



COMCOR, Inc.

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POLICY AND PROCEDURE MANUAL

Section: PREA

Title: PREA Investigations

Number: PREA-007

POLICY INFORMATION

Original Effective Date: 07-09-13

Revision Dates: 04-14-14, 6-19-14,
08-25-14

Annual Review Required:

Responsible Staff: PREA Coordinator
Residential Senior Program Manager

Form:

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STANDARD REFERENCES

ACA

BOP

DBH

DCJ

DOC

DYC

PREA

115.222, 115.271, 115.272

Source:

Policy ComCor shall ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment. The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as a resident staff. Any resident who alleges sexual abuse shall not be required to submit to a polygraph exam as a condition for proceeding with investigation of allegation

Following an investigation into a client's allegation of sexual abuse suffered in a ComCor facility, ComCor shall inform the client as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.

Procedures

A. Conduct of Investigations

1. Allegations of sexual abuse are referred for investigation to the Colorado Springs Police Department or the Inspector General of the Colorado Department of Corrections, unless the allegation does not involve potentially criminal behavior. ComCor will maintain records of all referrals.
2. Allegations of sexual harassment will be investigated in-house unless they involve potentially criminal behavior.
3. Referrals will be documented in the client's or staff's file.

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4. All investigations shall include an effort to determine whether staff actions or failure to act contributed to the abuse and shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.
5. Criminal investigations shall be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attaches copies of all documentary evidence when feasible.
6. When outside agencies investigate sexual abuse, the facility shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation.

B. Uniform Evidence Protocol

1. If, during an administrative investigation, evidence of a criminal act is discovered, the ComCor investigator(s) will halt their investigation, secure the scene and contact CSPD for further investigation.
2. ComCor investigators will not collect evidence that could potentially be used in a criminal proceeding. CSPD will be responsible for the collection of evidence to include physical and DNA evidence.
3. ComCor shall gather and preserve evidence to include available electronic monitoring data; statements from alleged victims, perpetrators, and witnesses. ComCor shall also review prior complaints and reports of sexual abuse involving the suspected perpetrator.

C. If ComCor did not conduct the investigation, it shall request the relevant information from the investigative agency in order to inform the client.

1. Following a client's allegation that a staff member has committed sexual abuse against the client, ComCor shall subsequently inform the client (unless ComCor has determined that the allegation is unfounded) whenever:
 - a. The staff member is no longer posted within the client's unit;
 - b. The staff member is no longer employed at the facility;
 - c. ComCor learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or
 - d. ComCor learns that the staff member has been convicted on a charge related to sexual abuse within the facility.
2. Following a client's allegation that he or she has been sexually abused by another client, ComCor shall subsequently inform the alleged victim whenever:

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- a. ComCor learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or
 - b. ComCor learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.
3. All such notifications or attempted notifications shall be documented.
 4. An agency's obligation to report under this standard shall terminate if the client is released from ComCor's custody.
- D. ComCor shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.
- E. The departure of the alleged abuser or victim from the appointment or control from the facility or agency shall not provide the basis for termination of investigation.