

## Specialized Training: Investigating Sexual Abuse in Correctional Settings Notification of Curriculum Utilization December 2013

The enclosed *Specialized Training: Investigating Sexual Abuse in Correctional Settings* curriculum was developed by The Moss Group, Inc. (TMG) as part of contract deliverables for the National PREA Resource Center (PRC), a cooperative agreement between the National Council on Crime and Delinquency (NCCD) and the Bureau of Justice Assistance (BJA). The PREA standards served as the basis for the curriculum's content and development with the goal of the *Specialized Training: Investigating Sexual Abuse in Correctional Settings* curriculum to satisfy specific PREA standard requirements.

It is recommended that the *Specialized Training: Investigating Sexual Abuse in Correctional Settings* curriculum be reviewed in its entirety before choosing which modules to use. Any alterations to the original materials must be acknowledged during their presentation or requires removal of the PRC and TMG logos.

BJA is currently undergoing a comprehensive review of the enclosed curriculum for official approval at which point the BJA logo may be added.

Note: Utilization of the enclosed curriculum, either in part or whole, does not guarantee that an auditor will find a facility "meets standard". Rather, an auditor will take into consideration the curriculum used as part of their overall determination of compliance.





Notice of Federal Funding and Federal Disclaimer – This project was supported by Grant No. 2010-RP-BX-K001 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice nor those of the National Council on Crime and Delinquency (NCCD), which administers the National PREA Resource Center through a cooperative agreement with the Bureau of Justice Assistance.





#### **Module 8: Report Writing**

Time: 2:30 p.m. - 3:00 p.m. (30 min)

#### **Training Objectives:**

- 1. Understand what a final investigative report should contain.
- 2. Identify techniques for writing the final report to ensure accuracy and clarity.
- 3. Explain criteria required for administrative action and prosecutorial referral, per requirements of PREA standard 115.(3)34.

#### **Materials Needed:**

- 1. Easel pad and markers
- 2. PowerPoint® player/machine (lap top computer and LCD projector)
- 3. Screen or monitor
- 4. Handout: Consider pulling a sample investigation report from your agency to use as a handout for this module. The content examples within the module could be replaced with content examples from the sample report to make the module agency-specific and directly applicable to your investigators.

#### **Training Tips:**

- This module is designed to address how an investigative report the format, the writing style, and content can be significant to determining whether a perpetrator of sexual abuse or sexual harassment is administratively sanctioned or prosecuted. Portions of this module could be combined with a more general agency training module on report writing, but ensure that the module includes information pertaining to the criteria required for administrative action or prosecutorial referral, per the requirements of PREA standard 115.(3)34.
- Review this module to ensure all recommendations are consistent with agency requirements for investigative report writing. If there are inconsistencies, modify the content.
- Contact an investigative supervisor in your agency to establish whether there are particular areas in which investigators are struggling. Emphasize those areas within this module.
- Consider replacing the example content within this module with example content from an agency report. You may also modify the content to address a type of incident that is frequently investigated within the agency.

Time	Lecture Notes	Teaching Tips
	Report Writing	
.5 min	Module 8: Objectives	
	1. Understand what a final investigative report should contain. 2. Understand techniques for writing the final report to ensure accuracy and clarity. 3. Explain criteria required for administrative action and prosecutorial referral, per requirements of PREA Standard 115, (3)34.	Objectives
	This module is designed as a brief overview of report writing,	
	which is a key part of any investigator's job.	
1 min	Importance of the Report  Why does a report matter?  • The report is what makes or breaks an investigation, and determines whether  • The agency can move forward with administrative action and/or  • A criminal case moves forward to prosecution  NATIONAL PREA RESOURCE CENTER	Importance of the Report
	The investigative report is extremely important because it communicates the steps you took during your investigation to the people in charge of the next step – administrative action or prosecution.  • If your report is confusing or inaccurate, it doesn't matter if you conducted an investigation because the person reading your report will not know what you did.	

