

PREA INVESTIGATION PROCESS

Being involved in a PREA investigation can be stressful. This information sheet is designed to provide an overview of the PREA investigation process and help ease anxiety.

When a PREA allegation is made, the Department PREA Unit is notified. Staff assigned to the unit review the allegation to decide if the incident/issue meets the definition of PREA. Once that's done, they look to see if it has been previously reported and/or if it has already been investigated.

- If the incident/issue has been investigated, a new investigation will not be started and the information will be added to the closed investigation file.
- If there is a current, ongoing investigation, the information will be provided to the assigned staff investigator.

When a new investigation is opened, it is assigned to an Appointing Authority (e.g., Superintendent, Health Services Administrator, Reentry Center Administrator) where the alleged incident occurred or where an accused staff member reports. The case is then assigned to a staff member who has received specialized training in administrative investigations. If the allegation appears to be criminal in nature, it will be referred to law enforcement and they may decide to investigate the allegation.

The investigator will meet separately with both the alleged victim and alleged perpetrator.

- Potential victims of sexual assault/abuse or staff sexual misconduct (not sexual harassment) may wish to have a victim advocate present during the investigatory interview. They must tell the assigned investigator that they wish to have a victim advocate available to support them during the investigation process. The investigator will make arrangements for victim advocacy by contacting the Office of Crime Victim Advocacy (OCVA) to schedule the interview at a time when the advocate will be available. The advocate will participate by telephone.
- Support beyond the investigation is available by contacting OCVA using the toll-free number 855-210-2087 to speak with a PREA Support Specialist Monday through Friday from 8:00 a.m. - 5:00 p.m.
- When possible, the assigned investigator should conduct all investigative interviews. While an in-person interview is preferred, conducting an interview telephonically or by video conference may be used.

At the start of the meeting, the individual will be presented with DOC 03-484 Interview Acknowledgement.

- This form explains when the Department is obligated to release information, the information related to allegations/incidents of sexual misconduct will only be disclosed to staff when necessary, and that individuals will not be retaliated against for participating in the investigation.

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- The individual's signature acknowledges the active/ongoing investigation and that the individual is limited to discussing the incident with persons who have a need to know.

During the meeting, the investigator will take notes and may audio record the interview. The individual will be asked specific questions about the alleged incident.

- It is essential that the individual provide as much detailed information as possible. This is not meant to embarrass or make the individual feel uncomfortable. It is important to get as much information as possible so an informed decision can be made about the case.

The role of the investigator is to collect information and evidence. They do not make a decision on the case nor do they provide their opinion.

The Appointing Authority will review the investigation and, based upon the information and evidence presented, determine whether the case is substantiated, unsubstantiated, or unfounded.

- For a case to be substantiated, the allegation must be determined to have occurred by a preponderance of the evidence.

When a decision has been made, the alleged victim will be personally notified in a confidential manner. Often, the person providing the outcome of the case has no information other than the finding. Alleged perpetrators under the Department's jurisdiction will receive a written notice of the findings.