

**DENTON COUNTY JUVENILE
PROBATION DEPARTMENT**

<p>POLICY NUMBER: 6.05 – Administration 3.05 – Detention/Post-Adjudication 4.05 – Field Probation Services 12.05 - JJAEP</p>	<p>PAGE: 1 of 5</p>
<p>EFFECTIVE DATE: SEPTEMBER 1, 2009</p>	<p>ADMINISTRATIVE REVIEW & APPROVAL DATE: FEBRUARY 7, 2011 JANUARY 3, 2014 FEBRUARY 19, 2015 AUGUST 18, 2015 SEPTEMBER 9, 2015</p>
<p>JUVENILE BOARD REVIEW & APPROVAL DATE: FEBRUARY 25, 2010 FEBRUARY 18, 2011 FEBRUARY 27, 2014</p>	<p>REVISION DATE: JANUARY 3, 2014 JANUARY 29, 2014 JANUARY 16, 2015 AUGUST 17, 2015 SEPTEMBER 8, 2015</p>
<p>CHAPTER: VI ABUSE, NEGLECT, EXPLOITATION, DEATH, AND SERIOUS INCIDENTS</p> <p>SUBJECT: INTERNAL INVESTIGATIONS</p>	<p>STANDARD (S): TAC 358.700 TAC 358.740 TAC 358.780 TAC 358.800 TAC 358.820 TAC 358.840 28 CFR 115.321(e), (f) 28 CFR 113.334 28 CFR 115.363 (d) 28 CFR 115.371 28 CFR 115.373</p>

I. POLICY:

A. Internal investigations shall be:

1. Conducted for all cases in which abuse, neglect, exploitation, sexual harassment or the death of a child is alleged to have occurred in the department, any of its juvenile justice programs, or juvenile justice facilities.
2. Conducted by a person qualified by experience and training to conduct a comprehensive investigation of abuse, neglect, exploitation, sexual harassment or death allegations.
3. Conducted promptly, thoroughly and objectively in accordance with the procedures contained in this policy.
4. Initiated immediately upon the Director of Juvenile Probation, Facility Administrator, or their designee gaining knowledge of the abuse, neglect, exploitation, sexual harassment or death of a child.

5. Postponed if directed by law enforcement, requested by the Texas Juvenile Justice Department (TJJD), or initiating the investigation compromises the integrity of a potential crime scene.
- B. Internal investigations shall be completed within thirty (30) business days of the initial report to TJJD, unless a request for extension is submitted to and granted by TJJD.
- C. Internal Investigators who conduct sexual abuse investigations shall receive specialized training, in accordance with 28 CFR 115.334, to conduct such investigations.
- D. Internal investigations shall be completed regardless of whether:
 1. The alleged perpetrator resigns or abandons employment;
 2. The child who is the alleged victim or the alleged perpetrator is released from the facility;
 3. The alleged victim denies or recants the allegation; or
 4. The person reporting or otherwise providing the source information for the allegation recants or denies the allegation.
- E. Following an investigation into a child's allegation of abuse, to include sexual abuse or sexual harassment, neglect or exploitation, the internal investigator shall inform the child whether the allegation has been determined to be founded/substantiated, inconclusive/unsubstantiated, or unfounded.

II. AUTHORITY:

The Texas Juvenile Justice Department (TJJD) Standard(s) cited
 PREA Standard(s) for Juvenile Facilities cited

III. PURPOSE:

To ensure that internal investigations of abuse, exploitation and neglect are promptly initiated, completed, and submitted to TJJD.

IV. DEFINITION:

- A. **FOUNDED:** the finding assigned to an internal investigation when the evidence clearly indicates that the conduct, which formed the basis of an allegation of abuse, neglect, or exploitation, occurred. It is the equivalent of "Substantiated".
- B. **UNFOUNDED:** the finding assigned to an internal investigation when the evidence clearly indicates that the conduct, which formed the basis of an allegation of abuse, neglect, or exploitation, did not occur.
- C. **INCONCLUSIVE:** the finding assigned to an internal investigation when the evidence does not clearly indicate or is insufficient for determining whether or not that the conduct, which formed the basis of an allegation of abuse, neglect, or exploitation, occurred. It is the equivalent of "Unsubstantiated".

