

	<p style="text-align: center;"><b>POLICY &amp; PROCEDURE MANUAL</b></p> <p><b>CHAPTER: 05 - Oversight</b></p> <p><b>TITLE: Investigating PREA Allegations</b></p>	<p style="text-align: center;"><b><u>NUMBER:</u></b> <b>5.3</b></p> <p style="text-align: center;"><b><u>SUPERSEDES:</u></b></p> <p style="text-align: center;"><b><u>EFFECTIVE:</u></b> <b>07/01/2021</b></p>
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## I. POLICY

The Abraxas Youth & Family Services (AYFS) mandates zero tolerance towards all forms of sexual abuse and sexual harassment in all its facilities. The policy and procedures are applicable to all AYFS facilities that fall within the scope of the Prison Rape Elimination Act of 2003 (PREA) and the Department of Justice National Standards to Prevent, Detect and Respond to Prison Rape. All employees, contractors and volunteers have an affirmative duty to report all allegations or knowledge of sexual abuse, sexual harassment, romantic, or sexual contact that takes place within any AYFS facility. All cases of alleged sexual conduct will be promptly, thoroughly, and objectively investigated. Upon substantiation of any allegation of sexual conduct, appropriate disciplinary actions will be taken against the employee, contractor, volunteer, or individuals in a AYFS facility, including possible criminal prosecution.

## II. GUIDELINES

### A. Policy Statements

#### 1. Policies to Ensure Referrals of Allegations for Investigations (§115.322)

- a. Each facility will ensure that all allegations of sexual abuse or sexual harassment are referred for investigation to a law enforcement agency with legal authority to conduct criminal investigations unless the allegation does not involve potentially criminal behavior. Facilities will document all referrals.
- b. Due to client contract requirements, some facilities may be required to follow specific client PREA investigations policies. If for some reason, client policy is less restrictive than Section 28 C.F.R. Part 115 of the National PREA Standards, the PREA standards will prevail and a site-specific supplemental policy will be developed.
- c. Each AYFS facility will ensure that:
  - i. Allegations of sexually abusive behavior receive prompt intervention upon report; and,
  - ii. Perpetrators of sexually abusive behavior are disciplined and, when appropriate, referred for prosecution in accordance with AYFS policy and federal, state or local laws.
- d. AYFS will publish its corporate investigations policy on its website.
- e. Each facility will attempt to secure a PREA MOU with local law enforcement outlining the responsibilities of each entity related to conducting PREA

investigations that involve potentially criminal behavior and unsuccessful attempts to secure a law enforcement MOU will also be documented and retained by the facility.

- f. Allegations of sexual abuse that include penetration or touching of the genital areas are referred to outside law enforcement agencies. Facilities will document all referrals.

## **2. Ability to Protect Individuals from Contact with Abusers (§115.366)**

- a. In every case where the alleged abuser is an employee, contractor or volunteer, there will be no contact between the alleged abuser and the alleged victim pending the outcome of an investigation. Separation orders requiring “no contact” will be documented by facility management via email or memorandum within 24 hours of the reported allegation. The email or memorandum will be printed and maintained as part of the investigation file.
- b. AYFS will not enter into or renew any collective bargaining agreement or other agreement that limits a facility’s ability to remove alleged employee sexual abusers from contact with any individual in a AYFS facility pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted.

