

Land Manor, Inc.
COORDINATED RESPONSE PLAN
Sexual Abuse Response Team Protocol

A. FOLLOWING A REPORTED RISK OF IMMINENT SEXUAL ABUSE

HOUSE MANAGER'S FIRST RESPONDER:

1. Gather basic information about the risk of imminent sexual abuse.
2. Take immediate action to protect the resident from imminent harm, if necessary.
3. Immediately notify Lead House Manager.

LEAD HOUSE MANAGER:

1. Notify Program Director immediately.
2. Review information related to the potential risk of imminent abuse to the resident.
3. If the risk of imminent sexual abuse is credible, determine what actions should be taken to protect the resident from harm.
4. Program Director will notify PREA Coordinator, Law Enforcement, and Executive Director.

B. FOLLOWING SUSPECTED OR ALLEGED INCIDENT OF SEXUAL ABUSE

STAFF FIRST RESPONDER:

1. Notify Program Director immediately. Program Director immediately notifies TDCJ Command Center as well as the Executive Director, PREA Coordinator, and Law Enforcement.
1. Separate the survivor and alleged perpetrator(s).
2. Ensure that the survivor is safe and as necessary, is taken to the hospital Emergency Room for immediate attention.
3. Ensure the hospital is contacted to report a rape victim is being transported.
4. If the assault occurred within seventy-two hours, the lead house manager ensures the alleged resident perpetrator(s) is secured in an isolated area, preferably in a dry room with restricted access to a toilet or water, until the arrival of law enforcement. This action assists in preserving evidence.
5. If the assault is not believed to have occurred within seventy-two hours, the lead house manager maintains custody of any evidence until it can be turned over to law enforcement.
6. If it is believed the assault occurred within the last seventy-two hours, the lead house manager ensures the collection of both the survivor and alleged perpetrator's clothing.
7. The clothing of the individuals is kept separately, in brown paper or plastic bags.
8. The Program Director ensures that a documented chain of custody is kept on the clothing, and all other evidence, until such time the evidence can be turned over to law enforcement.

9. Request that the survivor — and ensure that the alleged perpetrator — refrain from actions that could destroy evidence, such as bathing, brushing teeth, changing their clothes, urinating, defecating, smoking, drinking, or eating until they have been examined by qualified medical personnel.
10. Ensures the survivor is offered mental health services immediately, or immediately upon return from the hospital.
11. Ensures the survivor is offered contact by phone with an outside rape crisis hotline advocate.
12. Ensures all involved staff members complete incident reports, as well as disciplinary reports, before they exit the facility that shift.
13. Completes an incident report detailing the response to the assault.
14. Shares information related to the incident with only those people who need to know in order to ensure the survivor's safety, conduct the investigation, or provide treatment to the survivor or alleged perpetrator.

PROGRAM DIRECTOR:

1. Conduct an initial assessment of the allegation.
2. Ensure preservation of any potential evidence.
3. Ensure that any alleged staff perpetrators are immediately separated from contact with residents.
4. Ensures notification of the investigating law enforcement agency.
5. In cases where the need for a medical forensic exam is not immediately apparent, will contact Baptist Hospital or Christus St. Elizabeth Hospital, to determine if the medical forensic exam is necessary.
6. As appropriate, ensures the survivor is seen by a medical provider at Baptist Hospital or Christus St. Elizabeth Hospital.
7. Ensures the survivor is offered the option to speak with a rape crisis advocate confidentially by phone. If requested by the survivor, set up the call in a private location.
8. Arranges for law enforcement investigators to meet privately with the survivor and alleged perpetrator(s), if necessary.
9. Complete any necessary reports.
10. Share information related to the incident with only those people who need to know in order to ensure the survivor's safety, conduct the investigation, or provide treatment to the survivor or alleged perpetrator.

PREA COORDINATOR:

1. Coordinate and oversee the coordinated response process.
2. Assist with notifications to appropriate staff and outside agencies.
3. Assist with other duties, as assigned by the Executive Director.
4. Responsible for monitoring and endeavoring to remain informed about the progress of the investigation.
5. Responsible for reporting the results of the investigation to the resident after the investigation is concluded.
6. Share information related to the incident with only those people who need to know in order to ensure the survivor's safety, conduct the investigation, or provide treatment to the survivor or alleged perpetrator.

