**Philosophy/Purpose:**

To provide a fair process for all regarding any allegation of sexual abuse and/or harassment of a resident by a resident or an employee by a resident of the facility.

**Policy:**

The facility has a zero-tolerance policy relating to sexual assault/harassment of a resident. All residents are supported and encouraged to report any and all instances of sexual assault/harassment.

**Procedure:**

1. Reporting of sexual abuse of a resident, whether against another resident or an employee, can be reported verbally to the resident’s referral worker, Therapist, the facility staff, CPS/DCS or written through the grievance process and forwarded to the facility PREA Compliance Manager. Any verbal reporting must be documented by staff.
2. Once notification of an allegation is received, the PREA Compliance Manager will report the information directly to the Executive Director or Designee. If not previously notified, the Executive Director or designee will contact the appropriate licensing, state representatives, parents/guardians, the police department and/or CPS/DCS. Where sexual abuse is alleged, the facility will use investigators who have received special training in sexual abuse investigations involving juvenile victims.
3. An internal investigation will begin immediately, however in case of alleged sexual abuse this investigation will be referred to be administered by the proper authorities (i.e. state licensing, CPS/DCS, local law enforcement). The facility is responsible for the administrative investigation. Local law enforcement and CPS/DCS will be responsible for conducting the criminal investigation. The facility documents all referrals or allegations of sexual abuse or sexual harassment for criminal investigation.
4. Investigators shall gather and preserve any and all circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring. The alleged victim(s), perpetrator(s) and any witnesses shall be interviewed in a timely manner. Credibility of said victim(s), perpetrator(s) and witnesses shall be assessed on an individual basis and shall not be determined by the person’s status as resident or staff. Investigators will review prior complaints and reports of sexual abuse involving the suspected perpetrator.
5. Documentation of evidence gathered, interviews conducted and any other activity pertaining to the allegation, including determination discussed with the accused, will be administered and formulated into a report by the PREA Compliance Manager and will include facts and findings of the allegation.
6. The facility shall make an administrative determination based on the preponderance of evidence gathered during the course of the investigation. This documentation will be retained for as long as the alleged abuser is a resident or employee of the facility, plus five years, unless the abuse was committed by a juvenile resident and applicable law requires a shorter period of retention.
7. Upon completion of an internal investigation into a resident’s allegation of sexual abuse/harassment, the PREA Compliance Manager or designee will inform the resident as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded (by way of the PREA Compliance Manager’s administrative report).
8. The facility will not require a resident who alleges sexual abuse to submit to a polygraph examination or any other truth telling devices as a condition for proceeding with the investigation of such an allegation.
9. The facility will not terminate an internal investigation based solely on the allegation being recanted, or employment being terminated. If during the course of an internal investigation, criminal activity is established, the Executive Director will immediately contact local authorities for further investigation. The facility will cooperate with any investigation conducted by an outside authority. Upon completion of an external investigation, the facility will request the findings from the appropriate agency in order to inform the resident.
10. The facility will determine whether staff actions or failures to act contributed to the abuse during the administrative investigation; including documentation and written reports; reports shall include a description of the physical and testimonial evidence; the reasoning behind credibility assessments; and investigative facts and findings.
11. Following a resident’s allegation of sexual abuse by an employee, unless unfounded, the resident shall subsequently be informed verbally and by written documentation:
12. The staff member is no longer assigned to the resident’s unit,
13. The staff member is no longer employed at the facility
14. The facility learns that the employee has been indicted or convicted on a charge related to sexual abuse at the facility.
15. Following a resident’s allegation is of sexual abuse by another resident, the resident shall be informed whenever:
16. The facility learns that the alleged abuser has been indicted or convicted on a charge related to sexual abuse at the facility.
17. The facility is responsible for the publication of criminal investigations.
18. The facility attaches copies of all documentary evidence where feasible. This information is kept in the PREA Compliance Manager’s Office with the investigation findings.

**Facility Specific Addendum:**

Juvenile PREA Standards 115.322 (b) -1, 115.371, 115.372, 115.373

**Definitions:**

**Applicable Forms & References:**

PREA Incident report form