

 <p><b>RAMSEY COUNTY</b></p>	<p align="center"><b>Ramsey County, Minnesota Department of Community Corrections</b></p> <p align="center"><b><i>Policies and Procedures</i></b></p>	<p>Number: RDR 10.1d DEPT                  Effective: 08/19/2014                  Revision: 09/14/2015                  Review: 08/02/2016                  Page(s): 6</p>
<p><i>Chapter: 10</i> <i>Section: 1</i> <i>Subject:</i></p>	<p align="center">Client/Inmate Rights/Discipline/Rules                   Client/Inmate Rights                   PREA Investigations</p>	

**PURPOSE** To provide guidelines for the investigation of all sexual assault, sexual abuse, and sexual harassment incidents in accordance with the national standards set forth in the Prison Rape Elimination Act of 2003 (PREA).

**AUTHORITY** [Prison Rape Elimination Act, 28 CFR Part 115](#)  
 Minnesota Statutes [241.01](#), [611A.20](#), [629.37](#), [629.39](#), [609.342](#), [609.343](#), [609.344](#), [609.345](#), [609.3453](#)  
[Ramsey County Workplace Conduct Guide - Sexual Harassment Policy](#)

**APPLICABILITY** All Ramsey County Community Corrections (RCCC) Department and Division Staff, Volunteers, Contractors, Interns, Visitors, Medical and Mental Health Practitioners, and School Personnel

**REFERENCES** [RDR 10.1b DEPT - Prison Rape Elimination Act \(PREA\)](#)  
[AO 1.6e DEPT - PREA Data Documentation and Storage](#)  
[RDR 10.1c DEPT - PREA First Response](#)

**DEFINITIONS** [General PREA Definitions](#)

## POLICY

1. RCCC vigorously investigates all matters of sexual assault, sexual harassment, and sexual misconduct through RCCC's PREA Coordinator and outside law enforcement (when applicable), according to PREA Standards and this policy. RCCC complies with annual Department of Justice (DOJ) reporting requirements of all incidents of sexual violence. (PREA Standards 115.71, 115.371).
2. The PREA Coordinator will ensure that there are methods of reporting for all allegations of sexual assault, sexual abuse and sexual harassment from all sources, including third party and anonymous sources. All reported allegations are assessed and/or investigated, whether or not victims cooperate with the investigations. (PREA Standards 115.71, 115.371).
3. RCCC investigations shall include an effort to determine whether staff actions or failures contributed to the abuse. The departure of the alleged abuser or victim from the employment or supervision of RCCC shall not be used as a basis for terminating an investigation. (PREA Standards 115.71, 115.371).
4. Inmates, clients, or residents whose allegations of sexual assault, sexual abuse, and/or sexual harassment result in investigations shall be notified of the results of the investigations by RCCC staff until the inmate, client or resident is released from our custody or supervision. (PREA Standards 115.73, 115.373).
5. Staff, volunteers, interns, and contractors are prohibited from any form of retaliation against an inmate, client, resident, or staff who makes an allegation of sexual assault, sexual abuse, or sexual harassment, or who testifies in a PREA investigation. Retaliatory behavior will result in disciplinary action up to and including dismissal. (PREA Standards 115.67, 115.367).
6. RCCC Division staff shall not investigate incidents of sexual assault, sexual abuse or sexual harassment that are alleged to have been committed within their Division when staff are involved.
7. The PREA Coordinator maintains all physical evidence related to all PREA investigations according to the Procedures in this policy.

## PROCEDURES

**A. Investigations (PREA Standards 115.71, 115.371, 115.72, 115.372, 115.73, 115.373)**Custody Staff/  
First Responders

1. Follow established protocols for the initial response to sexual assault, sexual abuse or sexual harassment incidents, as outlined in Section A, First Response of RDR 10.1c DEPT - PREA First Response.
2. Work in cooperation with the PREA Coordinator and the assigned PREA Investigator to ensure the investigation is not compromised.

PREA Investigator

3. In collaboration with the PREA Coordinator and PREA Compliance Managers, conduct investigations of allegations of sexual assault, sexual abuse and/or sexual harassment in accordance with PREA standards and RCCC policy within 48 hours of notification. See Section B of RDR 10.1c DEPT - PREA First Response.
4. Collect and review all physical evidence including camera evidence, following the Chain of Custody; Evidence/Property Form (see Forms). In collaboration with the PREA Coordinator, ensure that physical evidence is stored in a secure location in accordance with the guidelines in this policy. See Section C, Step 6 of this policy.
5. Plan, complete and document alleged victim, alleged assailant (if applicable), collateral (coworker or peer) and witness interviews. Record statements and testimony.
6. Complete reporting in accordance with PREA Standards, including collecting victim, assailant, and crime data, and action taken in Tetrus.
7. Finish the Investigation, including the following:
  - a. Complete the PREA Investigation Report including all physical evidence (see Forms) and submit it to the PREA Coordinator and Deputy Director for Community Relations and External Communications within 48 hours of the conclusion of the investigation.

PREA Coordinator

- b. Schedule and conduct a conference with the PREA Compliance Manager to inform him or her of the outcome of the investigation, whether substantiated or unsubstantiated.
- c. If applicable, complete the PREA Investigation Summary Report, sign it, and submit it to the Deputy Director, Administrative Services for Summit records (see Forms).

