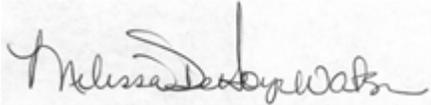




HARRIS COUNTY JUVENILE PROBATION

Residential Services Operating Procedure

Revised Date: 06/02/2016	Related Standards:	
Approved By: 	PREA: § 115.322 (b-c) § 115.371 (m)	TJJD: TAC 343.249(a)(4)
Section: <p style="text-align: center;">Facility Wide</p>	Title: Referrals of Sexual Abuse/Harassment Allegations for Criminal Investigations	

POLICY

HCJPD Facilities ensure that allegations of sexual abuse or sexual harassment are referred for investigation to the law enforcement agency with the legal authority to conduct criminal investigations, unless it is determined that the allegation does not involve potential criminal behavior. HCJPD publishes this policy on the agency's website.

PROCEDURE

1. Responsibilities of the facility staff:
 - a. Any staff member, vendor, volunteer, or intern who witnesses, learns of, or receives an oral or written statement from an alleged victim or other person with knowledge of or reasonable belief that a resident has been sexually abused or sexually harassed, shall submit a report to the law enforcement agency with the jurisdiction to conduct a criminal investigation where the facility is located;
 - b. The report shall be made by phone to the appropriate patrol division telephone number;
 - c. Facility staff shall provide for the immediate preservation of potential evidence;
 - d. Facility staff shall provide for the safety of the alleged victim and all other residents;
 - e. Facility staff shall cooperate with a criminal investigation by providing the assigned investigator with access to the resident who is the alleged victim (if still residing in the facility) and access to witnesses for interviews;
 - f. Facility staff shall make available to the law enforcement investigator any items that may be of evidentiary value to the criminal investigation, including but not limited to:
 - i. Physical evidence collected or preserved prior to arrival of the investigator;
 - ii. Internal investigation notes, observations and findings, documentation reviewed; video or audio evidence collected; photographs collected; incident reports written; witness statements; or internal investigation reports written; and
 - iii. Observations of resident or staff behavior prior to or following an allegation of sexual abuse or sexual harassment.

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2. The Facility Administrator and/or PREA Compliance Manager (PCM) shall endeavor to remain informed about the progress of the criminal investigation and the various general responsibilities of the law enforcement agency conducting the criminal investigation including:
 - a. The law enforcement agency's patrol unit's receipt of the report from the facility;
 - b. The law enforcement agency's dispatch of a deputy to the facility or receipt of the information over the phone and assignment of an incident number;
 - c. The assignment of the incident to an investigator;
 - d. The law enforcement agency's interview with the alleged victim and possible transport of the alleged victim for examination by a Sexual Assault Forensic Examiner (SAFE) or Sexual Assault Nurse Examiner (SANE);
 - e. Confirming if probable cause exists to believe that a criminal offense has been committed and:
 - f. If the alleged perpetrator who is an adult will be arrested and/or referred to the Grand Jury; or
 - g. If an alleged perpetrator who is a juvenile will be detained and referred to the Juvenile Court.