

Bergen County Prison Rape Elimination Act, Investigation Procedures

A. Reports/Documentation

1. All completed Sexual Abuse Incident Reports (Attachment A) shall be reproduced and made available to the Superintendent or designee.
2. The Shift Supervisor must ensure the following occurs:
 - a) At the completion of the call to the DCP&P Abuse Hotline, the reporting staff member shall complete the Sexual Abuse Incident Report (Attachment A), which shall be witnessed by the Shift Supervisor; and
 - b) The Shift Supervisor shall ensure that the Sexual Abuse Incident Report is forwarded to the Superintendent, who shall notify the Bergen County Sheriff's Department and then file the report.

B. Investigations

1. Upon learning of an alleged incident of sexual abuse or sexual harassment against a juvenile, the Superintendent or designee shall immediately report the allegation to the Bergen County Sheriff's Department (BCSD) by telephone.
2. The BCSD shall determine whether the allegation involves conduct that:
 - a) Violates Municipal, State or Federal Laws;
 - b) Does not constitute sexual abuse, in which case responsibility for investigating the allegation shall lie with the Superintendent or designee;
 - c) Constitutes sexual harassment but does not rise to the level of sexual abuse or a criminal/delinquency act, in which case the allegation shall be referred to the Superintendent or designee, as appropriate, for a Facility PREA Investigation (FPI);
 - d) Does not warrant any formal investigation, in which case the matter shall be referred back to the Superintendent.

Facility PREA Investigation CFPI

3. Upon referral for an FPI under Section P.2, above, the Superintendent shall assign the case for investigation to the Chief Juvenile Detention Officer who has received PREA incident investigation training.
4. If at any time during the course of an FPI facts emerge which indicate possible sexual abuse, the Chief shall immediately refer the matter to the Superintendent for consultation and recommendation(s).
5. If it is not a violation of PREA, but would otherwise warrant an investigation (e.g., violation of other BCJDC policies and procedures), the investigator shall log the matter in as a non-PREA case.

Scope of investigation

6. All investigations shall comply with the provisions of 28 C.F.R. Part 115 § 115.371 Criminal and Administrative Agency Investigations.

Written findings; investigation time limits; forwarding findings to Executive Director and Superintendent

7. At the conclusion of a PREA investigation, the Superintendent shall issue written findings documenting that the allegation has been determined by the "preponderance of the evidence" to be either:
 - a) Substantiated;
 - b) Unsubstantiated; or
 - c) Unfounded.
8. A Facility PREA Investigation should be completed within 30 days of assignment.
9. An investigation may be extended upon a determination that more time is necessary in order for it to be concluded properly.
 - a) Such determination shall be made by the Superintendent.
 - b) Each determination shall be documented on a form maintained as part of the case file, and shall be renewed as necessary every 30 days.
 - c) Absent circumstances requiring additional time, an investigation will be completed within 90 days of the determination.
10. Upon completion of an FPI the findings shall be forwarded to the Superintendent.
11. A copy of all investigation findings shall be forwarded by the Superintendent to the Director of the Division of Family Guidance.
12. Investigating personnel shall promptly disclose to the Superintendent information necessary that will affect the safe and orderly operation of the facility.
13. Upon receipt of the findings, the Superintendent or designee shall promptly inform the juvenile whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.