

3410-06 PREA Investigations

Policy

The Juvenile Services Center (JSC) Management shall investigate and/or refer for investigation, all allegations of staff on resident/client or resident/client on resident/client sexual abuse, and sexual harassment. JSC employees who conduct the investigations shall be trained according to PREA and JSC standards.

Purpose

To ensure the safety of and protect JSC residents, visitors, staff members, contractors, volunteers/interns, and the community by investigating all reports of sexual abuse, and sexual harassment. To ensure staff members who conduct investigations are trained according to PREA and JSC standards, and know when to turn investigations over to law enforcement.

Definitions

First Report of Suspected Misconduct A written report completed by First Responders to document known or suspected violations of Dakota County's [Zero Tolerance Policy, 3420-08](#).

Prison Rape Elimination Act (PREA) A federal law dealing with sexual abuse, sexual misconduct and sexual harassment of individuals in adult and juvenile confinement settings. PREA mandates zero tolerance of all forms of these behaviors by staff, residents, volunteers and contractors in confinement settings.

Sexual Abuse and Sexual Harassment Includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or communication of a sexual nature. Sexual abuse and sexual harassment include actions of a resident or detainee on another resident or detainee, staff member, contractor, or volunteer/intern. Sexual abuse and sexual harassment also include actions of a staff member, contractor or volunteer/intern on a resident or detainee. Specific acts are defined in the [PREA Juvenile Facility Standards](#).

Procedural Guidelines

- A. The Superintendent or designee receives a report of sexual abuse, and/or sexual harassment from a supervisor and/or First Responder.
- B. The Superintendent or designee reviews the First Responder Report to ensure:
 - alleged victim and alleged perpetrator are separated, eliminating risk for continued victimization

- medical care was provided if necessary, and victim services were offered when appropriate
 - steps were taken to preserve and protect evidence of a possible crime scene
 - law enforcement was notified if appropriate
 - mandated report was filed with Dakota County Social Services when appropriate
 - staff members are temporarily reassigned if necessary
- C. The Superintendent consults with the Community Corrections Director to determine whether the allegation merits an administrative investigation, criminal investigation, and/or child protection notification. Determination on whether law enforcement and/or child protection notification is made can occur at any point during an administrative investigation.
- D. The Superintendent and Director may determine whether a staff person's work assignment and schedule requires a change based on the alleged staff on resident/client allegations.
- E. In cases where an administrative investigation is required, The Superintendent may assign one of the JSC Supervisors to conduct the PREA investigation, forwarding all forms and information electronically. The supervisor assigned to investigate, must have completed the PREA Investigator Training provided by the JSC Management and according to PREA standards.
- F. The investigator assigned reads all materials related to the allegation. A timeframe and sequence of events shall be documented and include names of the alleged victim and alleged perpetrator, where the incident reportedly occurred, and names of possible witnesses, staff, contractors, and interns/volunteers in the building. The investigator shall identify missing information such as but not limited to: dates, times, witnesses, and location of incident.
- G. The investigator arranges interviews with the alleged victim, alleged perpetrator and witnesses as necessary. Steps shall be taken to maximize privacy and confidentiality during the interview, and subjects shall be informed of measures taken to ensure this.
- H. During each interview, the investigator shall explain the purpose of the interview; assure each subject of privacy, confidentiality, and the importance of looking into allegations and suspicions of any form of sexual harassment or sexual abuse because of the JSC's Zero Tolerance Policy.

The investigator shall take notes during each interview, using the subject's own words as much as possible. The investigator shall verify dates, times, witnesses, location and other facts of the allegation. The investigator shall ask clarifying questions about references made or slang terms used to ensure accuracy.

If new information is obtained during an interview, indicating the need for a criminal or child protection investigation, the supervisor shall immediately end the interview, and consult with the Superintendent (see C above).