## **B. Investigations**

### **1. Criminal and Administrative Agency Investigations (§115.371)**

- a. An administrative or criminal investigation will be completed for all allegations of sexual abuse, and sexual harassment at AYFS facilities.
- b. The facility administrator and contracting agencies will be notified prior to investigating all allegations of sexual abuse and sexual harassment. Client notifications will be documented and maintained as part of the investigative file.
- c. Specific procedures not listed in this policy which are required by contractual obligations will be followed.
- d. When the facility conducts its own investigations into allegations of sexual abuse and sexual harassment, it will do so promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports. The completed preliminary investigative report will be forwarded to the Corporate PREA Coordinator for review and approval. The facility will use the AYFS ***PREA Investigation Report*** (see Attachment A) unless a contract or client policy dictates another form must be used.
- e. AYFS will use investigators who have received specialized training in sexual abuse investigations. The specialized training will include techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection and the criteria and evidence required to substantiate a case for administrative action or prosecution referral. The specialized training will also include techniques for interviewing juvenile sexual abuse victims.
- f. Where the facility does not conduct sexual abuse investigations and an outside agency is responsible for investigating these type incidents, the facility will request

- documentation from the agency that it has provided such training to its investigators who conduct such investigations. Training documentation will be kept on file at the facility.
- g. When outside agencies investigate sexual abuse or sexual harassment, the responsibilities of the AYFS facility will be limited to:
    - i. Preserve and protect the crime scene until law enforcement personnel assume control of the crime scene;
    - ii. Separate the alleged victim and abuser from contact with each other; and
    - iii. Prevent the alleged victim and abuser from taking any actions that could destroy physical evidence until law enforcement personnel take control of the crime scene.
  - h. When outside agencies investigate sexual abuse or sexual harassment, the outside agency will be responsible for all other aspects of the investigation, including but not limited to:
    - i. Assume control of the crime scene and all evidence.
    - ii. Implement the policies and protocols of the outside agency when responding to and investigating incidents of sexual abuse and sexual harassment at a AYFS facility.
  - i. When outside agencies investigate sexual abuse or sexual harassment, the facility will cooperate with outside investigators by providing law enforcement or agency personnel with requested information, including reports, documents, and video surveillance footage. This is subject to privacy restrictions until such time as a legal order to produce information is received.
  - j. When outside agencies investigate sexual abuse and sexual harassment, AYFS facility staff will remain informed about the progress of the investigation at least once monthly by contacting the law enforcement individuals assigned to investigate the incident. AYFS facility staff will request an update on the status of the investigation and confirm law enforcement has received all the information they have requested from the AYFS facility.
  - k. When outside agencies investigate sexual abuse or sexual harassment, facilities will request copies of completed investigative reports. Upon receipt, the outside agency's investigative report will be forwarded to the facility PREA Compliance Manager for review and filing in the investigation file. If a criminal investigation has not closed 12 months after the allegation was received, the facility will, with the approval of the client, the outside investigating agency and the Corporate PREA Coordinator, initiate an internal administrative investigation into the allegation. The facility PREA Compliance Manager will verify there has been an attempt to contact the outside investigating agency to notify them by memo or email of the intent to open an administrative investigation using the *Notice of Administrative PREA Investigation Template* (see Attachment B). The facility will wait at least 10 business days for the outside agency to respond to ensure an internal administrative investigation would not impede the agency's criminal investigation. The investigative report will be forwarded to the Corporate PREA Coordinator for review and approval.
  - l. The credibility of an alleged victim, suspect, or witness will be assessed on an

individual basis and will not be determined by the person's status as individual in a AYFS facility or program or staff.

- m. No agency will require an individual in a AYFS facility who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation.
- n. The departure of the alleged abuser or victim from the employment or control of the facility or agency will not provide a basis for terminating an investigation.
- o. Substantiated allegations of conduct that appear to be criminal will be referred for prosecution.

## **2. Investigation Reports**

- a. An investigation report will be written for all investigations of allegations of sexual abuse and sexual harassment. Facilities will utilize the PREA Investigation Report for all PREA investigations unless another format is required by the contracting agency or Client.
- b. Investigators will gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data. They will also interview alleged victims, suspected perpetrators, and witnesses as well as review prior complaints and reports of sexual abuse involving the suspected perpetrator.
- c. Administrative investigations (1) will include an effort to determine whether staff actions or failures to act contributed to the abuse and (2) will be documented in a written report format that includes at a minimum, a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.
- d. Evidentiary standard for administrative investigations (§115.372) Facilities will impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or harassment are substantiated.
- e. Investigative reports will include copies of all documentary evidence where feasible.
- f. Closed PREA investigation files will be maintained orderly by having the required documents (e.g., final approved investigation report, witness statements, video, medical and mental health assessments, notice of outcome of PREA investigation, protection from retaliation logs, after-action review reports) in standard sections of a six (6) part file folder using the ***Organization of PREA Investigation File*** template (see Attachment C).
- g. Each file will be labeled with the case number and include a file folder checklist. All documentation will be secured inside the file (not loose leaf).
- h. All investigations will be logged and tracked upon receipt of notification.
- i. Due to their confidential nature, all sexual abuse and sexual harassment investigative files will be retained in a secure location with restricted access as designated by the facility administrator.
- j. AYFS will retain all written reports referenced in this section for as long as the alleged abuser is incarcerated or employed by the agency, plus five years; however, for any circumstance, files will be retained no less than ten years.

- k. Because of the very sensitive nature of information about victims and their medical condition, staff must be particularly vigilant about maintaining confidentiality and releasing information only for legitimate need-to-know reasons.

**C. Receipt of Allegations of Sexual Abuse and Sexual Harassment**

First responder duties and actions will be followed in accordance with 5.5 Sexually Abusive Behavior Prevention and Intervention Program policy.

**D. Evidence Protocol and Forensic Medical Examinations (§115.321)**

1. Facilities that are responsible for investigating allegations of sexual abuse are required to follow uniform evidence protocols that maximize the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions. The protocol will be developmentally appropriate for youth and as appropriate, will be adapted from or otherwise based on the most recent edition of the U.S. Department of Justice's Office on Violence Against Women publication, A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents, or similarly comprehensive and authoritative protocols developed after 2011.
2. Due to client contract requirements, some facilities may be required to follow specific client PREA evidence protocols. If for some reason, client protocol is less restrictive than Section 28 C.F.R. Part 115 of the National PREA Standards, the PREA standards will prevail and a site-specific supplemental protocol will be developed.
3. Facilities will offer all individuals in a AYFS facility who experience sexual abuse access to forensic medical examinations with the victim's consent and without cost to the individual and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.
4. Facility medical staff will not participate in sexual assault forensic medical examinations or evidence gathering. Examinations will be performed by a Sexual Assault Nurse Examiner (SANE) or Sexual Assault Forensic Examiner (SAFE). An off-site qualified medical practitioner may perform the examination if a SAFE or SANE is not available.
5. A victim advocate will be made available to accompany the victim through examination and investigatory interviews.
6. Upon request by the victim and with the victim's consent either in writing or on audio tape, the victim advocate may participate in supporting the victim throughout the forensic medical examination process (ensuring compliance with confidentiality laws) and investigatory interviews to provide emotional support, crisis intervention, information and referrals.
7. The victim advocate may not obstruct or interfere with the course of the investigation in any manner and will not serve as a translator.
8. AYFS facilities may not utilize facility employees as victim advocates unless the following documentation exists:
  - a. Documentation is on file that no other alternatives are available in the community and,

- b. Documentation exists that validate designated employees have been screened for appropriateness to serve in this role and have received education concerning sexual assault and forensic examination issues in general.

