

**SECOND JUDICIAL DISTRICT
DEPARTMENT OF CORRECTIONAL SERVICES**

PREA: Standards 115.271, 115.272, 115.273

POLICY: Investigations 107

POLICY

Second Judicial District Department of Correctional Services will provide a safe, humane and secure environment, free from the threat of sexual violence and sexual harassment for all offenders by maintaining investigation procedures in response to reports of sexual violence and sexual harassment. The Second Judicial District Department of Correctional Services has zero tolerance for sexual violence of any kind. This policy applies to all employees, prospective employees, interns, volunteers and contractors of the Second Judicial District Department of Correctional Services.

POLICY REFERENCE: G 02 B: Investigating Complaints Made Against PPOs

IOWA CODE REFERENCE: 80F.1 Peace Officers and Public Safety Bill of Rights

PROCEDURES:

A. Criminal and Administrative Investigations § 115.271

1. When the Department conducts its own investigations into allegations of sexual abuse and sexual harassment, it shall do so promptly, thoroughly and objectively for all allegations, including third-party and anonymous reports.
2. Where sexual abuse is alleged, the agency shall use investigators who have received special training in sexual abuse investigations pursuant to § 115.234.
3. Investigators shall 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.
4. When the quality of evidence appears to support criminal prosecution, the Department shall conduct compelled interviews only after consulting with County Attorney as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
5. The credibility of an alleged victim, suspect or witness shall be assessed on an individual basis and shall not be determined by the person's status as offender or staff. No Department shall require an offender 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.
6. Administrative investigations:
 - a. Shall include an effort to determine whether staff actions or failures to act contributed to the abuse; and
 - b. Shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments and investigative facts and findings.
7. Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution.
8. The Department shall retain all written reports referenced in paragraphs (6) of this section for as long as the alleged abuser is incarcerated or employed by the Department, plus five years.
9. The departure of the alleged abuser or victim from the employment or control of the facility or Department shall not provide a basis for terminating an investigation.
10. When outside agencies investigate sexual abuse, the Department shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation.

B. Evidentiary Standard for Administrative Investigations § 115.272

1. The Department shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

C. Reporting to Offenders § 115.273

1. Following an investigation into an offender's allegation of sexual abuse suffered in a Department facility, the Department shall inform the offender as to whether the allegation has been determined to be substantiated, unsubstantiated or unfounded.
2. Following an offender's allegation that a staff member has committed sexual abuse against the offender, the Department shall subsequently inform the offender (unless the Department has determined that the allegation is

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unfounded) whenever:

- a. The staff member is no longer in the offender's Department;
 - b. The staff member is no longer employed at the Department;
 - c. The Department learns that the staff member has been indicted on a charge related to sexual abuse; or
 - d. The Department learns that the staff member has been convicted on a charge related to sexual abuse.
3. Following an offender's allegation that he or she has been sexually abused by another offender, the Department shall subsequently inform the alleged victim whenever:
- a. The Department learns that the alleged abuser has been indicted on a charge related to sexual abuse; or
 - b. The Department learns that the alleged abuser has been convicted on a charge related to sexual abuse.
4. All such notifications or attempted notifications shall be documented.
5. The Department's obligation to report under this standard shall terminate if the offender is released from the Department's supervision.