PREA Investigator

- d. Conduct a wrap-up discussion with the inmate, client or resident, including the PREA Compliance Manager. Report back to the victim the outcome of the investigation, whether substantiated, unsubstantiated or unfounded.
- e. Complete the PREA Sexual Abuse Incident Review form. Send it to the PREA Coordinator along with all other evidence collected, including interview reports, documents, witness statements, physical evidence, telephone and camera evidence, and email messages.

Deputy Director, Administrative Services

8. When staff are involved, schedule and conduct a close-out discussion with the Superintendent, Deputy Director, and supervisor. If substantiated, include Human Resources, Labor Relations Manager, Deputy Director for Community Relations and External Relations, and Supervisor within 30 days of the close of the investigation. (PREA Standards 115.86, 115.386).

Supervisor,  
PREA  
Compliance  
Manager  
PREA  
Coordinator

9. Schedule a discussion with the employee, reviewing any discipline or procedural issues.
10. Schedule and conduct a quarterly review meeting with the Deputy Director, Superintendent, and Deputy Director for Community Relations and External Communications to review investigations when staff are involved.
  - a. When staff have reported incidents, monitor for negative performance reviews or reassignment for at least 90 days.

PREA  
Investigator

11. Document all notifications and/or attempted notifications of findings, whether substantiated, unsubstantiated or unfounded, to alleged victims.

**B. Retaliation Prevention (Standards 115.67, 115.367)**

Facility/Division  
Staff

1. Protect inmates, residents, clients, and staff who report sexual assault, sexual abuse, and sexual harassment from retaliation by other inmates, residents, clients, and staff. Efforts may include the following:
  - a. Separate victims and abusers by changing housing.
  - b. Remove alleged staff or resident/inmate abusers from contact with victims.
  - c. Offer to provide mental health and/or emotional support services and document these efforts.
  - d. In consultation with the PREA Coordinator, designate the staff member responsible for monitoring for retaliation to follow up with the inmate, client or resident.
  - e. Immediately report any retaliation against staff, inmates, clients or residents to the PREA Compliance Manager.

PREA  
Investigator,  
PREA  
Coordinator and  
Division  
Management

2. For incidents that are substantiated or unsubstantiated, if the victim or any individual who cooperates with an investigation expresses a fear of retaliation, collaborate with PREA Coordinator and Division management to take appropriate measures to protect the individual.
  - a. If there is evidence of possible retaliation, do the following:
    - Recommend prompt changes such as those included in Section B, Steps 1; a, b and c of this policy
  - b. If initial monitoring indicates a continuing need, staff shall continue to monitor after the change(s) is made, including periodic status checks, and monitoring beyond 90 days following the report.

- c. Monitor inmate/resident disciplinary reports, housing changes, and program changes, and client sanctions for signs of retaliation.

**C. Sexual Abuse Incident Review (Standards 115.86, 115.87, 115.386, 115.387)**

Administrators  
and PREA  
Coordinator

1. Following a PREA investigation that results in a finding of a substantiated or unsubstantiated incident, conduct a Sexual Abuse Incident Review with the Deputy Director or Superintendent (if RCCF), PREA Compliance Manager, Deputy Director for Community Relations and External Communications, and Supervisor.
2. Ensure that inmates, clients and residents who alleged that they were victims of sexual assault and sexual abuse were provided with access to medical and mental health services.
  - a. Take reasonable measures to protect and prevent future assaults including classification procedures to identify and separate predators from vulnerable inmates/clients/residents.

PREA  
Coordinator

3. In collaboration with Investigator and Sexual Assault Review Team (SART), discuss and review Sexual Abuse Incident Review reports (see Forms) within 30 days following the close of the investigation.
4. Ensure that SART reports are prepared, including: (1) recommendations to change policy when applicable; (2) whether incidents or allegations were motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, or transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility; (3) whether physical barriers in the area where the incident occurred may enable abuse; (4) assessment of the adequacy of staffing during different shifts; and (5) whether monitoring technology should be deployed or augmented to supplement staff supervision.
5. Monitor and ensure that facilities implement the recommendations of the SART or receive documentation of reasons for not doing so.
6. Ensure that all material evidence, including all interview notes, documents, witness statements, physical evidence, telephone and camera evidence, email messages, and all others are securely stored and maintained as follows:
  - If injuries are involved, store evidence and records indefinitely.
  - If staff are involved, store evidence and records for a minimum of seven years after the close of the investigation, unless further incidents occur between that staff and inmate, client or resident. If further incidents occur, store the evidence and records for a minimum of ten years after the last incident.

- If staff are not involved, store physical evidence for a minimum of one year following the close of the investigation and reports for a minimum of ten years following the close of the investigation.

FORMS

Refusal of Medical Treatment or Procedure Form

Sexual Assault First Responder Checklist

Sexual Assault First Responder Checklist - Juveniles

Protocol for Juveniles: Sexual Abuse and Assault

[Protocol for Adult Sexual Abuse and Assault Victims - SANE](#)

[PREA Investigation Report](#)

[Chain of Custody; Evidence/Property Form](#)

[Sexual Abuse Incident Review](#)

PREA Investigation Summary Report

[Tennessee Warning](#)

[Monitoring of Retaliation](#)

Recommended by:



09/14/2015

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Deputy Director  
Administrative Services

\_\_\_\_\_  
Date

Approved by:



9/22/2015

\_\_\_\_\_  
Director  
Ramsey County Community Corrections

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Date