**E. Preservation of Evidence – Alleged Victim**

1. The alleged victim will immediately be escorted for medical treatment as deemed necessary by medical providers.
2. The alleged victim and alleged abuser will not be permitted to communicate and will be escorted and held separately out of sight and sound from each other on-site, at the hospital and upon return to the facility.
3. If the alleged sexual abuse is reported or discovered within 96 hours of the incident, and if determined appropriate by the medical provider and/or investigator, the alleged victim will be transported to the designated off-site facility to receive a SANE or SAFE examination.
4. No attempt will be made by facility medical staff to clean or treat the victim unless the injuries are such that not treating them would cause deterioration of the victim's medical condition. Visible injuries will be documented both photographically and in writing and placed in the victim's medical record.
5. All refusals of medical services will be documented.
6. If the alleged victim does not consent to the forensic exam, or if more than 96 hours have passed since the alleged sexual abuse was reported or alleged to have occurred, the alleged victim will be offered access to other specialized services (e.g., medical referral for sexually transmitted diseases, pregnancy testing, ongoing counseling and treatment services) as deemed appropriate by medical and mental health staff. All refusals of these services will be documented.
7. AYFS will employ multiple protection measures, such as housing changes or transfers for victims or abusers, removal of alleged staff or individuals in the facility, keep abusers from contact with victims, and emotional support services for victims or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

**F. Preservation of Evidence – Alleged Abuser**

1. The alleged abuser will remain in the dry cell or in an area under direct supervision of a same sex staff member to ensure he/she does not destroy potential evidence (e.g., wash, shower, change clothes).
2. After the investigator(s) has completed the interview, separate and apart from the alleged victim, the alleged abuser will be referred to medical and mental health for further assessment and treatment as deemed necessary by healthcare providers. Visible injuries will be documented both photographically and in writing and placed in the abuser's medical record.
3. Thereafter, the alleged abuser will be held in separate if operationally possible pending further investigation.
4. During the investigation, the alleged victim and alleged abuser will remain separated and housed out of sight and sound range from one another.

**G. Mental Health Assessments**

1. Upon completion of the forensic medical exam or if the victim does not consent, or if more than 96 hours have passed since the alleged sexual abuse was reported or alleged to have occurred, a mental health evaluation will be completed prior to any housing determination. The alleged victim must not be left alone until evaluated by a mental health provider to determine suicide risk.
2. In the event a report of sexual abuse is received after normal business hours, on-call mental health providers will be contacted.
3. If the on-call mental health provider is unable to respond in person, the victim will be interviewed over the telephone, with an on-duty nurse present during the interview.
4. If there is no mental health provider available, a physician will perform the assessment.
5. After assessing the victim, the mental health provider will consult with and advise the on-duty nurse of mental health interventions, such as the need for implementation of suicide precautions.
6. In the absence of a nurse, the on-call mental health provider will provide direction about mental health interventions to staff.
7. All facilities will attempt to conduct a mental health evaluation of all known resident-on-resident abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners.  
**Note:** “Known abusers” are those resident abusers in which a PREA investigation determined the allegation was substantiated either administratively or by outside law enforcement.
8. All refusals of these services will be documented.

**H. Sources of Evidence**

Evidence is anything that can be used as proof of innocence or guilt. Evidence can include but not limited to: verbal and written statements from the alleged victim, alleged abuser or other individuals, material objects, clothes, video footage, letters, mail, phone systems, and logbooks. Investigators will consider these things during their investigations.

**I. Physical Evidence – Crime Scene**

1. If determined that a possibility of evidence still exists, it will only be retrieved by trained personnel.
2. Facility investigators may be responsible for collecting information or evidence in accordance with facility policy, contract requirements and coordination with the outside agency to which the case may be referred.
3. Access to the crime scene will be controlled. A documentation will be maintained to record the names of each person entering the crime scene, the time of entry, and time of departure. Persons entering the crime scene area will be limited to those persons performing specific related tasks.
4. The crime scene and all evidence gathered will be photographed and/or video-taped (as appropriate) and all evidence gathered will be properly stored with a chain of custody evidence form attached in accordance with facility policy.

5. Each item suspected as contaminated with bodily fluids will be stored in individual paper wrapping or a paper sack and a chain of custody will be initiated.
6. The crime scene will remain secured until cleared and released by the investigating authority in charge of the scene.

