

	<p align="center">CORPORATE POLICY & PROCEDURE MANUAL</p> <p>CHAPTER: 05 - Oversight</p> <p>TITLE: 5.1.2-E PREA Investigation Procedure (non-ICE)</p> <p>ACA STANDARDS: ACRS: 4-ACRS-6A-05 ACI: 5-ACI-3D-11, 5-ACI-3D-14, 5-ACI-3D- 16 ALDF: 4D-22-2, 4D-22-5, 4D-22-6, 4D-22-8</p>	<p><u>NUMBER:</u> 5.1.2-E</p> <p><u>SUPERSEDES:</u> 02/14/2019</p> <p><u>EFFECTIVE:</u> 12/17/2020</p> <p><u>REVIEWED ON:</u> 12/01/2020</p>
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I. PROGRAM OBJECTIVES

The GEO Group, Inc. (GEO) mandates zero tolerance towards all forms of sexual abuse and sexual harassment in all its facilities. This procedure manual is applicable to all facilities of The GEO Group Inc. (GEO) that fall within the scope of the Prison Rape Elimination Act of 2003 (PREA) and the Department of Justice National Standards to Prevent, Detect and Respond to Prison Rape. GEO immigration facilities shall follow policy 5.1.2-F which incorporates the Department of Homeland Security PREA Standards. In accordance with this procedure manual, all employees, contractors and volunteers have an affirmative duty to report all allegations or knowledge of sexual abuse, sexual harassment, romantic, or sexual contact that takes place within any GEO facility or program. All cases of alleged sexual conduct in accordance with Policy 5.1.2, Sexually Abusive Behavior Prevention and Intervention, shall be promptly, thoroughly, and objectively investigated. Upon substantiation of any allegation of sexual conduct, appropriate disciplinary actions will be taken against the employee, contractor, volunteer, or individuals in a GEO facility, including possible criminal prosecution.

II. GUIDELINES

A. Policy Statements

1. Policies to Ensure Referrals of Allegations for Investigations (§115.22/115.222/115.322)

- a. Each facility shall have a policy in place to ensure that all allegations of sexual abuse or sexual harassment are referred for investigation to a law enforcement agency with legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior. Facilities shall document all referrals.
- b. Due to client contract requirements, some facilities may be required to follow specific client PREA investigations policies. If for some reason, client policy is less restrictive than Section 28 C.F.R. Part 115 of the National PREA Standards, the PREA standards shall prevail and a site-specific supplemental policy shall be developed.
- c. Each GEO operational subsidiary, business unit or program shall have a current policy in place to ensure that:
 - i. Allegations of sexually abusive behavior receive prompt intervention

- upon report; and,
- ii. Perpetrators of sexually abusive behavior are disciplined and, when appropriate, referred for prosecution in accordance with GEO policy and federal, state or local laws.
- d. GEO shall publish its corporate investigations policy on its website.
- e. Each facility shall attempt to secure a PREA MOU with local law enforcement outlining the responsibilities of each entity related to conducting PREA investigations that involve potentially criminal behavior and unsuccessful attempts to secure a law enforcement MOU shall also be documented and retained by the facility.
- f. Allegations of sexual abuse that include penetration or touching of the genital areas are referred to outside law enforcement agencies. Facilities shall document all referrals.

2. Ability to Protect Individuals from Contact with Abusers (§115.66/115.266/115.366)

- a. In every case where the alleged abuser is an employee, contractor or volunteer, there shall be no contact between the alleged abuser and the alleged victim pending the outcome of an investigation. Separation orders requiring “no contact” shall be documented by facility management via email or memorandum within 24 hours of the reported allegation. The email or memorandum shall be printed and maintained as part of the related investigation file. **Note:** A GEO Office of Professional Responsibility (OPR) Referral of Staff Misconduct form shall be completed electronically for all allegations in which staff (employee, contractor or volunteer) is the alleged abuser.
- b. GEO shall not enter into or renew any collective bargaining agreement or other agreement that limits a facility’s ability to remove alleged employee sexual abusers from contact with any individual in a GEO facility pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted.

B. Investigations

1. Criminal and Administrative Agency Investigations (§115.71/115.271/115.371)

- a. An administrative or criminal investigation shall be completed for all allegations of sexual abuse, and sexual harassment at GEO facilities.
- b. The facility administrator and contracting agencies shall be notified prior to investigating all allegations of sexual abuse and sexual harassment. Client notifications shall be documented and maintained as part of the investigative file.
- c. Specific procedures not listed in this policy which are required by contractual obligations shall be followed.
- d. When the facility conducts its own investigations into allegations of sexual abuse and sexual harassment, it shall do so promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports. The completed

preliminary investigative report will be forwarded to the Corporate PREA Office (to the corporate PREA manager with oversight of your facility) for review and approval no later than 60 calendar days after the allegation is reported. Extensions must be authorized by the corporate PREA manager. The facility will use the latest GEO investigation report template unless the individual facility contract or client policy dictates the client forms must be used.

- e. GEO shall use investigators who have received specialized training in sexual abuse investigations. The specialized training shall include techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection and the criteria and evidence required to substantiate a case for administrative action or prosecution referral. The specialized training shall also include techniques for interviewing juvenile sexual abuse victims.
- f. Where the facility does not conduct sexual abuse investigations and an outside agency is responsible for investigating these type incidents, the facility shall request documentation from the agency that it has provided such training to its investigators who conduct such investigations. Training documentation shall be kept on file at the facility.
- g. When outside agencies investigate sexual abuse or sexual harassment, the responsibilities of the GEO facility shall be limited to:
 - i. Preserve and protect the crime scene until law enforcement personnel assume control of the crime scene;
 - ii. Separate the alleged victim and abuser from contact with each other.
 - iii. Prevent the alleged victim and abuser from taking any actions that could destroy physical evidence until law enforcement personnel take control of the crime scene.
- h. When outside agencies investigate sexual abuse or sexual harassment, the outside agency will be responsible for all other aspects of the investigation, including but not limited to:
 - i. Assume control of the crime scene and all evidence.
 - ii. Implement the policies and protocols of the outside agency when responding to and investigating incidents of sexual abuse and sexual harassment at a GEO facility.
- i. When outside agencies investigate sexual abuse or sexual harassment, the facility shall cooperate with outside investigators by providing law enforcement personnel with requested information, including reports, documents, and video surveillance footage; subject to privacy restrictions until such time as a legal order to produce information is received.
- j. When outside agencies investigate sexual abuse and sexual harassment, GEO facility staff shall endeavor to remain informed about the progress of the investigation at least once monthly by contacting the law enforcement individuals assigned to investigate the incident using the Investigation Follow-up Email template (Attachment A). GEO facility staff shall request an update on the status

of the investigation and confirm law enforcement has received all the information they have requested from the GEO facility.

- k. When outside agencies investigate sexual abuse or sexual harassment, facilities shall request copies of completed investigative reports. Upon receipt, the outside agency's investigative report will be forwarded to the corporate PREA manager with oversight of the facility for review and closure. If a criminal investigation has not closed 12 months after the allegation was received; the facility shall, with the approval of the client, the outside investigating agency and the corporate PREA manager, initiate an internal administrative investigation into the allegation. The corporate PREA manager will verify there has been an attempt to contact the outside investigating agency to notify them of the intent to open an administrative investigation using the Notice of GEO Administrative PREA Investigation template (Attachment B). The facility shall wait at least 10 business days for the outside agency to respond to ensure an internal administrative investigation would not impede the agency's criminal investigation. The GEO investigative report will be forwarded to the corporate PREA manager for review and closure.
- l. 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 individual in a GEO facility or program or staff.
- m. No agency shall require an individual in a GEO facility or program 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.
- n. The departure of the alleged abuser or victim from the employment or control of the facility or agency shall not provide a basis for terminating an investigation.
- o. Substantiated allegations of conduct that appear to be criminal shall be referred for prosecution.

2. Investigative Reports

- a. An investigative report shall be written for all investigations of allegations of sexual abuse, and sexual harassment. Facilities shall utilize the investigative report template for all PREA investigations unless another format is required by the contracting agency.
- b. Investigators shall gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; shall interview alleged victims, suspected perpetrators, and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator.
- c. Administrative investigations (1) shall include an effort to determine whether staff actions or failures to act contributed to the abuse; and (2) shall be documented in a written report format that includes at a minimum, a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.
- d. Evidentiary standard for administrative investigations (§115.72/§115.272). Facilities shall impose no standard higher than a preponderance of the evidence

