

BRAZOS VALLEY COUNCIL ON ALCOHOL AND SUBSTANCE ABUSE

**FACILITY PROCEDURE
SECTION 600: CRIMINAL JUSTICE**

Procedure No. 610.F
Policy No. 610


Subject: RESPONSIVE PLANNING

Original Issue Date: September 2013

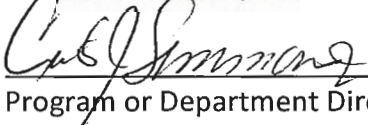
Revised Date: March 2017

Reviewed Date(s):

Approval:



Executive Director/Date



Program or Department Director/Date

Purpose:

To implement the Brazos Valley Council on Alcohol and Substance Abuse (BVCASA) Board of Director's policy regarding implementation of PREA.

Procedure:

EVIDENCE PROTOCOL & FORENSIC MEDICAL EXAMINATIONS

- A. BVCASA will conduct an administrative investigation of allegations of sexual abuse and sexual harassment. The Agency investigator will follow a uniform-evidence collection procedure. Please Attachment 610.FA
- B. BVCASA 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 authoritative protocols developed after 2011. This maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions.
- C. BVCASA offers all victims of sexual abuse access to forensic medical examinations, without financial cost, where evidentiary or medically appropriate. Forensic medical examinations

- D. are provided by CHI St. Joseph's Health per a written agreement with BVCASA. Such examinations will be performed by Sexual Assault Forensic Examiners (SAFRs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFRs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. BVCASA will document its efforts to provide SAFEs or SANEs.
- E. BVCASA will attempt to make available to the victim a victim advocate from a rape crisis center.
 - 1. BVCASA will call the Sexual Assault Resource Center (SARC) in Bryan to request a victim advocate.
 - 2. If a rape crisis center is not available to provide victim advocate services, the agency will make available to provide these services a qualified staff member from a community-based organization or a qualified agency staff member.
 - 3. BVCASA 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 42 U.S.C. 14043g(b)(2)(C), to victims of sexual assault of all ages.
 - 4. BVCASA may utilize a rape crisis center that is part of a governmental 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.
- F. As requested by the victim, the victim advocate, 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.
- G. The requirements of paragraphs (A) through (E) of this section also applies to:
 - 1. Any State entity outside of the agency that is responsible for investigating allegations of sexual abuse in community confinement facilities; and
 - 2. Any Department of Justice component that is responsible for investigating allegations of sexual abuse in community confinement facilities.
- H. 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

- A. BVCASA will ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment.

- B. BVCASA 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/Department of State Health Services/TDCJ), unless the allegation does not involve potentially criminal behavior.
 - 1. 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.
 - 2. The shift supervisor contacts law enforcement.
 - 3. Law enforcement determines if the incident is a criminal matter. If the incident is a criminal matter, 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.
- C. BVCASA publishes the policy on its website. The agency documents all such referrals on the incident report.
- D. For investigations conducted by an agency with the legal authority to conduct criminal investigations (i.e., Bryan Police Department (BPD and/or TDJC), the BVCASA 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 receives all permissible information and materials available to complete an investigation. Further, the PREA Coordinator will make weekly contact with the assigned investigator to stay informed about the progress of the investigation and the PREA Coordinator will make this information available to the alleged victim, as required by this Agency policies and procedures.
- E. .
- F. BVCASA will ask any State entity responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in community confinement facilities to have in place a policy governing the conduct of such investigations.
- G. BVCASA 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 in place a policy governing the conduct of such investigations.

Reference: PREA §115.221-222