

B. SEXUAL HARASSMENT.

- **POLICY:** All residents either male or female have the right to work in an environment free from all forms of discrimination and conduct which can be considered harassing, coercive or disruptive, including sexual harassment. Sexual harassment is a form of misconduct that undermines the integrity of the staff/resident relationship. The Garland County Juvenile Detention Center has a zero tolerance for form of sexual abuse/assault/misconduct or rape and the failure of “duty” to report such incidents of youth who are placed in our care and housed in the juvenile detention center.

The Garland County Sheriff’s Office has a PREA Coordinator that has sufficient time and authority to develop, implement, and oversee the JDC’s efforts to comply with the PREA Standards. The JDC has a PREA Compliance Manager that has sufficient time and authority to coordinate the JDC’s efforts to comply with the PREA standards.

- **DEFINITIONS:** As used in this document, the following shall apply:
 - (a.) **Sexual Abuse:** Sexual abuse of a juvenile by another juvenile, staff member, contractor, or volunteer, includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:
 - Contact between the penis and the vulva or the penis and the anus, including penetration, however slight.
 - Contact between the mouth and the penis, vulva, or anus
 - Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument
 - Any other intentional touching, either directly or through the clothing, of genitalia, anus groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation or, in the case of staff, that is unrelated to official duties such as searches
 - Any display by a staff member, or contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of a juvenile
 - Voyeurism by a staff member, contractor or volunteer
 - (b.) **Voyeurism:** An invasion of privacy of a juvenile by staff for reasons unrelated to official duties, such as peering at a juvenile who is using the toilet in his/her room; requiring a juvenile to expose his/her buttocks, genitals, or breasts; or taking images of all or part of a juveniles naked body or of a juvenile performing bodily functions.

- (c.) **Sexual Harassment:** Repeated and unwelcome sexual advances, request for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by another juvenile, staff member, contractor, or volunteer. Also, repeated verbal comments demeaning to another gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.
- (c.) **Management Responsibility:** Sexual harassment, whether committed by supervisory or non - supervisory personnel, is specifically prohibited as unlawful and against stated policy. In addition, management is responsible for taking action against acts of sexual harassment by non- supervisory or others, regardless of whether the specific acts complained of were sanctioned or specifically forbidden and regardless of the manner in which management becomes aware of the conduct.
- (d.) **PREA Coordinator:** The PREA Coordinator is a designated Detention Staff who oversees the Detention Center's compliance with the PREA Standards. The PREA Coordinator is not a full time position, but the Detention Center allows sufficient time and authority so the PREA Coordinator can develop and implement policies and procedures in an effort to move toward PREA compliance. If the PREA Coordinator position is vacant, the Chief Deputy actively seeks to fill the position.
- (e) **PREA Compliance Manager:** Where an agency operates more than one facility, each facility shall designate a PREA compliance manager with sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards.

PROCEDURES:

A. **General Provisions**

1. It is the policy of JDC to ensure that any form of sexual activity between youth or between youth and staff/volunteers/outside professionals, regardless of consensual status, is strictly prohibited. Such conduct is subject to administrative disciplinary sanctions and may result in criminal prosecution.
2. Youth being held in the JDC cannot give consent to engage in behavior defined as sexual abuse under this policy, regardless of the youth's age.
3. All allegations of sexual abuse or sexual harassment will be investigated by the JDC or by the Garland County Sheriff's Office.
4. Retaliation against any youth or employee who reports or assists in the

investigation of alleged sexual abuse is strictly prohibited and is grounds for disciplinary action up to and including termination of employment.

