

Sexual Misconduct (PREA)**Section II. Responsive Planning****Procedures:**

- A. (115.221) Evidence protocol and forensic medical examinations:**
1. **(221a, b)** Crosspoint staff will not conduct criminal investigation or forensic medical examinations in incidents of sexual assault.
 - a. The agency will rely on the San Antonio Police Department (SAPD) and the Rape Crisis Center (RCC) to conduct such inquiries.
 - b. **(221d-1)** The RCC will provide any victim of any sexual abuse or assault a qualified and trained victim advocate upon request.
 - c. **(221d-2)** See MOUs with SAPD and RCC. (221f) MOUs on file document these agencies' compliance with current standards.
 2. **(221c-1)** The PREA Coordinator or designee will ensure that any victim of sexual assault receives forensic medical examinations through the SAPD and the RCC victim advocate and Methodist Specialty Hospital.
 - a. **(221c-2, 3)** Forensic medical examinations will be offered without financial cost to all victims. The Methodist Specialist Hospital Sexual Assault Response Team consists of Sexual Assault Nurse Examiner (SANE)-qualified personnel. (OM Ch 6-H & Ch 2 Section III-D)
 - b. When a resident reports that he or she has been the victim of a sexual assault, staff must explain the importance of preserving evidence of the alleged act and request that the resident not take any action that could destroy such physical evidence.
 - c. Such acts include bathing, brushing teeth, changing clothes, drinking, smoking or eating, unless medically indicated. If toileting needs to take place, the resident should be instructed to not wipe. Under no circumstances will a victim be charged with a rules violation if he or she refuses to follow these directives.
 3. **(221d-3)** When a victim of sexual misconduct makes a report, the Program Administrator will assign a trained staff member to serve as a "victim advocate" to accompany and support the victim.
 - a. This includes accompanying the victim through medical processes and investigations as requested by the victim, and prompt referral of victims of non-criminal sexual abuse to the RCC for evaluation and support.
 - b. This victim advocate shall remain engaged with the victim following the report and investigation to ensure he or she receives appropriate emotional support, information and service referrals, including referrals for follow-up medical care and mental health services.
 - c. This victim advocate shall document his or her activities with the client in memo form at the conclusion of any investigation or upon stabilization of the resident. This report will include dates of referrals and initial appointments and will be submitted to the Program Administrator.

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- d. **(221e)** Training for the role of victim advocate will include annual completion of training on topics related to the dynamics of sexual trauma, crisis intervention, RCC and SANE protocols and any other topics identified by the PREA Coordinator as relevant to providing effective, evidence-based intervention and support to trauma victims. This training is documented in training records by the Human Resources Office.

B. Referral for Investigation (Also see *Section VII of this chapter*)

1. **(222b-1)** Crosspoint policy requires that all allegations of sexual assault, sexual abuse and sexual harassment be referred for investigation to law enforcement (SAPD) unless the allegation does not involve potentially criminal behavior.
 - a. Any allegation involving threats or use of force, or sexual activity without consent or the ability to consent must be referred to SAPD immediately for criminal investigation.
 - b. **(222b-2)** This policy is documented on the Crosspoint website.
 - c. If an incident of sexual misconduct does not appear to involve any criminal act, then the CEO or designee may direct that the matter be handled administratively, however the victim's needs will be addressed thoroughly as in part A-3 of this section.
 - d. **(222b-3)** The staff member who refers an allegation to SAPD for investigation must document this act on a CP 60 and/or on the First Responder's Checklist (CP # 275).
 - e. **(222c)** When a report is referred for criminal investigation the Crosspoint fact finding investigation will stop until SAPD completes their portion of the investigation. The fact finding is for the purpose of determining if policies and staff actions were appropriate and effective, but questions of culpability will be the responsibility of SAPD investigators.
2. **(222a)** The PREA Coordinator shall ensure that Administrative Fact Finding is completed for all allegations of sexual misconduct, including those also referred for criminal investigation.
 - a. This fact finding will be completed by a properly trained AUM or above appointed by the Program Administrator and who is not a participant or witness to the matter under investigation.
 - b. Crosspoint staff assigned to conduct Administrative Fact Finding will receive specialized annual training for this role that will include topics related to the dynamics of sexual trauma, crisis intervention, RCC and SANE protocols, investigative protocols related to Miranda, Garrity, evidentiary standards and investigative techniques. This training is documented in training records by the Human Resources Office.