

PREA Policy pertaining to referrals for investigations and responsibilities of both agencies

POLICIES TO ENSURE REFERRALS OF ALLEGATIONS FOR INVESTIGATIONS 115.222

- A. The Facility Director shall ensure that an administrative investigation and a referral to the Taylor County Sheriff's Office for a criminal investigation, where appropriate, are completed for all allegations of sexual abuse and sexual harassment. All referrals are documented.
- B. This policy along with a list of responsibilities of the Taylor County Sheriff's Office and the facility will be published on the CSCD website with all other PREA information.

Taylor County Sheriff's Office Criminal Investigation Division shall:

- Make investigators accessible at all times for response to Taylor County SATF requests for an investigation.
- Provide the Taylor County SATF investigators who have received special training including:
 - Techniques for interviewing sexual abuse victims
 - Proper use of the Miranda and Garrity warnings
 - Sexual abuse evidence collection in confinement settings
 - Criteria and evidence required to substantiate a case for administrative action or prosecution referral.
- Use protocol, as appropriate, adapted from the National Protocol for Sexual Assault Medical Forensic Examinations (www.ncjrs.gov/pdffiles1/ovw/206554.pdf).
- Maintain documentation that the investigators have completed the required special training in conducting sexual abuse investigations.
- Investigators shall:
 - 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
 - Review prior complaints and reports of sexual abuse involving the suspected perpetrator
 - Assess the credibility of an alleged victim, suspect, or witness on an individual basis not to be determined by the person's status as a resident or staff
- When the quality of evidence appears to support criminal prosecution, investigators shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
- Investigators shall not require a resident who alleges sexual abuse to submit to a polygraph or other truth telling device as a condition for proceeding with the investigation of such an allegation.
- Investigators shall refer for prosecution, all substantiated allegations of conduct that appear to be criminal.

- Investigators shall follow through with the investigation even if the alleged abuser or victim have left
- Investigators shall impose no standard higher than the probable cause in determining whether allegations of sexual abuse are credible.
- Investigators shall offer all victims of sexual abuse access to forensic medical examinations performed by a SAFE or SANE, whether onsite or at an outside facility, without financial cost, where evidentiary or medically appropriate.
- Investigators shall document its efforts to provide SAFEs or SANEs in the event SAFEs or SANEs cannot be made available.
- Investigators shall attempt to make available to the victim a victim advocate from the Regional Victim Crisis Center.
- Investigators shall ensure that, as requested by the victim, either the victim advocate, a qualified investigating entity staff member, or qualified community-based organization 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.

The Taylor County SATF shall:

- Report alleged sexual abuse to the Taylor County Sheriff's Office CID, requesting an investigator.
- Retain all written reports for as long as the alleged abuser is in the facility or employed by the facility, plus 5 years.
- Cooperate with investigators and endeavor to remain informed about the progress of the investigation.
- Offer all victims of sexual abuse access to forensic medical examinations performed by a SAFE or SANE, whether onsite or at an outside facility, without financial cost, where evidentiary or medically appropriate.
- Document its efforts to provide SAFEs or SANEs in the event SAFEs or SANEs cannot be made available.
- Attempt to make available to the victim a victim advocate from the Regional Victim Crisis Center.
- Ensure that, as requested by the victim, either the victim advocate, a qualified investigating entity staff member, or qualified community-based organization 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.