

Southwest Idaho Juvenile Detention Center	Chapter # 6 Health Services		Policy # 6-18
			Pages: 6
Policies and Procedures Manual	Topic: Abuse Reporting, Investigations, Reviews		
	Related ID Code, IDAPA, or ACA Standards: Prison Rape Elimination Act, Mandatory Reporting Laws, Idaho Code 16-1619, 18-6110		
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I. Policy

To see 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 for proper investigation.

II. Procedure

A. Reporting methods

1. SWIJDC shall accept:
 - a. Written reports
 - b. Verbal reports
 - c. Anonymous reports
 - d. Third party reports (refer to section F, below.)
2. All verbal reports shall be immediately documented
3. Juveniles shall be provided access to tools necessary to make a written report if requested, including, but not limited to writing utensil, paper and envelope.
4. SWIJDC shall provide and maintain multiple internal ways for juveniles to privately report 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, including, but not limited to:
 - a. Reporting to staff members
 - b. Reporting to clerical staff
 - c. Reporting through the Telmate phone system PREA Hotline
 - d. Reporting to the Director
 - e. Reporting via confidential suggestion box(es), which shall be checked on a daily basis.
5. SWIJDC shall provide and maintain at least one way for juveniles to report 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 to a public or private entity or office that is not part of SWIJDC and that is able to receive and immediately forward juvenile reports of sexual abuse and sexual harassment to SWIJDC officials, allowing the juvenile to remain anonymous upon request, including the following, which may include, but not be limited to:

- a. Reporting to teachers (Caldwell School District employees)
 - b. Reporting to mental health staff (Centerpoint Counseling employee)
 - c. Reporting to medical staff (employees of the Canyon County Sheriff's Office Medical Department)
 - d. Reporting to probation officers (employees of the Canyon County or other county's Juvenile Probation Department)
 - e. Reporting to public defender
 - f. Reporting to the Nampa Family Justice Center
 - g. Reporting to the Valley Crisis Center
 - h. Reporting to the National Sex Assault Hotline
 - i. Reporting to local law enforcement officers
 - j. Reporting to juvenile detention inspection team members
 - k. Reporting to PREA Auditor within the appropriate time period preceding SWIJDC's PREA Audit
 - l. Reporting to the juvenile's appropriate consulate and/or appropriate officials at the Department of Homeland Security (applicable to those juveniles held in SWIJDC solely for civil immigration purposes only.)
6. A juvenile who alleges sexual abuse may utilize the confidential suggestion box and/or enclose the grievance within an envelope addressed to the Director so that the grievance is not submitted to, or referred to, the staff member who is the subject of the complaint.

B. Admissions

1. During admissions, particularly the clothing exchange or strip search process, the detention officer shall look for signs of substance abuse, cuts, marks, tattoos and physical abuse.
 - a. Scars, marks, tattoos shall be recorded for identification sources.
 - b. Signs of substance abuse shall be noted.
 - c. Signs of physical abuse, including but not limited to, bruises, cuts, scratches, scars, etc., shall be noted.

C. Reporting abuse that may have occurred prior to admission

1. In the event that staff observe indications of child abuse/neglect while the juvenile is being admitted to the SWIJDC, or at any time receives information or has reason to believe that the juvenile has been abused prior to admission to the SWIJDC, relevant information shall be gathered and then immediately reported to the local law enforcement agency having jurisdiction where the alleged abuse took place and/or the Region III Department of Health and Welfare, Family and Children's Services.

- a. Relevant information should include, but not be limited to:
 - 1. Photos of bruising or injuries
 - 2. Statements from juvenile
 - 3. Observations of reporting or participating staff members.
 - b. Facilitate a follow up meeting with a medical or mental health practitioner as outlined in Policy 7-05.
 - 2. In the event that an allegation is received that a resident was sexually abused prior to admission to the SWIJDC while confined at any other facility, the supervisor on duty or the Director shall do the following:
 - a. Notify the head of the facility or appropriate office of the agency where the alleged abuse occurred.
 - b. Notify the appropriate investigative agency for that facility.
 - 1. For any DJC-operated facility, the appropriate investigative agency is the Idaho State Police.
 - 2. For any regional or county-run facility, the appropriate investigative agency may be the local police department or sheriff's office.
 - 3. Contact information for investigative agencies may be found on the Internet
 - c. Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation.
 - d. SWIJDC staff shall document the following information, which includes but is not limited to:
 - 1. Date and time of calls to the agency and the investigative agency
 - 2. Name of persons spoken to regarding the allegation
 - 3. The type of details related to the agency and investigative agency.
 - e. Facilitate a follow up meeting for the juvenile with a medical or mental health practitioner as outlined in Policies 7-05, 6-02, 6-20.
- D. Reporting abuse that may have occurred at the Center
 - 1. Upon receipt of any allegation that a juvenile has been abused while in the custody of the SWIJDC, either by another juvenile or a staff member, staff shall have full authority to act in any way which protects the resident from any further sexual abuse, sexual harassment or retaliation.
 - 2. Relevant information shall be gathered and then immediately reported to the Director, the Canyon County Prosecuting Attorney's Office and the Caldwell Police Department, even if initial relevant information indicates that the incident did not occur.
 - 3. If abuse is suspected involving a facility staff member, the employee shall report their suspicion to the Director who shall contact the Canyon County Prosecuting Attorney's Office and the Caldwell Police Department regarding an investigation of the incident.
 - a. If the allegation involves the Director of the SWIJDC, or if the

Director is not available at the time of the allegation, the employee must report directly to Canyon County Prosecuting Attorney's Office and the Caldwell Police Department immediately.

