

Memorandum of Understanding

This Memorandum of Understanding is made by and between the Gallatin County Re-Entry Program ("GCRP"), a facility owned by Community, Counseling and Correctional Services (CCCS Inc.), and the Bozeman Police Department ("BPD"), a department of the city of Bozeman, Montana.

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

Whereas, the PREA national standards are found in the regulations at 28 C.F.R. Part 115; and

Whereas, Subsection (b) of Section 115.51 and Subsection (d) of Section 115.251 of 28 C.F.R. Part 115 requires GCRP to provide a means for inmates to report sexual abuse or sexual harassment to another entity that is not part of GCRP and is able to receive and provide anonymity to the resident if requested by the resident; and

Whereas, the BPD, as the primary law enforcement responder to GCRP, has agreed to receive written reports of sexual abuse and sexual harassment from residents in the legal and physical custody of GCRP, and to immediately forward the reports of abuse or neglect to designated officials of GCRP, and to assure the anonymity of the resident if requested by the resident.

It is agreed between the Gallatin County Re-Entry Program and the Bozeman Police Department as follows:

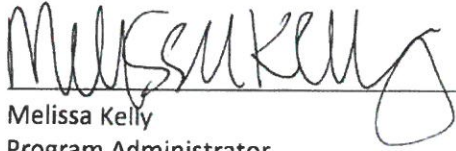
- 1.** 28 C.F.R. Section 115.51 and Section 115.21 requires GCRP to establish the following procedure for residents reports of sexual abuse and harassment:
 - A.** GCRP shall provide multiple internal ways for residents or staff for reporting sexual abuse and sexual harassment, retaliation by other residents or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such events.
 - B.** GCRP shall also provide at least one (1) way for residents to report sexual abuse or sexual harassment to a public or private entity or office that is not part of the agency, and that is able to receive and immediately forward resident reports of sexual abuse and sexual harassment to GCRP officials, allowing the resident to remain anonymous upon request.

- C. GCRP staff shall accept any and all reports made verbally, in writing, anonymously, and from third parties. GCRP staff shall promptly document any verbal reports.
 - D. GCRP shall provide a method for staff to privately report sexual abuse and sexual harassment of residents.
2. The BPD agrees that it will receive written reports of sexual abuse and sexual harassment of residents in the legal and physical custody of GCRP in a format approved by both agencies at the following address:

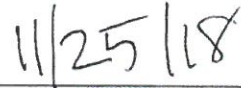
**Bozeman Police Department
Attention: Detective Division Commander
615 South 16th Avenue
Bozeman, MT 59715**

- 3. GCRP shall have the above address posted in several visible locations within the facility with information and advice to the residents on how to report sexual abuse and sexual harassment to the BPD and that, if the resident requests, the BPD will assure the anonymity of the resident, subject to the requirements of Montana law regarding open records.
- 4. When the BPD receives a report of sexual abuse or sexual harassment from a resident in the legal and physical custody of GCRP, it will immediately forward the report to the Administrator of GCRP, or designee, for an administrative investigation. In the event that the report involves an allegation towards the Administrator, the BPD will notify the Director of Community Corrections of (CCCS Inc.) located at 471 East Mercury Street, Butte, MT 59701, with a contact telephone number of (406) 782-0417. CCCS Inc. or GCRP shall coordinate the timing of the administrative investigation with BPD. If the resident has requested to remain anonymous, the BPD shall advise GCRP that the report is an anonymous report.
- 5. It is the responsibility of GCRP to conduct any necessary or appropriate administrative investigation upon receipt of the report from the BPD.
- 6. If, during the course of an administrative investigation, there is evidence that indicates a crime may have occurred, the BPD will be contacted to conduct a criminal investigation. BPD utilizes protocol 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," when investigation sexual abuse involving GCRP residents/inmates.

We, the below listed administrators, agree to the terms and conditions of this Memorandum of Understanding (MOU). Any modifications to this Memorandum of Understanding (MOU) must be in writing and signed by the below listed administrators.



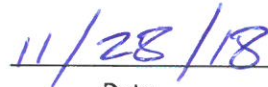
Melissa Kelly
Program Administrator
Gallatin County Re-Entry Program



Date



Steven Crawford
Chief of Police
Bozeman Police Department



Date