

**Volunteers of America Ohio & Indiana**  
PREA Policy & Procedure Manual

<b>Policy Number</b>	P100:14	<b>Subject</b>	Investigations
<b>Date Issued</b>	07/15/2019	<b>Date Revised</b>	
<b>Applicable Standards</b>	PREA 115.222; PREA 115.234; PREA 115.271; PREA 115.272; PREA 115.273; PREA 115.286		

**Policy**

Administrative and/or criminal investigations are completed for all allegations of sexual assault, abuse and harassment in VOAHOIN residential reentry facilities. The agency ensures that investigations are conducted by properly trained individuals or local law enforcement following reports of sexual abuse and sexual harassment. A Sexual Abuse Review Team (SART) conducts an incident review after every sexual abuse investigation, unless the allegations are determined to be unfounded.

**Procedure**

INVESTIGATOR TRAINING

1. In addition to the general training provide to all employees pursuant to PREA 115.231, the agency ensures that, all staff designated as PREA Investigators receive training in conducting such investigations in confinement settings.
  - a. The PREA Coordinator ensures that such staff receive specialized training prior to assuming Investigator responsibilities.
  - b. Documentation of specialized training will be maintained in the employee file.
2. Specialized training includes techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral.

ADMINISTRATIVE INVESTIGATIONS

1. Administrative Investigations are conducted for non-criminal allegations of sexual abuse or harassment by properly trained PREA Investigators on staff.
2. Upon discovery or report of a possible PREA incident, first responders will follow established Unusual Incident procedures. Program Director or next level leadership will notify PREA Investigator on staff and the agency's PREA Coordinator.
  - a. PREA Coordinator will assign an investigator, if one is not on staff at the program site and for all incidents involving staff.
  - b. For all incidents involving staff, the first point of contact for the Program Director or next level leadership should be the PREA Coordinator, so that an impartial PREA Investigator can be assigned.
  - c. In the event of a physical sexual assault, the Program Director or on-call supervisor will contact police immediately and report to or remain at the site as the point of contact.
  - d. Immediate action will be taken by appropriate staff to assess and ensure the

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safety of alleged victims.

3. The assigned PREA Investigator will begin conducting investigation as soon as possible, but no less than 24 hours after notification.
4. Investigations include efforts to determine whether staff actions or failures to act contributed to the abuse.
5. Investigations will include the collection of any and all potential evidence.
6. Investigators will interview alleged victims, suspected perpetrators and witnesses.
7. Investigators will review prior complaints and reports of sexual abuse involving the suspected perpetrator.
8. The investigator will impose a standard of a preponderance of evidence or a lower standard of proof when determining whether allegation of sexual abuse or sexual harassment can be substantiated. Evidence does not have to provide proof beyond a reasonable doubt.
9. PREA allows for three possible outcome of an investigation:
  - a. Substantiated allegations: allegation that was determined to have occurred
  - b. Unsubstantiated allegations: allegation where there was insufficient evidence to make a final determination as to whether or not the event occurred
  - c. Unfounded allegations: allegation that was determined not to have occurred
10. Substantiated allegations of conduct that appear to be criminal will be referred to local law enforcement for criminal investigation.
11. The departure of the alleged abuser or victim from the employment or control of the facility or agency does not provide a basis for terminating an investigation.
12. Investigations are documented in a written report that include a description of physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.
13. The agency retains all written reports for as long as the alleged abuser is incarcerated or employed by the agency, plus five years.

#### CRIMINAL INVESTIGATIONS

1. Criminal investigations will be conducted by the local police department.
  - a. VOAHOIN provides the local law enforcement with all requested documentation and evidence to the best of its ability for the event being investigated.
  - b. The Program Director is responsible for keeping records of these referrals and the outcomes of police investigations.
  - c. Referral and outcome data will be included in the annual report, compiled by the PREA

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Coordinator.

2. Agency trained PREA Investigator, Program Director and/or on-call supervisor assigned will direct staff to or take action to preserve the alleged crime scene and available physical, DNA and electronic monitoring data evidence and ensure the safety and security of the facility.
3. Substantiated allegations of conduct that appear to be criminal, as determined during an administrative investigation, will be referred to local police for investigation and prosecution.
4. The agency retains all written reports for as long as the alleged abuser is incarcerated or employed by the agency, plus five years.
5. The departure of the alleged abuser or victim from the employment or control of the facility or agency does not provide a basis for terminating an investigation.
6. When outside agencies investigate sexual abuse, the facility will cooperate with outside investigators and will endeavor to remain informed about the progress of the investigation.

#### RESIDENT NOTIFICATION

1. At the conclusion of the investigation, the assigned PREA Investigator will inform residents of the outcome of investigations; and document all notifications or attempts to notify via the *Resident Notification* form.
  - a. The Program Director will request all relevant information from the local police departments and any other investigating agency, and provide the Investigator with such, so that the resident may be informed of the investigation outcome.
  - b. The agency's obligation to report ends when the alleged victim is released for the agency's custody. However, all reasonable attempts will still be made to notify alleged victim.
2. For all substantiated and unsubstantiated allegations, the resident is notified when a staff member that was alleged to have committed sexual abuse against the resident:
  - a. is no longer posted in the resident's facility
  - b. is no longer employed with the agency
  - c. the agency learns that the staff member has been indicted on a charge related to sexual abuse within the facility
  - d. the agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility
3. In instances where the alleged perpetrator is a resident of the facility, the alleged resident victim is notified when the agency learns that, the alleged abuser has been indicted on, or convicted of a charge related to sexual abuse within the facility.

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#### FUNDER NOTIFICATION/REPORTING

1. The agency's PREA Coordinator maintains contact with the Ohio Department of Rehabilitation and Corrections Community PREA Compliance Liaison and is responsible for:
  - a. Entering all pertinent information into the PREA Incident Report within Intelligrants upon the completion of the investigation;
  - b. Providing copies of PREA Investigation Reports upon request to the Ohio Department of Rehabilitation and Corrections' Community PREA Compliance Liaison, within 10 business days of the request; and
  - c. Collecting and reporting annual PREA outcome measures to the Ohio Department of Rehabilitation and Corrections' Community PREA Compliance Liaison at assigned intervals.
2. At those programs contracted by the Federal Bureau of Prisons (FBOP), the Program Director reports all allegations of resident sexual abuse and harassment that involve agency workforce and/or FBOP resident to the Federal Bureau of Prison's Regional Reentry Manager.

#### SEXUAL ABUSE INCIDENT REVIEWS

1. A Sexual Abuse Review Team (SART) conducts a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded.
2. The review will occur within 30 days of the conclusion of the investigation.
3. The SART includes the PREA Coordinator, the Program Director, and any involved PREA Investigators and any other staff determined as needed. The SART also obtains input from line supervisors, investigators, and medical or mental health practitioners, when applicable.
4. It is the assigned investigator's responsibility to complete the SART.
5. The SART will:
  - a. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
  - b. Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility;
  - c. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
  - d. Assess the adequacy of staffing levels in that area during different shifts;
  - e. Assess whether monitoring technology should be deployed or augmented to

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supplement supervision by staff;

- f. Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to paragraphs (4)(a)-(4)(e) of this section, and any recommendations for improvement, and submit such report to Senior Vice President of Reentry Programs and PREA Coordinator.
6. The facility implements the recommendations for improvement, or documents its reasons for not doing so, within 30 days after the SART publishes its findings. The Senior Vice President of Reentry Programs is responsible for ensuring all improvements.