

<b>MANUAL:</b> Detention Services	<b>SECTION:</b> Operations	<b>SUBJECT:</b> PREA-Investigations
<b>APPROVED BY:</b> K. Holsopple	<b>EFFECTIVE:</b> March 2023	<b>PAGE:</b> 1 of 3
<b>STANDARDS:</b> PREA: 115.371, 115.372, 115.373		

**POLICY:**

The federal Prison Rape Elimination Act (PREA) of 2003 establishes a zero-tolerance standard for resident sexual abuse and sexual harassment; ensures that prevention of resident sexual abuse and sexual harassment is of utmost importance and develops/implements national standards for the detection, prevention, and punishment of sexual abuse and sexual harassment.

It is the policy of the Sangamon County Juvenile Center to provide a safe, humane, and secure environment for all residents. The Sangamon County Juvenile Center mandates zero tolerance towards all forms of sexual abuse and sexual harassment. In accordance with our policies and procedures, all staff members, contract employees, and volunteers have a duty to report all allegations, knowledge or suspicion of sexual abuse, sexual harassment or sexual contact that takes place within the Juvenile Center. All such reports shall be promptly, thoroughly and objectively investigated.

The purpose of this policy is to define the Sangamon County Juvenile Center’s administrative and criminal investigation policy for all allegations of sexual abuse and sexual harassment.

**PROCEDURES:**

**Administrative (Agency) and Criminal Investigations [115.371]**

Administrative (conducted by the agency) and/or criminal investigations shall be completed for all allegations of sexual abuse or sexual harassment. Investigations shall be conducted promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports. Investigations are to be initiated immediately, but no later than twenty-four (24) hours upon receipt of an allegation. All allegations that could lead to prosecution shall be referred to the Sangamon County Sheriff’s Office for investigation. Administrative investigations will take place in addition to a criminal investigation for all allegations, although administrative investigations are not to interfere with criminal investigations. [115.371(a)]

For the purpose of conducting administrative investigations, the Sangamon County Juvenile Center shall utilize investigators who have received specialized training in sexual abuse investigations in the confinement setting. [115.371(b)]

Investigators shall gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic data; shall interview alleged victims, suspected perpetrators, and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator. [115.371(c)]

When the quality of evidence appears to support criminal prosecution, the Juvenile Center shall await the Sangamon County Sheriff’s Office to conduct compelled interviews. Compelled interviews shall be conducted only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution. [115.371(e)]

The credibility of an alleged victim, suspect or witness shall be assessed on an individual basis and shall not be determined by the person's status as a resident in the Juvenile Center. [115.371(f)]

The Juvenile Center shall not require a resident who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation. [115.371(f)]

Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse. Administrative investigations shall be documented in written reports that include a description of the physical testimonial evidence, reasoning behind credibility assessments, investigative facts and findings. [115.371(g)(1)(2)]

Criminal investigations shall be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attaches copies of documentary evidence where feasible. Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution. [115.371(h)(i)]

The Sangamon County Juvenile Center shall retain all written reports for as long as the alleged abuser is incarcerated or employed by the agency, plus five (5) years. [115.371(j)]

The release of the alleged perpetrator or victim from the employment or custody of the Juvenile Center shall not provide a basis for terminating an investigation. [115.371(k)]

The victim or source of the allegation recanting their statement shall not provide basis for terminating an investigation.

The Juvenile Center shall cooperate with the Sangamon County Sheriff's Office and shall endeavor to remain informed about the progress of the investigation. [115.371(m)]

### **Evidentiary Standard for Administrative Investigations [115.372]**

The Juvenile Center imposes that a preponderance of evidence or lower standard of proof is necessary for determining an allegation of sexual abuse or sexual harassment as substantiated.

### **Reporting to Residents [115.373]**

1. Following an investigation into a resident's allegation of sexual abuse, the Juvenile Center shall inform the resident as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. [115.373(a)]
2. If the Juvenile Center did not conduct the investigation, the Superintendent of Detention Services or designee shall request the relevant information from the investigative agency in order to inform the resident. [115.373(b)]
3. Following a resident's allegation that a staff member has committed sexual abuse against the resident, the Juvenile Center shall subsequently inform the resident (unless the allegation was deemed unfounded) whenever: [115.373(c)1-40]

- a. The staff member is no longer working within the resident's unit.
  - b. The staff member is no longer employed at the Sangamon County Juvenile Center.
  - c. The Juvenile Center learns that the staff member has been indicted on a charge related to sexual abuse within the facility.
  - d. The Juvenile Center learns that the staff member has been convicted on a charge related to sexual abuse within the facility.
4. Following a resident's allegation that they were sexually abused by another resident, the Juvenile Center shall subsequently inform the alleged victim whenever: [115.373(d1-2)]
- a. The Juvenile Center learns that the alleged perpetrator has been indicted on a charge related to sexual abuse within the facility.
  - b. The Juvenile Center learns that the alleged perpetrator has been convicted on a charge related to sexual abuse within the facility.
5. All such notifications or attempted notifications shall be documented. [115.373(e)]
6. The Juvenile Center's obligation to report shall terminate if the resident is released from the facility's custody. [115.373(f)]

Effective: 03/2023

Reviewed/Revised: 02/2024, 07/2024, 12/2025