5. The Director of the JDC is responsible for the implementation of this policy

B. Reporting Methods

1. JDC will provide and maintain multiple internal ways for juveniles to privately report physical abuse, sexual harassment, sexual abuse, retaliation by other juveniles or staff for reporting sexual abuse or sexual harassment, and staff neglect or violation of duties that may have contributed to such incidents, including, but not limited to:
 - a. Reporting to staff members
 - b. Reporting to administrative staff
 - c. Reporting to medical staff
 - d. Reporting to classroom teachers
 - e. Reporting to Hotline
 - f. Reporting via the grievance box which will be checked every business day by the Director or another designee.
 - g. Staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports.
 - h. The JDC shall provide residents with access to tools necessary to make a written report.
 - i. The JDC shall provide a method for staff to privately report sexual abuse and sexual harassment of residents.
 - k. JDC has a Third Party Reporting Form for third-party reports of sexual abuse and sexual harassment. The form is linked to the detention center's website and is available to the public.
 - l. If the resident does not feel comfortable telling a staff, the JDC will notify the resident to use the Third Party reporting by:
 - a. Tell another resident or someone else you want them to report it for you.
 - b. Request to contact the public defender or your probation officer.
 - c. Leave a note or message in the grievance box. The PREA Compliance Manager checks the box Monday — Friday. Your message will be secure and the PREA Compliance Manager will be the only one who will see it.
 - d. Request to speak to one of the classroom teachers employed by the Hot Springs School
 - e. Request to contact your parent/guardian on an emergency matter.
 - f. Request to call the Hotline:
 - g. Call PREA National Hotline

2. Residents detained solely for civil immigration purposes are provided information on how to contact relevant consular official and relevant officials at the Department of Homeland Security.

3. All verbal reports will be immediately documented via a JDC Incident Report by the staff member receiving the report

4. Juveniles will be provided access to the tools necessary to make a written report if requested, including, but not limited to, a writing utensil, paper, and envelope.

C. Exhaustion of administrative remedies

1. The JDC uses a grievance process including juvenile grievances regarding sexual abuse. There is no time limit on when a juvenile may submit a grievance regarding an allegation of sexual abuse.

2. Juveniles are not required to use an informal grievance process or attempt to resolve with staff an alleged incident of sexual abuse.

3. A juvenile who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint and the grievance is not referred to a staff member who is the subject of the complaint.

4. The final decision is made on grievance alleging sexual abuse within 90 days of the initial filing of the grievance. The 90 days does not include juveniles making administrative appeals.

5. If the juvenile does not receive a response within the time allotted for reply, the juvenile may consider the absence of a response to be a denial at that level.

6. Third parties, including fellow juveniles, staff members, family members, attorneys, and outside advocates, shall be permitted to assist juveniles in filing requests for administrative remedies relating to allegations of sexual abuse, and will also be permitted to file such requests on behalf of juveniles.

7. If a third party, other than a parent or legal guardian, files such a request on behalf of a juvenile, the detention center may require as a condition of processing the request, that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any additional steps in the administrative remedy process. If the juvenile declines to have the request processed on his or her behalf, the detention center shall document the juvenile's decision.

8. Parents or legal guardians of a juvenile are allowed to file a grievance regarding allegations of sexual abuse, including appeals, on behalf of juveniles. Grievance shall not be conditioned upon the juvenile agreeing to

have the request filed on his or her behalf.

9. To report an “Emergency Grievance” the juvenile will immediately inform a staff member (other than who the report is on) about the situation. The Director will be notified, immediate corrective actions warranted will be taken, and the Captain of Operations will also be notified. An initial response will be provided within 48 hours and a final response within 5 calendar days.

10. A grievance related to sexual abuse, filed in bad faith, will warrant disciplinary actions.

D. Juvenile access to outside support services and legal representation

1. Qualified victim advocates are available through the Child Advocacy Center and Turn Key Health’s mental health professional.

2. JDC staff will provide access to victim advocates by posting mailing addresses and telephone numbers, including a toll free hotline.

3. Communication between juveniles and outside support services is provided in a confidential manner. The juveniles are allowed to make the calls without their conversations being heard by staff. For security purposes, they are supervised on the video monitoring system.

4. JDC staff informs juveniles about mandatory reporting laws regarding allegations of sexual abuse.

5. JDC staff also provides juveniles with reasonable and confidential access to their attorneys or other legal representation and reasonable access to parents or legal guardians.

E. Residents with disabilities and residents who are limited English proficient

1. The JDC shall take appropriate steps to ensure that residents with disabilities (including, for example, residents who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities), have an equal opportunity to participate in or benefit from all aspects of the JDC’s efforts to prevent, detect, and respond to sexual abuse and sexual harassment.

a. JDC will not rely on other juveniles as interpreters in order to communicate PREA information except in situations where a delay in obtaining an interpreter may compromise the juvenile’s safety, the ability of the first responder to perform their duties, or the investigation of a juvenile’s allegations. Instead, JDC staff will utilize the Pacific Interpreters Language

Line as the preferred method for interpreting for juveniles.

b. Materials are provided in formats or through methods that ensure effective communication with juvenile with disabilities, including juveniles who have intellectual disabilities, limited reading skills, or who are blind or have low vision.

