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INVESTIGATIONS

Criminal and administrative agency investigations.

- Trained investigators will conduct investigations.
- 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.
- The SCRJDF shall not terminate an investigation solely because the source of the allegation recants the allegation.
- When the quality of evidence appears to support criminal prosecution, the SCRJDF shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent prosecution.
- 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 detainee or staff.
- Administrative investigations shall include an effort to determine whether staff actions or failures 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.
- 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 where feasible.
- Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution.
- The SCRJDF shall retain all written reports for as long as the alleged abuser is incarcerated or employed by the SCRJDF, plus five years, unless the abuse was committed by a detainee and applicable law requires a shorter period of retention.
- The departure of the alleged abuser or victim from the employment or control of the SCRJDF shall not provide a basis for terminating an investigation.
- Any State entity or Department of Justice component that conducts such investigations shall do so pursuant to the above requirements.
- When outside agencies investigate sexual abuse, the SCRJDF shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation.