**POLICIES TO ENSURE REFERRALS OF ALLEGATIONS FOR INVESTIGATIONS POLICY –** theHCJC will ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment.

**Goals of the HAYS COUNTY JUVENILE CENTER’s Policies to Ensure Referrals of Allegations for Investigation:**

1. To ensure all allegations of sexual abuse or sexual harassment are referred to and investigated by the San Marcos Police Department, Hays County Sheriff’s Office or Texas Juvenile Justice Department (TJJD).
2. To ensure that all allegations of sexual harassment are investigated by the HCJC and referred to the San Marcos Police Department, Hays County Sheriff’s Office or TJJD if the allegations involve criminal sexual harassment.
3. To ensure all allegations of retaliation are investigated by the HCJC and referred to the San Marcos Police Department, Hays County Sheriff’s Office or TJJD if the allegation involves any criminal element (e.g., force was use, coercion was use, etc.).
4. To have this policy posted on the HCJC website.

**POLICIES TO ENSURE REFERRALS OF ALLEGATIONS FOR INVESTIGATIONS *–***The HCJC Facility Administrator will assure that all allegations of sexual abuse or sexual harassment are investigated for administrative or criminal charges and according to HCJC Policy and Procedures 358. Further, the **HCJC** Facility Administrator will assure that every **HCJC** staff member (to include contractors and volunteers) fully cooperates in any investigation.

**PROCEDURES:**

1. The HCJC understands that every HCJC staff member, contractor, or volunteer shares in the responsibility to protect HCJC residents from harm. Every staff member, contractor, or volunteer has a duty to report any suspected case of child abuse or neglect.
2. It is the policy of the HCJC to ensure that all allegations of sexual abuse or sexual harassment are referred for investigation to the San Marcos Police Department, Hays County Sheriff’s Office or TJJD as these agencies have the legal authority to conduct criminal investigations of sexual abuse or criminal sexual harassment in juvenile facilities.
3. Every staff member, contractor, or volunteer is required by State of Texas law to report any and all cases of sexual abuse to the TJJD at 1 (877) STOP-ANE or 1-877-786-7263 or to local law enforcement.
4. The HCJC Facility Administrator shall assure that an administrative and/or criminal investigation is completed for all allegations of sexual abuse and sexual harassment.
5. The HCJC PCM is responsible for ensuring that all allegations of sexual abuse, occurring at his/her facility, are reported to the San Marcos Police Department, Hays County Sheriff’s Office or TJJD immediately, but no later than 1 hour from the time there was reason to believe a resident had been abused. In the absence of the HCJC PCM, the HCJC Facility Administrator will act on behalf of the HCJC PCM in receiving and reporting allegations of sexual abuse.
6. Reasonable cause of abuse is established when, upon a review of the totality of the circumstances and the evidence (such as Youth Injury Reports, video evidence, witness statements, etc.), an ordinary and prudent person would conclude that the child has been abused.
7. The HCJC PCM, or in his/her absence their assigned designee, shall report all allegations of child abuse of youth under the age of 18 that occurred on HCJC property regardless of injury to the San Marcos Police Department, Hays County Sheriff’s Department or TJJD as these agencies have the legal authority to conduct criminal investigations.
8. The HCJC PCM, or in his/her absence their assigned designee, will document all contacts with the San Marcos Police Department, Hays County Sheriff’s Office or TJJD on HCJC’s TJJD Incident Report Form.
9. The Sexual Abuse, Sexual Harassment, or Incident of Retaliation Referral form will be completed by the HCJC PCM, or in the event of his/her absence, their assigned designee, within 1 hour of contacting the San Marcos Police Department, Hays County Sheriff’s Office and/or TJJD. A copy of the completed form will be submitted to the HCJC PC by the end of the shift.
10. If the allegation does not involve potentially criminal behavior the HCJC PCM shall ensure that a thorough and comprehensive internal investigation is conducted according to the HCJC Policies and Procedures Manual to determine if any administrative action is required. All referrals for investigation will be documented on the HCJC’s TJJD Incident Report Form.
11. All administrative investigations will be handled by the HCJC PCM unless the allegation involves the HCJC PCM. In the event the allegation involves the HCJC PCM, the HCJC PC will be responsible for conducting and completing the investigation.
12. The HCJC PC shall ensure that a complete copy of this Policy is published on the HCJC website.
13. When a report of sexual abuse or sexual harassment is made the following will occur:

San Marcos Police Department, Hays County Sheriff’s Office or TJJD Responsibilities:

* San Marcos Police Department, Hays County Sheriff’s Office or TJJD staff will take the lead in all criminal investigations;
* San Marcos Police Department, Hays County Sheriff’s Office or TJJD staff will have access to all records and files as legally permissible; and
* The San Marcos Police Department, Hays County Sheriff’s Office or TJJD will be responsible for completing the criminal investigation consistent with their policies governing the conduct of such investigations and for referring any individual or individuals for criminal prosecution.

HAYS COUNTY JUVENILE CENTER Responsibilities:

* Providing access to all legal permissible records and files, to include video records;
* Providing space for the San Marcos Police Department, Hays County Sheriff’s Office or TJJD staff to conduct interviews and/or to review records and files; and
* Ensuring that all HCJC staff, contractors, and volunteers fully cooperate in the investigation.
1. The HCJC Facility Administrator may request from any State entity responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in juvenile facilities a copy of the agency’s policy governing the conduct of such investigations (TJJD’s policy can be found at: [http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac\_view=4&ti=37&pt=11&ch=350&rl=Y](http://info.sos.state.tx.us/pls/pub/readtac%24ext.ViewTAC?tac_view=4&ti=37&pt=11&ch=350&rl=Y)). Documentation of this request by the HCJC Facility Administrator to the State entity responsible for conducting administrative or criminal investigations of sexual abuse and sexual harassment in juvenile facilities will be maintained in the HCJC Facility Administrators office.
2. The HCJC Facility Administrator may request from any Department of Justice component responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in juvenile facilities a copy of the agency’s policy governing the conduct of such investigations. Documentation of this request by the HCJC Facility Administrator to the Department of Justice will be maintained by the HCJC Facility Administrator.