

CHELAN COUNTY JUVENILE COURT DETENTION SERVICES	Policy Number: 2.1A	Pages: 3
Chapter: PREA Detention Standards	Statutes and Standards: The Prison Rape Elimination Act (PREA) Juvenile Facility Standards Policy and Procedures: 2.1, Preventing Sexual Abuse of Youth in Detention 12.3, Incident Reports 12.6, Reporting Child Abuse or Neglect 12.7, Major Incident Review	
Subject: PREA Investigations		

I. Policy:

It is the policy of the Chelan County Juvenile Detention to immediately investigate all reports of sexual abuse or sexual harassment of a resident of the facility, regardless whether the acts were alleged to have been committed by another resident, staff member, contractor, or volunteer. Whenever a report of sexual abuse or sexual harassment of a resident alleges acts that constitute a crime, the supervisor or manager receiving the report will immediately contact law enforcement to initiate a criminal investigation.

II. Procedures:

A. Conducting PREA Investigations – Immediately upon receiving a report of sexual abuse or harassment involving a resident housed in the facility, staff will carry out the following duties:

1. Notify Supervisor- Staff will notify the supervisor, JDM, or on-call manager of the situation. See Policy 2.1, Preventing Sexual Abuse.
2. Preserve Evidence- After initially separating the alleged victim and perpetrator and notifying the supervisor or JDM (See Policy 2.1, Preventing Sexual Abuse) staff responding to a report of sexual abuse will make every reasonable effort to preserve evidence. In cases where physical evidence of sexual abuse may be present, and where the abuse is alleged to have occurred recently, the following steps will be taken:
 - (a) Securing the Scene- The area will be cleared and access restricted until investigators arrive, in order to prevent accidental or intentional destruction of evidence.

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(b) Trace Evidence, Victim- When appropriate, staff will request that the victim refrain from taking any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, eating, or drinking.

(c) Trace Evidence, Perpetrator- Similarly, staff will direct the alleged perpetrator to refrain from the same actions, and will monitor closely to ensure compliance.

3. Written Incident Report- See Policy 12.3, Incident Reports.

4. Administrative Investigation– Immediately upon receiving a report of sexual abuse or harassment of a resident, the JDM (or supervisor in the absence of the JDM) will begin an administrative investigation.

5. Referral for Criminal Investigation- Whenever a report of sexual abuse of a resident alleges on its face acts that constitute a crime, or whenever an investigation turns up evidence of criminal activity, the supervisor or manager receiving the report or information will immediately suspend the administrative investigation and contact Wenatchee Police (or the appropriate law enforcement agency if the acts occurred outside the detention facility) to initiate a criminal investigation. If there is any question about whether a crime occurred, the matter will be referred to the Chelan County Prosecutor's office for a determination.

6. Administrative Investigations- When the JDM or JCA conduct an internal administrative investigation into allegations of sexual abuse or sexual harassment, they will do so promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports. Credibility of an alleged victim, suspect, or witness will be based on individual circumstances and not determined by the person's status as a resident or staff member. No one will be required by CCJC to submit to polygraph examination in conjunction with an administrative investigation.

Such investigations will include an effort to determine whether staff actions or failures to act contributed to the abuse. Investigations will be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings. The investigation will not be terminated solely because the source of the allegation recants the allegation or because the alleged abuser or victim departs from employment or control of the agency.

7. Required Training for Administrative Investigators – In order to properly carry out their duties and to comply with PREA standard 115.334, the JDM and JCA must, within 90 days of the effective date of this policy, successfully complete the NIC PREA online training entitled, "Investigating Sexual Abuse in a Confinement Setting."

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8. Criminal Investigations- When a matter is referred to law enforcement, the JDM will confer with that agency to ensure that the investigators assigned to the case have received special training in sexual abuse investigations involving juvenile victims. It is the expectation of CCJC that law enforcement investigators will gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; interview alleged victims, suspected perpetrators, and witnesses; and review prior complaints and reports of sexual abuse involving the suspected perpetrator. Further, it is expected that criminal investigations will be documented in a written report that contains a thorough description of physical and testimonial evidence and includes copies of all documentary evidence where feasible.

Every effort will be made to cooperate with law enforcement and to remain informed about the progress of investigations regarding sexual abuse allegations. Child abuse reporting statutes apply. See Policy 12.6, Reporting Child Abuse or Neglect.

9. Duties of Criminal Investigation Authority- Wenatchee Police Department will be responsible for conducting a criminal investigation in a timely manner according to the publication-based investigatory protocol that governs investigations completed by their agency.

10. Conclusion of Administrative Investigation- At the end of any criminal investigation of sexual abuse or harassment, the JDM and JCA will conclude their administrative investigation in order to document the outcome of the criminal investigation and to pursue any issues such as employee discipline, training, programming, or facility procedures that were not properly resolved by the criminal investigation. A Sexual Abuse Incident Review will be performed and documented. See Policy 12.7, Major Incident Review.

EFFECTIVE DATE:	APPROVED BY:
6/20/2019	