	If you don't include something in your report, it didn't happen.  If you conduct an investigation against a perpetrator of sexual abuse and refer it for prosecution, you may be called to testify during the trial. The defense attorney can and will use any mistakes in your investigation report as part of their client's defense.	
1 min	Requirements for a Report  Requirements for a Report  PREA Standard 115.(3)71  Administrative Report shall include:  • Description of the physical and testimonial evidence  • Reasoning behind credibility assessments  • Investigative facts and findings  Criminal Report  • Thorough description of physical, testimonial and documentary evidence  • Attached copies of all documentary evidence where feasible  NATIONAL PREA RESOURCE CENTER	Requirements for a Report
	<ul> <li>The PREA Standards have certain minimum requirements for investigative reports, including</li> <li>The inclusion of any evidence found</li> <li>In administrative reports, your reasoning for any credibility assessments.</li> </ul> Ensure that you comply with these requirements, as your	
2.5 min	reports may be pulled during your facility's audit.  Criteria for Administrative Action	Criteria for Administrative Action

#### Criteria for Administrative Action

#### PREA Standard 115.(3)72

The agency shall impose no standard higher than a **preponderance of the evidence** in determining whether allegations of sexual abuse or sexual harassment are substantiated.

Insert agency policy regarding evidentiary requirements for administrative action

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The criteria for administrative action are determined by individual agencies. However, the Standards require that agencies set the bar no higher than requiring a preponderance of the evidence to substantiate an allegation for administrative action, which would mean that more than 50% of the evidence supports the allegation.

#### 1 min

#### **Criteria for Prosecutorial Referral**

#### Criteria for Prosecutorial Referral

PREA Standard 115.(3)71

Substantiated allegations of conduct that appears to be criminal **shall be referred for prosecution**.

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The criteria for prosecutorial referral include substantiation of any allegations of conduct that appear to be criminal.

Therefore, an investigator or an administrator at an agency does not decide whether or not to refer a case for prosecution based on their expectations regarding whether the prosecutor will want to prosecute the case. Cases are automatically referred if

- a. The conduct appears to be criminal, and
- b. The allegation was substantiated by the investigation.



Criteria for Prosecutorial Referral

Trainers note: Slides 7 – 9 are duplicates of slides contained in Module 9. If Module 9 is included in the training, remove those slides from this module.

However, although the agency must automatically refer all substantiated allegations involving conduct that appears to be criminal for prosecution, this does not mean that the prosecutor will choose to prosecute. Why does a prosecutor Discuss. choose to prosecute a case? Why might a prosecutor choose not to prosecute a case? 1 min **Criteria for Prosecutorial Referral** Criteria for Prosecutorial Referral Prosecutorial Referral · Investigation Report must be complete and accurate o NO bias Crime Scene Preservation o Do not forget that sometimes a person's body is the crime scene (DNA) **Evidence Preservation** Photograph EVERYTHING PRFA Your report will impact the prosecutor's decision about whether or not to prosecute a case. If your report is complete, accurate, and without bias, there is an increased chance that the prosecutor will decide to prosecute. Prosecutors will not take a case if they don't believe they can win. If your report includes appropriate evidence, the prosecutor may feel more confident that a prosecution would be successful. 1 min Why Does a Prosecutor Charge a Defendant? Why Does a **Prosecutor Charge a** Why Does a Prosecutor Charge a Defendant? Defendant? · Heinous Crime · Defendant is an evil person · Defendant committed an egregious act · The victim is sympathetic · The case can easily be proven · Investigation is solid PREA

		Writing the Final Report: Outline
1 min	Writing the Final Report	
	judge an investigation? Through the report.	
	prosecutor will not prosecute it. How does the prosecutor	
	the investigation conducted was not up to par, the	
	against a perpetrator who is already in prison. In any case, if	
	many prosecutors may not see the need to prosecute a case	
	about the jury's perception of and response to the victim.  Many juries are not sympathetic to convicted criminals, and	
	we just discussed – expectations that he or she may have	
	control. These include the prosecutor's workload, and – as	
	prosecute a case, many of which an investigator cannot	
	There are many reasons a prosecutor may choose not to	
	RESOURCE C E N T E R	
	Inmates/residents are already in custody  NATIONAL PREA  PREA	
	Witness availability and cooperation	
	Overworked	
	Victim is not sympathetic	
	<ul><li>Bad investigation</li><li>Little likelihood of obtaining a conviction</li></ul>	initiate/ Resident!
		Charge an Inmate/Resident?
	Why Does a Prosecutor <b>Not</b> Charge an Inmate/Resident?	Why Does a Prosecutor <u>Not</u>
T 111111	Why Does a Prosecutor Not Charge an Inmate/Resident?	
1 min	solid? Through the report.  Why Doos a Prosecutor Not Charge an Inmate/Posident?	
	does the prosecutor know whether an investigation was	
	itself – whether the investigation conducted was solid. How	
	the victim. However, the decision primarily lies with the case	
	view the defendant as a person. The victim also plays a role.  Juries are more likely to convict when they sympathize with	
	code; and the prosecutor's perception of how a jury would	
	prosecutor's perception of the defendant's personal moral	
	the defendant; the crime that was allegedly committed; the	