- b. Employees shall be afforded their rights and due process in accordance with the Canyon County Personnel Manual, Garrity rules and other applicable laws.
 - c. If the results of the investigation show that the detention staff member was not involved, a report clearing that person shall be written and placed in the employee's personnel file and if a juvenile made the allegations also in the accusing juvenile's file.
 1. Disciplinary action and/or criminal action for filing false police reports may be initiated against the juvenile, unless it is proven that the report was filed in good faith.
 - d. If the investigation shows that a staff member was involved in intentional neglect or child abuse, or neglecting to act or report on such actions, disciplinary action up to and including termination and the filing of criminal charges ~~may~~ will result.
4. If the Director of the SWIJDC receives notification from another agency that a juvenile has reported abuse which allegedly occurred while in the custody of the SWIJDC, the Director shall immediately report the allegation to the Canyon County Prosecuting Attorney's Office and the Caldwell Police Department and shall ensure that the allegation is investigated in accordance with these standards.

E. Staff reporting of abuse

1. All staff members are required to report any knowledge, suspicion, or information they receive regarding any of the following:
 - a. Any incident of sexual abuse that occurred in any facility, whether or not it is part of the SWIJDC;
 - b. Any act of retaliation against residents or staff who reported such an incident; and
 - c. Any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.
2. All staff are required to comply with any applicable mandatory child abuse reporting laws as contained in Idaho Code 16-1619.
3. Staff may report sexual abuse of juveniles at any time to the Director, supervisor or assistant supervisor.
 - a. Such report will be treated in a strictly confidential manner.
4. Staff may also report directly to the Canyon County Prosecuting Attorney's Office and/or the Caldwell Police Department if desired.

F. Third party reporting.

1. Third parties, including fellow residents, staff members, family members, attorneys, outside advocates and others, shall be permitted to assist residents in filing reports, allegations, grievances and requests for

administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of residents.

- a. Third party reports from sources other than parents
 1. If a third party other than a parent or legal guardian, files such a request on behalf of a resident, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.
 2. If the resident declines to have the request processed on his or her behalf, the agency shall document the resident's decision.
- b. Third party reports from a parent or legal guardian
 1. If a parent or guardian files such a request or appeal on behalf of a resident, SWIJDC shall handle that request or appeal with or without the juvenile agreeing to have the request filed on his or her behalf.

G. Sexual harassment allegations

1. Sexual harassment by staff, contractor or volunteer
 - a. The SWIJDC does not tolerate any form of sexual harassment by staff, contractors or volunteers toward other staff, contractors, volunteers or juveniles.
 - b. All allegations or reports of sexual harassment by staff, contractors or volunteers shall be handled with the same degree of urgency and in the same way reports of sexual abuse are handled as outlined in this Policy, including referral for investigation.
 - c. The Canyon County Human Resources Department will furnish mandatory employee sexual harassment training for all employees on a schedule and frequency determined by them.
2. Sexual harassment by juveniles
 - a. If a juvenile reports sexual harassment by another juvenile, staff shall immediately take any action necessary to keep the reporting juvenile safe and shall also take the appropriate steps, which may include, but are not limited to:
 1. Monitoring intercoms and/or video cameras to identify the perpetrator, if unknown
 2. Removal of the perpetrator from the area, program or activity
 3. Disciplinary action against the perpetrator as outlined in Policy 7-1 and 7-2

H. Confidentiality

1. Apart from reporting to designated supervisors or officials and designated State or local services agencies, staff shall be prohibited from revealing

any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation, and other security and management decisions.

2. Medical and mental health practitioners shall be required to report sexual abuse to designated supervisors and officials pursuant to this policy, as well as to the designated State or local services agency where required by mandatory reporting laws.
 - a. Such practitioners shall be required to inform residents at the initiation of services of their duty to report and the limitations of confidentiality.

I. Informing parents, caseworkers, legal representative

1. Upon receiving any allegation of sexual abuse, the Director or designee, in addition to reporting as required in this policy, shall promptly report the allegation the alleged victim's parents or legal guardians, unless the facility has official documentation showing the parents or legal guardians should not be notified.
2. If the alleged victim is under the guardianship of the child welfare system, the report shall be made to the alleged victim's caseworker instead of the parents or legal guardians.
3. If a juvenile court retains jurisdiction over the alleged victim, the facility head or designee shall also report the allegation to the juvenile's attorney or other legal representative of record within 14 days of receiving the allegation.

J. All allegations of sexual abuse, including third-party and anonymous reports, shall be immediately referred for criminal prosecution to the Canyon County Prosecuting Attorney's Office and the Caldwell Police Department, who are the SWIJDC's designated investigators.

K. All allegations of sexual harassment, including third party and anonymous reports, shall be immediately reported to the Director who shall refer the report for administrative or criminal investigation to the Canyon County Prosecuting Attorney's Office and/or the Canyon County Human Resources Department.

1. If the allegation involves the Director of the SWIJDC, or if the Director is not available at the time of the allegation, the employee must report directly to Canyon County Prosecuting Attorney's Office and the Canyon County Human Resources Department.

L. Any and all reports or allegations that are received regarding sexual abuse or sexual harassment shall be documented, regardless of outcome.

III. Policy Dissemination or Publication

A. This policy, in compliance with PREA Standards, shall be published on the website of Canyon County under the Juvenile Detention section of said site.