

### Memorandum of Understanding

This memorandum of understanding is made by, and between the Helena Pre Release Center (HPRC) which serves as legal and physical custodians of state inmates, and the Helena Police Department (HPD).

Whereas the United States Department of Justice has promulgated national standards for the implantation 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 a section 115.22 and subsection (b) require that HPRC 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, as a result, HPD as the primary Law enforcement responder to the HPRC agreed to investigate criminal allegations of sexual assault which may occur at HPRC.

#### **It is agreed between HPRC and HPD as Follows:**

1.28 CFR, Section 115.51 requires that the HPRC establish the following procedures for inmate (resident) reports of sexual abuse and sexual harassment:

a. HPRC will provide multiple internal ways for inmates (residents) or facility staff for reporting sexual abuse and sexual harassment, retaliation by other inmates (residents), and staff neglect or violation of responsibilities that may have contributed to such events.

b. HPRC shall also provide at least one (1) way (Safe Space) for inmates (residents) 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 (resident) reports of sexual abuse and sexual harassment to HPRC staff.

c. All HPRC staff shall accept any and all reports made verbally, in writing and anonymously and from third parties. HPRC shall promptly document any verbal reports.

d. HPRC shall provide methods for staff to privately report sexual abuse and sexual harassment of inmates (residents).

2. HPRC shall have the above address and confidential, toll-free, non-emergent phone number available on PREA, posters, inmate (resident) PREA brochures, the respective HPRC inmate (resident) Handbooks and this information shall be presented by the respective facility staff during PREA inmate (resident) educational and orientation groups, and on the governing corporate entity – BACS website.

3. It is HPRC's responsibility to conduct an administrative investigation related to any allegations.

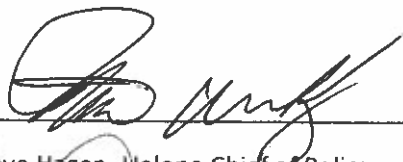
4. If, during the course of an administrative investigation, or upon HPRC First Response Incident, there is evidence that a crime may have occurred at the HPRC Program, the HPD shall immediately be contacted to conduct a criminal investigation.

5. The staff of HPRC shall follow First responder Protocols in terms of evidence and securing the crime scene until HPD investigating personnel arrive and relieve the HPRC staff. HPD investigators, shall follow

Helena Police Department Standard Operating Procedures when investigating sexual assault complaints occurring at the HPRC Program

6. In the event of a criminal investigation, the Program Manager from the HPRC, or their designees will commit to full cooperation with an investigation, act as a liaison with the HPD to stay informed of the process of the investigation for the purpose of victim support and notification, and overall facility safety

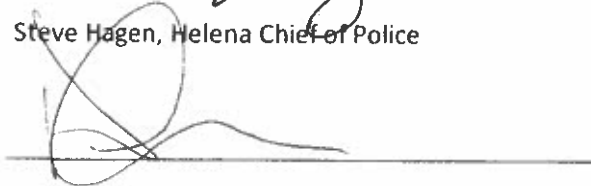
We, the below listed administrators agree to the terms and conditions of this memorandum of understanding (MOU). Any modifications to this MOU must be in writing and signed by the below listed administrators. This MOU may be terminated by mutual consent of both parties, or by party upon written notice.



Steve Hagen, Helena Chief of Police

7-13-20

Date



Devin McGee, Program Director/HPRC

7-13-2020

Date