F. **Official Response Following a Resident Report**

1. The Garland County Sheriff's Office shall ensure that an investigation is for all allegations of sexual abuse and sexual harassment, including those received from third parties and anonymous sources. The Garland County Sheriff's Office shall maintain a policy(ies) that governs the conduct of such investigation.

a. Allegations of sexual abuse or sexual harassment that involve potentially criminal behavior shall be referred for investigation to local law enforcement. All referrals shall be documented. The policy describing such referrals, in addition to the investigative responsibilities of the Garland County Sheriff's Office and local law enforcement, shall be published and maintained on the Garland County Sheriff's Office website.

b. The Garland County Sheriff's Office shall follow a uniform evidence protocol that maximizes the potential for preserving and/or collecting usable physical evidence for administrative proceedings and criminal prosecutions. Such protocol shall be developmentally appropriate for youth, where applicable, and adapted from a comprehensive and authoritative protocol developed after 2011. When the Garland County Sheriff's Office is not responsible for investigating allegations of sexual abuse, the Garland County Sheriff's Office shall request that the investigating law enforcement agency follow the requirements outlined in PREA Standard 115.321.

c. Investigators shall preserve and/or collect direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; shall interview alleged victims, suspected perpetrators and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator.

d. The 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 offender or employee.

e. Administrative investigations shall include an effort to determine whether employee actions or failures to act contributed to the abuse.

f. The Garland County Sheriff's Office shall impose no standard higher than a preponderance of the evidence in determining whether the allegations of sexual abuse or sexual harassment are substantiated.

- g. Administrative and criminal investigations shall be documented in a written report to be retained for as long as the alleged abuser is incarcerated or employed by the Garland County Sheriff's Office, plus ten years. Administrative investigative reports shall include a description of the physical and testimonial evidence, the reasoning behind credibility assessments and the investigative facts and findings.
- h. The departure of an alleged abuser or victim from the employment or control of the facility or the Garland County Sheriff's Office, or the recantation of the allegation, shall not provide a basis for terminating the investigation.
- i. When outside agencies investigate sexual abuse, the facility shall cooperate with outside investigators and shall work to remain informed about the progress of the investigation.

2. The JDC requires all staff to immediately report any knowledge, suspicion, or information they receive regarding an incident of sexual abuse or sexual harassment; retaliation against a juvenile or staff who reported an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. The Garland County Sheriff's Office shall ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment.

3. This policy ensures 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 Garland County Sheriff's Office shall publish this Sexual Harassment policy on its website, or if it does not have one, make the policy available through other means.

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

5. Any state entity responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in the JDC shall have a policy in place governing the conduct of such investigations.

6. Any Department of Justice component responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in the JDC shall have in place a policy governing the conduct of such investigations.

4. Apart from reporting to a Supervisor, administrative staff, law enforcement, or the Department of Social Services, staff are prohibited from revealing any information related to a sexual

abuse report to anyone.

- a. Medical staff and contracted qualified mental health professionals will also be required to report any allegation pursuant to paragraph (1.), to either a supervisor or administrative staff as well to the designated State or local services agency where required by mandatory reporting laws. Such practitioners shall be required to inform residents at the initiation of services of their duty to report and the limitations of confidentiality.
- b. Upon receiving any allegation of sexual abuse, the Director, or designee, will report the allegation to the PREA Coordinator and Garland County Sheriff's Office.
- c. Unless there is official documentation showing the alleged victim's parents or legal guardians should not be notified, the Director, or designee will make notification to them.
- d. If the alleged victim is under the guardianship of the Department of Human Services, the report shall be made to the alleged victim's caseworker instead of the parents or legal guardians.
- e. If the alleged victim is under the juvenile courts jurisdiction, the Director, or designee, will also report the allegation to the juvenile's attorney or other legal representative.
- f. All allegations of sexual abuse and sexual harassment, including third party and anonymous reports, will be reported to one of the JDC's designated investigators.