SEXUAL ASSAULT NURSE EXAMINER OR SEXUAL ASSAULT FORENSIC EXAMINER:

1. Confer with the PREA Coordinator or law enforcement investigators regarding the need for a medical forensic exam, if contacted.
2. Be available by phone to provide the survivor with additional information regarding the medical forensic exam, if requested.
1. Share information related to the incident as permitted by law and with only those people who need to know in order to ensure the survivor's safety, conduct the investigation, or provide treatment to the survivor or alleged perpetrator.

RAPE CRISIS ADVOCATE:

1. Provide advocacy, support, and crisis intervention to the survivor, if contacted.
2. Respond in person to the facility, when possible, to provide services to the survivor.
3. Maintain confidentiality at all times, except as permitted by law.

LAW ENFORCEMENT INVESTIGATOR:

1. Respond in person to the facility or to the forensic exam site, either immediately or as arranged with the PREA Coordinator.
2. Guide facility staff on evidence preservation.
3. Catalogue any physical and forensic evidence.
4. Interview the survivor, alleged perpetrator(s), and any witnesses privately and separately.
5. Advise the survivor of his or her right to a medical forensic exam at no cost.
6. Determine whether a medical forensic exam may be evidentiarily necessary, in consultation with the forensic examiner.
7. Inform the PREA Coordinator if a medical forensic exam is evidentiarily necessary.
8. Confer with the District Attorney's Office regarding the case and any search warrants that may be necessary.
9. Coordinate all actions with the PREA Coordinator or designee.
10. Share information related to the incident with only those people who need to know in order to ensure the survivor's safety, conduct the investigation, or provide treatment to the survivor or alleged perpetrator.

DISTRICT ATTORNEY OR DESIGNEE:

1. Confer with investigating law enforcement agency regarding the criminal investigation.
2. Review search warrants, if necessary.
3. Share information related to the incident with only those people who need to know in order to ensure the survivor's safety, conduct the investigation, or provide treatment to the survivor or alleged perpetrator.

C. PRIOR TO TRANSPORT TO A MEDICAL FORENSIC EXAM

PREA COORDINATOR OR DESIGNEE:

1. If an unclothed search is determined to be necessary and/or the survivor is asked to change clothing prior to transport, document the search and steps taken to preserve evidence in the incident report for review by the Executive Director and PREA Coordinator.
2. Cooperate with the investigating law enforcement agency to ensure all evidence is preserved.

PROGRAM DIRECTOR OR DESIGNEE:

1. Coordinate with the PREA Coordinator to ensure timely transportation of the survivor to the exam site.
2. Ensure that the survivor is comfortably clothed for transport.
3. Use absorbent pads or a paper bag to contain any evidence that may be lost during transport, to include gloves or other materials used during a pat down of the survivor.
4. Ensure the survivor's safety during transport.

D. DURING THE MEDICAL FORENSIC EXAM

PROGRAM DIRECTOR OR DESIGNEE:

1. Supervise the survivor.
2. Provide as much privacy for the survivor during the exam as possible. When safety and security needs permit it, the Sheriff's Deputy will remain outside the exam room. If the Deputy must remain in the exam room, he or she will stand behind survivor's head.
3. Ensure that the survivor has an opportunity to speak with the rape crisis advocate as privately as is possible.
4. Coordinate with the SANE, investigating law enforcement agency, and rape crisis advocate to make sure all necessary components of the medical forensic exam are completed before returning the survivor to the facility.

SEXUAL ASSAULT NURSE EXAMINER:

1. Communicate with the Sheriff's Office and any law enforcement officials present to gather needed information and arrange logistics of the exam, with consideration for the survivor's comfort and privacy.
2. Interview the survivor to gather a health history and information about the assault.
3. Obtain informed consent prior to performing the exam.
4. Complete the medical forensic exam, as permitted by the survivor.
5. Collect and preserve forensic evidence.
6. Provide necessary medical care, including sexually transmitted infection (STI) prophylaxis and emergency contraception. When HIV prophylaxis is requested by the survivor or indicated medically, provide a referral to the attending physician and note in the discharge instructions.
7. Document all findings.

8. Provide resources, referrals, discharge instructions, and follow-up treatment planning to the survivor. Discharge instructions will be provided to the Sheriff's Deputy, with the survivor's release, or provided directly to the survivor.
9. With the survivor's permission, coordinate with PREA Coordinator to ensure continuity of care.
10. Retain custody of the medical forensic evidence until recovered by law enforcement.
11. Share exam findings with the investigating law enforcement agency, as permitted by law and by the survivor.