V. APPLICABILITY:

All Juvenile Probation Staff, Interns and Volunteers

VI. PROCEDURE:

- A. Assignment for Internal Investigation:
 1. Internal investigations shall be initiated immediately upon the Director of Juvenile Probation or the Facility Administrator gaining knowledge that abuse, neglect, exploitation, or death is alleged to have occurred by any person in or at:
 - a. The Juvenile Probation Department;

- b. A juvenile justice program operated by the Department; or
 - c. A juvenile justice facility operated by the Department.
 - 2. The Director of Juvenile Probation or Facility Administrator shall conduct the internal investigation or designate another person who, by experience and training, is qualified to conduct a comprehensive investigation of abuse, neglect, exploitation, or death allegations;
- B. Responsibilities of the Internal Investigator:
 - 1. The investigator shall verify that the subject of the investigation has been placed on administrative leave or has been reassigned to a position having no contact with the alleged victim, relatives of the victim, or other children until the finding of the investigation is determined.
 - 2. The investigator shall ensure that the parent, guardian, or custodian of the alleged victim has been notified or that diligent efforts to notify are documented
 - 3. When the investigator finds that the parent, guardian, or custodian of the alleged victim has not been notified by the time the internal investigation begins, the investigator shall:
 - a. Notify or continue with diligent effort to make the notification; and
 - b. Document the notification or the diligent efforts in the internal investigation report.
- C. Internal Investigation Process:
 - 1. All evidence that is relevant and reasonably available will be gathered and preserved, including documents, other physical or forensic evidence, written or electronically recorded witness interviews and statements, photographs, security camera videos, and any collateral documentation or other information significant to the investigation.
 - 2. Evidence may include any prior reports or complaints of abuse, neglect, exploitation, or harassment involving the alleged perpetrator;
 - 3. Physical evidence shall not be handled or collected unless the investigator is authorized or directed to do so by law enforcement or it is clear to the investigator that failure to act would realistically result in the tampering with or destruction or loss of evidence.
 - 4. The alleged victim in a sexual abuse investigation, shall be permitted to have an assigned victim advocate accompany and support the alleged victim during the investigatory interview(s), if requested by the alleged victim;
 - 5. The investigator will analyze the evidence and, based on the preponderance of the evidence, enter a well-supported disposition of the internal investigation as:
 - a. Founded;
 - b. Unfounded; or
 - c. Inconclusive
 - 6. When allegations are given a disposition of Founded and the conduct that was investigated appears to be criminal in nature, the internal investigator will refer to the conduct to the Denton County Sheriff's Office for processing as a criminal offense and potential prosecution.
- D. The investigator will complete an internal investigation report that documents how the investigation was conducted and fully and accurately presents all evidence considered in the finding(s) and documents corrective measures that have been or will be taken by the administrator(s) or designee.

- E. Notification to Child and/or Parent, Guardian or Custodian:
1. When the investigation was conducted as a result of a child's allegation of abuse, to include sexual abuse or sexual harassment, neglect, or exploitation, the investigator will inform the child as to whether the allegation has been determined to be Founded, Unfounded, or Inconclusive.
 2. When a child's allegation against a staff member is founded, the child will be informed whenever:
 - a. The staff member is no longer to be posted in the child's housing unit (if the child is a resident of the Detention or Post-Adjudication Facility);
 - b. The staff member is no longer employed by the department, program or facility;
 - c. It is learned that the staff member has been indicted on a charge related to the abuse, neglect, or exploitation within the facility; or
 - d. It is learned that the staff member has been convicted on a charge related to the abuse, neglect, or exploitation within the facility;
 3. When a child's allegation against another child is founded, the child will be informed whenever:
 - a. The perpetrating child has been charged with an offense related to the abuse, neglect or exploitation within the department, program or facility; or
 - b. It is learned that the perpetrating child has been adjudicated or convicted on a charge related to the abuse, neglect, or exploitation within the department, program or facility.
 4. All such notifications shall be documented on the internal investigation report and on an [Internal Investigation Notice to Child](#) form.
 5. When an outside agency conducts the investigation, the Director or Director's designee will request the relevant information from the investigating agency in order to inform the child according to this procedure.
 6. When the child who was the alleged victim is no longer under the jurisdiction of the Juvenile Probation Department, or no longer a participant in a juvenile justice program operated by the department, or no longer a resident of a juvenile justice facility operated by the department, the investigator shall:
 - a. Apply due diligence to report, to the child and the child's parent, custodian or legal guardian, the outcome of the investigation; and
 - b. Such notification shall be provided in writing via the [Internal Investigation Notice to Child](#) and [Internal Investigation Notice to Parent/Guardian/Custodian](#) form.
- F. Within five (5) calendar days following the completion of the internal investigation, a written report shall be submitted to TJJD by fax, mail, or e-mail.
- G. The Department Director or designee shall retain internal investigation reports for as long as the alleged perpetrator is confined or employed by the Juvenile Probation Department plus five years.

VII. DOCUMENTATION:

[TJJD Incident Report Form](#)
[Facility/Department Internal Investigation Report](#)

Photo Documentation in Child Abuse Investigation (USDOJ Publication)
Internal Investigation Notice Form