- in determining whether allegations of sexual abuse or harassment are substantiated.
- e. Investigative reports shall include attached copies of all documentary evidence where feasible.
 - f. Closed PREA investigation files shall be maintained orderly for each allegation and contain at a minimum: final/approved investigation report, email from designated corporate PREA contact documenting closure, witness statements, medical and/or mental health assessments or documented refusal, notice of outcome of investigation, retaliation logs. Sexual abuse incident reviews and video footage as applicable.
 - g. Each file shall be labeled with case number and include a file folder checklist indicating what documents are included and all documentation shall be secured inside the file (not loose leaf).
 - h. All investigations shall be logged and tracked upon receipt of notification.
 - i. At the conclusion of every investigation of sexual abuse, the written results shall be promptly forwarded to the corporate PREA manager for review.
 - j. Due to their confidential nature, all sexual abuse and sexual harassment investigative files shall be retained in a secure location with restricted access as designated by the facility administrator.
 - k. GEO shall retain all written reports referenced in this section for as long as the alleged abuser is incarcerated or employed by the agency, plus five years; however, for any circumstance, files shall be retained no less than ten years.
 - l. Because of the very sensitive nature of information about victims and their medical condition, including infectious disease testing, staff must be particularly vigilant about maintaining confidentiality and releasing information only for legitimate need-to-know reasons.

C. Receipt of Allegations of Sexual Abuse and Sexual Harassment

First responder duties and actions will be carried out in accordance to Procedure Manual 5.1.2-A, Sexually Abusive Behavior Prevention and Intervention, Section L (1-4) and in accordance to 5.1.2-B, Section K (1-4) in juvenile facilities.

D. Evidence Protocol and Forensic Medical Examinations (§115.21/§115.221/§115.321)

1. Facilities that are responsible for investigating allegations of sexual abuse are required to follow uniform evidence protocols that maximize the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions. The protocol shall be developmentally appropriate for youth where applicable, and, as appropriate, shall be adapted from or otherwise based on the most recent edition of the U.S. Department of Justice's Office on Violence Against Women publication, A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents, or similarly comprehensive and authoritative protocols developed after 2011.
2. Due to client contract requirements, some facilities may be required to follow specific

client PREA evidence protocols. If for some reason, client protocol is less restrictive than Section 28 C.F.R. Part 115 of the National PREA Standards, the PREA standards shall prevail and a site-specific supplemental protocol shall be developed.

3. Facilities shall offer all individuals in a GEO facility who experience sexual abuse access to forensic medical examinations (whether on-site or at an outside facility) with the victim's consent and without cost to the individual and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.
4. Facility medical staff shall not participate in sexual assault forensic medical examinations or evidence gathering. Examinations shall be performed by a Sexual Assault Nurse Examiner (SANE) or Sexual Assault Forensic Examiner (SAFE). An offsite qualified medical practitioner may perform the examination if a SAFE or SANE is not available.
5. A victim advocate shall be made available to accompany the victim through examinations and investigatory interviews.
6. Upon request by the victim and with the victim's consent either in writing or on audio tape, the victim advocate may participate in supporting the victim throughout the forensic medical examination process (ensuring compliance with confidentiality laws) and investigatory interviews and shall provide emotional support, crisis intervention, information and referrals.
7. The victim advocate may not obstruct or interfere with the course of the investigation in any manner and will not serve as a translator.
8. GEO facilities may not utilize facility employees as victim advocates unless the following documentation exists:
 - a. Documentation is on file that no other alternatives are available in the community; and,
 - b. Documentation exists that validate designated employees have been screened for appropriateness to serve in this role and have received education concerning sexual assault and forensic examination issues in general.

E. Preservation of Evidence – Victim

1. The alleged victim shall immediately be escorted for medical treatment as deemed necessary by medical providers. Community Reentry facilities shall utilize local community facilities to provide emergency medical treatment and crisis intervention.
2. The alleged victim and alleged abuser shall not be permitted to communicate and shall be escorted and held separately out of sight and sound from each other on site, at the hospital and upon return to the facility.
3. If the alleged sexual abuse is reported or discovered within 96 hours of the incident, and if determined appropriate by the medical provider and/or investigator, the alleged victim shall be either be transported to the designated offsite facility or a SANE or SAFE shall be called to the facility for the collection of forensic evidence and medical treatment.
4. No attempt will be made by facility medical staff to clean or treat the victim unless the

injuries are such that not treating them would cause deterioration of the victim's medical condition; however, visible injuries shall be documented both photographically and in writing and placed in the victim's medical record.

5. All refusals of medical services shall be documented.
6. If the alleged victim does not consent to the forensic exam, or if more than 96 hours have passed since the alleged sexual abuse was reported or alleged to have occurred, the alleged victim will be offered access to other specialized services (i.e., medical referral for sexually transmitted diseases and pregnancy testing and ongoing counseling and treatment services) as deemed appropriate by medical and mental health staff. All refusals of these services shall be documented.
7. GEO shall employ multiple protection measures, such as housing changes or transfers for victims or abusers, removal of alleged staff or individuals in a GEO facility abusers from contact with victims, and emotional support services for victims or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.
8. Involuntary segregated¹ housing may be used only after an assessment of all available housing alternatives has shown that there are no other means of protecting the alleged victim. Facilities shall utilize the Sexual Assault/Abuse Available Alternatives Assessment form to document the assessment.
9. If the facility cannot conduct such assessment immediately, the individual may be placed in involuntary segregated housing for no more than 24 hours while completing the assessment.

