

Yuma County Juvenile Justice Center	Policy Number	Policy and Procedures: Human Resources
Chapter: Complaints		Related Standards:
Subject: PREA Investigations		Revised: 11/07/14

POLICY:

- I. Yuma County Juvenile Court will thoroughly, promptly, and objectively investigate all allegations of sexual misconduct involving youth under their jurisdiction or authority during the time of the incident.
 - A. Investigations will be completed even if the youth is no longer under the jurisdiction or authority; the accused staff, or volunteer is no longer employed by or providing contracted services to the Juvenile Court; and if the reporter recants the allegation.
 - B. Allegations will be referred to law enforcement agencies that appear criminal in nature. In addition, all terminations for violations of agency sexual misconduct policies, or resignations by staff who would have terminated if not for their resignation, will be reported to law enforcement agencies, unless the activity was not criminal, and to any relevant licensing bodies.
 - C. Allegations received from other facilities/agencies will be investigated in accordance with the PREA standards.
- II. The Juvenile Court may discipline, per Judicial Merit System, employees determined to be perpetrators of sexual misconduct.
- III. Information related to investigations of sexual misconduct will only be disclosed to staff when necessary for related treatment, security, and management decisions. Staff who breach confidentiality may be subject to corrective/disciplinary action.

ATTACHMENTS:

- | | |
|--|--------------|
| Evidence Collection Protocol Form | Attachment A |
| PREA Investigation Report Template | Attachment B |
| PREA Data Collection Checklist | Attachment C |
| PREA Investigation Review Checklist | Attachment D |
| PREA Monthly Retaliation Monitoring Report | Attachment E |

PROCEDURE:

I. Investigations

- A. The PREA Coordinator will review all sexual misconduct allegations, determine which allegations fall within the definition of sexual misconduct, and forward those allegations to the appropriate Director for investigation.
1. For allegations involving employees, the Director/designee will notify the Human Resource Specialist of the investigation and assign them to assist with the investigation.
 2. All allegations that appear to be criminal in nature will be referred for law enforcement investigation by the Director/designee even when the employee has resigned or been terminated from their employment.
 - a. Staff, contractors and volunteers shall cooperate with outside investigators and the PREA Coordinator shall endeavor to remain informed about the progress of the investigation.
 - b. Requested investigation reports received from law enforcement will be attached to the final PREA investigation report submitted to the PREA Coordinator. These reports should include a thorough description of physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible.
 - c. When criminal investigations are substantiated, a request for a referral to prosecutor will be made.
 3. For allegations determined not to fall within the definition of sexual misconduct, the PREA Coordinator will notify the Director/ designee, who will follow the non PREA investigation process. The PREA Coordinator will also ensure the youth is notified.
- B. Investigators will be assigned by the Director to conduct an Administrative Investigation only. Investigators will receive training according to the PREA Standards. Investigators will:
1. Interview alleged victims (unless the victim is to be interviewed through Amberly's Place), accused detained youth/staff, and witnesses. Investigators will promote a victim-centered information-gathering process as indicated in the *Violence Against Women Online Resources*.

Please Note: Interviews conducted by Amberly's Place will be observed through video and the investigator will provide list of questions, if

applicable, that will be asked by law enforcement or an Amberly's Place interviewer.

2. Ensure any additional evidence is collected per Uniform Evidence Protocol (Attachment A) as applicable. In addition,
- C. Investigators will submit the investigation report and PREA Data Collection Checklist to the appropriate the Director within 5 days of assignment, unless an extension has been approved by the Director. All reports will follow the PREA Investigation Report Template (Attachment B).
1. All evidence to include photos, incident reports/statements, video recordings, internal logs, interview recordings and any other related documents will be included in the investigation report.
 2. Credibility of an alleged victim suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as resident or staff.
 3. A youth who alleges sexual misconduct shall not be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation.
 4. The investigation shall make an effort to determine whether staff actions or failures to act contributed to the abuse.
 5. For each allegation in the report, the investigator will determine whether the allegation is:
 - a. *Substantiated*: The allegation was determined to have occurred by a preponderance of the evidence,
 - b. *Unsubstantiated*: Evidence was insufficient to make a final determination that the allegation was true or false, or
 - c. *Unfounded*: The allegation was determined not to have occurred.
- D. The Director will review the report and prior complaints/reports of sexual misconduct involving the accused, when available, and ensure the PREA Data Collection Checklist is completed. Based on the report the Director will:
1. Determine if disciplinary action or other action is warranted when allegation involves an employee, contracted staff or volunteer. When a substantiated the accused will be notified during the pre-disciplinary process.
 2. Notify the accused of the findings either verbally or in writing when allegations are unfounded or unsubstantiated.
 3. Ensure that the PREA Coordinator has notified the alleged victim and their guardian of the findings. This notification will be written and a

copy will be attached to the investigative report.

