

Title: A 115.322 Agency Criminal and Administrative Investigations

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| Agency Policies PREA Procedures Rules/Regulations/Standards | Next Review: 01/23/2026 |
| | Last Review: 01/23/2023 |

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Purpose: To ensure the sexual safety of facility(ies) inmates and staff through a comprehensive agency wide approach to prevention, detection and response to sexual abuse and sexual harassment in all facilities operated or contracted by the Ninth Judicial District Court (aka Agency).

Policy: All allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigation and the Agency shall ensure the investigation is completed.

Procedure:

I. General

- A. All allegations, including all sexual abuse allegations, shall be immediately reported to local law enforcement for:
 - 1. Determination of if the allegation is:
 - a. Criminal in nature or
 - b. Administrative (non-criminal).
- B. All Agency and Facility staff shall fully cooperate in criminal investigations.
- C. The PREA Coordinator may:
 - 1. Assist with investigations as needed; and
 - 2. Initiate any investigations as needed.
- D. All allegations shall be fully and completely investigated until their conclusion.
 - 1. Victims who recant may be victims of retaliation, therefore, investigations shall continue until finalized.
- E. The facility shall not terminate an investigation of sexual abuse or sexual harassment:
 - 1. Solely because the source of the allegation recants the allegation,
 - 2. Leaves the facility or
 - 3. An employee vacates or is terminated from his or her position.

II. DOUGLAS COUNTY SHERIFF DEPARTMENT RESPONSIBILITIES

- A. DCSO shall provide investigative services to the Agency for any allegation of staff sexual misconduct or youth-on-youth sexual abuse and/or harassment, which involves potentially criminal behavior.
- B. DCSO shall provide investigative services to the Agency for any allegation of staff sexual misconduct or youth-on-youth sexual abuse and/or harassment, which involves potentially criminal behavior.
- C. DCSO shall provide confidential updates and information regarding the findings of any investigation into such allegation so that the AGENCY can address the situation appropriately and effectively.
- D. DCSO shall follow its internal protocol, policies, and procedures when a request for a written report with findings and results of the investigation is requested by Douglas County District Court’s PREA Coordinator.

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- E. DCSO's investigators who conduct investigations at CSYC and/or DCJD shall have the knowledge, experience, and training on PREA and sexual abuse investigations involving juvenile victims as needed to perform the investigative services under this MOU.
- F. DCSO is the responding law enforcement agency that responds to all calls for aid at CSYC and DCJD and therefore agrees to provide investigative services into allegations of staff sexual misconduct or youth-on-youth sexual abuse and/or harassment that involves potentially criminal behavior at no cost to the victim or the AGENCY.
- G. DCSO acknowledges that it and its employees or agents may, in the course of performing their responsibilities, be exposed to or acquire information that is confidential to CSYC and DCJD.
 - 1. Any and all information of any form obtained by DCSO or its employees or agents in the performance of the investigative services shall be deemed to be confidential information of CSYC and DCJD ("Confidential Information").
 - 2. Any reports or other documents or items, including that maintained in a computer program, which results from DCSO's use of Confidential Information shall be treated in the same manner as the Confidential Information with respect to confidentiality.
- H. DCSO agrees to hold Confidential Information in strict confidence, using at least the same degree of care that DCSO uses in maintaining the confidentiality of its own confidential information.
- I. Contact with citizens, media outlets, or governmental agencies shall be the sole responsibility of the AGENCY.
- J. Under no circumstances whatsoever shall DCSO release any material or information developed or received in the performance of the investigative services without the express written permission of the AGENCY, except where required to do so by law.

III. FACILITY'S RESPONSIBILITIES

- A. CSYC and DCJD shall cooperate with DCSO's investigators throughout the investigation process.
- B. Ensure open and active communication with DCSO
- C. Facility can run an Administrative Investigation along side the Criminal Investigation as long as the Administrative Investigation does not impede the Criminal Investigation.
- D. Administrative Investigations will be made available to law enforcement unless prohibited by law.
- E. Maintain a strong clear zero tolerance for sexual abuse and harassment.
- F. Have a coordinated response.
- G. Keep youth informed of progress of investigation.
- H. Review (post investigation) the allegation, the process and improvements.
- I. Involve the appropriate outside entities (CPS, HHS, mental health, advocates etc.).
- J. Understand and follow timelines for investigations.
- K. Ensure Administrative Investigations are consistent.
- L. Protect victims from retaliation.
- M. Ensure safety and security.
- N. Train staff and youth on Zero Tolerance policy.
- O. Train staff and youth on investigative process.

IV. INVESTIGATORS

- A. The Agency shall use investigators who have received special training in Juvenile Victims Sexual abuse investigations.
- B. Investigators shall gather and preserve:
 - 1. Direct evidence;
 - 2. Circumstantial evidence;

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3. Available physical DNA;
4. Electronic monitoring data;
5. Review prior complaints of alleged perpetrator;
6. Review prior reports of sexual abuse of alleged perpetrator.

V. INVESTIGATIONS

- A. Issue Garrity Warning
- B. Conduct interviews under camera or recording
- C. When the quality of evidence appears to support criminal prosecution, the agency shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
- D. The credibility of an alleged victim, suspect, or witness shall:
 1. Be assessed on an individual basis; and
 2. Not determined by the person's status as youth or staff.
- E. Youth who alleges sexual abuse will not be subjected to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation.

VI. AGENCY REFERRAL STEPS

- A. Upon receiving news of the allegation, the Director/Chief or designee shall immediately report the allegation to:
 1. Local law enforcement DCSO.
 2. The parent or legal guardian of the youth, both victim and perpetrator (unless there is documentation they should not be notified).
 3. If the youth is under DCFS or county custody, the youth's case manager or social worker shall be notified.
 4. Attorneys for the youth, both perpetrator and victim, shall be notified within ten (10) days of the allegation.
 5. Child Protective Services, if the allegation involves a staff member and a youth under the age of eighteen (18).
 6. DCHR if the alleged perpetrator is a staff member.

