

PREA Investigative Plan

The PREA Investigative Plan is a road map that you create to guide you in completing your investigation. Its intent is to provide the necessary steps that you should take in order to document relevant information in OPUS. The Plan must be committed to paper which will provide an overview of the bases to cover. It allows you, as the Investigator, to be in charge of the investigative process. Remember be fluid~ sometimes your plan may need to be modified.

Developing the PREA Investigative Plan: Developing an efficient and effective PREA Investigative Plan consists of determining that the allegations made are PREA, identifying all participants, developing questions that you may need to ask your witnesses, and analyzing your findings.

Step 1: What are the allegations? First and foremost.....MAKE SURE IT'S PREA! Review the categories of Sexual Violence: "If it doesn't fit, you must acquit". If the allegations do not meet the definitions as outlined in your policy for sexual violence, then it is not going to be PREA. DON'T TRY TO MAKE IT PREA! IT IS WHAT IT IS! After you have determined that an allegation is in fact PREA, identify your participants.

Step 2: Identify the participants and stressing of confidentiality: Who do you need to speak to about the allegations? Who are the witnesses? Remember that during the investigation it is possible that you will be provided additional names not previously aware when completing this plan.

Step 3: Develop questions and a timeline: Develop a list of questions specific for each witness. Some questions may be the same but during the course of the investigation you may determine that you need to follow up on something a witness may have said. As an investigator you have to be fluid~ ready to change. Do not rely solely on the prepared questions. The timeline must coincide with policy requirements.

Step 4: Analyze your findings: Remember that Preponderance of Evidence is how we make our determinations. It requires the party bearing the burden of proof to present evidence that is "more credible and convincing than the evidence presented by the other party". Who do you believe based on the evidence?

- Use the Investigative Plan to document **all relevant** information in OPUS. An example of documenting irrelevant information is: "An allegation is made about Officer Doe sexually harassing Inmate Smith. Inmate John Smith became upset during medication call about getting only two Tylenol instead of four as the Doctor prescribed. Inmate John Doe stated that he was given four at the last prison facility by the Doctor but here Nurse Jane will only give me two."
- Make sure your conclusions and validity determinations are in **agreement**. For example: "Based on video footage that refutes the allegation and positive work performances of Office Doe, investigation finds that this case is substantiated." You have just told your reader that that the evidence supports the validity as unfounded.
- Please see page 2 for a more detailed example and **formatting** of F11 Comments.

Top Five Essentials to PREA Investigations:

1. Use the form as a guide.
2. Address the Issues and bases alleged in the allegation or discovered during the investigation;
3. Apply the proper element of proof (Preponderance of Evidence);
4. Support the conclusion with relevant testimonial and documentary evidence;
5. Provide a basis for credibility assessments (Why do you believe them? State the facts, not "gut feelings").

A good plan is like a road map: it shows the final destination and usually the best way to get there." (H. Stanley Judd)

OPUS F11 Comments - Example

(Please use this format to document PREA reports)

SECTION I - IDENTIFY THE EVENT:

GRIEVANCE RECEIVED FROM INMATE JOHN SMITH OPUS NUMBER 00000000 ON 11/29/09 ALLEGING SEXUAL HARASSMENT BY STAFF. INMATE SMITH ALLEGES THAT OFFICER DOE REPEATEDLY COMMENTS ON HOW CUTE HE IS AND HOW SHE LIKES HIS BICEPS.

INVESTIGATOR (I/O) REPORTED ALLEGATION TO THE PREA OFFICE VIA EMAIL ON 12/1/09 AT APPROX. 3:00PM. THE PREA OFFICE OBTAINED APPROVAL TO PROCEED WITH SPEAKING TO STAFF ABOUT THE ALLEGATION(S).

SECTION II- SUMMARY OF INTERVIEWS:

INVESTIGATOR INTERVIEWED INMATE SMITH ON 12/1/09 AT APPROX. 3:30PM. INMATE SMITH ADVISED INVESTIGATOR THAT HE WAS IN HIS CELL BLOCK ON 12/1/09 AT APPROX. 12:30PM WHEN OFFICER DOE WALKED BY HIS CELL. OFFICER DOE STARED AT HIM WHILE HE WAS CHANGING AND STATED HOW CUTE HE WAS AND WHAT BIG BICEPS HE HAS. INMATE SMITH STATED THAT INMATE JOHNSON WHO SLEEPS IN THE CELL NEXT DOOR OVERHEARD THE REMARKS AND ADVISED HIM TO REPORT IT TO THE SGT.

INVESTIGATOR INTERVIEWED INMATE JOHNSON REFERENCE THE ABOVE DESCRIBED ALLEGATION. INMATE JOHNSON CONFIRMS THAT HE OVERHEARD OFFICER DOE TELL INMATE SMITH THAT HE WAS CUTE AND HAD NICE BICEPS WHILE MAKING HER ROUNDS. HE STATED THAT SHE WOULD SPEND HER SHIFT STANDING OUTSIDE THE INMATES CELL DOOR FOR LONG PERIODS OF TIME.

INVESTIGATOR INTERVIEWED OFFICER DOE ABOUT THE ABOVE ALLEGATION. OFFICER DOE REPORTS THAT SHE HAS NEVER STATED ANYTHING UNPROFESSIONAL TO INMATE SMITH. SHE DID REPORT THAT SHE CORRECTED INMATE SMITH FOR BLOCKING HIS CELL WINDOW. OFFICER DOE STATED THAT SHE WAS WORKING IN THE AREA ON THE DAY IN QUESTION.

INVESTIGATOR INTERVIEWED SGT. PASSOUT. SGT. PASSOUT IS THE SUPERVISOR FOR OFFICER DOE. SGT. PASSOUT PROVIDED SUPERVISORY INFORMATION ABOUT OFFICER DOE AND HER PAST PERFORMANCE REVIEWS. SGT. ADVISED THE INVESTIGATOR THAT HE HAS NEVER RECEIVED ANY UNDUE FAMILIARITY OR PREA ALLEGATIONS AGAINST THIS OFFICER. SHE IS ALWAYS PROFESSIONAL IN HER INTERACTIONS WITH INMATES AND OTHER STAFF. ON THE DAY IN QUESTION, OFFICER WAS ASSIGNED TO INMATE SMITH'S CELLBLOCK.

SECTION III - EVIDENCE/ FINDINGS:

INVESTIGATOR REVIEWED THE VIDEO FOOTAGE FOR THE CELLBLOCK AREA ON 12/1/09 AT 12:30PM. VIDEO FOOTAGE SHOWS OFFICER DOE MAKING ROUNDS. VIDEO SHOWS OFFICER STOPPING IN FRONT OF INMATE SMITH'S CELL DOOR FOR APPROXIMATELY 15 SECONDS. THE VIDEO DID SHOW THAT INMATE SMITH'S WINDOW APPEARED BLOCKED BY A SHEET. INMATE SMITH REMOVED THE SHEET AT THE DIRECTION OF OFFICER DOE WHO CONTINUED ON HER ROUNDS.

SECTION IV - CONCLUSION:

BASED ON VIDEO FOOTAGE AND PAST PERFORMACE/ CHARACTER OF OFFICER DOE, INVESTIGATION FINDS THAT THIS CASE IS UNFOUNDED. I/O RECOMMENDS THAT INMATE SMITH RECEIVE DISCIPLINARY ACTION FOR MAKING A FALSE ALLEGATION AGAINST STAFF.

