

<p style="text-align: center;"><b>STATE OF VERMONT</b> <b>AGENCY OF HUMAN SERVICES</b> <b>DEPARTMENT OF CORRECTIONS</b></p>	<p style="text-align: center;"><b>Investigations</b></p>		<p style="text-align: center;"><b>Page 1 of 9</b></p>						
<p style="text-align: center;"><b>CHAPTER: PROGRAMS – SECURITY AND SUPERVISION</b></p>	<p style="text-align: center;"><b>#434</b></p>	<p><b>Supersedes:</b> #434, dated 03/16/2017; #126, dated 02/18/2015</p>							
<p><b>Local Procedure(s) Required:</b> No <b>Applicability:</b> All staff (including contractors and volunteers) <b>Security Level: “B”</b> – Anyone may have access to this document.</p>									
<p><b>Approved:</b></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%; border: none;"><u>SIGNED</u></td> <td style="width: 33%; border: none;"><u>03/25/2026</u></td> <td style="width: 33%; border: none;"><u>04/13/2026</u></td> </tr> <tr> <td style="border: none;">Jon Murad, Commissioner</td> <td style="border: none;">Date Signed</td> <td style="border: none;">Date Effective</td> </tr> </table>				<u>SIGNED</u>	<u>03/25/2026</u>	<u>04/13/2026</u>	Jon Murad, Commissioner	Date Signed	Date Effective
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**PURPOSE**

This policy establishes the investigative procedures that the Vermont Department of Corrections (DOC) shall follow regarding all allegations of violations of the Prison Rape Elimination Act (PREA), major events, the movement of contraband within DOC facilities, threats against DOC employees and individuals in the DOC’s custody, and violations of DOC policies and procedures.

**AUTHORITY**

28 V.S.A. §§, 102 (b)(9); 103(a); 124; and 28 C.F.R. §115.22; §115.71.

**DEFINITIONS**

Major event: Includes, but is not limited to, the death of an individual in the DOC’s custody, the escape of an individual from a DOC facility or the custody of DOC staff, and incidents requiring a response from the Special Response Team (SRT). May also be called a “critical incident.”

Preponderance of the evidence: A standard of proof that requires evidence that an alleged incident is more likely to have occurred than not.

## **POLICY**

The DOC's policy is to ensure allegations of violations of PREA, major events, movement of contraband in facilities, credible threats towards staff or individuals under the custody or supervision of the DOC, and violations of policies and procedures are actively and thoroughly investigated. It is further the policy of the DOC to operationalize its investigatory procedures to align with best practices, reduce redundancies, and provide compassionate responses to impacted parties. The findings and recommendations following an investigation may be used, when appropriate, to determine corrective action, report alleged criminal activity, and enhance DOC policy and procedures.

## **GENERAL PROCEDURES**

### **A. Pre-Investigative Process**

1. An individual under the custody or supervision of the DOC, staff member, contractor, volunteer, or any other person may report critical incidents, sexual abuse or sexual harassment, and violations of DOC policy or procedure.
  - a. If a report alleges that a staff member engaged in sexual abuse or sexual harassment, as defined by PREA, against an incarcerated individual:
    - i. The Superintendent, or designee, shall:
      - a) Refer the report to the Department of Human Resources (DHR), the Corrections Investigative Unit (CIU), and the DOC's Facilities Division Director. The Facilities Division Director shall make additional notifications to the appropriate staff, in accordance with the incident reporting standard operating procedure; and
      - b) Consult with the Facilities Director or Chief of Operations, who shall determine if relief from duty is appropriate. If relief from duty is appropriate, DOC staff shall:

- 1) Remove the staff member's security clearance.
    - 2) End the staff member's access to DOC equipment and systems.
    - 3) Inform the CIU Director, who will notify the appropriate licensing authority, if applicable.
  - ii. If a request for relief from duty is not appropriate, the Superintendent, or designee, or, if applicable, PREA Compliance Manager (PCM), may confer with the DOC's Facilities Division Director and the PREA and Constituent Services Unit Director, or designee, and create a plan to separate the staff member from the incarcerated individual.
- b. If a report alleges that a staff member engaged in any other form of misconduct, the protocols below shall be followed:
  - i. Staff shall refer the report to DHR, in accordance with the policy on reporting misconduct.
  - ii. If the alleged incident was grieved by an individual under the custody or supervision of the DOC through the DOC's grievance process, DOC staff shall refer to the agreement with DHR regarding misconduct allegations made through the grievance process and screening.
- c. If a report alleges an incident of sexual abuse, sexual harassment, or any other form of misconduct by a contractor or grantee and it is referred to CIU for investigation:
  - i. The CIU shall:
    - a) Inform the staff member who oversees the contract or grant so staff can notify the contract company, or grantee organization, as applicable.
    - b) Consult with the Facilities Division Director, or designee, to determine whether it is appropriate to remove the contractor or grantee's security clearance and end access to DOC equipment and systems, in accordance with the terms of the contract or grant.
    - c) Follow the investigative procedures in [Section B., DOC Investigative Process](#).
  - ii. The CIU Director shall notify the appropriate licensing authority, if applicable.

