

	<p>TEXAS DEPARTMENT OF CRIMINAL JUSTICE</p> <p>Private Facility Contract Monitoring/Oversight Division</p>	<p>NUMBER: TTC 1.6</p> <p>DATE: September 1, 2019</p> <p>PAGE: 1 of 3</p>
---	--	--

TITLE: Prison Rape Elimination Act Standards – Response Planning

PROCEDURE:

Evidence protocol and forensic medical examinations

The contractor will conduct an administrative investigation of all allegations of sexual abuse and sexual harassment. The Agency investigator will follow a uniform-evidence collection procedure.

The contractor will notify local law enforcement via email asking them to utilize the appropriate protocol. The protocol shall be developmentally appropriate and, as appropriate, shall be adapted from or otherwise based on the most recent edition of the U.S. Department of Justice’s Office on Violence Against Women publication, “A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents, or similarly comprehensive and authorized protocols developed after 2011. This maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions.

The contractor offers all victims of sexual abuse access to forensic medical examinations, without financial cost, where evidentiary or medically appropriate. Such examinations will be performed by Sexual Assault Forensic Examiners (SAFR) or Sexual Assault Nurse Examiners (SANE) where possible. If SAFR’s or SANE’s cannot be made available, the examination can be performed by other qualified medical practitioners. The contractor will document its efforts to provide SAFR or SANE.

The contractor will attempt to make a victim advocate available from rape crisis center, to the victim.

- The contractor will call the Family Crisis Center to request a victim’s advocate.
- If a rape crisis center is not available to provide victim advocate services, the agency will make available, a qualified staff member from a community-based organization or a qualified agency staff member, to provide these services.
- The contractor will document efforts to secure services from rape crisis centers. For the purposes of this standard, a rape crisis center refers to an entity that provides intervention and related assistance, such as the services specified in section 42 U.S.C. 14043g (b) (2) (C), to victims of sexual assault of all ages.

- The contractor may utilize a rape crisis center that is part of a government unit as long as the center is not part of the criminal justice system (such as a law enforcement agency) and offers a comparable level of confidentiality as a nongovernmental entity that provides similar victim services.

As requested by the victim, the victim advocate, a qualified agency staff member or qualified community-based organization staff member will accompany and support the victim through the forensic medical examination process and investigator interviews and will provide emotional support, crisis intervention, information and referrals.

The following also applies to the above requirements:

- Any State entity outside of the agency that is responsible for investigating allegations of sexual abuse in community confinement facilities; and
- Any Department of Justice component that is responsible for investigating allegations of sexual abuse in community confinement facilities.
- For the purposes of this standard, a qualified agency staff member or a qualified community-based staff member is 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.

Policies to ensure referrals of allegations for investigations

The contractor will ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment.

The contractor ensures that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations (local police department/TDCJ), unless the allegations do not involve potentially criminal behavior.

- Any staff who becomes aware of an alleged incident of sexual abuse/harassment, immediately informs the shift supervisor and documents accordingly in an incident report.
- The shift supervisor contacts law enforcement.
- Law enforcement determines if the incident is a criminal matter. If so, law enforcement follows investigative procedures. In all incidents, criminal matter or not, the shift supervisor informs the PREA coordinator who conducts an agency internal investigation.

The contractor publishes the policy on its website. The agency documents all such referrals on the incidents report.

For investigations conducted by an agency with the legal authority to conduct criminal investigations (i.e., local Police Department, TDCJ), the Contractor's PREA Coordinator will be the single point of contact between the Agency and the Agency authorized to conduct the investigation. The PREA Coordinator will ensure that the investigator stays informed about the progress of the investigation and makes this information available to the alleged victim, as required by Agency policies and procedures.

The Contractor will ask any State entity responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment on community confinement facilities to have a policy in place governing the conduct of such investigations.

The Contractor will ask that any Department of Justice component responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in community confinement facilities to have a policy in place governing the conduct of such investigations.



Kirstie Legerski
PFCMOD, Deputy Director of Operations



Richard Langley
PFCMOD, Deputy Director of Operations