

Investigations Policy

- **Criminal and Administrative Agency Investigations (§ 115.371):** Investigation of suspected sexual abuse, rape, and sexual harassment that rises to the level of potential abuse/neglect will be referred to Child Protection Services or law enforcement in alignment with the LSS Incident Reporting policy. LSS will cooperate with investigators and shall endeavor to remain informed on the progress of the investigation. LSS will administratively investigate allegations of sexual harassment of a resident in an LSS facility if those allegations do not fall under the jurisdiction of Child Protection Services or law enforcement. Administrative investigations will be completed as soon as possible but within five days and will include all individuals involved in the allegation. Investigations will be completed for all allegations or reports received including those received anonymously or from a third party.
 - a) In the event of an administrative investigation the following steps will be taken:
 - The staff person who receives the initial report or grievance regarding a potential allegation of abuse will ensure that the resident(s) is currently safe and follow all policy and procedures related to evidence and first responder duties.
 - The staff person will report the allegation to the on-duty supervisor as soon as possible assuring compliance with program supervision and ratio requirements.
 - The on-duty supervisor will follow the LSS Incident Reporting Matrix regarding additional internal and external notifications.
 - The staff person will complete an agency incident report that includes documentation of physical and testimonial evidence, steps take to assure resident safety, and notifications made. The incident report will be
 - Upon receipt of the incident report, the program's PREA investigator will interview all residents and staff who are involved in the alleged incident using the PREA Investigation form. If a resident no longer resides in the facility, the PREA investigator will attempt to interview the youth or document the reason they were unable to complete the interview.
 - LSS refrains from terminating an investigation solely because the source of the allegation recants the allegation.
 - LSS does not require a resident who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation.

- Agency investigators assess the credibility of an alleged victim, suspect, or witness on an individual basis and not on the basis of that individual's status as a resident or staff.
 - Administrative investigations include an effort to determine whether staff actions or failures to act contributed to the abuse allegation.
- b) In the event of a criminal investigation the following steps will be taken:
- The staff person who receives the initial report or grievance regarding a potential allegation of abuse will ensure that the resident is currently safe and follow all policy/procedures related to evidence and first responder duties.
 - The staff person will report the allegation to the on-duty supervisor immediately.
 - The on-duty supervisor will follow the LSS Incident Reporting Matrix regarding additional internal and external notifications, taking note to contact Child Protection Services and/or Law Enforcement regarding the abuse allegation and need for a criminal investigation.
 - The staff person will complete an agency incident report that includes documentation of physical and testimonial evidence, steps take to assure resident safety, and notifications made.
 - LSS staff and leadership will defer to child protection services and law enforcement for all investigative decisions and await the outcomes of their investigations prior to moving forward with an internal administrative investigation.
 - LSS will ensure the safety of all residents during the investigative process.

Departure of an alleged abuser or victim from the employment or control of the agency does not provide a basis for terminating an alleged abuse investigation. The agency retains all written incident reports pertaining to § 115.371 for as long as the alleged abuser resides in the program or is employed by the agency, plus five years.