#### Writing the Final Report Outline ♦ Introduction ♦ Summary of Allegations ♦ List of Interviews ♦ Documents Reviewed ♦ Interview Synopses ♦ Definitions and Standards ♦ Conclusion These are the key areas to any report: the introduction, the summary of the initial allegation(s), the list of people interviewed, the list of documents reviewed, the synopses of the interviews, any relevant definitions and standards, and the conclusion. 1 min Introduction Introduction Introduction ♦ Short. ♦ Concise/ specific. Sets up the reason for the report. May list a summary of allegations. PREA What is in the introduction? The introduction justifies the investigation. The summary of allegations may actually be included in this introduction. Be concise, and be specific. 1 min **Introduction Example** Introduction Example

#### Introduction Example

On 2/7/11, Offender Johnson, Karen #199735 reported to RN Lora Mickelson she was sexually assaulted by Offender Brown, Callie#129213 while taking a shower. The alleged sexual assault took place in Cell Hall D (CHD) on 2/6/11. Johnson was transported to St. Josephs Hospital in St. Paul for a forensic sexual assault medical exam.



Here's an example of an introduction. Note that it is three sentences long. It states what was alleged in the first two sentences, with specific details around what, when, and where, and it provides information on the agency's immediate response.

#### 1 min

#### **Chronological Order**

# Chronological Order Set up your report to document everything you did in the order you did it. You are telling the story and the steps you took to investigate it. NATIONAL PREA RESOURCE CENTER

A report that is organized chronologically is easier for a reader to understand, whether that's your supervisor, the administrator determining appropriate sanctioning, or the prosecuting attorney. Chronological order is often a better choice for formatting than writing by category (e.g. all interviews, then all documentation, then all videos, etc.). This is because the reader can compile their knowledge in the same way the investigator did and, presumably, come to the same conclusions. Officers (like first responders) should write their reports in a similar format.



#### 1 min

#### **Content Example**

### Content Example

#### Content Example

♦ On 2/7/11 at 1030 hours, RN Lora Mickelson submitted an Incident Report. RN Mickelson reported, Offender Johnson was seen in Health Services this a.m. to report having been sexually assaulted on 02/6/11, just before evening pill run. RN Mickelson writes, "Johnson was preparing to leave the shower when she was forced to have oral sex with another offender from her unit. Johnson had q-tips with her which she used to sample her mouth immediately after the event." RN Mickelson instructed Johnson to bring the samples to the forensic sexual assault medical exam at St. Josephs Hospital. Offender was transported for the exam. (Exhibit 1).

Here's another example of an introduction. It states how the investigator received the report of the incident, and it quotes that report to explain what happened, when it happened, and where it happened. Again, it provides the immediate follow-up, and it refers the reader to appropriate supplementary information.

#### 1 min

#### **Examples of Your Steps**

Steps

**Examples of Your** 

#### Examples of your Steps

- Your reading of officer reports.
- Your reading of the inmate's/resident's history files.
- Your review of video or submission of evidence.



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Next, detail your next steps. These may include reading officer reports, reviewing inmate/resident files, and reviewing videos or other evidence. To reiterate, if you didn't write it in the report, it didn't happen. If you review the inmate/resident's mental health history, but find nothing applicable to the investigation, include that step in the report anyway. Certain steps may seem elementary for you, but not

	all audiences will have your knowledge or have the time to ask you whether you took that step. Additionally, it can end up making you look incompetent on the stand if the defense attorney asks what else you didn't bother to include in the report.	
1 min	Content Examples  Content Examples  On February 6, 2011 while in the shower in the CHD unit, Offender Johnson was sexually assaulted by Offender Callie Brown#129213.  Johnson was in the shower when Brown snuck over, entered Johnson's shower and said "show me what you did to your 12 year old victims". She made me perform oral sex ." Johnson stated she did not resist	Content Examples
	quotation marks if it's exactly what was said. Entire cases can hinge on an inaccurate quotation.	
1 min	Content Examples  Content Examples  On 2/8/11, Investigator Brad Perry downloaded and saved five videos from CHD. The videos were from the previous evening of 2/7/11. I reviewed the institution videos. (Exhibit 5, videos).  The first video started at 1747 hours and shows Offenders Johnson and Brown going back and forth between their cells and appear to be preparing food items and sharing with other offenders. (15 PREA minute video clip).	Content Examples
	Provide detail about what you did and why you did it. Here, the report recorded the date that the videos were downloaded, the times covered by the video, and what the video showed. Note that the language used when describing the video is "appeared to" – don't make declarative	

	statements unless you're certain. It's always better to	
	qualify.	
1 min	Outline of Possible Rule Violation	
	Outline of Possible Rule Violation	Outline of Possible Rule Violation
	<ul> <li>◇ Policy 5010R-A states that         Offenders are not to participate in sexual contact of any kind.     </li> <li>◇ Policy 5010R-A states that         Staff are prohibited from having sexual contact of any kind with offenders.     </li> </ul>	
	For administrative cases, make sure you know what policy is	
	being violated, and include that in your report. An	
	investigator doing administrative or internal affairs cases should know their agency policies better than most anyone	
	in the institution.	
1 min	Example of Steps	
	Example of Steps	Example of Steps
	<ul> <li>Your Interview Report of interviews with the victim, staff and witnesses.</li> </ul>	
	<ul> <li>Your Interview Report of interviews with a suspect.</li> </ul>	
	Your review of alibi or video or phones.	
	♦ Steps you requested a peer to do	
	-i.e: monitor mail or phones.  NATIONAL PREA	
	NATIONAL	
	NATIONAL PREAD RESOURCE CENTER	
	Include everything you do in a report – your interviews, the	
	Include everything you do in a report – your interviews, the follow-up steps you take to review alibis, and anything you	
1 min	Include everything you do in a report – your interviews, the	
1 min	Include everything you do in a report – your interviews, the follow-up steps you take to review alibis, and anything you may ask another person to do for you.	Content Example

	Content Example	
	King listened to several calls and because of past experience, he believed the two people were being very careful on what they said on the phone.	
	<ul> <li>King identified the offender as Sparks, Jolene #185677. King also identified Sparks as an education tutor.</li> <li>King then contacted Education Director Paul Clifford and requested he come to his office. King</li> </ul>	
	asked Clifford to listen to a phone call to see if he thought it could be any of his education staff. Clifford listened to the phone call and told King he believed it was teacher, Jonathan Olson PREA RESOURCE CENTER	
	This content is written in the third person by the investigator.	
	He/she includes detailed steps taken and the reasoning for	
	his/her steps. Note that he/she identifies why the education	
	director was brought in: Past experience gave the	
	investigator reason to suspect something was not authentic	
4 .	about the phone call.	
1 min	Content Example	
	Content Example	Content Example
	♦ At the beginning of the interview, I asked	
	Olson what kind of a relationship he had with Offender Sparks. Olson responded:	
	"I trusted her; I respected her as a person and as a worker. She always	
	treated me with respect. I like Jolene."	
	Olson denied telling Sparks personal information about himself.	
	NATIONAL PREA RESOURCE CENTER	
1	This is a piece from the same report, but written in first	
	• • •	
	person. As you can see, the report is quite detailed regarding	
	• • •	
	person. As you can see, the report is quite detailed regarding the content of the interview. Again, be careful with quotations.	
1 min	person. As you can see, the report is quite detailed regarding the content of the interview. Again, be careful with	

#### Content Example

- ♦ At first, Olson adamantly denied any physical contact with Sparks. Later, Olson admitted and said, "I've been inappropriate." Olson then admitted Sparks has touched him in the genital area, underneath his underwear. Olson admitted he had put his penis in her mouth. Olson also admitted kissing Sparks. Olson stated this took place in his office.
- ♦ I terminated the interview and contacted New York City Police.

PREA

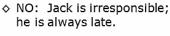
The report is concise and to the point, communicating the necessary pieces of information without confusing the reader.

#### 1 min

#### **Writing the Final Report**

## Writing the Final Report PREA

Writing Tips



♦ YES: During the past six months, Jack was late eight times.

It's important to remember that your reports must include only what you observed, not your opinions on those observations. For example, if someone is constantly late, you may believe that person is irresponsible. However, as an investigator, it is not your place to draw that conclusion. The report should simply state facts.

The content examples provided above included both third and first person writing styles. Agency policy is for reports to be written in...



1 min	Writing the Final Report	[insert appropriate style]
	Writing the Final Report	Writing the Final Report
	Writing Tips	
	NO: Jill is incompetent; her performance is terrible.	
	♦ YES: Jill has made the following remarks in the work place: I have received complaints from two coworkers. NATIONAL PREA	
	RESOURCE CENTER	
	Ensure reports state observations, not the conclusions drawn from those observations. Including conclusions rather than observations is another opportunity for a defense attorney to criticize you on the stand.	
1 min		
1 min	Writing the Final Report	
1 min	Writing the Final Report  Writing the Final Report	Writing the Final Report
1 min		Writing the Final Report
1 min	Writing the Final Report	_
1 min	Writing the Final Report  Writing Tips  NO: Pat disrupts the organization and	_
1 min	Writing the Final Report  Writing Tips  NO: Pat disrupts the organization and pulls everyone's performance down.  YES: On two occasions, Pat had loud arguments with coworkers. When asked by me about these incidents, she admitted she should not have yelled. Employees X, Y, and Z have complained about her behavior.  NATIONAL PREA PREA PRESOURCE	_
1 min	Writing the Final Report  Writing Tips  NO: Pat disrupts the organization and pulls everyone's performance down.  YES: On two occasions, Pat had loud arguments with coworkers. When asked by me about these incidents, she admitted she should not have yelled. Employees X, Y, and Z have complained about her behavior.  NATIONAL PREA RESOURCE CENTER	_

#### Suspect · Write your report from your suspect interview. · Does his story fit that of the victim's? PREA Your report should contain comments made by your suspect and any rebuttals to those comments. How do the suspect's and victim's stories fit together? Whose story has the most corroborating evidence from witness statements and other evidentiary means? 1 min **Writing the Final Report** Writing the Final Writing the Final Report Report Attachments ♦ Documentary Evidence -incident reports -time slips, call in notices, etc. THE**FINAL**REPORT -unit reports, officer logs ♦ Post Orders ♦ Union Representation Waivers ♦ Transcripts PREA Someone reading your report should be able identify as many of the steps you took as possible. Any documentary evidence you have should be included as attachments. However, the attachments should not be the original evidence; pull the documents and make copies. The originals should always stay in the evidence locker. 1 min **Characteristics of Successful Investigations Characteristics of** Successful Investigations

#### Characteristics of Successful Investigations ♦ A logical sequence was followed Physical evidence obtained legally ♦ Victim, suspect, and witnesses effectively interviewed ♦ Suspect legally interrogated ♦ All leads thoroughly developed and investigated - vet your information and people ♦ Complete, accurate and objective PREA reporting An investigator needs to do all of these things in their investigation – then he/she needs to accurately and clearly demonstrate these actions in a report. 1 min **Final View** Final View ♦ Is your grammar and spelling accurate? ♦ Does it make sense to you? ♦ Do you have a supervisor or peer review. Review your report after you've written it. Does it make sense? Try to avoid making mistakes involving spelling and grammar. If something is unclear, you'll have to go back and write addendums for clarification. Be clear the first time around. You never want to add an addendum to your report if you can avoid it. **Questions?** 1 min