

VOLUNTEERS OF AMERICA OF SOUTHEAST LOUISIANA, INC.
2929 Saint Anthony Street, New Orleans, LA 70122

SECTION: INVESTIGATIONS

**SUBJECT: ADMINISTRATIVE AND CRIMINAL
AGENCY INVESTIGATIONS**

PREA:

POLICY:

Volunteers of America staff will have a plan to coordinate actions taken in response to an incident of sexual abuse, among staff first responders, investigators, and facility leadership. Investigations will be conducted by the proper agencies and authorities following reports of sexual abuse and sexual harassment. The Sexual Abuse Review Team (SART) shall conduct an incident review after every sexual abuse investigation.

PROCEDURES:

1. VOASELA RRC shall use investigators who have received specialized training in investigating incidents of sexual assault and sexual misconduct. This training may include, but not limited to:
 - a. Sexual abuse investigations
 - b. Crime scene management
 - c. Elimination of contamination
 - d. Evidence collection protocol
 - e. Crisis intervention

2. All reports of allegations of sexual abuse and sexual harassment will be reported and referred to the Bureau of Prison Residential Reentry Manager's (BOP RRM) office and New Orleans New Orleans Police department (NOPD), if required. BOP and NOPD will be responsible for conducting and completing criminal investigation. Local law enforcement official will be notified in order to assist with the investigation and secure evidence.

3. VOASELA RRC shall refer all allegations of sexual abuse or sexual harassment to RRC investigators to conduct administrative investigation. Allegations that involve potentially criminal behavior will be referred to BOP and NOPD in order to conduct criminal investigation.
4. VOASELA RRC will contact the BOP RRM office and the New Orleans Police Department for follow up of sexual abuse or sexual harassment, which have been reported for criminal investigation. VOASELA RRC may request police report or any other report in regards to sexual abuse or sexual harassment that has been reported for criminal investigation.
5. VOASELA RRC will conduct administrative investigations (findings) on all reports of allegations of sexual abuse (including resident-on-resident sexual abuse or staff misconduct) promptly, thoroughly, and objectively, including third party and anonymous report. The reports of these administrative investigations (findings) will be forwarded to the BOP RRM office. Where it appears that the reports of allegations of sexual abuse or sexual harassment is subject to criminal prosecution or, investigation, then the reports will immediately be reported to BOP RRM office, and law enforcement officials for prosecution (New Orleans Police Department).
6. VOASELA RRC shall report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to VOASELA designated investigators.
7. VOASELA RRC will not conduct criminal investigation of reports of allegation of sexual abuse or sexual harassment. VOASELA RRC will request NOPD to conduct criminal investigations. When investigating allegations concerning sexual abuse, NOPD will apply steps (A) through (E) to all sexual assault cases, and will continue to implement these standards when conducting an investigation of sexual abuse at Volunteers of America Greater New Orleans, Residential Reentry Center.
8. VOASELA RRC will ensure that administrative or criminal investigations are completed for all allegations of sexual abuse and sexual harassment (including resident-on-resident sexual abuse or staff sexual misconduct).
9. The credibility of an alleged victim, suspect, or witness will be assessed on an individual basis and will not be determined by the person's status as a resident or staff.
10. VOASELA RRC or any other agency shall not require a resident who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation.
11. Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse.

12. Administrative investigations shall be documented in written reports that include:
 - a. Description of the physical and testimonial evidence;
 - b. The reasoning behind credibility assessments;
 - c. Investigative facts and findings.
13. VOASELA RRC investigators will follow a uniform evidence protocol when conducting sexual abuse investigation. The uniform evidence protocol will maximize the potential for obtaining usable physical evidence for administrative and criminal prosecution.
14. VOASELA adapted Washington State Department of Corrections Uniform Evidence Protocol.
15. Criminal investigations shall be documented in a written report that contain a thorough description of physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible.
16. Any substantiated allegations of conduct that appears criminal will be referred for prosecution.
17. Investigators shall gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data.
18. Investigators shall interview alleged victims, suspected perpetrators', and witnesses.
19. Investigators shall review prior complaints and reports of sexual abuse involving the suspected perpetrators'.
20. When the quality of evidence appears to support criminal prosecution, VOASELA RRC shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
21. The assistant director will ensure that all referrals of allegations of sexual abuse or sexual harassment, which will be referred for criminal investigation, are documented.
22. VOASELA RRC will retain all written reports of administrative and criminal investigations for as long as the alleged abuser is incarcerated, or is employed by the agency, plus five years.
23. An investigation will not be terminated just because the alleged abuser or victim departs from employment or control of VOASELA RRC.
24. VOASELA RRC will cooperate with outside investigators (BOP and NOPD) and will remain informed about the progress of the investigation.

25. VOASELA RRC will not impose a standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.
26. Following an investigation into allegations of sexual abuse or sexual harassment, VOASELA RRC will inform, verbally or in writing, residents whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.
27. VOASELA RRC will request relevant information from the BOP or any other investigative agency (law enforcement official- NOPD) in order to inform the resident of the outcome of the investigation.
28. Following a resident's allegation that a staff member committed sexual abuse against the resident, VOASELA RRC will subsequently inform the resident (unless VOASELA RRC has determined the allegation is unfounded) whenever:
 - The staff member is no longer posted within the resident's unit;
 - a. The staff member has been placed on administrative leave pending the outcome of the allegation. If the allegation is substantiated, then the staff member is no longer employed at VOASELA RRC;
 - b. VOASELA RRC learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or
 - c. VOASELA RRC learns that the staff member has been convicted on a charge related to sexual abuse within the facility.
29. Following a resident's allegation that he or she has been sexually abused by another resident in the RRC, VOASELA RRC will subsequently inform the alleged victim whenever:
 - a. VOASELA RRC learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or
 - b. VOASELA RRC learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.
30. All notifications and attempted notifications, regarding both administrative and criminal investigations, will be documented.
31. VOASELA RRC obligation to report shall be terminated upon the resident's release from the RRC's residency.
32. VOASELA RRC will publish policy regarding referral of allegations of sexual abuse or sexual harassment for criminal investigation on the agency website, or if the agency does not have a website, make the policy available through other means.