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 that 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.

Criminal investigations related to inmate-on-inmate allegations of sexual abuse shall be assigned to Custody Investigative Services (CIS). 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

All inmate grievances involving allegations described in the Prison Rape Elimination Act (PREA) shall be investigated promptly, thoroughly, and objectively. Refer to CDM section 3-04/025.00, "Prison Rape Elimination Act of 2003 (PREA)."

All personnel conducting sexual abuse investigations shall have received training in conducting such investigations in confinement settings.

When a supervisor inquiry is determined to be the appropriate course of action for a non-criminal allegation, the inquiry shall be conducted by a supervisor of the permanent rank of sergeant (or higher). The unit commander shall determine the appropriate course of action in accordance with the Administrative Investigations Handbook and any other applicable Department policies. Supervisors shall adhere to the Department’s Administrative Investigations Handbook for procedures regarding supervisor inquiries, administrative investigations, and required notifications.

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 consider 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 sexual abuser or victim is no longer in custody~~,~~ or is no longer employed with the Department.

Courtesy Reports

A courtesy report and a PREA Allegation Alert shall be completed for inmates who report PREA related 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 unit commander, or their designee, of the facility completing the report shall notify the agency's unit commander or the appropriate office of the agency where the incident occurred within 72 hours of the allegation. It will be the responsibility of the unit commander or the appropriate office of the agency where the incident occurred to ensure that the allegation is investigated in accordance with all applicable PREA standards.

When an outside agency informs the LASD PREA coordinator that a detainee was sexually abused while housed at a Department facility, the PREA coordinator shall notify the PREA compliance manager and the unit commander of the Department's facility where the alleged sexual abuse occurred as soon as possible but no later than 72 hours of the allegation.

The PREA coordinator shall document and track all PREA Allegation Alerts and notifications made to and from other agencies.

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