

Policy Addressing Sexual Predatory Behavior/Actions Against Minors

Purpose: It is the purpose of this policy to provide a method and means of addressing sexual predatory behavior or actions of individual(s) against minors which do not rise to the level of actionable criminal conduct.

Whereas, the Town of Foxborough created the Child Sexual Abuse Awareness Committee in response to the Sheehan Case which left countless young people victimized, and

Whereas, the Child Sexual Abuse Awareness Committee and the Board of Selectmen are committed to preventing future acts of sexual abuse and exploitation again children or adolescents, and

Whereas, predators like Sheehan clearly pose a risk to children or adolescents without having any criminal convictions on their records, and

Whereas citizens may report behavior, or patterns of conduct, that suggest a risk of grooming or other predatory behavior associated with child sexual abuse and exploitation, that might be considered "hearsay" type of information,

Now, therefore, the Town of Foxborough will require that such reports be immediately disclosed to the Town of Foxborough Police Department;

The Town of Foxborough Police Department will be solely responsible for investigating those reports and shall keep them confidential in accordance with State law;

When an investigation concludes with a finding of actionable criminal conduct the Police shall act in concert with Prosecutors to pursue any and all remedies under the law;

When there is a report of a specific incident, or a pattern of conduct, involving a particular person that does not rise to the level of actionable criminal conduct, but meets the standard of reasonable suspicion, the Town may act to prevent access by that person to potential child or adolescent victims;

Reasonable suspicion shall be defined as an incident, or pattern of conduct, to which there are identifiable, reliable and credible victims or witnesses, police investigative reports from any jurisdiction, or other verifiable information outlining an incident or a pattern of conduct that suggests the possibility of grooming behavior, predatory behavior, child sexual abuse or exploitation;

In an effort to respect the due process rights of any person implicated by such information and to avoid litigation against the Town, the Police may be called upon by the Board of Selectmen in Executive Session to articulate the specific incident, or pattern of conduct, which they believe establishes reasonable suspicion. The person implicated will be given 48 hours' notice of the Executive Session in accordance with the Open Meeting Law, G.L. c. 30A, §§18-25 and shall have the right to be present at that Executive Session to challenge the finding(s) of reasonable suspicion.

If the Board of Selectmen sustains the Police determination of reasonable suspicion, the Board may act as the people's representatives and support follow-up action by the Town Manager and the Chief of Police to work with legal counsel and establish a course of action designed to protect the children

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and to limit the liability exposure for the Town. Such remedies may include but not be limited to the following:

In the case of a Town employee, the Board, based on the facts of the case presented, may support an effort by the Town to remove that person from Town employment subject to all legal, personnel, contractual and due process requirements that are afforded to the employee. Alternatively, and dependent upon the facts as presented, the Board could support an immediate effort to remove that person from all children and adolescent programs and contacts that are within the Town of Foxborough's jurisdiction and control.

In the case of a non-employee, the person may be served with a notice of disinvite by the Town department or board permitting any event held on any Town property where there are activities involving minors. If the letter of disinvite fails to achieve the objective of protecting children or adolescents from the threat of child sexual abuse and exploitation, the Town may on the advice of Counsel consider pursuing injunctive relief in the Superior Court.