
9.33 PRISON RAPE ELIMINATION ACT INVESTIGATIONS

9.33.01 POLICY

The Lincoln County Detention Center (LCDC) Administration mandates all allegations of sexual abuse and sexual harassment shall be investigated promptly and objectively.

9.33.02 PROCEDURE

- A. When a report is received from an inmate, staff, contractor, volunteer or third party the Prison Rape Elimination Act (PREA) Coordinator shall inform the Detention Administrator.
- B. The Detention Administrator shall determine which staff he/she wishes to have investigate the initial report.
- C. Sexual assaults shall always be investigated by Lincoln County Sheriff's Office (LCSO) unless another law enforcement agency is appointed.
 - 1. Investigators will gather and preserve direct and circumstantial evidence as directed by their Policy and Procedures.
 - 2. Investigators will review electronic monitoring data.
 - 3. Investigators will interview alleged victim(s), suspected perpetrator, witnesses and any prior complaints and reports of sexual abuse involving the suspected perpetrator.
 - 4. When the quality of evidence appears to support criminal prosecution the investigators will review the evidence and information with the Lincoln County Attorney's Office.
 - 5. No agency shall require an inmate who alleges sexual abuse to submit to a truth verification exam.
- D. Sexual harassment may be investigated by someone appointed by the Detention Administrator.
 - 1. Any evidence found of sexual harassment by an inmate shall be provided to the Disciplinary Committee to proceed with inmate discipline.

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2. The Detention Administrator shall proceed with discipline as described by the Lincoln County Detention Center Policy and Procedure Manual when evidence is found of sexual harassment by staff.
- E. The credibility of an alleged victim, suspect or witness shall be assessed on an individual basis and not be determined by the person's status as inmate or staff.

9.33.03 Administrative Investigation

- A. Administrative investigation shall be completed if evidence is found that sexual abuse or sexual harassment has occurred in the facility to determine if staff actions or failure to act contributed to the abuse.
- B. Reports shall be written and shall include the description of the physical and testimonial evidence, reasoning behind credibility assessments and investigative facts and findings.
- C. LCDC shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

9.33.04 Criminal Investigations

- A. Shall be documented in a written report that contains a through description of physical, testimonial, documentary evidence and copies will be attached to all documentary evidence where feasible.
- B. All substantiated allegations of conduct that appears to be criminal shall be referred to the Lincoln County Attorney's Office for prosecution.
- C. The departure of the alleged abuser or victim from employment or control of LCDC shall not provide a basis for terminating the investigation.
- D. LCDC and all staff shall cooperate with investigators.

9.33.05 Reporting to Inmates

- A. Following an investigation into an inmate's allegation that he/she suffered sexual abuse in the facility the investigating law enforcement agency or

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the PREA Coordinator shall inform the inmate as to whether the allegation has been substantiated, unsubstantiated or unfounded.

- B. Following the inmate's allegation that a staff member has committed sexual abuse against the inmate the PREA Coordinator shall subsequently inform the inmate (unless the allegation is unfounded):
 - 1. The staff member shall no longer perform duties where contact with the inmate can be made.
 - 2. The staff member is no longer employed at the facility.
 - 3. The staff member has been indicted on a charge related to sexual abuse within the facility.
 - 4. The staff member has been convicted on a charge related to sexual abuse within the facility.

- C. Following an inmate's allegation that he/she has been sexually abused by another inmate the PREA Coordinator shall subsequently inform the alleged victim whenever:
 - 1. The alleged abuser has been indicted on a charge related to sexual abuse within the facility.
 - 2. The alleged abuser has been convicted on a charge related to sexual abuse within the facility.

- D. LCDC's obligation to report to the victim is terminated if the inmate is released from the facility.

9.33.06 The PREA Coordinator

- A. Shall retain all written reports as long as the alleged abuser is incarcerated or employed by the facility, plus five (5) years.

- B. Shall ensure all notifications to the victim or attempted notifications are documented and maintained.