

**2GEM COUNTY DETENTION CENTER
POLICIES AND PROCEDURES**

Chapter	18	IPREA	Policy # 18.7
Subject	7	Investigations	
Effective Date:		Revision Date:	
Sheriff's Approval:			

Policy:

The Gem County Detention Center shall ensure that all allegations of sexual abuse, sexual harassment, and/or staff misconduct are referred for immediate administrative and/or criminal investigation immediately upon receipt of knowledge of an incident.

Purpose:

With this policy, the Gem County Detention Center has established practices that will ensure that allegations of sexual abuse, sexual harassment, and/or staff misconduct are investigated as expediently as possible to conduct timely interviews, evidence collection, and provide an unbiased response that is comparable to a sexual assault response outside the institution.

References:

Idaho Jail Standards, Chapter 12
IPREA Standards §115.71 to §115.73

Procedures:

§115.71 – Criminal and Administrative Agency Investigations

When the Gem County Detention Center conducts 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. Where sexual abuse is alleged, the investigator(s) from within the agency shall have received the specialized training required in the training and education standards.

The Gem County Sheriff may enlist the services of an outside law enforcement agency to conduct investigations when it's been determined that there may be a conflict of interest that may compromise the investigation or when a staff member has been accused of sexual misconduct. The Gem County Sheriff will ask the outside investigator if he/she has had the specialized training and, if not, request that he/she take it. If the investigator refuses to take the specialized training, the Gem County Sheriff will document their request to the

investigator and the investigators response. The Sheriff will also request that the outside agency follow IPREA standards relating to investigations.

At a minimum, the investigator(s) shall be responsible to:

- (1) Gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data.
- (2) Interview alleged victims, suspected perpetrators, and witnesses; and shall review prior complaints and reports (if any), of sexual abuse involving the suspected perpetrator.
- (3) When the quality of evidence appears to support criminal prosecution, the investigator(s) shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
- (4) The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis only, and shall not be determined by the person's status as inmate, or, as a staff member of the Gem County Detention Center.
- (5) Shall not require an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with an investigation of such an allegation.
- (6) Determine whether staff actions (including misconduct), or failures to act contributed to the abuse.
- (7) Refer any/all substantiated allegations of sexual abuse, sexual harassment, or staff misconduct that appears to be criminal for prosecution.
- (8) Continue and not terminate an investigation of alleged sexual abuse even when the alleged abuser or victim has been released from custody, or, terminated active employment with the Gem County Sheriff's Office.

The agency imposes a standard of a preponderance of evidence or a lower standard of proof when determining whether allegations of sexual abuse or sexual harassment are substantiated.

All written reports, physical, testimonial, and/or documentary evidence, credibility assessments, electronic monitoring data, DNA, and investigative facts and findings shall be thoroughly documented during the investigative process to adequately support the final outcome of the investigation, whether or not a referral for criminal prosecution is recommended or filed.

All completed administrative investigations shall be forwarded to the Gem County Sheriff. The Sheriff shall review the investigation and determine whether any allegation(s) of sexual abuse or sexual harassment are substantiated.

The Gem County Detention Center shall retain all written reports referenced above for as long as the alleged abuser is incarcerated or employed by the agency, plus five years, or as otherwise required by applicable law or consent decrees of the agency.

When outside agencies investigate sexual abuse, the facility shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation.

§115.72 – Evidentiary Standard for Administrative Investigations

For administrative investigations, the Gem County Sheriff's Office shall impose no standard higher than a preponderance of evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

§115.73 – Reporting to Inmates

The Gem County Detention Center shall inform the inmate of the investigative findings as to whether the allegation of sexual abuse or sexual harassment has been determined to be substantiated, unsubstantiated, or unfounded.

If an outside agency investigator conducted the investigation, the Gem County Detention Center shall request the relevant information from the investigative agency in order to inform the inmate.

When an allegation of sexual abuse is made by an inmate involving a staff member, (unless the Gem County Sheriff's Office has determined that the allegation is unfounded) the inmate shall be notified whenever:

- (1) The staff member is no longer posted within the inmate's unit.
- (2) The staff member is no longer employed at the detention center.
- (3) The Gem County Sheriff's Office learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or
- (4) The Gem County Sheriff's Office learns that the staff member has been convicted on a charge related to sexual abuse within the facility.

When an allegation of sexual abuse is made by an inmate by another inmate, the Gem County Detention Center shall subsequently inform the inmate whenever:

- (1) The Gem County Sheriff's Office learns that the alleged abuser has been indicted on a charge related to sexual abuse within the detention center; or
- (2) The Gem County Sheriff's Office learns that the alleged abuser has been convicted on a charge related to sexual abuse within the detention center.

All notifications or attempted notifications to inmates shall be documented.

This notification requirement shall terminate if the inmate victim is released from the Gem County Detention Center's custody.

