



WAYNE COUNTY CORRECTIONAL FACILITY

Policy Statement

NUMBER: PS 6400.01
DATE: August 5, 2024
SUBJECT: Zero Tolerance- PREA Investigation Policy

PURPOSE: To establish a standard and protocol for how the Wayne County Correctional Facility Staff will investigate any and all PREA related violations and continue to implement the Facility's zero tolerance approach to preventing, detecting, and responding to sexual abuse and sexual harassment.

POLICY:

- I. The WCCF will thoroughly, promptly, and objectively investigate all allegations of sexual misconduct involving individuals under the jurisdiction or authority of the WCCF.

Investigations will be completed even if the individual is no longer under WCCF jurisdiction or authority and/or the accused staff, if any, is no longer employed by or providing services to the WCCF. The WCCF shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

- II. The WCCF may discipline and refer for prosecution, to the Wayne County District Attorney's office, when appropriate, persons determined to be perpetrators of sexual misconduct. Investigations involving represented employees will be conducted per the provisions of the applicable collective bargaining agreement.

- III. Information related to investigations of sexual misconduct is confidential and will only be disclosed when necessary for related treatment, security, and management decisions. Staff who breach confidentiality may be subject to corrective/disciplinary action.

This provision is not intended to affect the WCCF's obligation to gather, review, and potentially gather, review, and potentially produce records of allegations or incidents of sexual misconduct.

- IV. Terms used in this policy are defined in the Prison Rape Elimination Act (PREA) Prevention and Reporting. A copy of this PREA investigation policy will be published on the WCCF's website for public viewing.

DIRECTIVE:

- I. **Investigations**



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- A. The Prison Rape Elimination Act (PREA) Coordinator will review all allegations, determine which allegations fall within the definition of sexual misconduct, and forward those allegations to an Investigator trained and qualified in PREA investigations.
1. The alleged victim will be notified of formal review decisions (e.g., case initiated, appended to existing case, not PREA) using WCCF PREA Triage Results Letter.
 2. All PREA allegations will be investigated.
 3. In the course of an internal investigation, any and all allegations that appear to be criminal in nature will be referred to law enforcement (WCDA's Office) for investigation. The WCCF will document in writing that the initial internal investigation has found that a criminal act has allegedly been committed and that the WCCF internal investigation will now be put on hold and the case will be referred to the WCDA's office detectives for the criminal aspect of the investigation. The WCCF will then forward to the WCDA's office all pertinent information, reports and evidence pertaining to the investigation. The WCCF and the WCDA's office will remain in contact during the course of the investigation, and full cooperation between both agencies will continue to assist in the investigation and the sharing of pertinent information.
 - a. Investigation reports received from law enforcement will be submitted as an attachment to the final PREA investigation report.
 4. For allegations involving employees, the Warden will notify the Human Resource Department and the employee of the investigation. The Warden or Deputy Warden are encouraged to verbally notify employees when possible.
 5. If an allegation is determined not to fall within the definition of sexual misconduct, the PREA Coordinator will notify the Warden or Deputy Warden, who will ensure any necessary action is taken.



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- B. The PREA Investigator or PREA Coordinator may place a confidential PREA hold on an individual in the electronic file (JMS Alert) as needed to ensure the individual is not transferred during the course of an investigation.
- C. Investigators will be assigned by the Warden / Deputy Warden/ PREA Coordinator and must be trained in PREA investigations and Prison Rape Elimination Act (PREA) Prevention and Reporting. Investigators will:
 - 1. If requested by an alleged victim of individual-on-individual sexual assault/ abuse or staff sexual misconduct, and if available, initiate arrangements with VIP (Victims Intervention Program) for a victim advocate to be present during the investigatory interview by calling 1-570-253-4401, 24 hours a day.
 - a. Interviews will be scheduled when the advocate is available, who will participate by telephone.
 - Interview alleged victims, accused individuals/staff, and witnesses in a confidential location.
 - 2. Refer the individual for mental health assessment, via WCCF memorandum, if the investigation uncovers new information that the individual was the victim of any physical and/or emotional trauma of a sexual nature, whether in an institutional setting or in the community.
 - 3. Collect any additional evidence per policies PS 5505.01 Contraband Control, PS 5525.01 Searches.
- D. Investigators will submit the investigation report and any other labeled evidence to the PREA Coordinator.
 - 1. Photocopies/photographs of all physical evidence and evidence cards will be included in the investigation report.
 - 2. Electronic evidence (e.g., video recording, Smart (SMS) messages, telephone recording) used as part of an investigation will be submitted with the investigation report.
- E. The PREA Coordinator will review the report and prior



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complaints/reports of sexual misconduct involving the accused, when available, and ensure the WCCF PREA Data Collection Checklist is completed.