2. The DOC may begin its investigation after DHR completes its investigation of the incident.
3. If DHR does not investigate an allegation, the DOC may investigate the incident, in accordance with Section B, DOC Investigative Process.
4. If suspected criminal activity is identified in an initial report, a designated DOC staff member shall make all required notifications, in accordance with the applicable incident reporting standard operating procedures.
  - a. Law enforcement investigations shall take priority over DOC's internal investigation.
  - b. The DOC may conduct a joint interview with law enforcement.
    - i. If a staff member is alleged to have engaged in misconduct, the assigned DOC investigator may not ask questions during the interview with law enforcement.
    - ii. The assigned DOC investigator may observe the interview if it can be observed from a separate room and request a copy of the interview from law enforcement, which may be used for evidentiary purposes only.

**B. DOC Investigative Process**

1. By statute, the DOC's internal investigative unit, CIU, is responsible for investigating allegations of violations of PREA; major events; DOC compliance with policies, procedures and directives; the movement of contraband in DOC facilities; and threats against the personal safety of DOC employees or individuals in the DOC's custody.
2. Additionally, the CIU shall be responsible for investigating the following:
  - a. Any incident involving a use of force by a DOC employee that results in a significant injury;
  - b. Any incident of an assault by an incarcerated individual involving a weapon (e.g., a firearm, explosive device, or edged or stabbing weapon); and
  - c. Any incident deemed by the Commissioner to be appropriate for CIU investigation.
3. Anyone, including staff, contractors, or grantees, may refer incidents to the CIU for investigation when an incident meets the statutory or additional categories described above.

4. The CIU Director shall screen all referrals and:
  - a. Assign all requests to investigate statutorily mandated incidents to a CIU investigator, PCM, or the PREA and Constituent Services Unit, as applicable. Anyone who is assigned to investigate an incident of sexual abuse or sexual harassment must be certified in investigating sexual abuse in a confinement setting.
  - b. Assign all requests to investigate incidents of sexual abuse or sexual harassment between incarcerated individuals to the PCM, or designee, or a PREA and Constituent Services Unit staff member.
  - c. Review all requests to investigate incidents that are not statutorily mandated for investigation and confer with the Commissioner to determine if CIU will accept the referral. If it is accepted, the CIU Director shall assign the incident to a CIU Investigator.
5. Once an investigation begins, the assigned investigator shall:
  - a. Adhere to all investigative procedures outlined in the Collective Bargaining Agreement (CBA).
  - b. Immediately disclose any actual or perceived conflicts of interest and, if necessary, request recusal from any involvement in an investigation when such conflict exists.
  - c. Remain impartial and maintain confidentiality throughout an investigation.
  - d. Collect, document, and preserve all direct and circumstantial evidence including any electronic data related to the incident, in accordance with the policy on crime scene preservation and evidence collection, including:
    - i. Maintaining the chain of custody for all evidence collected including evidence collected by the work site; and
    - ii. Retaining and storing a photograph or scan of any document that is unavailable for collection in the investigative file.
  - e. Analyze all documentation and evidence related to the incident, including prior complaints and reports of individuals involved in the incident.
  - f. Interview, as necessary, any individuals identified as an involved party to the incident (e.g., alleged perpetrator, victim, witness).
  - g. Ensure all documentation and evidence related to the incident, including prior complaints and reports of individuals involved in the incident, are saved to the electronic investigative folder.

