

SOUTHEAST ALABAMA YOUTH SERVICES

PREA Juvenile Standard 115.321

Subject: Special Investigation Unit

Policy 1.29

POLICY

It is the policy of Southeast Alabama Youth Services to ensure that incidents or suspected incidents of physical abuse, sexual abuse, sexual harassment, retaliation by other juveniles or staff for reporting sexual abuse or sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents are reported to the appropriate agency, without hesitation, for proper investigation.

DEFINITIONS

Abuse: Harm or threatened harm to a child's health or welfare. Harm or threatened harm to a child's health or welfare can occur through accidental, physical or mental injury, sexual abuse or attempted sexual abuse, or sexual exploitation or attempted sexual exploitation.

Neglect: Negligent treatment or maltreatment of a child, including the failure to provide adequate food, medical treatment, supervision, clothing, or shelter.

Serious Allegations of Abuse or Neglect: Conduct by an employee in violation of SAYS Policy in a manner that willfully, intentionally, or recklessly causes or may cause pain, physical, or emotional injury.

Sexual Abuse: Sexual conduct includes, but is not limited to, sexual intercourse with a student; deviate sexual intercourse or contact; and any form of sexual contact to include any touching of the sexual or intimate parts. Sexual abuse also includes any incitement by an employee/agent of a juvenile(s) to engage in any form of sexual activity with another juvenile(s) or other person.

PROCEDURES

A. Investigators

1. Southeast Alabama Youth Services shall require training of certain individuals as required in PREA Standard **115.334 Specialized training: Investigations**.
2. Those individuals trained shall conduct any administrative investigations of sexual abuse and sexual harassment allegations if the allegation does not involve potential criminal behavior.
3. SAYS Special Investigation Unit for the Diversion Center, Boys and Girls Attention Home: Executive Director, PREA/Compliance Coordinator, Clinical Services Coordinator. For the Louisville Program: General Manager and PREA/Administrative Assistant.

B. Investigations of sexual harassment allegations.

1. Allegations of sexual harassment shall be investigated administratively by Southeast Alabama Youth Services investigators.
2. If the investigation shows that a staff member is involved in the sexual harassment allegation and based on a preponderance of the evidence it is believed that the staff member committed the harassment, the matter shall be turned over to the

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County Department of Human Resources and/or the County Prosecuting Attorney's Office.

- C. Investigation of sexual abuse allegations
 - 1. Any allegation of sexual abuse that potentially involves criminal behavior shall be turned over to the County Sheriff's Department and/or the Police Department for investigation, especially in all cases that may have happened within a time frame that allows for the collections of physical evidence, or if the allegations involves a staff member.
- D. All SAYS employees shall fully cooperate with the Agency's Legal Representative and/or Special Investigator in all investigations described in this policy and procedure. Staff shall provide all information pertinent to the subject matter of investigations including giving testimony or evidence in administrative proceedings. SAYS staff shall answer questions fully and truthfully and it shall be a violation of this policy for any staff to give false or misleading statements or testimony.
- E. It shall also be a violation of this policy for any SAYS employee to (1) interfere in, hinder, delay or prevent the investigation or identification of any person or event regarding conduct that may constitute a violation of SAYS Policy or Procedure, state or federal law or regulation; (2) hinder, delay or prevent any person from performing any act that might aid in the discovery, identification, prosecution, conviction or punishment of any violation of SAYS Policy or Procedure or state or federal law or regulation; (3) alter, destroy, harbor or conceal any information, record, document, or object useful for the discovery or identification of a violation of SAYS Policy and Procedure or violation.
- F. Notwithstanding any of the above, no SAYS employee shall be required to waive his/her 5th Amendment right against self-incrimination, and this policy is not intended to abolish such right.
- G. The responsibilities for conducting investigations shall be published on the SAYS website.

APPLICABILITY

This policy applies to all Southeast Alabama Youth Services personnel and facilities and to facilities operated for SAYS by contract service providers.