5. If JDC learns that a juvenile is subject to a substantial risk of imminent sexual abuse, it will take immediate action to protect the juvenile and the Director is to be notified.

6. Upon receiving an allegation that a juvenile was sexually abused while in another facility the JDC Director will notify the other facilities director or appropriate office of the facility where the abuse is alleged to have occurred and any relevant investigation agencies if necessary.

- a. Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation.
- b. JDC will document that it has provided notification
- c. If JDC receives such an allegation it will be investigated in accordance with this policy.

G. Staff first responder duties

1. If the first staff responder is not a security staff member, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff.

2. Upon learning of an allegation that a juvenile was sexually abused, the first staff member to respond to the report shall be required to:

- a. Call for back-up
- b. Identify Perpetrator
- b. Separate the alleged victim and Perpetrator
- c. Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence.
- d. If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing brushing teeth, changing clothes, urinating, defecating, drinking, or eating.
- e. Take any emergency medical action if needed.

3. Immediate Notifications:

- a. Shift supervisor
- b. Director
- c. PREA Investigator
- d. Parents or Legal Guardian
- e. Victim Advocate (if necessary)
- f. Department of Human Services (if necessary)
- g. Local Law Enforcement (if necessary)
- h. Turn Key's Mental Health Professional
- i. Cooper-Anthony Mercy Child Advocacy Center (if necessary)

4. Juvenile shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services.

5. Juvenile victims are offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate.

6. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuse or cooperates with any investigation arising out of the incident.

H. Preservation of ability to protect juveniles from contact with abusers

1. The JDC has no collective bargaining that would interfere with the ability to protect residents from contact with abusers.

I. Agency protection against retaliation

1. All juveniles who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations are protected from retaliation by other juveniles or staff. Retaliation will be monitored by all staff.

Monitoring will occur 24/7. Multiple protection measures shall be available such as:

- a. Room changes or transfers for juvenile victims or abusers,
 - b. Removal of alleged staff or juvenile abusers from contact with victims, and
 - c. Emotional support services for juveniles or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.
2. For at least 90 days following a report of sexual abuse, staff shall monitor the conduct or treatment of juveniles or staff who reported the sexual abuse and of juveniles who were reported to have suffered sexual abuse to see if there are changes that might suggest possible retaliation by juveniles or staff, and shall act promptly to remedy any such retaliation. Juvenile monitoring includes periodic status checks.
 3. The Director will monitor any juvenile disciplinary reports, room or program changes, or negative performance reviews or reassignments of staff.
 4. The Director shall continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need.
 5. If any other individual who cooperates with an investigation expresses a fear of retaliation, the detention center shall take appropriate measures to protect individual against retaliation.
 6. The Director will terminate monitoring if it is determined that an allegation is unfounded.

J. Coordinated response

The JDC shall use this procedure as a plan to coordinate actions taken in response to an incident of sexual abuse, among staff first responders, medical and mental health practitioners, investigators, and facility leadership.

1. First Responder:

- a. Call for back-up
- b. Separate the alleged victim from the alleged abuser.
- c. Notify the shift supervisor of alleged
- d. Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence.
- e. If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, drinking, or eating.
- f. Ensure that any other usable physical evidence is preserved (clothing, tooth brushes, wash clothes, etc.)

- j. Take any emergency medical action (1st aid if needed)
- k. Contact officer in charge
- l. Immediate notifications by Officer in Charge:
 - i. Medical (Turn Key Health)
 - ii. Director (Sgt. Branstetter)
 - iii. PREA Investigator (Captain Cosgrove)
 - iv. Parents or Legal Guardian
 - v. Victim Advocate (Cooper-Anthony Mercy Child Advocacy Center)
 - vi. Department of Human Services (only if the resident is in State custody)
 - vii. Criminal Investigation Division (only at the conclusion of the PREA Internal Investigation)
 - viii. A copy of the Responder Checklist form must be attached to the sexual assault report form and forwarded to the facility investigator.\

2. PREA Investigator:

- a. Conduct an initial interview with the reporting victim
- b. Collect evidence
- c. Interview witnesses
- d. Substantiate /unsubstantiated finding
- e. Reporting to residents

3. Medical/Mental Health Services

Resident victims of sexual abuse will receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgement. If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, staff first responders shall take preliminary steps to protect the victim and shall immediately notify the appropriate medical and mental health practitioners.

