



Elkhart County Juvenile Detention Center

Prison Rape Elimination Act (PREA) Policy

Related Standards: PREA §115.322 - Responsive Planning – Policies to Ensure Referrals of Allegations for Investigations

Policy Status: Current Policy – In Effect

Authority: 28 CFR Part 115 – Prison Rape Elimination Act Standards

I. Policy

- A. The Prison Rape Elimination Act (PREA) is a federal law enacted in 2003 to prevent, detect, and respond to sexual abuse and sexual harassment in confinement settings. The Elkhart County Juvenile Detention Center (ECJDC) maintains a zero-tolerance policy toward all forms of sexual abuse and sexual harassment.
- B. As part of ECJDC’s planning efforts, the facility shall ensure that an administrative and/or criminal investigation is completed for all allegations of sexual abuse and sexual harassment. ECJDC will refer all allegations of sexual abuse or sexual harassment to the Elkhart County Sheriff’s Office (ECSO) for investigation. In addition, all allegations involving suspected child abuse or neglect shall also be reported to the Indiana Department of Child Services (DCS), in accordance with Indiana mandatory reporting laws.

II. Procedure

- A. All allegations of sexual abuse or sexual harassment shall be referred to the Elkhart County Sheriff’s Office (ECSO), the agency with the legal authority to conduct criminal investigations within the facility’s jurisdiction. ECSO shall be responsible for conducting PREA-related investigations and making investigative findings. Facility administration may conduct administrative, personnel, or operational review as appropriate, and consistent with maintaining the integrity of the investigation.
- B. When a report of sexual abuse or sexual harassment is made, the following will occur:
 - a. ECSO Responsibilities:
 - i. Promptly, thoroughly, and objectively investigate allegations of sexual abuse and sexual harassment at ECJDC;
 - ii. Utilize investigators that have received special training in sexual abuse and sexual harassment investigations involving juvenile victims;

- iii. Follow ECSO investigatory protocols for the investigation of sexual abuse and sexual harassment investigations involving juveniles; and
- iv. Endeavor to keep ECJDC informed about the progress of investigations and provide ECJDC with a written report that includes a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings to the extent feasible without jeopardizing the investigation.

b. ECJDC Responsibilities:

- i. Cooperate fully with police investigators;
- ii. Not terminate an investigation solely because the source of the allegation recants the allegation;
- iii. Ensure the alleged victim is kept safe. Housing assignments of either the alleged offender or victim may be modified during the investigation;
- iv. Make every effort to protect evidence and incident scenes, if known or identified, until police investigators gather and preserve direct and circumstantial evidence; and
- v. Ensure that sexual abuse and harassment victims/complainants and supporting witnesses are monitored for at least 90 days to prevent retaliation.

C. Compliance Oversight and Records Management

- a. The facility's PREA Coordinator shall maintain oversight of all PREA-related documentation, track investigative outcomes, ensure required notifications and reviews are completed, and maintain records in accordance with PREA standard requirements.