




**Brighter Transition
Falls Academy
Policy & Procedures**



Policy:	PREA: Internal and External Investigations	Page	
Chapter:		Effective Date:	8-15-13
Policy #:	115.322 (b) -1, 115.371, 115.372, 115.373		
Reviewed & Approved:	 <hr/> Signature Executive Director	6/28/24 <hr/> Date of Most Recent Review	Type of Review: <input type="checkbox"/> New <input type="checkbox"/> Annual Review <input checked="" type="checkbox"/> Revision

Objective: To ensure that every allegation of sexual abuse is thoroughly and appropriately investigated by a highly-skilled, qualified investigator who has been trained to investigate sexual abuse allegations in confinement settings.

Procedure: BTY/FA has a zero-tolerance policy relating to sexual assault/harassment of a resident. All residents are supported and encouraged to report any and all instances of sexual assault/harassment. Reporting of sexual abuse of a resident, whether perpetrated by another resident or an employee, can be reported verbally to the resident’s referral worker, counselor, BTY/FA staff, Child Protective Services or written through the grievance process and forwarded to the BTY/FA PREA Compliance Manager. Once notification of an allegation is received, the Compliance Manager will report the information directly to the Executive Director. If not previously notified, the Executive Director will contact Child Protective Services.

An internal investigation will begin immediately upon receiving the report. BTY/FA employs qualified investigators to conduct Administrative Investigations. These investigators are required to complete both general and specialized trainings in order to conduct sexual abuse allegations in confinement settings. Investigations of all alleged victim(s), perpetrator(s), and any witnesses are prompt, thorough, and objective. Investigators shall gather and preserve any and all direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring. When appropriate, the allegations of sexual abuse or harassment are referred to the Minnehaha County Sheriff’s Department for criminal investigation. BTY/FA adheres to South Dakota’s regulations around the Reporting of Child Abuse. In the event of child abuse and/or neglect, the Office of Licensing and Accreditation and Child Protective Services will be notified immediately. Credibility of said victim(s), perpetrator(s) and witnesses shall be assessed on an individual basis and shall not be determined by the person’s status as resident or staff. Administration of a polygraph examination or similar tools is strictly prohibited.

Documentation of evidence gathered, interviews conducted and any other activity pertaining to the allegation, including determination discussed with the accused, will be administered and formulated into a report by the Ombudsman and will include facts and findings of the allegation. BTY/FA shall decide based on the preponderance of evidence gathered during the course of the investigation. This documentation will be retained for as long as the alleged abuser is a resident or employee of BTY/FA, plus five years, unless the abuse was committed by a juvenile resident and applicable law requires a shorter period of retention.

Upon completion of an internal investigation into a resident’s allegation of sexual abuse/harassment, the Executive Director will inform the resident as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.

BTY/FA will not terminate an internal investigation based solely on the allegation being recanted, or employment being terminated. If during the course of an internal investigation, criminal activity is established, the Executive Director will immediately contact local authorities for further investigation. BTY/FA will cooperate with any investigation conducted by an outside authority. Upon completion of an external investigation, BTY/FA will request the findings from the appropriate agency in order to inform the resident.

Following a resident’s allegation of sexual abuse by an employee, unless unfounded, the resident shall be informed whenever:

1. The staff member is no longer assigned to the resident's unit,
2. The staff member is no longer employed at BTY/FA,
3. BTY/FA learns that the employee has been indicted or convicted on a charge related to sexual abuse at BTY/FA.

Following a resident's allegation is of sexual abuse by another resident, unless unfounded, the resident shall be informed whenever:

1. BTY/FA learns that the alleged abuser has been indicted or convicted on a charge related to sexual abuse at BTY/FA.