**J. Interviewing Alleged Victims, Suspected Abusers and Witnesses**

1. Interviews will be conducted in a thorough, professional, non-abusive and non-threatening manner. Interviews will take place in a private location, away from assigned housing areas/units.
2. Initially, a brief statement about the abuse should be taken from the alleged victim as he/she may be in shock, embarrassed to discuss the incident in detail, or might not be able to give many details. If this is the case, it is important to be understanding and responsive. Opportunities to obtain more details will occur later.
3. Individuals in a AYFS facility will not be relied on as interpreters except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the individual's safety, the performance of first-response duties, or the investigation of the individual's allegations. Any use of these interpreters under these type circumstances will be justified and fully documented in the written investigative report.
4. During an official investigation, employees will cooperate fully by providing all pertinent information they may know. During an investigation, failure by any employee to answer any inquiry fully and to the best of their knowledge will be grounds for disciplinary action. Any attempt to obstruct an investigation will subject the person to immediate disciplinary action, up to and including termination.
5. Allegations of sexual abuse or sexual harassment where an employee is the alleged abuser will be investigated.
6. When the quality of evidence appears to support criminal prosecution, the facility will conduct interviews only after consulting with prosecutors as to whether interviews may be an obstacle for subsequent criminal prosecution.
7. The facility will not terminate an investigation solely because the source of the allegation recants the allegation or because the victim or subject of the investigation is no longer at the facility.

**K. Reporting to Individuals in a AYFS Facility (§115.373)**

1. At the conclusion of an investigation, the facility investigator, PREA Compliance Manager, or staff member designated by the facility administrator will inform the victim of the allegation in writing, whether the allegation has been substantiated, unsubstantiated, unfounded.
2. If the alleged abuser was an employee, the victim will also be informed whenever:
  - a. The employee is no longer posted within the victim's housing unit/area;
  - b. The employee is no longer employed at the facility;
  - c. The facility learns that the employee has been indicted on a charge related to the sexual abuse within the facility; or,
  - d. The facility learns that the employee has been convicted on a charge related to sexual abuse within the facility.

3. If the alleged abuser was another individual in a AYFS facility, the victim will also be informed whenever:
  - a. The facility learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or,
  - b. The facility learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.
4. After the investigation and been complete the report approved, the alleged victim will receive a copy of the completed *Notification of Outcome of PREA Allegation* form (see Attachment D) and the original will be placed in the investigative file.
5. The facility's obligation to report under this section will terminate if the individual is released from custody.
6. If the facility did not conduct the investigation, it will request the relevant information from the investigating agency in order to inform the individual.

## **L. Disciplinary Actions**

### **1. Employee Disciplinary Sanctions (§115.376)**

- a. Employees may be subject to significant disciplinary sanctions for substantiated violations of sexual abuse and harassment, up to and including termination.
- b. Termination will be the presumptive disciplinary sanction for staff who have engaged in sexual abuse.
- c. Disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) will be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.
- d. All terminations and resignation for such conduct will be reported to law enforcement and licensing agencies unless the activity was clearly not criminal.

### **2. Individuals in a AYFS Facility Disciplinary Sanctions (§115.78/§115.278)**

- a. Individuals in a AYFS facility who are found guilty of engaging in sexual abuse involving other individuals in the facility (either through administrative or criminal investigations) will be subject to formal disciplinary sanctions.
- b. Sanctions will be commensurate with the nature and circumstances of the abuse committed, the individual's disciplinary history, and the sanctions imposed for comparable offenses by other individuals with similar histories.
- c. The disciplinary process will consider whether an individual's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any should be imposed.
- d. If the facility offers counseling or other treatment interventions designed to address the reasons or motivations for the abuse, the facility will consider requiring the offending individual to participate.
- e. Disciplining an individual in a AYFS facility for sexual contact with an employee is prohibited unless it is found that the employee did not consent to the contact.
- f. A report of sexual abuse made in good faith by an individual in a AYFS facility,

based upon a reasonable belief that the alleged conduct occurred, will not constitute false reporting or lying.