4. Ensure that the PREA Coordinator has scheduled a Multidisciplinary PREA Review of the incident and investigation within 30 days of the investigation when the findings are substantiated or unsubstantiated.
5. Forward investigation report, all related attachments/evidence, PREA Data Collection Checklist (Attachment C), PREA Investigation Review Checklist (Attachment D), and Finding Notification Letter to the Human Resource Specialist for filing in a secure area. The Human Resources department shall retain all written reports pertaining to the administrative investigation of alleged sexual misconduct for as long as the alleged abuser is incarcerated or employed by the agency, plus five (5) years.

II. Retaliation

- A. When a PREA investigation is initiated, the court will monitor to assess indicators or reports of retaliation against reporters, alleged victims or those staff and residents who cooperated with the investigation.
 1. Indicators of retaliation may include, but are not limited to:
 - a. Disciplinary reports,
 - b. Changes in grievance trends,
 - c. Housing/program changes and reassignments, or
 - d. Negative performance reviews.
 2. The PREA Coordinator will notify the following staff, as applicable, when monitoring is required, but will not provide specific details regarding the allegation and investigation:
 - a. The internal Juvenile Court Therapist will ensure alleged victims and youth reporters are monitored and met with at least monthly. The Therapist will complete and submit PREA Monthly Retaliation Monitoring Report (Attachment E) to the PREA Coordinator each month.
 - b. The Human Resource Specialist will monitor employee reporters and met with at least monthly. A PREA Monthly Retaliation Monitoring Report (Attachment E) will be completed and submitted to the PREA Coordinator each month.
 - c. A designee identified by the Director/designee will monitor contract staff and volunteer reporters.
 6. Any reports of retaliation or the presence of indicators will be reported immediately to the Director/designee, who will take prompt and appropriate steps to address the issue (e.g., housing change, removal of alleged staff or resident; separate investigation, referral for support

services).

7. Monitoring activities may be discontinued if the:
 - a. Allegation is determined to be unfounded, or
 - b. Reporter or alleged victim is released during the monitoring period
8. Retaliation monitoring will continue for 90 days following notification, or longer if the Director determines it is necessary.

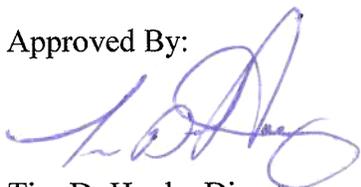
III. Multidisciplinary PREA Review

- A. For each substantiated or unsubstantiated finding of offender-on-offender sexual assault/abuse and staff sexual misconduct, the Director will convene a PREA Review Committee to examine the case.
- B. The committee will within 30 days of the completed investigation.
- C. The committee will be multidisciplinary and include facility management, with input from supervisors, investigators, and medical/mental health practitioners, as applicable.
- D. The committee will review policy compliance, causal factors, and systemic issues using PREA Investigation Review Checklist.

IV. Staff Discipline

- A. Employees may be subject to disciplinary action, up to and including termination, for violating PREA policies.
- B. Contract staff and volunteers who are found to have committed staff sexual misconduct will be terminated from service and prohibited from contact with offenders. For any other violations of PREA policies, appropriate actions will be taken.
 1. For contract staff terminations, the Director/designee will notify the contract staff/organization in writing. A copy will be forwarded to the Human Resource Specialist to be attached to the completed investigation.

Approved By:



Tim D. Hardy, Director

11/13/14

PREA UNIFORM EVIDENCE PROTOCOL

Date and Location of Incident (specific location in the facility):	Date:
Staff Assigned to Evidence Collection:	Time:

This protocol will be implemented **ONLY IF**:

- The assault occurred within the previous 120 hours and law enforcement has instructed the Department to collect evidence, OR
- The assault occurred outside the 120 hour timeframe and evidence is still available

**ALL INDIVIDUALS INVOLVED MUST ENSURE
THE CHAIN OF EVIDENCE IS MAINTAINED**

A: Secure the Scene

	Time Started	Time Completed	Initial	N/A
• Maintain any crime scene using the Crime Scene Containment/Preservation/Processing Checklist				
• Do not allow the area to be cleaned				
• Take photographs or video if possible				
• Obtain video surveillance footage				
• Identify staff involved/witnesses and obtain incident reports				
• Identify offender witnesses				
• Identify offenders who were in the area				

B: Collect Clothing and Other Physical Evidence Using Standard Precautions

	Time Started	Time Completed	Initial	N/A
<i>Please Note: Juvenile Court staff are only to perform this part of the evidence protocol under exigent circumstances (i.e., LE and Amberly's unable to perform this duty)</i>				
a. Collect clothing still being worn by the offender: <ul style="list-style-type: none"> • Place 2 sheets of clean paper (e.g. butcher or exam table) on the floor, one on top of the other • Instruct the youth to remove his/her shoes before stepping on the paper to reduce cross-contamination • Instruct the youth to stand in the middle of the paper and carefully disrobe, dropping all clothing straight down onto the paper 				

Administrative Investigation Report Format

SECTION I – Reason for investigation (identify the event):

Example: grievance received from inmate John Smith on 11/29/09 alleging sexual harassment by staff. Inmate smith alleges that Officer Doe repeatedly comments on how cute he is and how she likes his biceps.

SECTION II- Attachments:

Attachments may include incident reports, juvenile statements, video recordings, jolts reports, etc. The attachments will be listed in this section and attached at the end of the report document.

SECTION III- Overview of the allegation/incident:

Provide a brief overview of the allegation/incident, when and how it was reported, initial action taken, and when approved and assigned for investigation.

SECTION IV- Summary of interviews:

The documentation in this portion of the report will only summarize each interview to provide a basis for the *conclusion* section of this report. The names of persons present, and date and begin/end time of interviews. Each interview will be recorded.

SECTION V – Findings/conclusion:

Findings and conclusions will be based on documented evidence and interviews.
Example: based on video footage showing that Officer Doe did not enter juvenile cell at the time of alleged incident, investigation finds that this case is unfounded.



Yuma County Juvenile Justice Center PREA Data Collection Checklist

PREA Incident Number:

Completed by:

Multiple Victims: Yes No If multiple victims, please complete a form for each victim.

Date of Incident: From: _____ To: _____

Time of Incident:

Date and Time Reported:

Reported to:

(Hotline, Letter, Person, Grievance, email, Ect.)

Type of Allegation:

Alleged Incident Location N/A

Alleged Incident Location:

(Mark all that apply)

- | | | | |
|--|--|---|--|
| <input type="checkbox"/> Break Room | <input type="checkbox"/> Cell | <input type="checkbox"/> Classroom | <input type="checkbox"/> Community Setting |
| <input type="checkbox"/> Day Room | <input type="checkbox"/> Meeting Room | <input type="checkbox"/> Hallway | <input type="checkbox"/> Holding Cell |
| <input type="checkbox"/> Closet | <input type="checkbox"/> Holding Cell | <input type="checkbox"/> Kitchen | <input type="checkbox"/> Laundry Room |
| <input type="checkbox"/> Locker Room | <input type="checkbox"/> Medical | <input type="checkbox"/> Restroom | <input type="checkbox"/> Property Room |
| <input type="checkbox"/> Storage Room | <input type="checkbox"/> Shower | <input type="checkbox"/> Office | <input type="checkbox"/> Strip/UA Room |
| <input type="checkbox"/> Visitation | <input type="checkbox"/> Work Area | <input type="checkbox"/> Walk in Cooler | <input type="checkbox"/> Off Site Work Crew |
| <input type="checkbox"/> Juvenile Home | <input type="checkbox"/> Employee Home | <input type="checkbox"/> Courtroom | <input type="checkbox"/> Community Restitution |

Victim Name:

Victim File Number:

Gang Affiliation:

Victim Physical Injuries:

(Mark all that apply)

- | | | |
|---|--|---|
| <input type="checkbox"/> Knife or Stab Wounds | <input type="checkbox"/> Broken Bones | <input type="checkbox"/> Anal or Vaginal Tearing |
| <input type="checkbox"/> Welts | <input type="checkbox"/> Internal Injuries | <input type="checkbox"/> Chipped or Knocked out teeth |
| <input type="checkbox"/> External Injuries | <input type="checkbox"/> Bruises | <input type="checkbox"/> Knocked Unconscious |
| <input type="checkbox"/> Black Eye | <input type="checkbox"/> Sprains | <input type="checkbox"/> Cuts |
| <input type="checkbox"/> Scratches | <input type="checkbox"/> Swelling | <input type="checkbox"/> No Injuries Sustained/Noted |
| <input type="checkbox"/> Other: | | |

After the incident was reported, was the victim:

- | | | |
|--|---|-------------|
| <input type="checkbox"/> Given a medical examination | Date: _____ | Time: _____ |
| <input type="checkbox"/> Administered a Rape Kit(Amberly's Place) | <input type="checkbox"/> Tested for Sexually Transmitted Diseases | |
| <input type="checkbox"/> Provided with Mental Health Services | Date: _____ | Time: _____ |
| <input type="checkbox"/> Referred for Mental Health Services but declined | | |
| <input type="checkbox"/> N/A (If allegation not sexual harassment or sexual abuse) | | |

Victim Risk Assessment Classification: Low Medium High

After the incident was reported, was the victim:

(mark all that apply)

- | | |
|---|---|
| <input type="checkbox"/> Placed on Administrative Segregation or Protective Custody | <input type="checkbox"/> Confined to Cell |
| <input type="checkbox"/> Transferred Pods | <input type="checkbox"/> Other |

Name of Accused:

File Number:

Accused Risk Assessment Classification: Low Medium High

To be completed by the PREA Coordinator

Victim Sexual Orientation:

(To be determined by available information, not by questioning the offender)

Heterosexual Homosexual Bisexual Transgender Unknown

Victim Gender Identity

Male Female

For Substantiated Offender on Offender Allegations:

- | | |
|---|---|
| <input type="checkbox"/> Persuaded or Talked Into Sexual Activity | <input type="checkbox"/> Bribe or Blackmail |
| <input type="checkbox"/> Gave Victim Drugs or Alcohol | <input type="checkbox"/> Offered Protection from Others |
| <input type="checkbox"/> Threatened with Physical Harm | <input type="checkbox"/> Physically Restrained Victim |
| <input type="checkbox"/> Physically Harmed or Injured | <input type="checkbox"/> Threatened with Weapon |
| <input type="checkbox"/> None | <input type="checkbox"/> Other: |

Victim/Guardian Notification

The identified victim(s)/Guardian(s) was notified either in person or U.S. mail of the findings.

Date Made: Person Mail Other:

PREA Coordinator

Date

Director

Date



Yuma County Juvenile Justice Center PREA Investigation Review Checklist

PREA Incident Number:

Date of Findings:

Date of Review Committee review:

(Should be completed within 30 days of findings)

Type of Allegation:

Committee members:

Management:

Supervisors:

Medical or Mental Health:

Investigator:

Other:

Committee Review:

As a result of the investigation, is a change to policy or procedure recommended? Yes No

Comments:

Was the incident motivated by race or ethnicity, actual or perceived sexual orientation, actual or perceived transgender/intersex status, gang affiliation, or other group dynamics? Yes No

Comments:

Did physical barriers or physical plant layout enable the abuse? Yes No

Comments:

Were approved staffing models followed? Yes No

Was the staffing in the affected area adequate? Yes No If no, provide recommendations to address.

Comments:

Was video surveillance available/adequate? Yes No If no, provide recommendations to address.

Comments:

Additional recommendation to prevent future incidents:

Comments:

PREA Coordinator Review:

Did the Director review the credibility of the victim, suspect, and witnesses? Yes No

Prior to making a finding, did the Director review any prior complaints and reports of sexual abuse regarding the suspect? Yes No

Are recommendations by the Review Committee accepted? Yes No If no, provide reasons. If yes, provide details regarding the implantation dates in action plan.

Action Plan:

Action Item	Person Responsible	Planned Completion Date	Date Completed

PREA Coordinator _____ **Date** _____

Director _____ **Date** _____

