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# Prison, Rape Elimination Act Community Confinement Policy

## Coastal Bend Regional Intermediate Sanction Facility

Standards Subchapter: PREA Community Confinement Standards

Section Number: 115.222

### Policy Number

11.00

Effective Date:

Revised Date:

### Policy

*Policies to ensure referrals of allegations for investigations.*

- (a) The agency shall ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment.
- (b) The agency shall have in place a policy to ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior. The agency shall publish such policy on its website or, if it does not have one, make the policy available through other means. The agency shall document all such referrals.
- (c) If a separate entity is responsible for conducting criminal investigations, such publication shall describe the responsibilities of both the agency and the investigating entity.
- (d) Any State entity responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in juvenile facilities shall have in place a policy governing the conduct of such investigations.
- (e) Any Department of Justice component responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in juvenile facilities shall have in place a policy governing the conduct of such investigations.
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### **Definitions**

N/A

### **Procedure**

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

It is the CBRISF policy that any person who witnesses, learns of, receives an oral or written statement from an alleged victim or other person with knowledge or who has a reasonable belief as to the occurrence of alleged serious physical abuse or sexual abuse involving a resident shall report to law enforcement and supervisor(s) or designee within 1 hour from the time a person gains knowledge of or suspects the alleged serious physical/sexual abuse occurred. Notification to CJAD shall be made no later than twenty four (24) hours from the time a person gains knowledge of or suspects the alleged serious physical/sexual abuse.

Incident Notification. Within 24 hours of occurrence, the CSCD director and facility director shall notify and report by telephone or fax all serious or unusual events pertaining to the facility's operations and staff to the district judge who sits on the Community Justice Council or, if applicable, the judge designated to perform administrative duties for the district courts trying criminal cases, the TDCJ Emergency Action Center (EAC) in Huntsville, Texas (Phone Number (936) 437-6600; Fax Number (936) 437-8996) and if applicable, the CSCD director of the original/sending jurisdiction if the incident involves a resident from that sending jurisdiction

An internal investigation shall be conducted by a person qualified to investigate due to experience or training. The investigation will be comprehensive. The investigation shall be initiated immediately by administrator or designee upon the knowledge of alleged A.N.E. or death. The investigation may only be postponed if directed by law enforcement, requested by CJAD, or the internal investigation would compromise the integrity of a potential crime scene. The internal investigation shall be compiled within 30 business days of the initial report to CJAD. CJAD may extend this timeframe upon request. If an extension is granted CJAD may request submission of all information compiled to date or a statement of the status of the investigation.

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**Citation:** National Standards to Prevent, Detect, and Respond to Prison Rape Under the Prison Rape Elimination Act (PREA) 28 C.F.R. Part 115

Texas Department of Criminal Justice, Community Justice Assistance Division, Standards for CSCD's, 163.39 (i)

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