VII. CRIMINAL INVESTIGATIONS

- A. The Director/Chief shall ensure all allegations of sexual abuse are routed to local law enforcement.
- B. Director/Chief or designee shall notify the Agency PREA Coordinator or the allegation and the initiation of the investigation.
- C. Facility PREA Compliance Manager shall help arrange interviews and provide requested information.
- D. The facility shall leave an investigation open when local law enforcement is the investigative process.
 1. The open investigation shall not be investigated by the facility until such time as law enforcement has turned the investigation over to the facility for Administrative Investigation.

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2. The determination of the conclusion of the law enforcement process will be received in writing.
 - a. This determination will be maintained by the facility and the Agency as required.
- E. The facility will make every effort to receive a copy of the finalized report from local law enforcement and take any follow up action required.
- F. An administrative investigation shall be initiated once local law enforcement has verbally or in writing, verified that the allegation is not criminal in nature, including those still pending a final police report.
- G. Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution.
- H. Report Elements to be Requested from Local Law Enforcement:
 1. Written Report
 2. Description of physical evidence
 3. Description of testimonial evidence
 4. Attached copies
 5. Case number

VIII. ADMINISTRATIVE INVESTIGATIONS

- A. Allegations meeting the PREA definitions of sexual harassment, not meeting a criminal element, shall be handled through an administrative investigation conducted by a PREA Investigator.
 1. Response from Local Law Enforcement is required prior to the initiation of any Administrative Investigation.
 2. This is to be documented and retained for the file.
- B. Investigations handled initially by law enforcement, either investigated or declined, shall be administratively investigated once law enforcement has completed their work but if new information is brought to light through the administrative investigation, local law enforcement must be consulted as to if the new evidence is now considered criminal.
- C. Each facility shall follow their customized Coordinated Response to ensure each staff member fulfills their responsibility within an administrative investigation (see facility's Coordinated Response).
- D. Alleged victims, perpetrators and witnesses shall be interviewed by a trained investigator in-person or through a video-based platform in a private and confidential setting.
 1. Phone interviews shall be avoided unless it is the only option to secure the testimony.
- E. The elements within an administrative investigation include, but are not limited to:
 1. Incident report documented in Tyler Supervision/Database;
 2. PREA Youth Report Form A;
 3. PREA Allegation checklist Form B;
 4. PREA Administrative Investigation Report including:
 - a. Summary of alleged incident;
 - b. Summary of physical and testimonial evidence;

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- c. Credibility assessments (based on the individual and not determined by the person's status as a youth or staff);
 - d. Whether staff actions or failures to act contributed to the abuse or harassment, g. Investigative facts and summary; and
 - e. Investigative findings expressed as:
 - aa. Substantiated,
 - bb. Unsubstantiated, or
 - cc. Unfounded
 5. Written statements from all involved parties, including staff and youth;
 6. Determination if staff actions or failures to act contributed
 7. Written Report:
 - a. Description of physical evidence
 - b. Description of testimonial evidence
 - c. Reasoning behind credibility assessments; and
 - d. Investigative facts and findings.
 8. Monitoring for Retaliation;
 9. Notification of Investigation;
 10. PREA Incident Review Team.
- I. With all administrative investigations, no standard beyond a preponderance of evidence shall be used.
- J. The alleged youth victim shall be notified of the final finding of the investigation.
 2. This shall be documented on the Notification of Investigation Form.
- K. Local law enforcement shall be contacted if the results of an administrative investigation end up meeting a level of a criminal offense after more information is gained during the administrative process.
 1. Administrative Investigations may be a back and forth between criminal and Administrative.
 2. Documentation of this continued evolution of the investigation are to be documented.
- L. Facilities may share any data or evidence collected with local law enforcement except for staff interview evidence if staff member is the alleged perpetrator.
- M. Child Protective Services shall be contacted if the results of an administrative investigation end up finding reportable abuse or neglect, per the NRS 432B.020 definition of abuse or neglect of a child, by a person responsible for the welfare of the youth.
- N. All staff members who are named as an alleged perpetrator shall be served with the Notice of Employee Rights During an Internal Investigation and provided up to two (2) business days to obtain an attorney or other representation, if they so choose.
 1. This document shall be signed and dated by the staff member and be retained with the investigative file.

VII. INCIDENT REVIEW TEAM

- A. Initiated within thirty (30) days of the conclusion of any substantiated or unsubstantiated investigation.
- B. Designated by the Director/Chief to include:
 1. Upper-level management officials;
 2. Input from line supervisors;

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3. Input from investigators;
 4. Input from medical or mental health practitioners.
- C. Shall meet to review:
1. Allegation
 2. Investigative report
 3. Assess possible causes
 4. Identify any needed facility and policy changes.
- D. The Incident Review Team shall be provided the final investigative report at least two (2) business days prior to the meeting and shall be advised of its confidential nature.
- E. The team's findings shall be documented on the PREA Incident Review Team Form.
- F. The Director/Chief shall review and accept, reject, or modify any team recommendations.

IX. RETENTION OF DOCUMENTS

- A. Agency shall retain:
1. Written reports from Criminal Investigation (where applicable).
 2. Written reports from Administrative Investigation
 3. As long as alleged abuser is incarcerated or
 4. As long as the alleged abused is employed by the Agency
 5. Plus five (5) years
 6. Unless the abuse was committed by a juvenile youth and applicable, law requires a shorter time for retention of documents.

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