- a. If necessary, transport victim to Cooper-Anthony Mercy Child Advocacy Center for exam.
- b. Resident victims of sexual abuse while incarcerated shall be offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate.
- c. Ongoing medical and mental health services for sexual abuse victims and abusers
- d. The JDC will offer medical and mental health evaluation, as appropriate, treatment to all residents who have been victimized by sexual abuse in any prison, jail, lockup, or

juvenile facility.

e. The JDC will provide such victims with medical and mental health services consistent with the community level of care.

f. Resident victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests.

g. If pregnancy results from conduct specified in (d) of this section, such victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy related medical services.

h. Resident victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate.

i. The JDC will conduct a mental health evaluation of all known resident-on-resident abusers within 60 days of learning of abuse.

j. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

4. Sexual abuse incident review

a. The JDC will conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded.

b. The review will ordinarily occur within 30 days of the conclusion of the investigation.

c. The review team will include upper-level management officials, with input from line supervisors, investigators, and medical and mental health practitioners.

d. The review team will:

i. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;

ii. Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian;

gay; bisexual; transgender; or intersex identification, status, or perceived status; or, gang affiliation; or was motivated or otherwise caused by other group dynamics.

- iii. Examine the area where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
- iv. Prepare a report of its finding, and recommendations for improvement and submit such report to the facility head and PREA compliance manager.
- v. The JDC will implement the recommendations for improvement, or will document its reasons for not doing so.

J. Post-allegation protective custody

The JDC does not use isolation. If a juvenile has suffered sexual abuse and remains at the detention center, they will be placed in a cell without a roommate in barracks, unless determined otherwise. The juvenile will be afforded the same programming and exercise afforded to all juveniles.

K. Evidence protocol and forensic medical examinations

1. The Garland County Sheriff's Office or other appropriate agency will investigate all administrative and criminal investigations of sexual abuse. The Garland County Sheriff's Office shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions.

a.) The protocol shall be developmentally appropriate for youth and, as appropriate, shall be adapted from or otherwise based on the most recent addition of the U.S. Department of Justice's Office on Violence against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adult/Adolescents", or similarly comprehensive and authoritative protocols developed after 2011.

b.) All juveniles who experience sexual abuse are given access to forensic medical examinations in coordination with Cooper-Anthony Mercy Child Advocacy Center. If Cooper-Anthony Mercy Child Advocacy Center is not an option, every effort will be made to arrange for the victim to be taken to an emergency room where a Sexual Assault Nurse Examiner (SANE) can conduct the examination.

c.) All examinations are provided without financial cost to the juveniles.

d.) The JDC shall make attempt to make available to the victim a victim advocate from the Cooper-Anthony Mercy Child Advocacy

Center. If the Child Advocacy Center is not able to provide one, the JDC shall make available to provide these services a qualified staff member such as a mental health professional. The JDC will document their efforts to secure services from the Child Advocacy Center.

e.) As requested by the victim, the victim advocate, qualified agency staff member shall accompany and support the victim through the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information and referrals.

f.) To the extent, the Garland County Sheriff's Office is not responsible for investigating allegations of sexual abuse, the agency shall request that the investigating agency follow the requirements of paragraphs a.) through e.) of this section.

g.) The requirements of paragraphs a.) through f.) of this section shall also apply to:

- i. Any state entity outside the agency that is responsible for investigating allegations of sexual abuse in juvenile facilities; and
- ii. Any Department of Justice component that is responsible for investigating allegations of sexual abuse in juvenile facilities.

h.) For the purposes of the standard, a qualified agency staff member or a qualified community staff member shall be an individual who has been screened for appropriateness to serve in this role and has received education concerning sexual assault and forensic examination issues in general.

2. Allegations of sexual abuse will be investigated in a prompt, thorough and objective manner, including allegations made by third party and anonymous sources.

3. The Garland County Sheriff's Office shall ensure that, to the extent the Sheriff's Office it conducts sexual abuse investigation, that its investigators have received training in conducting such investigations in confinement settings.

