


**STATE OF ALASKA
DEPARTMENT OF CORRECTIONS**



POLICIES & PROCEDURES

SECTION: Institutions		PAGE: Page 1 of 4
CHAPTER: 808	NUMBER: 808.20	P&P TYPE: Public
TITLE: Prison Rape Elimination Act (PREA) Investigations		
APPROVED BY:  Dean R. Williams, Commissioner		DATE: 06/28/17

- ATTACHMENTS / FORMS:**
- (A.) Flow Chart For Notification Of Sexual Abuse / Harassment.
 - (B.) Flow Chart For Sexual Assault / Abuse Allegations Reported Within 72 Hours.
 - (C.) PREA Crime Scene Checklist.
 - (D.) Prisoner-On-Prisoner Sexual Harassment Flow Chart.
 - (E.) Staff-On-Prisoner Sexual Harassment Flow Chart.
 - (F.) PREA Retaliation Report.

- AUTHORITY / REFERENCES:**
- 22 AAC 05.155 AS 44.28.030
 - AS 11.41.410 28 CFR Ch. 1 §115.5-115.93
 - AS 11.41.420 DOC P&P 808.19
 - AS 11.41.425
 - AS 11.41.427
 - AS 33.05.010
 - AS 33.16.180
 - AS 33.30.011
 - AS 33.30.021

POLICY:

- I. It is the policy of the Department of Corrections (DOC) to have in place procedures for the thorough, prompt and objective investigation of all allegations of sexual misconduct.
- II. It is the policy of the Department that investigations will be completed even if a prisoner has been released and is no longer in the Department's custody. Furthermore, investigations will be completed even when an accused employee, contractor or volunteer is no longer employed by or is providing services for the Department.
- III. It is also the policy of the Department to refer all appropriate allegations to the Alaska State Troopers for criminal investigation when necessary.

APPLICATION:

This policy and procedure will apply to all Department employees, contractors, volunteers and prisoners.

DEFINITIONS:

Terms used in this policy are defined in DOC P&P 808.19, Sexual Abuse / Sexual Assault And Reporting.

PROCEDURES:

- I. Investigations:
 - A. Investigators will be assigned by the institution Superintendent and must be trained in the general

SUPERCEDES POLICY DATED:	N / A
THIS POLICY NEXT DUE FOR REVIEW ON:	06/28/22

SECTION: Institutions		PAGE: Page 2 of 4
CHAPTER: 808	NUMBER: 808.20	P&P TYPE: Public
TITLE: Prison Rape Elimination Act (PREA) Investigations		

training provided to all staff outlined in section VII, (A) of DOC P&P 808.19, Sexual Abuse / Sexual Assault And Reporting and additionally the requirements of 28 CFR Chapter 1, §115.31, Employee Training and §115.34, Investigations Training.

1. Investigators must receive training in conducting investigations in confinement settings.
2. Trainings must include techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings and criteria and evidence required to substantiate a case for administrative action or prosecution referral.

- B. Every PREA allegation must be vetted by the State PREA Coordinator for case assignment, tracking, recording and review. For further information refer to the *Flow Chart For Notification Of Sexual Abuse / Harassment* (Attachment A).
- C. Upon receiving an allegation that a prisoner was sexually abused while confined at another institution, the Superintendent or designee of the receiving institution must notify the Superintendent of the institution that the allegation is reported to have occurred at. This notification must occur within 72 hours after receiving an allegation.
- D. The institution receiving the allegation must conduct the investigation and monitor for retaliation. (See below for more details on retaliation monitoring.)
- E. The State PREA Coordinator must ensure that the Classification / Furlough office is notified of the alleged victims “Do not move,” status until the investigation has been completed. Medical and furlough considerations are exempt from this status.
- F. PREA Compliance Managers (PCM) will ensure that each reported incident has a case file completed which is confidential and maintained for five (5) years after an alleged abuser is released from incarceration or employment from the Department.

II. Sexual Abuse Investigations:

All cases involving sexual abuse that rise to the definition of offenses or elements of offenses in Alaska Statutes; AS11.41.410, *Sexual Assault in the First Degree*, AS11.41.420, *Sexual Assault in the Second Degree*, AS11.41.425, *Sexual Assault in the Third Degree*, and AS11.41.427, *Sexual Assault in the Fourth Degree* shall be referred immediately to the Alaska State Troopers (AST) for investigation.