LAW ENFORCEMENT INVESTIGATOR:

1. Refrain from entering the exam room in order to respect the survivor's privacy.
2. Provide the survivor with a medical waiver granting permission to obtain his or her medical records.

RAPE CRISIS ADVOCATE:

1. Give the survivor the "Notice of Rights" and obtain informed consent before providing advocacy services.
2. Meet with the survivor as privately as possible, as soon as possible after his or her arrival at the exam site.
3. Inform the survivor of the right for a victim advocate to be present during the medical forensic exam and investigative interviews.
4. Answer the survivor's questions about the medical forensic exam and investigation, as needed.
5. Provide support and crisis intervention to the survivor.
6. Accompany the survivor during the medical forensic exam, if requested.
7. Ensure the survivor's privacy and comfort as much as possible.
8. Provide information about follow-up services.

E. IF A FORENSIC EXAM IS NOT CONDUCTED

PREA COORDINATOR:

1. Ensure that the survivor receives timely emergency medical and mental health care.
2. Arrange for the survivor to speak with a rape crisis advocate in as confidential a manner as possible.

RAPE CRISIS ADVOCATE:

1. Respond to the facility in person, if possible, or by telephone.
2. Meet with the survivor as privately as possible, as soon as possible.
3. Give the survivor the "Notice of Rights" and obtain informed consent before providing advocacy services.
4. Provide the survivor with confidential crisis intervention, support, information, and referrals.
5. Provide information about follow-up services.

F. FOLLOWING THE EXAM/AFTER ACUTE CARE IS PROVIDED

PREA COORDINATOR/PROGRAM DIRECTOR/EXECUTIVE DIRECTOR:

1. Review and compile all relevant documentation related to the incident for the Sexual Assault Incident Review.
2. Cooperate with the investigating law enforcement agency regarding the collection of evidence and interviews with the survivor, alleged perpetrator(s) and witnesses. Provide any required reports or documentation, as requested.

PREA COORDINATOR:

1. Assist the Program Director/Executive Director, as directed.
2. Inform the survivor about next steps in the process, including available medical and mental health services, rape crisis advocacy, and the investigative process.
3. Coordinate follow-up services for the survivor within the facility.
4. Ensures monitoring for retaliation against the survivor and any witnesses or reporters.

LAW ENFORCEMENT INVESTIGATOR:

1. Take custody of the sealed medical forensic exam and any other evidence collected by other law enforcement.
2. Collect and transport evidence for storage.
3. Take preliminary statements from the survivor, witnesses, and alleged perpetrator(s).
4. Inform the survivor about next steps in the investigation, such as in-depth interviews and the potential court process.
5. Notify the survivor of his/her rights during the criminal investigation, including: the right to be informed of and be present at all critical stages of the criminal justice process; the right to be notified of any arrests and court dates related to the case; and the right to have a rape crisis advocate present during all follow-up interviews.
6. Provide the survivor with written information about their rights enumerated in the Victim Rights Act, including the availability of financial resources such as victim compensation benefits, protective court orders, and a free copy of the initial incident report. Also provide the survivor with a victim's rights pamphlet, business card, and the case number.
7. Remind the survivor that visible evidence of an injury may appear later, and to contact a direct care staff, or the SANE to document the injuries.

SEXUAL ASSAULT NURSE EXAMINER:

1. Follow up with other members of the coordinated response team, as needed.
2. Maintain medical forensic exam records in a secure location.

RAPE CRISIS ADVOCATE:

1. Provide the survivor with resources, referrals, and information on healing from sexual abuse and the investigative process.
2. Offer follow-up rape crisis services, including in-person crisis intervention, if possible.
3. Provide the survivor with a Victim Compensation Application, and assist the survivor to complete the application, if requested.
4. Communicate with other coordinated response members to coordinate services, while maintaining survivor confidentiality.

