request from any Department of Justice component responsible for conducting administrative or criminal investigations of sexual abuse and sexual harassment in juvenile facilities a copy of the agency's policy governing the conduct of such investigations. Documentation of this request by the FA to the Department of Justice will be maintained by the FA and the PC.