1. Previous complaints/reports of sexual misconduct involving the alleged victim may be reviewed, as applicable.
- F. For each allegation in the report, the PREA Coordinator will determine whether the allegation is:
1. Substantiated: The allegation was determined to have occurred by a preponderance of the evidence,
 2. Unsubstantiated: Evidence was insufficient to make a final determination that the allegation was true or false, or
 3. Unfounded: The allegation was determined not to have occurred.
- G. Once the PREA Coordinator has made a determination, the alleged victim will be notified of the findings.
1. The Warden/ Deputy Warden will inform the individual of the findings in person, in a confidential manner, in writing, with a signed copy to be retained by the WCCF.
 - a. Notification may be provided in writing if the individual is in restrictive housing.
 2. If the individual has been released, the Warden/ Deputy Warden will inform the individual of the findings in writing to the last known address as documented in the electronic file (JMS).
 3. Findings and notification of the alleged victim will be documented in a WCCF Memorandum.
 4. Following an investigation into an inmate's allegation that he or she suffered sexual abuse in the WCCF, the WCCF shall inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or



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unfounded.

5. If the WCCF did not conduct the investigation, it shall request the relevant information from the investigative agency in order to inform the inmate.
6. Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, the WCCF shall subsequently inform the inmate (unless the WCCF has determined that the allegation is unfounded) whenever:
 - a. The staff member is no longer posted within the inmate's unit;
 - b. The staff member is no longer employed at the facility;
 - c. The WCCF learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or
 - d. The WCCF learns that the staff member has been convicted on a charge related to sexual abuse within the facility.
7. Following an inmate's allegation that he or she has been sexually abused by another inmate, the WCCF shall subsequently inform the alleged victim whenever:
 - a. The WCCF learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or
 - b. The WCCF learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.
 - c. All such notifications or attempted notifications shall be documented.
 - d. The WCCF's obligation to report under this standard shall terminate if the inmate is released from the agency's custody.
- H. If the assigned investigator is responsible for an investigation and is not the Warden or PREA Coordinator where the individual is



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housed, (temp release, housed out, etc.) the investigator will notify the Warden or PREA Coordinator of administrative findings, local PREA Review Committee outcomes, and changes to the status of involved employees.

Investigation reports will be made available to them upon request.

- I. For allegations against staff, the Warden or Human Resources Manager will verbally notify the accused of the findings. If the allegation is substantiated, notification may be provided during the pre-disciplinary process.
- J. When a substantiated allegation is criminal in nature, the Warden or Deputy Warden will notify:
 - 1. Law enforcement, unless such referral was made previously during the course of the investigation, and
 - 2. Relevant licensing bodies.
- ii. The PREA Investigator will use the WCCF PREA Investigation Checklist to compile the investigation packet and submit it to the PREA Coordinator/designee.

Investigation reports will only be closed when all applicable documents are received.

K. Sexual abuse incident reviews

- (a) The WCCF shall conduct a sexual abuse incident review at the conclusion of every substantiated and unsubstantiated sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded.
- (b) Such review shall ordinarily occur within 30 days of the conclusion of the investigation.
- (c) The review team shall include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners.



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(d) The review team shall:

- (1) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
 - (2) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility;
 - (3) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
 - (4) Assess the adequacy of staffing levels in that area during different shifts;
 - (5) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and
 - (6) Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to paragraphs (d)(1)-(d)(5) of this section, and any recommendations for improvement and submit such report to the facility head and PREA compliance manager.
- (e) The WCCF shall implement the recommendations for improvement, or shall document its reasons for not doing so.

Randal W. Williams

A handwritten signature in blue ink that reads 'Randal W. Williams'.