Dakota County PREA Interagency Agreement

This Interagency Agreement is between the Dakota County Community Corrections Department ("Corrections Department") and the Dakota County Sheriff's Office ("Sheriff's Office") both Dakota County agencies.

WHEREAS, Federal Prison Rape Elimination Act of 2003 ("PREA"), specifically §115.334, requires the Corrections Department to ensure criminal investigations are completed for all allegations of sexual abuse at the Juvenile Services Center by investigators with specialized training; and

WHEREAS, the Corrections Department requests the Sheriff's Office to serve as the coordinating investigating agency for the Corrections Department in connection with investigations of sexual abuse at the Juvenile Service Center; and

WHEREAS, the Sheriff's Office desires to and is capable of providing such services.

NOW, THEREFORE, in consideration of the mutual promises, the Corrections Department and the Sheriff's Office hereby enter into this Agreement for the purposes stated herein.

Purpose

The purpose of this Agreement is to set out the respective duties and responsibilities of the Corrections Department and the Sheriff's Office regarding investigations of allegations of sexual abuse by residents, staff, contractors, and volunteers/interns at the Juvenile Services Center, as herein described.

Investigation

The Corrections Department agrees to refer all allegations of sexual abuse at the Juveniles Services Center to the Sheriff's Office, and to cooperate fully with the Sheriff's Office's investigations of those allegations.

The Sheriff's Office agrees to provide an initial assessment of allegations of sexual abuse at the Juvenile Services Center to determine if the allegation warrants criminal investigation.

The Sheriff's Office agrees to conduct the criminal investigation for all allegations of sexual abuse committed by residents at the Juvenile Services Center.

The Sheriff's Office agrees that for allegations of sexual abuse committed by Dakota County staff, contractors, or volunteers/interns at the Juvenile Services Center it will perform

an initial assessment of the allegation to determine if it warrants criminal investigation and, if so, determine whether the investigation may be conducted by its investigators or referred to an outside agency for investigation.

The Sheriff's Office and any agency investigating on its behalf agree to have the following procedures in place and to follow them accordingly:

1. A standard evidence protocol must be in place and should maximize the potential for obtaining usable physical evidence for criminal prosecution, and that is developmentally appropriate for adolescents according to the U. S. Department of Justice;

2. Investigators must have special training in sexual abuse investigations involving juvenile victims including techniques for interviewing juvenile sexual assault victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, criteria and evidence required to substantiate a case for prosecution referral;

3. Investigators should gather and preserve direct and circumstantial evidence including any available physical and DNA evidence and any available electronic monitoring data; interview alleged victims, suspected perpetrators, and witnesses; and review prior complaints and reports of sexual abuse involving the suspected perpetrator; and

4. Criminal investigation should be documented in written reports that contain thorough descriptions of physical, testimonial, and documentary evidence and attached copies of documentary evidence where feasible.
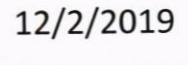
Data

Upon the request of the Corrections Department, the Sheriff's Office agrees to provide copies of the investigation reports to the Corrections Department in accordance with the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13, as well as any applicable State, Federal, or local laws or rules governing data privacy.

_____   12/2/19
Timothy Leslie, Dakota County Sheriff   Date

_____   12/2/2019
Brian K. Kopperud, Community Corrections Director   Date