3-04/025.15 PREA - Criminal and Administrative Investigations

CRIMINAL

Deputy personnel or investigators assigned to the scene of a crime or incident of sexual abuse shall collect any possible physical evidence and any available video evidence which may have captured the incident. All articles of possible evidentiary value shall be carefully handled and booked as evidence in the Property and Evidence Laboratory Information Management System (PRELIMS) without unnecessary delay. The booking shall be handled by the first responding deputy and/or the investigating deputy. For further information on how to properly handle and collect evidence refer to Manual of Policy and Procedures (MPP) Volume 5, Chapter 4.

Investigators shall interview victims, suspects, and witnesses. Investigators shall also review prior reports, if any, of sexual abuse incidents involving the suspect. The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as an inmate or Department member. Inmates who make allegations of sexual abuse shall not be subjected to a polygraph examination as a condition for proceeding with an investigation.

Substantiated allegations of sexual abuse that appear to be criminal shall be referred for prosecution. After an incident of sexual abuse has been referred for prosecution, if any additional interviews are required, investigators shall consult with prosecutors to review if they create an obstacle for subsequent criminal prosecution.

ADMINISTRATIVE

During administrative investigations, investigators shall make an effort to determine whether staff actions or failures to act contributed to an incident of sexual abuse. The detailed findings of the investigation shall be included in the narrative of the first report (refer to MPP 4-01/005.10, "Responsibility of the Reporting Deputy"). Reports shall also include a description of the physical and/or testimonial evidence, the reasoning behind credibility assessments, investigative facts, and findings. Investigators shall take into account all facts and evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated. All sexual abuse investigations shall continue regardless of whether the alleged abuser or victim is no longer in custody, or is no longer employed with the Department.

A courtesy report shall be taken for inmates who report criminal incidents of sexual abuse that occurred in a Department facility at a previous time or confinement facility outside of the Department's purview. The agency where the incident occurred shall be notified of the courtesy report or any allegation where a courtesy report was not taken within 72 hours of the allegation. The PREA Compliance Manager of the facility shall track all courtesy reports/allegations and notifications made to other agencies.

All criminal and administrative reports shall be retained as long as the alleged abuser is incarcerated or employed by the Department, plus five (5) years (for further refer to MPP 4-02/010.05, "Retention Code").