4. Specialized training shall include techniques for interviewing juvenile sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral.

5. The Garland County Sheriff's Office shall maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations.

6. Any State entity or Department of Justice component that investigates sexual abuse

in the JDC shall provide such training to its agents and investigators who conduct such investigations.

- a. Investigator duties include, but are not limited to:
 - i. Gather and preserve direct circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data
 - ii. Conducting interviews of alleged victims, suspected perpetrators, and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator, including proper use of Miranda and Garrity warnings.
 - iii. Criteria and evidence required to substantiate a case of administrative action or prosecution referral
 - iv. Reporting to residents

7. If, at any time, the allegations appear to be criminal in nature, JDC will contact the Garland County Sheriff's Office to proceed with the investigation and document that they have been contacted.

8. The credibility of an alleged victim, suspect, or witness will be assessed on an individual basis and will not be determined by the person's status as a juvenile or staff. Juveniles who make an allegation will not be asked to submit to a polygraph examination as a condition for proceeding with the investigation.

9. JDC will make an effort to determine whether staff actions or failures to act contributed to the abuse.

10. All investigation findings will be documented in a written report which will include, but is not limited to: a description of the physical and testimonial evidence, the reasoning behind credibility assessments and all other facts and findings.

- a. JDC will retain all written reports on the investigation for as long as the alleged abuser is detained or employed by JDC, plus five years, or until the juvenile turns 21.

11. The departure of the alleged abuser or victim from the employment or custody of JDC will not provide a basis for terminating an investigation.

12. Any State entity or Department of Justice component that conducts such investigations shall do so pursuant to the above requirements.

13. When outside agencies investigate sexual abuse, JDC will cooperate with the agency and shall endeavor to remain informed about the progress of the investigation. It is the expectation that outside agencies will adhere to the standards set forth in this policy when conducting investigations.

14. JDC will impose no higher standard than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

15. Following an investigation into a juvenile's allegation of sexual abuse suffered in JDC, JDC will inform the juvenile that the allegation has been determined to be substantiated, unsubstantiated, or unfounded.

- a. If the Garland County Sheriff's Office did not conduct the investigation, it shall request the relevant information from the investigative agency in order to inform the resident.
- b. Following a resident's allegation that a staff member has committed sexual abuse against the resident, the Garland County Sheriff's Office shall subsequently inform the resident (unless the Garland County Sheriff's Office has determined that the allegation is unfounded) whenever:
 - i. The staff member is no longer posted within the resident's unit;
 - ii. The staff member is no longer employed at the facility;
 - iii. JDC learns that the staff member has been indicted on a charge related to sexual abuse within the JDC; or
 - iv. JDC learns that the staff member involved has been convicted on a charge related to sexual abuse within the

JDC

16. Following a resident's allegation that he or she has been sexually abused by another resident, the Garland County Sheriff's Office shall subsequently inform the alleged victim whenever:

- a. The Garland County Sheriff's Office learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or
- b. The Garland County Sheriff's Office learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.

17. All such notifications shall be documented.

18. The Garland County Sheriff's obligation to report under this standard shall terminate if the resident is released from the Garland County Juvenile Detention Center.

19. Within 30 days of the conclusion of any investigation, even if an allegation has not been substantiated, a review team of JDC will conduct a sexual abuse incident review.

- a. The review team will make recommendations for any improvements which could be made better to handle a sexual abuse situation in the future. If the recommendations are not implemented, the reasons for not doing so will be documented. The review team shall also:

- i. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse.
- ii. Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian; gay; bisexual; transgender, or intersex identification status; or gang affiliation; or was motivated; or otherwise caused by other group dynamics at the facility.
- iii. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.
- iv. Assess the adequacy of staffing levels in that area during the shift.
- v. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.
- vi. Prepare a report of its findings and any recommendations for improvement and submit to the Chief Deputy of Corrections and the PREA Coordinator.

M. 1. Disciplinary sanctions for staff:

- a. JDC staff shall be subject to disciplinary sanctions up to and including termination for violating detention center sexual abuse or sexual harassment policies. Staff who have engaged in sexual abuse shall be terminated. Disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.
- b. All terminations or resignations for violations of agency sexual abuse or sexual harassment, shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies.