



NEXUS TREATMENT FACILITY
Community Counseling and Correctional Services, Inc.

110 Skyline Drive
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Telephone: (406) 535-6660 • FAX (406) 535-6665

Memorandum of Understanding

This Memorandum of Understanding is made by and between Nexus, a facility of Community, Counseling, and Correctional Services, Inc., a legal physical custodian of state inmates and the Lewistown Police Department (LPD), a department of the city of Lewistown, MT.

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, Subsection (a) of Section 115.22 and Subsection (b) requires Nexus to ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment, as well as create policy and procedures which ensure allegations of sexual abuse and sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior.

The LPD, has agreed to investigate complaints of sexual abuse or sexual harassment received from SAVES Inc., WATCH-E, or Nexus. LPD will immediately forward the reports of sexual abuse and/or sexual harassment to the Nexus Administrator or designee, for an administrative investigation. LPD will assure the anonymity of the inmate, if requested by the inmate.

The LPD has agreed to receive phone calls from Nexus inmates via internal confidential toll free non-emergent phone number (406) 535-1800, for the purpose of Nexus inmates reporting allegations of sexual abuse and sexual harassment. LPD will immediately forward the reports of sexual abuse and/or sexual harassment to the Nexus Administrator or designee, for an administrative investigation. LPD will assure the anonymity of the inmate, if requested by the inmate.

It is the responsibility of Nexus to conduct any necessary or appropriate administrative investigation upon receipt of the report from LPD.

If, during the course of an administrative investigation, or upon Nexus First Response incident, there is evidence which indicates a crime may have occurred, the LPD will immediately be contacted to conduct a criminal investigation.

Nexus security staff will follow Nexus Reporting Policy in terms of evidence and securing the crime scene, until the Nexus security staff is relieved by the LPD investigator. LPD investigators utilize 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," or similarly comprehensive and authoritative protocols developed after 2011 when investigating sexual abuse and sexual harassment involving Nexus inmates.

In the event of a criminal investigation, the Nexus Administrator or designee will commit to full cooperation with an investigation, act as liaison with the LPD to stay informed of the process of the investigation for the purpose of victim support and notification, and overall facility safety.

It is agreed between Nexus Treatment Program and LPD as follows:

1. 28. C.F.R. Section 115.51 requires Nexus to establish the following procedure for inmate reports of sexual abuse and sexual harassment:

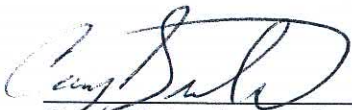
Nexus agrees to:

- a. Nexus shall provide multiple internal ways for inmates or staff for reporting sexual abuse and sexual harassment, retaliation by other inmates or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such events.
- b. Nexus shall also provide at least one (1) way for inmates 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 inmate reports of sexual abuse and sexual harassment to Nexus officials, allowing the inmate to remain anonymous upon request.
- c. Nexus staff shall accept any and reports made verbally, in writing, anonymously, and from third parties. Nexus staff shall promptly document any verbal reports.
- d. Nexus shall provide a method for staff to privately report sexual abuse and sexual harassment of inmates.
- e. Nexus shall provide methods for staff to privately report sexual abuse and sexual harassment of inmates.
- f. Nexus will prominently display LPD toll-free, number on PREA posters which are posted by the phones in inmate housing area, and throughout the facility. This information will be available on inmate PREA brochures, in the Inmate Handbook, and presented during orientation and quarterly inmate lectures. Further, this information will be posted on the Nexus web-site to promote third-party reporting.
- g. Nexus is responsible for conducting any necessary or appropriate administrative investigation upon receipt of report from LPD.
- h. Nexus security staff will follow First Responder Protocol in terms of evidence and securing the crime scene, until relieved, by LPD investigators.
- i. In the event of a criminal investigation, the Nexus Administrator, or designee will commit to full cooperation with an investigation, act as a liaison with the LPD to stay informed of the process of the investigation for the purpose of victim support and notification, and overall facility safety.

Lewistown Police Department (LPD) agrees to:

- a. The LPD agrees that it will receive inmate phone calls at (406) 535-1800.
- b. When the LPD receives a report of sexual abuse or sexual harassment from an inmate housed at Nexus, the report shall be immediately forwarded to the Nexus Administrator or designee, for an administrative investigation. If the inmate has requested to remain anonymous, the LPD shall advise Nexus that the report is an anonymous report.
- c. LPD investigators shall utilize protocols 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 Examination, Adults/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011 when investigating sexual abuse and sexual harassment involving inmates (residents) from the BPRC, WTC, or CCP.

We, the below listed administrators, agree to the terms and conditions of this Memorandum of Understanding (MOU). Any modifications to this Memorandum of Understanding must be in writing and signed by the below listed administrators. This MOU may be terminated by mutual consent of both parties, or by either party upon written notice.



Cory Birdwell, Chief of Police, Lewistown Police Department

3-23-16
Date


Rick Barman, Nexus Administrator

3/23/16
Date