

IDOC policy PREA-02 states the following with regard to the investigation of sexual violence instances that occur within IDOC facilities:

Section A. General Provisions

3. All allegations and incidents of sexual misconduct, sexual harassment, retaliation, staff neglect or violation of responsibilities that may have contributed to such incidents, or that indicate a personal relationship by staff with clients/incarcerated individuals shall be reported to the Warden/District Director, the institution/district's sexual violence investigator, and the designated Deputy Director/Designee. All allegations and incidents shall be fully investigated as directed by the Deputy Director/Designee and treated in a confidential and serious manner.
4. Each institution/district shall establish a method to receive third-party reports of sexual violence, retaliation, or staff neglect or violation of responsibilities that may have contributed to such incidents and shall distribute publicly information on how to report the same on behalf of a client/incarcerated individual. Each institution/district shall immediately report all allegations of sexual violence, including third-party and anonymous reports and allegations to the designated Deputy Director/Designee and to the institution/district's sexual violence investigator. **(PREA 115.54, 61(e), 115.254, 264(e))**
8. The designated Deputy Director/Designee shall ensure that an administrative or criminal investigation is completed for all allegations of sexual violence, sexual misconduct, sexual harassment, or retaliation. **(PREA 115.22(a), 115.222(a))**
9. All sexual violence investigations are confidential under Iowa **Code 904.602 and 201.5**. Other than reporting to supervisors or the institution/district's sexual violence investigator or PREA Compliance Manager/PREA Coordinator, staff shall not reveal any information related to a report to anyone other than to the extent necessary, as specified in IDOC policy, to make treatment, investigation, and other security or management decisions. **(PREA 115.61(b), 115.261(b))**
10. The designated Deputy Director /Designee shall determine when the evidence is sufficient for criminal prosecution and shall refer appropriate incidents to criminal authorities. All referrals shall be documented. **(PREA 115.22(b), 71(h), 115.222(b), 271(h))**
11. IDOC shall publish the sexual violence investigation policies on its website. **(PREA 115.22(b), 115.222(b))**
12. IDOC shall make best efforts to ensure that any other State entity responsible for conducting administrative or criminal investigations of sexual violence, sexual misconduct, or sexual harassment in IDOC facilities shall have in place a policy governing the conduct of such investigations. **(PREA 115.22(d), 115.222(d))**

Section G. Investigations

1. Sexual Violence Investigators shall:
 - a. Gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data;
 - b. Interview alleged victims, suspected perpetrators, and witnesses;
 - c. Review prior complaints and reports of sexual violence involving the suspected perpetrator.

- d. Include an effort to determine whether staff actions or failures to act contributed to the abuse. **(PREA 115.71(c)(f)(1), 115.271(c)(f)(1))**
2. Interviews shall be conducted in a thorough, professional, trauma-informed and non-threatening manner.
3. Material omissions or the provision of materially false information shall be grounds for termination. A material omission is failure to disclose information that may make a difference in an investigation if the information were known. **(PREA 115.17(g), 115.217(g))**
4. When the quality of evidence appears to support criminal prosecution, the investigators shall conduct compelled interviews only after the designated Deputy Director/Designee has determined, including but not limited to consultation with prosecutors, if compelled interviews may be an obstacle for subsequent criminal prosecution. **(PREA 115.71(d), 115.271(d))**
5. 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 client/incarcerated individual or staff. IDOC shall not require a client/incarcerated individual who alleges sexual violence submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation. **(PREA 115.71(e), 115.271(e))**
6. The investigators shall prepare a final written report that includes a description of the physical, testimonial, and documentary evidence, the reasoning behind credibility assessments, and investigative facts and findings. The Report shall include whether staff actions or failures contributed to the abuse. The report shall be provided to the designated Deputy Director and the Warden/District Director. The report shall be a confidential record. **(PREA 115.71(f)(2), 115.271(f)(2))**
7. IDOC shall make best efforts to ensure that criminal investigations by outside agencies are to be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and copies of all documentary evidence are attached where feasible. **(PREA 115.71(g), 115.271(g))**
8. All actions taken shall be documented and the investigative file shall be retained by the Division of Investigative Services in a secure location. Also see IDOC Policy **AD-PR-13, *Employee Investigations***.
9. The institution/district and the Division of Investigative Services shall retain all written sexual violence investigation reports for as long as the alleged perpetrator is incarcerated/supervised or employed by the agency, plus five years. **(PREA 115.71(i), 115.271(i))**
10. The departure of the alleged perpetrator or victim from the employment or control of IDOC shall not provide a basis for terminating a sexual violence investigation. **(PREA 115.71(j), 115.271(j))**
11. IDOC shall make best efforts to ensure that any State entity or Department of Justice component that conducts such investigations shall do so pursuant to the above requirements. **(PREA 115.71(k), 115.271(k))**
12. When outside agencies investigate sexual violence, IDOC shall cooperate with outside investigators and shall endeavor to remain informed and keep the appropriate Deputy Director informed about the progress of the investigation. **(PREA 115.71(l), 115.271(l))**

13. IDOC shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual violence are substantiated. **(PREA 115.72, 115.272)**

Section J. Specialized Training for Sexual Violence Investigators

1. In addition to the general training provided to all employees, the designated Deputy Director shall ensure that, to the extent IDOC conducts sexual violence investigations, its sexual violence investigators have received specialized training in conducting such investigations in confinement settings. **(PREA 115.34(a), 115.234(a))**
2. Specialized training shall include, but is not limited to, techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, the impact of the Peace Officers' Bill of Rights, sexual abuse evidence collection in confinement settings, characteristics and behavior indicators of sexual violence perpetrators and victims in correctional settings, credibility assessments, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral. **(PREA 115.34(b), 115.234(b))**
3. The designated Deputy Director/Designee shall maintain documentation that PREA sexual violence investigators have completed the required specialized training in conducting such investigations. **(PREA 115.34(c), 115.234(c))**
4. IDOC shall make its best efforts to ensure that any other State entity or Department of Justice component that investigates sexual violence in confinement settings shall provide the required specialized training to its agents and investigators who conduct sexual violence investigations in IDOC facilities. **(PREA 115.34(d), 115.234(d))**