

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

<u>NUMBER</u> 614	<u>REVISED</u> 09/10/18	<u>REVIEWED</u> 10/04/21
<u>FORMERLY</u> 911	<u>EFFECTIVE</u> 09/22/14	<u>PAGES</u> 2

SUBJECT: INVESTIGATIONS–PREA

CATEGORY: CRITICAL OPERATIONS AND
JUVENILE SAFETY

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 behaviors. 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 is conducted according to the procedures below, in an impartial, objective, confidential, and expeditious manner. These procedures ensure compliance with established PREA standards and determine validity of allegations so that a proper response can be implemented.

Operating Procedures

All allegations of sexual abuse and harassment received, including third-party and anonymous reports, are investigated promptly, thoroughly, and objectively, to the extent possible.

- I. Allegations involving clearly-criminal actions, or those where an initial investigation reveals evidence supporting criminal prosecution, are referred to the appropriate law enforcement agency for criminal investigation.
 - A. The IDJC cooperates fully with the law enforcement investigators and maintains contact in order to remain informed about the progress of the investigation.
 - B. The need for subsequent departmental investigation is determined at the recommendation of law enforcement or at the close of the law enforcement investigation, at the recommendation of the Deputy Attorney General (DAG).
- II. Allegations involving employees are investigated according to the procedures set forth in Investigations–Administrative (910) policy/procedure and include the involvement of Human Resources (HR).

The juvenile making the allegation receives a copy of Section D of the PREA Incident Review (DJC-262) form notifying them of the investigation.

- III. All other allegations of sexual abuse and harassment are investigated by departmental investigators trained in investigation of sexual abuse.

- A. Investigators 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 alleged perpetrator.
 - 1. Credibility of those interviewed is not determined by their status as a staff or juvenile and is assessed on an individual basis.
 - 2. No polygraph or other truth-telling device is used.
 - 3. A summary of the investigator's findings is documented on the PREA Juvenile Interview (DJC-276) form.
 - a. The summary includes description of testimony and evidence, reasoning behind any credibility assessments, and all investigative facts and findings.
 - b. The DJC-276 is submitted to the [PREA Incident Review Team](#).
- B. The investigation is closed when the PREA Incident Review Team has reviewed the DJC-276 and supporting information, as applicable, and, based on the preponderance of the evidence provided, makes a determination whether the allegation is substantiated, unsubstantiated, unfounded, considered non-abusive contact, or does not fit the definition of PREA incident.
 - 1. The PREA Incident Review Team documents their determination in the DJC-262 form to include:
 - a. An assessment of whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse or harassment as a result of this incident.
 - b. An assessment of whether the incident or allegation was determined to have been motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification status or perceived status; gang affiliation; or other group dynamics at the facility.
 - c. Whether, as a result of the incident, it is determined that the area in the facility where the incident allegedly occurred contained physical barriers to supervision, enabling the abuse or harassment to occur.
 - d. An assessment of the adequacy of staffing levels in the area of the alleged harassment or abuse as a result of this incident.
 - e. Whether monitoring technology should be deployed or augmented to supplement supervision by staff as a result of this incident.
 - 2. The juvenile making the allegation receives a copy of Section D of the DJC-262 form notifying them of the investigation findings, when the finding is substantiated, unsubstantiated or unfounded.
- C. An investigation is not closed solely based on the recanting of an allegation or the departure of the alleged abuser or victim from a facility, IDJC custody, or employment. All allegations are taken seriously and investigated fully.

Reference: [Glossary of Terms and Acronyms](#)
[PREA Act, 28 C.F.R., Part 115](#)
[Records Retention Schedules](#)

Desk Manual(s): *None*

Related Policies: [Investigations–Administrative \(910\)](#)
[Prison Rape Elimination Act \(PREA\) Compliance \(613\)](#)
[Abuse, Neglects, and/or Exploitation of juveniles \(606\)](#)
[Records Management Program \(117\)](#)
[Public Records \(901\)](#)

Related Forms: [PREA Incident Review \(DJC-262\)](#)
[PREA Juvenile Interview \(DJC-276\)](#)
[Records Destruction Log \(DJC-279\)](#)