

BROOKLYN HOUSE

PREA INCIDENT CRIMINAL INVESTIGATION GUIDELINE

Brooklyn House shall ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior. The responsibilities of Brooklyn House and the investigating entity are outlined below and provide direction for staff in the event an incident occurs:

BROOKLYN HOUSE RESPONSIBILITIES

- Residents, staff, volunteers and/or contractors are encouraged to report sexual abuse, sexual harassment or the threat of sexual misconduct.
- Reports of sexual abuse or sexual harassment shall be reported immediately to the Facility Director.
- When the Facility Director or his/her designee receives a report of alleged sexual abuse or sexual harassment, the Facility Director or the designee shall immediately notify the corporate office and the Residential Reentry Manager.
- Brooklyn House shall ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment.
- Brooklyn House will not conduct an investigation of any misconduct allegation without the Contracting Officer's Technical Representative's (COTR) approval.
- Staff conducting such an investigation must have received training in conducting investigations, preserving evidence, maintaining chain-of-custody for staff and resident misconduct.
- If at any time an investigation uncovers evidence of criminal behavior, the investigation process will immediately stop and appropriate law enforcement officials will be notified.
- Brooklyn House shall ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior.
- Staff shall ensure victims have access to a forensic medical examination.
- Staff shall ensure that any crime scene or evidence collected is maintained in accordance with the administrative procedures.
- Staff shall ensure that the alleged victim and abuser are physically separated.
- Staff shall preserve and protect any crime scene until appropriate steps can be taken to collect any evidence;
- If the police have been contacted and are conducting their own investigation, staff shall cooperate fully with their efforts. Employees are required to cooperate fully by providing all pertinent information which they may have to the investigative authority. Full cooperation includes truthfully responding to all questions and providing a signed affidavit, if requested.
- The Facility Director and staff with knowledge of the incident will work with the investigators to provide information for the initiation of the case, development of the case through the investigative process, and facilitate access to the necessary resources.
- Reports of investigations of alleged sexual conduct shall be maintained in accordance with all appropriate records retention schedules.

INVESTIGATING AGENCY

- If an separate investigating agency has the responsibility for investigating allegations of sexual abuse, Brooklyn House shall request that the investigating agency follow the requirements of paragraphs (a) through (e) of section § 115.221 Evidence protocol and forensic medical examinations of the PREA standards¹.
- Upon arrival, the investigator will document preliminary information, evaluate the complexity and scope of the scene, and plan the course of the investigation. Investigators will initiate a case, develop the case through the investigative process, access the necessary resources and apply investigative skills.
- The officer upon arrival must observe all activity taking place, defuse any dangerous situations, provide medical assistance, apprehend any suspects, secure the scene, identify witnesses, and call for appropriate assistance.
- Protection of the scene is paramount. The initial responding officer must secure the crime scene, identify those persons present, and limit access to the scene to authorized personnel only. The investigator's initial observations about the scene establish the scope of the investigation and identify possible sources of scene contamination, as well as the location of evidentiary items that may later be lost, contaminated, or degraded. Photographs, sketches, notes, and videotape provide a permanent historical record of the crime
- Identify and interview witnesses
- The investigator will ensure that all suspects are afforded the rights to which they are entitled.
- The chain of custody must be maintained for all items of evidence recovered.
- Follow the procedures as outlined in the investigating agency's operations manual for criminal investigations.

¹ PREA STANDARD

§ 115.221 Evidence protocol and forensic medical examinations.

(a) To the extent the agency is responsible for investigating allegations of sexual abuse, the agency shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions.

(b) The protocol shall be developmentally appropriate for youth where applicable, and, as appropriate, shall 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.

(c) The agency shall offer all victims of sexual abuse access to forensic medical examinations whether on-site or at an outside facility, without financial cost, where evidentiarily or medically appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The agency shall document its efforts to provide SAFEs or SANEs.

(d) The agency shall attempt to make available to the victim a victim advocate from a rape crisis center. If a rape crisis center is not available to provide victim advocate services, the agency shall make available to provide these services a qualified staff member from a community-based organization or a qualified agency staff member. Agencies shall document efforts to secure services from rape crisis centers. For the purpose of this standard, a rape crisis center refers to an entity that provides intervention and related assistance, such as the services specified in 42 U.S.C. 14043g(b)(2)(C), to victims of sexual assault of all ages. The agency may utilize a rape crisis center that is part of a governmental unit as long as the center is not part of the criminal justice system (such as a law enforcement agency) and offers a comparable level of confidentiality as a nongovernmental entity that provides similar victim services.

(e) As requested by the victim, the victim advocate, qualified agency staff member, or qualified community-based organization staff member shall accompany and support the victim through the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals.

(f) To the extent the agency itself is not responsible for investigating allegations of sexual abuse, the agency shall request that the investigating agency follow the requirements of paragraphs (a) through (e) of this section.