6. If a report alleges inappropriate behavior by an individual under the custody or supervision of the DOC, and the behavior is:
  - a. Within the scope of the CIU's investigatory authority, the CIU shall investigate, in accordance with this policy; or
  - b. Outside the scope of the CIU's investigatory authority, the designated facility or field staff shall investigate, in accordance with the applicable DOC policies on discipline for the facility and field.
7. If an assigned investigator uncovers staff misconduct while investigating an incident, the investigator shall confer with the CIU Director to determine whether:
  - a. The investigator shall refer the matter back to the Superintendent, District Manager, or appropriate Manager, or designee, for referral to DHR; or
  - b. To CIU Director shall refer the matter to DHR, after consultation with the Commissioner, and notify the Superintendent, District Manager, appropriate Manager, or designee.
8. If an assigned investigator exposes suspected criminal activity while investigating an incident, the investigator shall immediately:
  - a. Notify and provide law enforcement with all unprotected information, in accordance with the CBA;
  - b. Submit a referral to DHR; and
  - c. Follow the investigative process outlined in Section B.2.a-b., Pre-Investigative Process.
9. The assigned investigator shall apply the preponderance of the evidence standard when investigating incidents and shall not base any recommendations on assumptions or suppositions.

**C. Post DOC Investigative Procedures**

1. At the conclusion of an investigation:
  - a. The assigned investigator shall document the facts and findings in a final report and submit a copy to the CIU Director or designee. The CIU Director, or designee, shall review the report to ensure the report is compliant with investigatory procedures.
    - i. The CIU Director, or designee, shall return a noncompliant report to the investigator to correct and resubmit.
    - ii. The CIU Director, or designee, shall accept a compliant report and return it to the investigator to disseminate to the

appropriate DOC staff based on the type of investigation (e.g., to the PREA and Constituent Services Unit Director for alleged violations of PREA).

- b. The CIU shall include recommendations for all investigations in a final report or in a supplement to a final report when the CIU is not the primary investigator. The recommendations may include changes to policies and procedures that mitigate risks or update security practices, as needed.
  - c. The CIU Director shall ensure the reports are submitted to the relevant managers, who shall determine the appropriateness of implementing any of the recommendations.
2. All investigatory documentation shall be kept confidential and stored in the electronic investigative folder, in accordance with the DOC's policy on record retention.
  3. CIU staff shall complete all investigations and submit all reports promptly.
  4. For incidents or allegations that are also under investigation by a law-enforcement agency, CIU staff and any assigned investigator shall cooperate with outside investigators and shall endeavor to remain informed about the progress of the investigation.
  5. If an investigation of inappropriate behavior by an individual under the custody or supervision of the DOC is substantiated, the DOC shall follow the disciplinary procedures, in accordance with the policy on due process.

**D. Cases of Sexual Abuse or Harassment Under PREA**

1. For cases alleging sexual abuse or sexual harassment under PREA, the appropriate PCM or regional PREA Compliance Manager (RPCM) shall complete the investigation case tracking form.
2. Cases alleging sexual abuse or sexual harassment under PREA shall undergo an investigation and determination staffing by the following individuals:
  - a. CIU Director;
  - b. PREA and Constituent Services Unit Director;
  - c. Appropriate Superintendent, District Manager, other Manager, or designee;
  - d. Investigator;

- e. Regional PCM; and
  - f. PCM.
3. The CIU Director shall email the investigation report to each committee member prior to the staffing.
  4. At the conclusion of the staffing, the PREA and Constituent Services Unit Director shall determine if the case is substantiated, unsubstantiated, or unfounded.
  5. If the case is substantiated the Superintendent, District Manager, Manager, or designee, shall recommend the appropriate disciplinary response.
    - a. Any disciplinary recommendation, up to and including termination, shall be based on the nature and circumstances of the acts committed, progressive discipline, and the sanctions recommended for comparable offenses by other staff with similar histories.
    - b. Termination shall be the presumptive disciplinary sanction for staff who engage in sexual abuse.
    - c. Staff who omit, provide materially false information, or fail to report incidences of sexual abuse, involving individuals under the custody or supervision of the DOC shall be terminated.
    - d. If the case involves a contractor or grantee, the Chief of Operations shall, if appropriate, immediately:
      - i. Suspend the contractor's security clearance.
      - ii. Notify the appropriate licensing authority, if applicable, and regardless of any disciplinary action taken.
      - iii. Confirm that all access to DOC equipment and systems is removed, including security clearance, in accordance with the terms of their contract or grant.
  6. The committee shall document the outcome of the investigation and determination staffing and submit it to the Executive Leadership Team.

**E. Post Investigation**

1. Following an investigation and the closure of any related DHR investigation, the manager shall provide and document appropriate feedback for cases when an investigation has determined performance-related concerns.

2. DOC shall report all terminations for violations of DOC policies or work rules, or resignations by staff, contractor, volunteer, or any other person who would have been terminated for the violation to:
  - a. The appropriate licensing authority, if the person is licensed and regulated by such an authority; and
  - b. Law enforcement, if the behavior is criminal in nature.