- I. The investigator shall gather and examine possible corroborating or contradicting information to include but not limited to: records of phone calls, facility log notes/chronos, video, schedules, letters or notes, photos, and reports of other incidents involving the same parties.
- J. The investigator shall determine whether the incident was *substantiated* (allegation investigated and determined to have occurred), *unfounded* (allegation investigated and determined NOT to have occurred), or *unsubstantiated* (allegation investigated, but there wasn't enough evidence to determine whether the incident occurred). The investigator shall discuss findings with the Superintendent. The investigator shall look for a preponderance of evidence to make the determination including:
 - Interviews generally agreed on events, sequences, staff action/inaction that may have contributed to the incident, and names of the individuals (alleged victim, perpetrator, witnesses) involved
 - Phone call record (times, dates, durations) support a conclusion
 - Prior complaints and reports involving the alleged perpetrator
 - Log notes and chronos support a conclusion
 - Video of movement throughout the facility support a conclusion
 - Work or visitation schedules support a conclusion
 - Letters and notes support a conclusion
 - Photos support a conclusion
- K. The investigator shall complete the investigation report using forms found in his/her folder in drive: [N:\PREA Investigation Training](#). Depending on the incident, the investigator shall choose the O-on-O investigation report or the S-on-O investigation report. [Be sure to click on "Enable Content" button.] The supervisor uses appropriate drop down boxes and, when necessary, includes additional detail. He/she completes narrative sections:
 - Chronological Sequence of Events – description of the incident starting from the time he/she was notified of the assignment to investigate. The chronology draws from all sources and provides as complete a description of the incident as possible. It lists the reasons for the investigation and includes a summary of allegations and possible policy/procedure violations.
 - Evidence Reviewed – list of evidence the investigator reviewed to prepare the report. The investigator ensures he/she has all evidence reviewed attached to the investigation report.
 - Synopsis of Interviews – summary of each interview the investigator conducted to prepare the report.
 - Findings – summary on the points of agreement and divergence of those interviewed assessment of interviewee credibility, what other evidence supports, what is unknown

about the incident, and a conclusion of whether the incident was *substantiated*, *unfounded*, or *unsubstantiated*. Findings include an assessment of staff action or inactions that contributed to the incident. The findings are based on a preponderance of evidence in determining whether allegations of sexual abuse, or sexual harassment are substantiated.

- JSC and Dakota County Policy Violations – list of the specific policies/procedures the perpetrator violated, as well as those policies/procedures staff/contractors/interns/volunteers violated that contributed to the incident.

L. The investigator shall file the investigation report, video and other evidence, and all attachments in [N:\PREA Documentation](#) – the Investigations folder. The investigator shall store the report in the folder assigned by year.

M. Depending on findings, the investigator shall notify the alleged victim and their parent/guardian of the outcome of the investigation: substantiated, unfounded, or unsubstantiated. If the allegations of sexual abuse are substantiated, the investigator shall inform the victim of agency actions. If the perpetrator is a JSC staff member, volunteer/intern/contractor, the investigator shall inform the victim and their parents/guardians:

- The staff member is no long working on the victim’s pod
- The staff member has been terminated
- The staff member has been indicted or convicted
- The volunteer/intern/contractor has been terminated

If the perpetrator is another resident, the investigator shall inform the victim and their parent/guardian the perpetrator has been indicted or convicted.

The investigator shall document attempts to notify the victim and parents/guardian in the Investigation Report.

N. The PREA Coordinator shall lead a JSC sexual abuse incident review at the conclusion of every sexual abuse investigation unless the report was unfounded. The review shall be held within 30 days of the conclusion of the investigation. The review addresses whether the incident:

- Indicates a need for policy changes
- Was motivated by race/ethnicity/ gender identify/sexual preference or status/gang affiliation/other dynamic within the JSC
- Was enabled by the JSC physical plant
- Was the result of staffing levels
- Indicates a need for better electronic monitoring

The PREA Coordinator summarizes results of the incident review and rationale for acting/not acting on specific recommendations. The PREA Coordinator works with JSC staff to implement recommendations. The Incident Review Report is stored securely. The PREA Coordinator schedules discussions at JMT quarterly to check on implementation of suggestions.

- O. The JSC publishes summary level information about PREA sexual abuse allegations once per year on the Dakota County public website. The JSC stores all information, documents, electronic records associated with PREA sexual abuse data for at least 10 years beyond the dates of initial collection.

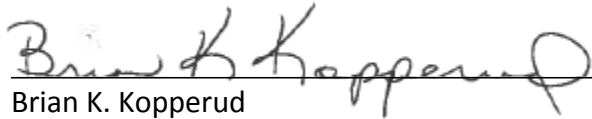
Authority/Reference

Authority for this policy resides in the statutory duty of the County Administrator (M.S. 375A.06) or designee, the Director of the Community Corrections Department, who is required to comply with County policies, meet statutory requirements and abide by State mandates.

This procedure is part of Dakota County's PREA plan, and is aligned with federal PREA standards for juvenile facilities.

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JDAI Safety
PREA Standards - Juvenile

Approval

As approved by: 

Brian K. Kopperud
Community Corrections Director

Distribution

11/02/15 – Notification of policy revision to all department staff via Outlook email

Date Information

06/08/18 – Approved by Brian K. Kopperud, Community Corrections Director
10/30/15 – Approved by Barbara J. Illsley, Community Corrections Director
09/21/15 – Reviewed by County Attorney's Office