- A. Alleged aggressors will be immediately separated from the alleged victim and initially **shall not** be interviewed by institution staff or investigators. Refer to the *Flow Chart For Sexual Assault / Abuse Allegations Reported Within 72 Hours* (Attachment B), for further information.
- B. First responders and investigators will refer to the *PREA Crime Scene Checklist* (Attachment C), for responsibilities.

III. Sexual Harassment Investigations:

SUPERCEDES POLICY DATED:	N / A
THIS POLICY NEXT DUE FOR REVIEW ON:	06/28/22

SECTION: Institutions		PAGE: Page 3 of 4
CHAPTER: 808	NUMBER: 808.20	P&P TYPE: Public
TITLE: Prison Rape Elimination Act (PREA) Investigations		

A. With all cases involving prisoner on prisoner sexual harassment, investigators will refer to the *Prisoner-On-Prisoner Sexual Harassment Flow Chart* (Attachment D).

1. Cases involving the need for crime scene preservation or evidence preservation shall refer to the *PREA Crime Scene Checklist* (Attachment C) for responsibilities.

B. With all cases involving staff on prisoner sexual harassment, investigators will refer to the *Staff-On-Prisoner Sexual Harassment Flow Chart* (Attachment E).

1. Cases involving the need for crime scene preservation or evidence preservation will refer to the *PREA Crime Scene Checklist* (Attachment C) for responsibilities.

IV. Investigation Follow-up:

Investigations that are referred to the AST and / or District Attorney's (DA) office will receive follow-up from the institution's PCM every 30 days to verify the status of the cases. Cases which are accepted for prosecution will also receive follow-up with the DA's Office as to the case's progression and defendant's conviction or acquittal.

V. Reporting Back To A Prisoner:

A. Upon completion of an investigation the investigating institution must document and inform the alleged victim as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.

B. Following a prisoner's allegation that a staff member has committed sexual abuse against the prisoner, the institution must document and inform the prisoner whenever:

1. The staff member is no longer posted within the prisoner's unit;
2. The staff member is no longer employed at the institution; or
3. The institution learns that the staff member has been indicted or convicted on a charge related to sexual abuse.

C. Following a prisoner's allegation that they have been sexually abused by another prisoner, the institution must document and inform the prisoner whenever the institution learns that the alleged abuser has been indicted or convicted on a charge related to sexual abuse.

D. The institution's responsibility to inform the prisoner shall terminate if the prisoner is released from custody.

VI. Retaliation Monitoring:

SUPERCEDES POLICY DATED:	N / A
THIS POLICY NEXT DUE FOR REVIEW ON:	06/28/22

SECTION: Institutions		PAGE: Page 4 of 4
CHAPTER: 808	NUMBER: 808.20	P&P TYPE: Public
TITLE: Prison Rape Elimination Act (PREA) Investigations		

- A. The institution PCM or designee will monitor all prisoners and staff who report sexual abuse or sexual harassment or those who cooperate with sexual abuse or sexual harassment investigation, from retaliation by other prisoners or staff.
- B. Following a report of sexual abuse or sexual harassment the institution PCM or designee will monitor for at least ninety (90) days the conduct and treatment of prisoners or staff who have reported sexual abuse or sexual harassment or witnessed such incidents.
1. Monitoring will include periodic status checks accomplished at a minimum of 30 day increments. A status check shall include a face to face meeting with the person who reported or witnessed the allegation.
 2. Monitoring will include and isn't limited to any inmate disciplinary reports, housing or programing changes, negative performance reviews or reassignment of staff.
 3. Any reports of retaliation must be addressed promptly.
 4. Monitoring may be extended beyond 90 days if the initial monitoring indicates a continuing need.
 5. If any other individual who cooperates with an investigation expresses a fear of retaliation, the institution will take appropriate measures to protect that individual against retaliation.
 6. The tracking of monitoring efforts must be recorded on the *PREA Retaliation Report* (Attachment F).
- C. The following protection measures against retaliation may be applied, but are not limited to:
1. Housing changes for prisoner victims, witnesses or aggressors;
 2. Institution changes for prisoner aggressors;
 3. Removal of staff from contact with victims; and
 4. Emotional support services for prisoners, witnesses or staff.

SUPERCEDES POLICY DATED:	N / A
THIS POLICY NEXT DUE FOR REVIEW ON:	06/28/22