

MEMORANDUM OF UNDERSTANDING

This *Memorandum of Understanding* is made by, and between the Sanctions, Treatment, Revocation, Assessment and Transition Program (START) of which serve in the capacity as legal and physical custodians of state, federal and county inmates (Offenders) and the Anaconda- Deer Lodge County Department of Law Enforcement (ADLC LEA).

This *Memorandum of Understanding* is a compilation of discussions and decisions START Program and the ADLC LEA which are addressed further within the body of this document.

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) require the START Program to ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment, as well as create a 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.

Whereas, the ADLC LEA, as the primary law enforcement responder to START Program, agreed to investigate criminal allegations of sexual abuse and sexual harassment which may occur at the START Program.

Whereas, Subsection (b) of Section 115.51 requires that the ADLC LEA to provide a means for inmates (Offenders) to report sexual abuse and sexual harassment to another entity which is not part of START Program, and is able to receive and immediately forward reports of sexual abuse and sexual harassment to agency officials while providing anonymity to the inmate (Offenders) if requested by the inmate (Offenders); and

Whereas, the ADLC LEA has agreed to receive phone calls from inmates (Offenders) from START Program via a toll-free non-emergent phone number (406) 563-5241 for the purpose of START Program inmates (Offenders) reporting allegations of sexual abuse and sexual harassment to the ADLC LEA Operations Commander, or designee, assuring the anonymity of the inmate (Offender), if requested by the inmate (Offender).

Whereas, the ADLC LEA has agreed to receive written reports of sexual abuse and sexual harassment from the START Program inmates (Offenders), whether in physical custody or not, and to immediately forward the reports of sexual abuse and sexual harassment to those designated officials of the ADLC LEA, assuring the anonymity of the inmate (Offender) if requested by the inmate (Offender).


It is agreed between the START Program and the ADLC LEA as follows:

1. 28 C.F.R., Section 115.51 requires that the ADLC LEA establish the following procedures for inmate (Offender) reports of sexual abuse and sexual harassment:
 - a. The START Program will provide multiple internal ways for inmates (Offenders) or facility staff for reporting sexual abuse and sexual harassment, retaliation by other inmates (Offenders), and staff neglect or violation of responsibilities that may have contributed to such events.
 - b. The START Program shall also provide at least one (1) way for inmates (Offenders) to report sexual abuse or sexual harassment to a public or private entity that is not part of the agencies, and that is able to receive and immediately forward inmate (Offender) reports of sexual abuse and sexual harassment to the ADLC LEA officials, allowing the inmate (Offender) to remain anonymous upon request.
 - c. The START Program staff shall accept any and all reports made verbally, in writing and anonymously and from third parties. The START Program staff shall promptly document any verbal reports.
 - d. The START Program shall provide methods for staff to privately report sexual abuse and sexual harassment of inmates (Offenders).
2. The ADLC LEA agrees that it will receive inmate (Offender) phone calls at (406) 563-5241 and written reports of sexual abuse and sexual harassment at the following address:

Anaconda-Deer Lodge County Department of Law Enforcement
800 South Oak Street
Anaconda, MT 59711
3. The START Program shall have the above address and confidential, toll-free, non-emergent phone number available on PREA posters, inmate (Offender) PREA brochures, the respective START Program West inmate (Offender) Handbooks and this information shall be presented by the respective facility staff during PREA Inmate (Offender) educational and orientation groups, and on the governing corporate entity - Community, Counseling & Correctional Services, Incorporated (CCCS) website.
4. When the ADLC LEA receives a report of sexual abuse or sexual harassment from an inmate (Offender) housed within START Program, it (the report) shall be immediately forwarded to the ADLC LEA Operations Manager, or designee, for an administrative investigation. If the inmate (Offender) has requested to remain anonymous, the ADLC LEA shall advise START Program that the report is an anonymous report.


5. It is the responsibility of the ADLC LEA to conduct any necessary or appropriate administrative investigation(s) upon receipt of the report from the START Program.
6. If during the course of an administrative investigation, or upon the START Program's First Response Incident, there is evidence that a crime may have occurred, the ADLC LEA shall immediately be contacted to conduct a criminal investigation.
7. The respective staff of the START Program shall follow First Responder Protocols in terms of evidence and securing the crime scene, until the ADLC LEA investigating personnel are relieved by a designated *lead* investigator. ADLC LEA 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 (Offenders) from the START Program.
8. In the event of a criminal investigation, the Operations Administrators from the START Program, or their designees, will commit to full cooperation with an investigation, act as a liaison with the ADLC LEA to stay informed of the process of the investigation for the purpose of victim support and notification, and overall facility safety.

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



Travis Hettick
Program Administrator
START Program

Date: 8/14/18



Tim Barkell
Anaconda-Deer Lodge County
Department of Law Enforcement

Date: 8/14/18