

TURNING POINT OF CENTRAL CALIFORNIA (TPOCC)

PREA Incident Investigations

Administrative and Criminal Investigations for Allegations and Incidents

The Prison Rape Elimination Act (PREA) Prevention, Investigation and Reporting policy is established to ensure that all residents in the Turning Point community confinement facilities are free from sexual abuse and sexual harassment as per the PREA community confinement standards set by the United States Department of Justice.

TPOCC agency does not conduct PREA investigations. Any allegation of sexual abuse, sexual assault, or sexual harassment against a resident in a community confinement facility will be referred by TPOCC to the local law enforcement agency having jurisdiction to conduct an internal, administrative or criminal investigation.

The PREA Coordinator and / or PREA Site Manager will review all allegations, determine which allegations fall within the definition of sexual victimization or sexual harassment and then will forward those allegations to the law enforcement agency having jurisdiction for investigation. All allegations of sexual abuse or sexual harassment will be referred to the Fresno County Sheriff Department law enforcement agency for their department to do an official review to determine if an investigation is warranted. All contacts with the investigative agency will be documented thoroughly. The investigations reports received from law enforcement will be attached to the final PREA investigation report submitted to the PREA coordinator/designee. For allegations involving staff, the PREA Coordinator/designee will notify the Turning Point human resources representative of the investigation. For allegations determined not to fall within the definition of sexual victimization, the PREA coordinator/designee will notify the appointing authority, who will ensure that the resident is notified and any necessary action is taken.

An **administrative or criminal investigation** shall be completed for all allegations of sexual abuse, and sexual harassment at Turning Point community confinement facilities. The facility administrator and contracting agencies shall be notified prior to investigating all allegations of sexual abuse and sexual harassment. Client notifications shall be documented and maintained as part of the investigative file. Specific procedures not listed in this policy which are required by contractual obligations shall be followed.

When the local law enforcement investigates sexual abuse or sexual harassment, the responsibilities of the community confinement facility shall be limited to: 1.) Preserve and protect the crime scene until law enforcement personnel assume control of the crime scene; 2.) Separate the alleged victim and abuser from contact with each other. 3.) 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.

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; 1.) Assume control of the crime scene and all evidence, implement the policies and protocols of the outside agency when

responding to and investigating incidents of sexual abuse and sexual harassment at a TPOCC community confinement facility.

When outside agencies investigate sexual abuse or sexual harassment, the facility shall cooperate with outside investigators by providing law enforcement personnel with requested information, including reports, documents, and video surveillance footage; subject to privacy restrictions until such time as a legal order to produce information is received.

When outside agencies investigate sexual abuse and sexual harassment, the PREA Site Manager and/or Coordinator shall remain informed about the progress of the investigation at least once monthly by contacting the law enforcement individuals assigned to investigate the incident or allegation. The PREA Coordinator or Site Manager will maintain frequent contact with the law enforcement agency for updating on the investigation.

When outside agencies investigate sexual abuse or sexual harassment, facilities shall request copies of completed investigative reports. Upon receipt, the outside agency's investigative report will be forwarded to the TPOCC PREA Coordinator and Site Manager with oversight of the facility for review and closure. The facility shall 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 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 a resident in a Turning community confinement facility or staff member or visitor.

No law enforcement agency shall require a resident in a Turning Point community confinement 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. The departure of the alleged abuser or victim from the employment or control of the facility or agency shall not provide a basis for terminating an investigation. Turning Point of Central California, Inc. ensures that a resident, staff member or witness will not be subjected to any form of retaliation relating to their report of allegations.

Substantiated allegations of conduct that appear to be criminal shall be referred for prosecution. An internal investigative report shall be written for all investigations of allegations of sexual abuse, and sexual harassment. Facilities shall utilize the Turning Point Incident Report template. 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. **Administrative investigations** shall include an effort to determine whether staff actions or failures to act contributed to the abuse. This information shall 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. Investigative reports shall include attached copies of all documentary evidence where feasible. Closed PREA investigation files shall be maintained orderly for each allegation and contain at a minimum: final/approved investigation report, email from designated corporate PREA contact documenting closure, witness statements, medical and/or mental health assessments or documented refusal, notice of outcome of investigation, retaliation logs and sexual abuse / sexual harassment incident reviews and video footage as applicable. Each file shall be labeled with case number and include a file folder checklist indicating what documents

are included and all documentation shall be secured inside the file. The incident and investigation files will be stored and secured in a designated location. All investigations shall be logged and tracked upon receipt of notification. At the conclusion of every investigation of sexual abuse, the written results shall be promptly forwarded to the corporate PREA manager for review. Due to their confidential nature, all sexual abuse and sexual harassment investigative files shall be retained in a secure location with restricted access as designated by the Facility Directors. Turning Point of Central California shall 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 shall be retained no less than ten years. Because of the very sensitive nature of information about victims and their medical condition, including infectious disease testing, staff must be particularly vigilant about maintaining confidentiality and releasing information only for legitimate need-to-know reasons.