- g. Facilities may not deem that sexual activity between individuals in a AYFS facility is sexual abuse unless it is determined that the activity was coerced.
- h. The PREA Compliance Manager will receive copies of all disciplinary reports regarding sexual activity, sexual harassment and sexual abuse for monitoring purposes.
- i. The incident will be reported to law enforcement unless the activity was clearly not criminal.

**3. Corrective Action for Contractors and Volunteers (§115.377)**

- a. Any contractor or volunteer who engages in sexual abuse or sexual harassment will be prohibited from contact with individuals in a AYFS facility and will be reported to law enforcement and relevant licensing bodies unless the activity was clearly not criminal.
- b. In the case of any other violation of AYFS sexual abuse or sexual harassment policies by the contractor or volunteer, the facility will notify the applicable contracting authority who will take remedial measures and will consider whether to prohibit further contact.

## PREA Investigation Report

Date:

Facility Name:

PREA Allegation Case Number:

Prepared By:

To: Danny Cole, Ph.D., PREA Coordinator

Type of PREA Allegation:     Resident on Resident Sexual Abuse (RRSA)  
    Staff on Resident Sexual Abuse (SRSA)  
    Resident on Resident Sexual Harassment (RRSH)  
    Staff on Resident Sexual Harassment (SRSH)

Alleged Victim(s):

Alleged Abuser(s):

Witnesses:

### Overview of PREA Allegation

### Other Investigative Information or Data

### Analysis of Staff Actions or Failure to Act

### Summary of Investigative Findings

Based on the preponderance of evidence, the investigation determined the PREA allegation of (insert type of PREA allegation) is (insert substantiated, unsubstantiated, or unfounded).

- Attachment 1: Title and Brief Explanation
- Attachment 2: Title and Brief Explanation
- Attachment 3: Title and Brief Explanation

### Exhibits

**Notice of Administrative PREA Investigation Template  
(remove)**

Date:

To: *(Law Enforcement or Other Agency Conducting Criminal Investigation)*

From: *(Facility Name, Employee Title)*

Notice of Administrative Prison Rape Elimination Act (PREA) Investigation

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To Whom It May Concern,

On \_\_\_\_\_ (**insert** date), your agency initiated a criminal investigation into an allegation of (**insert** sexual abuse **or** sexual harassment) from an individual detained at this facility. The case number is (insert case #).

Please allow this (**insert** memo **or** email) to serve as notification of the facility's intent to conduct an administrative PREA investigation.

If you believe an administrative investigation will impede the criminal investigation, please notify the facility in writing within 10 business days of receipt of this notice.

If no response is received within 10 days, the facility will proceed with the administrative investigation.

Thank you in advance for your time with this matter.

**Note:** retain copy in investigation file.

(Attachment C)

**ORGANIZATION PREA INVESTIGATION FILE**

The contents of each section are listed from **top to bottom**.

INSIDE FRONT COVER (LEFT) – Section 1	INSIDE FRONT COVER (RIGHT) – Section 2
<ul style="list-style-type: none"> <li><input type="checkbox"/> Investigation File Folder Checklist</li> <li><input type="checkbox"/> Final PREA Investigation Report</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Notification of Outcome of PREA Allegation form</li> <li><input type="checkbox"/> After-Action Review Report (Unless Unfounded)</li> <li><input type="checkbox"/> Protection from Retaliation Logs</li> </ul>
MIDDLE SECTION (LEFT) – Section 3	MIDDLE SECTION (RIGHT) – Section 4
<ul style="list-style-type: none"> <li><input type="checkbox"/> SAFE/SANE Discharge Documents</li> <li><input type="checkbox"/> Resident Photographs</li> <li><input type="checkbox"/> Video Footage</li> </ul>	<p><i>Internal Investigative Documents:</i></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> SIR</li> <li><input type="checkbox"/> Referral Source Notification</li> <li><input type="checkbox"/> Alleged Victim Statement</li> <li><input type="checkbox"/> Alleged Abuser Statement</li> <li><input type="checkbox"/> Witness Statements</li> <li><input type="checkbox"/> Medical Assessment</li> <li><input type="checkbox"/> Mental Health Assessment</li> <li><input type="checkbox"/> Other Investigative Documents</li> </ul>
INSIDE BACK COVER (LEFT) – Section 5	INSIDE BACK COVER (RIGHT) – Section 6
<ul style="list-style-type: none"> <li><input type="checkbox"/> Resident Disciplinary Reports</li> <li><input type="checkbox"/> Treatment Interventions</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> External Reports</li> <li><input type="checkbox"/> Other: _____</li> </ul>

