

**Idaho Department of
Juvenile Corrections
Administrative
Policy/Procedure**

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SUBJECT: INVESTIGATIONS–PREA

APPROVAL: 
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CATEGORY: LEGAL

Policy

The Idaho Department of Juvenile Corrections (IDJC) is committed to the elimination of sexual abuse and harassment in its facilities. Investigation of all allegations of sexual abuse or harassment is essential to maintaining a culture of zero-tolerance towards these types of actions and behavior. The Prison Rape Elimination Act (PREA) has formulated standards to prevent, detect, and respond to sexual abuse and harassment in juvenile correctional settings, including the investigation of these types of allegations.

It is therefore the policy of the IDJC that upon receiving an allegation of sexual abuse or harassment in an IDJC facility or contract provider, an investigation shall be conducted according to the procedures below, in an impartial, objective, confidential, and expeditious manner. These procedures will ensure compliance with established PREA standards and determine validity of allegations so a proper response can be implemented.

Operating Procedure

- I. All allegations of sexual abuse and harassment received by the statewide PREA coordinator will be investigated promptly, thoroughly, and objectively, including third-party and anonymous reports, to the extent possible.
- II. Allegations involving clearly criminal actions, or those where an initial investigation reveals evidence supporting criminal prosecution, shall be referred to the appropriate law enforcement agency for criminal investigation. IDJC staff will cooperate fully with the law enforcement investigators and will remain informed about the progress of the investigation. The need for subsequent departmental investigation will be determined at the direction of law enforcement or at the close of the law enforcement investigation at the direction of the Deputy Attorney General (DAG).
- III. Allegations involving staff will be investigated according to the procedures set forth in Investigations–Administrative (910) policy and procedure and will include the involvement of Human Resources (HR).
- IV. All other allegations of sexual abuse and harassment will be investigated by departmental investigators who have received training in sexual abuse investigation of juveniles.

- A. Investigators shall interview alleged victims, perpetrators, and any other witnesses, gather and preserve any evidence including, but not limited to, video monitoring, and review prior complaints and reports involving the suspected perpetrator.
 - 1. Credibility of those interviewed shall not be determined by their status as a staff or juvenile and will be assessed on an individual basis. Additionally, no polygraph or other truth-telling device shall be used.
 - 2. Summaries of the investigators findings shall be documented on the PREA Juvenile Interview form (DJC-276) and provided to the PREA Incident Review Team. Summaries shall include description of testimony and evidence, reasoning behind any credibility assessments, and all investigative facts and findings.

- B. Investigation will be closed when the PREA Incident Review Team has been able to review the investigative summary, PREA Incident Review (DJC-262), and make a determination, based on the preponderance of the evidence provided, whether the allegation is substantiated, unsubstantiated, unfounded, non-abusive contact, or is an allegation that does not fit the definition of PREA.
 - 1. This summary will also include a determination whether staff actions or failure to act contributed to the incident, particular motivating factors were present, facility improvements could prevent future similar incidents, and changes to policy and procedure are necessary.
 - 2. The juvenile making the allegation shall receive a copy of Section C of form DJC-262 notifying them of the outcome of the investigation.
 - 3. An investigation will not be closed solely based on the recanting of an allegation or the departure of the alleged abuser or victim from a facility or IDJC custody/employment. All allegations will be taken seriously and fully investigated.

Reference: [Glossary of Terms and Acronyms: PREA Incident Review Team](#)
PREA Act, 28 C.F.R., Part 115

Desk Manual(s): N/A

Related Policies: [Investigations-Administrative \(910\)](#)
[Prison Rape Elimination Act \(PREA\) Compliance \(914\)](#)

Related Forms: [PREA Incident Review \(DJC-262\)](#)
[PREA Juvenile Interview \(DJC-276\)](#)

PREA Incident Review Team: The team involved in the review of investigations concerning allegations of sexual abuse or sexual harassment. It includes the Agency PREA Coordinator, the Deputy Attorney General, the facility Superintendent, the Facility PREA Compliance Manager, and other facility staff with a need to know or with a high level of involvement in the specific incident being investigated.