

Criminal Investigations of Sexual Abuse and Sexual Harassment

Standard(s): TAC 343.249(a)(5)
PREA 115.322(b-c)
115.371 (m)

Policy:

- A. Incidents alleging that a resident is the victim of sexual abuse or sexual harassment shall be referred to an agency with the legal authority to conduct criminal investigations; and
- B. The policy that governs referring allegations of sexual abuse and sexual harassment for criminal investigation shall be published on the McLennan County Juvenile Probation Department's website.

Authority:

- A. Texas Juvenile Justice Department (TJJD)
- B. PREA Standard(s) for Juvenile Facilities

Purpose:

- A. To ensure allegations of sexual abuse or sexual harassment are reported to an agency with the legal authority to conduct criminal investigations.

Applicability:

- A. All Juvenile Probation Officers, Juvenile Supervision Officers, non-certified officers, staff, volunteers, and interns.

Procedures:

- A. Responsibilities of the Facility Staff:
 1. Any staff member, contract service provider, 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 McLennan County Sheriff's Department (MCSO);
 2. The report shall be made by phone to the MCSO at 254-757-5110;
 3. The Facility shall provide for the immediate preservation of potential evidence;
 4. The Facility shall provide the safety of the alleged victim and all other resident;
 5. The Facility 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;
 6. The Facility shall make available to the investigator any items that may be of evidentiary value to the criminal investigation, including but not limited to:
 - a. Physical evidence collected or preserved prior to arrival of a MCSO investigator;
 - b. Internal investigation notes, observations, and findings, documentation reviewed; video or audio evidence collected; photographs collected; incident reports written; and

- c. Observation of resident or staff behavior prior to or following an allegation of sexual abuse or sexual harassment.
- B. The Facility Administrator and/or designated internal investigator shall endeavor to remain informed about the progress of the criminal investigation and the various general responsibilities of the MCSO in conducting the criminal investigation including:
 1. The MCSO receipt of the report from the Facility;
 2. The MCSO dispatch of a deputy to the facility or receipt of the information over phone and assignment of an incident number;
 3. The MCSO forwarding the incident report to the Criminal Investigations Division;
 4. The assignment of the incident to an investigator;
 5. The MCSO investigator's forensic interview(s) 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);
 6. Conducting the initial and, as necessary, follow up interview with witnesses;
 7. Confirming if probable cause exists to believe that a criminal offense has been committed and:
 - a. If the alleged perpetrator who is an adult will be arrested and/or referred to the Grand Jury; or
 - b. If an alleged perpetrator who is a juvenile will be detained and referred to the Juvenile Court.

Documentation:

TJJD Incident Report Form