

OFFICE OF THE SHERIFF

BUTTE-SILVER BOW LAW ENFORCEMENT DEPARTMENT

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MEMORANDUM OF UNDERSTANDING

This *Memorandum of Understanding (MOU)* is made by and between the Butte Pre-Release Center Men's Program (BPRC), the Women's Transitional Center (WTC) and the Connections Corrections Program (CCP) all of which serve in the capacity as legal and physical custodians of state, federal and county inmates and the Butte-Silver Bow Law Enforcement Department (BSBLED).

This MOU is a product of ongoing discussions and decisions which have been held between representatives of the BPRC, WTC, CCP, the Chief Executive Officer of CCCS, Mike Thatcher and Sheriff Ed Lester of the BSBLED which are further addressed within the body of this document as noted below.

Whereas, the United States Department of Justice has promulgated national standards for the implementation and enforcement of the Prison Rape Elimination Act of 2003, (PREA), Public Law 108-79, 117 Stat. 973, *et seq.*, 45 U.S.C. 15601, *et seq.* (PREA); and

Whereas, Subsection (a) of Section 115.22 and Subsection (b) require that the BPRC, WTC and CCP ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and/or sexual harassment, as well as create policies and procedures which ensure allegations of sexual abuse and/or sexual harassment are referred for investigation to an agency possessing the legal authority to conduct criminal investigations, unless the allegation *does not* involve potentially criminal behavior(s); and

Whereas, as a result of those meetings held with the Sheriff of Butte-Silver Bow County, Ed Lester, the BSBLED, as the primary law enforcement responder to the BPRC, WTC and CCP, has agreed to investigate criminal allegations of sexual abuse and/or sexual harassment as they may occur at the BPRC, WTC, or CCP; and

Whereas, Subsection (b) of Section 115.51 requires that the BSBLED provides a means for inmates (residents or clients) to report sexual abuse and/or sexual harassment to another entity which is not part of the BPRC, WTC, or CCP and is able to receive and immediately forward reports of sexual abuse and/or sexual harassment to department officials while providing anonymity to the inmate (resident or client) if requested by the inmate (resident or client); and

Whereas, the BSBLED has agreed to receive/accept phone calls from inmates (residents or clients) from the BPRC, WTC, or CCP via a toll-free, non-emergent phone number (406.497.1120) for the purpose of BPRC, WTC, or CCP inmates (residents or clients) reporting sexual abuse and/or sexual harassment to the BSBLED Operations Commander or his/her designee, assuming the anonymity of the inmate (resident or client) if so requested by the inmate (resident or client); and

Whereas, the BSBLED has agreed to receive written reports of sexual abuse and/or sexual harassment from the BPRC, WTC, or CCP inmates (residents or clients), whether in physical custody or not, and to immediately forward the reports of sexual abuse and/or sexual harassment to those designated officials of the BSBLED, assuring the anonymity of the inmate (resident or client) if requested by the inmate (resident or client).

It is agreed between the BPRC, WTC, CCP and the BSBLED as to the following:

1. 28 C.F.R., Section 115.51 requires that the BSBLED establish the following procedures for inmates (residents or clients) reports of sexual abuse and/or sexual harassment:
 - a. The BPRC, WTC and CCP shall provide multiple internal means for inmates (residents or clients) or facility staff for reporting sexual abuse and/or sexual harassment, retaliation by other inmates (residents or clients) and staff neglect or violation of those responsibilities that may have contributed to such events.
 - b. The BPRC, WTC and CCP shall provide at least one (1) method for inmates (residents or clients) to report sexual abuse and/or sexual harassment to a public or private entity that is not part of the aforementioned programs and that is able to receive and immediately forward inmate (resident or client) reports of sexual abuse and/or sexual harassment to BSBLED officials, allowing the inmate (resident or client) to remain anonymous upon request.
 - c. The BPRC, WTC and CCP staffs shall accept any and all reports made verbally, in writing and anonymously from third parties. The staffs of the BPRC, WTC and CCP shall promptly document any verbal reports.
 - d. The BPRC, WTC and CCP shall provide methods for staff to privately report sexual abuse and/or sexual harassment of inmates (residents or clients).
2. The BSBLED agrees that it shall receive inmate (resident or client) phone calls at 406.494.1120 and written reports of sexual abuse and/or sexual harassment at the following address:

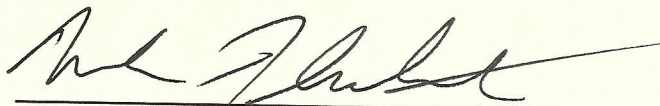
***Butte-Silver Bow Law Enforcement Department
225 North Alaska Street
Butte, Montana 59701***
3. The BPRC, WTC and CCP shall have the above address and confidential, toll-free, non-emergent phone numbers available on PREA posters, inmate (resident or client) PREA brochures, the respective BPRC, WTC and CCP inmate (resident or client) Handbooks and this information shall be presented by the respective facility staffs during PREA Inmate (resident or client) educational and orientation groups and shall be contained on the governing corporate entity's – Community, Counseling & Correctional Services, Incorporated (CCCS) – website.
4. When the BSBLED receives a report of sexual abuse and/or sexual harassment from an inmate (resident or client) housed within the BPRC, WTC or CCP it (the report) shall be immediately forwarded to the BSBLED Operations Manager or his/her designee, for an administrative investigation. If the inmate (resident or client) has requested to remain anonymous, the BSBLED shall advise the BPRC, WTC, or CCP that the report is anonymous in nature.
5. It shall be the responsibility of the BSBLED to conduct any necessary or appropriate administrative investigation(s) upon receipt of the report from the BPRC, WTC, or the CCP.
6. If, during the course of an administrative investigation, or upon the BPRC, WTC, or CCP's First Response Incident, there is evidence that a crime may have occurred, the BSBLED shall be immediately contacted in order that a criminal investigation may be initiated.

7. The staffs of the BPRC, WTC and the CCP shall follow First Responder Protocols in terms of evidence and in securing the crime scene until such time as the BSBLED officers arrive at the facility and relieve staff of these duties. The BSBLED investigators shall utilize protocols adapted from, or otherwise based upon, 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 Examination, Adults/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011 when investigating sexual abuse and/or sexual assault involving inmates (residents or clients) from the BPRC, WTC, or CCP.

8. In the event that a criminal investigation has been initiated, the respective Program Administrators from the BPRC, WTC, or the WTC, or their designees, shall commit to extending their full and complete cooperation to any investigative proceedings and shall act as liaisons with the BSBLED in order to remain informed of the progress of the investigation for the purposes of victim support, notification and overall facility safety.

We, the undersigned, agree to the terms and conditions of this MOU. Any modifications to this MOU shall be in writing and signed by both parties. This MOU may be terminated by the mutual consent of both parties, or by either party upon written notice.

For the: *The Butte Pre-Release Center Men's Program*
 The Women's Transitional Center
 The Connections Corrections Program



Mike Thatcher
Chief Executive Officer
Community, Counseling & Correctional Services, Incorporated

3/30/18
Date



Ed Lester
Sheriff
Butte-Silver Bow County

3/30/18
Date