F. Preservation of Evidence – Abuser

1. The alleged abuser shall remain in the dry cell/area under direct supervision of a same sex security staff member to ensure he/she does not destroy potential evidence (i.e., wash, shower, change clothes). **Note:** Any referral of the abuser for a forensic exam must be approved by the client.
2. After the investigator(s) has completed the interview, separate and apart from the alleged victim, the alleged abuser shall be referred to medical for further assessment and treatment as deemed necessary by healthcare providers. Visible injuries shall be documented both photographically and in writing and placed in the abuser's medical record.
3. Thereafter, the alleged abuser shall be held in segregation pending further investigation.
4. During the investigation, the alleged victim and alleged abuser shall remain separated and housed out of sight and sound range from one another.

G. Mental Health Assessments

1. Upon completion of the forensic medical exam or if the victim does not consent, or if more than 96 hours have passed since the alleged sexual abuse was reported or alleged

¹ 28 CFR § 115.43 - Protective custody

to have occurred, a mental health evaluation will be completed prior to any housing determination. The alleged victim must not be left alone until evaluated by a mental health provider to determine suicide risk.

2. A PREA Mental Health Incident Report will be completed by the individual completing the evaluation (see Attachment C).
3. In the event a report of sexual abuse is received after normal business hours, on-call mental health providers shall be contacted.
4. If the on-call mental health provider is unable to respond in person, the victim shall be interviewed over the telephone, with an on-duty nurse present during the interview.
5. If there is no mental health provider available, a physician shall perform the assessment.
6. After assessing the victim, the mental health provider shall consult with and advise the on-duty nurse of mental health interventions, such as the need for implementation of suicide precautions.
7. In the absence of a nurse, the on-call mental health provider shall provide direction about mental health interventions to security staff.
8. All facilities shall attempt to conduct a mental health evaluation of all known inmate-on-inmate or resident-on-resident abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners. **Note:** “Known abusers” are those inmate or resident abusers in which a PREA investigation determined the allegation was substantiated either administratively or by outside law enforcement.
9. Reentry facilities shall refer resident-on-resident abusers to community resources for this evaluation and offer treatment when deemed appropriate by mental health practitioners.
10. All refusals of these services shall be documented.

H. Sources of Evidence

Evidence is anything that can be used as proof of innocence or guilt. Evidence can include at a minimum: verbal and written statements from the alleged victim, alleged abuser or other individuals; material objects; video footage; letters; cards; mail; phone systems; logbooks; etc. Investigators shall consider these things during their investigations.

I. Physical Evidence – Crime Scene

1. If determined that a possibility of evidence still exists, it shall only be retrieved by trained personnel.
2. Facility investigators may be responsible for collecting information or evidence in accordance with facility policy, contract requirements and coordination with the outside agency to which the case may be referred.
3. Access to the crime scene shall be controlled. A crime scene log shall be maintained to record the names of each person entering the crime scene, the time of entry and time of departure. Persons entering the crime scene area shall be limited to those

persons performing specific related tasks.

4. The crime scene and all evidence gathered shall be photographed and/or video-taped (as appropriate) and all evidence gathered shall be logged and properly stored with a chain of custody evidence form attached in accordance with facility policy.
5. Each item suspected as contaminated with bodily fluids shall be stored in individual paper wrapping or a paper sack and a chain of custody shall be initiated.
6. The crime scene shall remain secured until cleared and released by the investigating authority in charge of the scene.

J. Interviewing Alleged Victims, Suspected Abusers and Witnesses

1. Interviews shall be conducted in a thorough, professional, non-abusive and non-threatening manner. Interviews shall take place in a private location, away from assigned housing areas/units.
2. Initially, a brief statement about the abuse should be taken from the alleged victim as he/she may be in shock, embarrassed to discuss the incident in detail, and even unable to give many details. If this is the case, it is important to be understanding and responsive. Opportunities to secure more details will occur later.
3. Individuals in a GEO facility shall not be relied on as interpreters except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the individual's safety, the performance of first-response duties, or the investigation of the individual's allegations. Any use of these interpreters under these type circumstances shall be justified and fully documented in the written investigative report.
4. In accordance with GEO Policy 3.2.2; Standard of Employee Conduct, during an official investigation, employees are to cooperate fully by providing all pertinent information they may have. During an investigation, failure by any employee to answer any inquiry fully and to the best of their knowledge will be grounds for taking disciplinary action. Any attempt to obstruct an investigation will subject the person to immediate disciplinary action, up to and including termination.
5. Allegations of sexual abuse or sexual harassment where an employee is the alleged abuser shall be investigated in accordance with GEO Policy 5.1.3-A; Staff Misconduct Reporting Procedures.
6. When the quality of evidence appears to support criminal prosecution, the facility shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
7. The facility shall not terminate an investigation solely because the source of the allegation recants the allegation or because the victim or subject of the investigation is no longer at the facility.

K. Reporting to Individuals in a GEO facility (§115.73/§115.273/§115.373)

1. At the conclusion of an investigation, the facility investigator or staff member designated by the facility administrator shall inform the victim of the allegation in

writing, whether the allegation has been substantiated, unsubstantiated, unfounded or deemed not-PREA.

2. If the alleged abuser was an employee, the victim shall also be informed whenever:
 - a. The employee is no longer posted within the victim's housing unit/area;
 - b. The employee is no longer employed at the facility;
 - c. The facility learns that the employee has been indicted on a charge related to the sexual abuse within the facility; or,
 - d. The facility learns that the employee has been convicted on a charge related to sexual abuse within the facility.
3. If the alleged abuser was another individual in a GEO facility, the victim shall also be informed whenever:
 - a. The facility learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or,
 - b. The facility learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.
4. The individual shall receive the original completed Notification of Outcome of Allegation form (see attachment D) in a timely manner and a copy of the form shall be retained as part of the investigative file.
5. The individual will be provided an updated notification at the conclusion of a criminal proceeding, if the individual is still in custody at the facility.
6. The facility's obligation to report under this section shall terminate if the individual is released from custody.
7. If the facility did not conduct the investigation, it shall request the relevant information from the investigating agency in order to inform the individual.
8. At the conclusion of every investigation of sexual abuse, the written results shall be promptly forwarded to the corporate PREA manager for review.

L. Disciplinary Actions

1. **Employee Disciplinary Sanctions (§115.76/§115.276)**
 - a. Employees may be subject to significant disciplinary sanctions for substantiated violations of sexual abuse and harassment policies, up to and including termination for any employee found guilty of sexual abuse.
 - b. Termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse.
 - c. Disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.
 - d. All terminations and resignation for such conduct shall be reported to law enforcement and licensing agencies, unless the activity was clearly not criminal.
2. **Individuals in a GEO facility Disciplinary Sanctions (§115.78/§115.278)**
 - a. Individuals in a GEO facility who are found guilty of engaging in sexual abuse

involving other individuals in a GEO facility (either through administrative or criminal investigations) shall be subject to formal disciplinary sanctions.

- b. Sanctions shall be commensurate with the nature and circumstances of the abuse committed, the individual's disciplinary history, and the sanctions imposed for comparable offenses by other individuals with similar histories.
- c. The disciplinary process shall consider whether an individual's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any should be imposed.
- d. If the facility offers counseling or other interventions designed to address the reasons or motivations for the abuse, the facility shall consider requiring the offending individual to participate.
- e. Disciplining an individual in a GEO facility for sexual contact with an employee is prohibited unless it is found that the employee did not consent to the contact.
- f. A report of sexual abuse made in good faith by an individual in a GEO facility, based upon a reasonable belief that the alleged conduct occurred, will not constitute false reporting or lying.
- g. Facilities may not deem that sexual activity between individuals in a GEO facility is sexual abuse unless it is determined that the activity was coerced.
- h. The PREA compliance manager shall receive copies of all disciplinary reports regarding sexual activity, sexual harassment and sexual abuse for monitoring purposes.
- i. The incident shall be reported to law enforcement, unless the activity was clearly not criminal.

3. Corrective Action for Contractors and Volunteers (§115.77/§115.277)

- a. Any contractor or volunteer who engages in sexual abuse or sexual harassment shall be prohibited from contact with individuals in a GEO facility and shall be reported to law enforcement and relevant licensing bodies, unless the activity was clearly not criminal.
- b. In the case of any other violation of GEO sexual abuse or sexual harassment policies by the contractor or volunteer, the facility shall notify the applicable GEO contracting authority who will take remedial measures and shall consider whether to prohibit further contact with Individuals in a GEO facility.