



## **H. Investigations:**

1. All reports of sexual misconduct must be considered credible and promptly investigated criminally and/or administratively without regard to whether:

- a. The juveniles who are named in the allegation are in custody or not.
- b. Staff members named in the allegation are currently employed or not
- c. The report of the allegation was made in a timely manner or not.
- d. The juvenile reporting the allegation is known to have made past false allegations.
- e. The source of the allegation recants the allegation.
- f. The employee receiving the complaint believes or does not believe the allegations.
- g. The mental health impairment or level of cognitive functioning of a juvenile.

2. The investigator is responsible for conducting and fully documenting the investigation in accordance with facility policy 13.18.1. The investigator shall:

- a. Gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; shall interview alleged victims, suspected perpetrators, and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator.
- b. Assess the credibility of an alleged victim, suspect, or witness on an individual basis and not on the basis of a person's status as a juvenile or staff.
- c. Impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.
- d. Not condition a juvenile who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of an allegation.
- e. Include an effort to determine whether staff actions or failures to act contributed to the abuse.
- f. Document investigations in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.
- g. Refer substantiated allegations of conduct that appear to be criminal for prosecution.
- h. Conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle to criminal prosecution when the quality of evidence appears to support criminal prosecution.
- i. Retain all written reports of investigations into alleged sexual abuse for as long as the alleged abuser is incarcerated or employed by the agency,

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plus five years, unless the abuse was committed by a juvenile resident and applicable law requires a shorter period of retention.

**j.** Cooperate with outside investigations.