(Attachment C)

## **PREA INVESTIGATION FILE**

### **Section 1**

- Investigation File Folder Checklist
- Final PREA Investigation Report

(Attachment C)

## **PREA INVESTIGATION FILE**

### **Section 2**

- Notification of Outcome of PREA Allegation Form
- After-Action Review Report (Unless Unfounded)
- Protection from Retaliation Logs

(Attachment C)

## **PREA INVESTIGATION FILE**

### **Section 3**

- SAFE/SANE Discharge Documents
- Resident Photographs
- Video Footage

## **PREA INVESTIGATION FILE**

### **Section 4**

#### *Internal Investigative Documents:*

- SIR
- Referral Source Notification
- OPR Referral
- Alleged Victim Statement
- Alleged Abuser Statement
- Witness Statements
- Medical Assessment
- Mental Health Assessment
- Other Investigative Documents

(Attachment C)

## **PREA INVESTIGATION FILE**

### **Section 5**

- Resident Disciplinary Reports
- Treatment Interventions

(Attachment C)

## PREA INVESTIGATION FILE

### Section 6

- External Reports
- Other: \_\_\_\_\_

**NOTIFICATION OF OUTCOME OF PREA ALLEGATION**

<b>Facility:</b>	<b>PREA Incident #:</b>
<b>Report Date:</b>	<b>Date of Incident:</b>
<b>Victim Name:</b>	<b>Alleged Abuser:</b> <input type="checkbox"/> Resident <input type="checkbox"/> Employee

**Reporting to Residents – PREA Standard §115.373**

At the conclusion of an investigation into a resident’s allegation that he or she suffered sexual abuse, the facility will inform in writing the resident who made the allegation of sexual abuse, whether the allegation has been:

- Substantiated: investigation determined allegation occurred
- Unsubstantiated: investigation determined allegation may have occurred, but there was insufficient evidence to prove
- Unfounded: investigation determined allegation did not occur

An agency’s obligation to report under this standard will terminate if the resident is released from the agency’s custody.

In custody

Not in custody; Discharge date: **If resident has discharged, skip to Employee Signature and sign/date.**

**Finding:**

A PREA allegation was received on \_\_\_\_\_, 2021. A thorough investigation was completed by:

the Facility, or  Outside Agency \_\_\_\_\_.

Based upon a review of the evidence, the allegation has been determined to be:

Substantiated  Unsubstantiated  Unfounded (If unfounded, skip to signatures)

**Abuser Status:**

Resident:  N/A

Indicted on a charge related to sexual abuse within the facility

Adjudicated/convicted on a charge related to sexual abuse within the facility

Employee:  N/A

No longer working in your dormitory/unit

No longer employed at the facility

Indicted on a charge related to sexual abuse within the facility

Convicted on a charge related to sexual abuse within the facility

\_\_\_\_\_  
Resident Signature

\_\_\_\_\_  
Date Received

\_\_\_\_\_  
Notice Issued By (Print Name and Title)

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

Resident will receive a copy of the completed form and the original will be retained in the investigation file.