G. FOLLOW-UP/LONG-TERM DUTIES

EXECUTIVE DIRECTOR:

1. Complete a written report of the administrative investigation that includes a description of the physical and testimonial evidence, the reasoning behind any credibility assessments, and investigative facts and findings.
2. Cooperate with the investigating law enforcement agency on the criminal investigation.
3. Confer with the investigating law enforcement agency prior to conducting compelled interviews with staff or administering *Garrity* warnings. Any interviews with staff members for an internal investigation should be coordinated with the investigating law enforcement agency in order to ensure that statements collected will not become inadmissible in the criminal case.
4. If any credibility assessments are conducted, document the reasoning behind them.
5. Assess whether staff actions or failures contributed to the incident.
6. In cases of alleged staff sexual abuse, notify the survivor whenever the staff member is no longer posted within the facility or the staff member is no longer employed at the facility. Document the notifications or attempted notifications.
7. Conduct Sexual Assault Incident Review meetings with SART members within 30 days of the conclusion of the investigation for all substantiated and unsubstantiated incidents.
8. Consider the following factors during the Sexual Abuse Incident Review team meeting: whether the allegation or investigation indicates a need to make changes in policy or practice; whether staff actions or failures contributed to the sexual abuse; whether the incident or allegation was motivated by group or individual identity or dynamics; the area in the facility where the abuse occurred to assess whether physical barriers in the area may enable abuse; and the adequacy of staffing levels and video technology.
9. Prepare a report of the Sexual Abuse Incident Review team's findings and any recommendations for improvement.
10. Approve and implement any corrective action plans based upon the Sexual Assault Incident Review.
11. Convene and attend regular meetings of the SART.

LAW ENFORCEMENT INVESTIGATOR:

1. Submit forensic evidence to the crime lab.
2. Coordinate the criminal investigation with the Executive Director/PREA Coordinator.
3. Conduct follow-up interviews with the survivor, as needed, and permit the rape crisis advocate to be present during investigative interviews with the survivor.
4. Interview witnesses and interrogate perpetrator(s).
5. Coordinate with the Executive Director and the Sheriff's Office to review prior complaints and reports of sexual abuse involving the suspected perpetrator(s).
6. Request crime lab analysis and review medical and lab reports.
7. Prepare and execute search warrants and any investigative reports.
8. Inform the survivor of the progress and outcome of the investigation.
9. Communicate findings from the investigation to the Executive Director/PREA Coordinator, when and to the extent possible.
10. Refer cases for prosecution, as needed.
11. Provide additional information to the prosecutor, as requested.
12. Participate in court proceedings, as needed.

13. In cases of alleged staff sexual abuse, notify the survivor if the staff member has been charged or indicted on a criminal offense related to the allegation of sexual abuse within the facility or if the staff member has been convicted of a charge related to the allegation of sexual abuse within the facility.
14. In cases of alleged resident perpetrator, notify the survivor if the perpetrator has been charged or indicted on a criminal offense related to the allegation of sexual abuse within the facility or if the perpetrator has been convicted of a charge related to the allegation of sexual abuse within the facility.
15. Document any of the above notifications or attempted notifications.
16. Retain investigative records for ten years, or longer, if required by law.

SEXUAL ASSAULT NURSE EXAMINER:

1. Confer with prosecutors and participate in pre-trial depositions, as necessary.
2. Be available to testify as a witness in the criminal prosecution.

RAPE CRISIS ADVOCATE:

1. Provide the survivor with confidential follow-up services, such as short-term counseling, advocacy, information, and referrals.
2. Provide accompaniment for survivors during interviews with law enforcement and court proceedings, as requested.

DISTRICT ATTORNEY OR DESIGNEE:

1. Review the investigative report and/or search or arrest warrants.
2. Notify and interview witnesses and secure evidence for the prosecution.
3. Determine whether there is sufficient evidence for prosecution and refer charges, as appropriate.
4. Prepare the survivor for court and provide notices as delineated by the Victim Rights Act.
5. Promptly notify the law enforcement if there is not sufficient evidence to prosecute the case.
6. Educate SART members about prosecutorial practices, provide legal definitions and explanations, assist with case reviews, and provide case updates to reduce case closures.
7. In cases of alleged staff sexual abuse, notify the survivor if the staff member has been charged or indicted on a criminal offense related to the allegation of sexual abuse within the facility or if the staff member has been convicted of a charge related to the allegation of sexual abuse within the facility.
8. In cases of an alleged resident perpetrator, notify the survivor if the resident has been charged with a criminal offense related to the allegation of sexual abuse within the facility or if the resident abuser has been convicted of a charge related to the allegation of sexual abuse within the facility.