

**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.*





# Module 6

## First Response and Evidence Collection: The Foundation for Successful Investigations

**Notice of Federal Funding 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 6: Objectives

1. Describe the dynamics of sexual abuse and sexual harassment in confinement settings.
2. Identify best practice and policy requirements on first response procedures.
3. Identify best practice and policy requirements on evidence collection in confinement settings, per the requirements of 115.(3)34.

# What are the Goals of an Investigation?

- To determine the truth of the matter, through prompt and proper inquiry.
- To provide safety and protection to both those who have been victimized and to society at large.
- To properly and effectively acquire all types of evidence to meet the criteria for administrative action or prosecutorial referral.
- To secure the appropriate sanctioning for individuals who violate policy and the conviction of criminally responsible offenders.



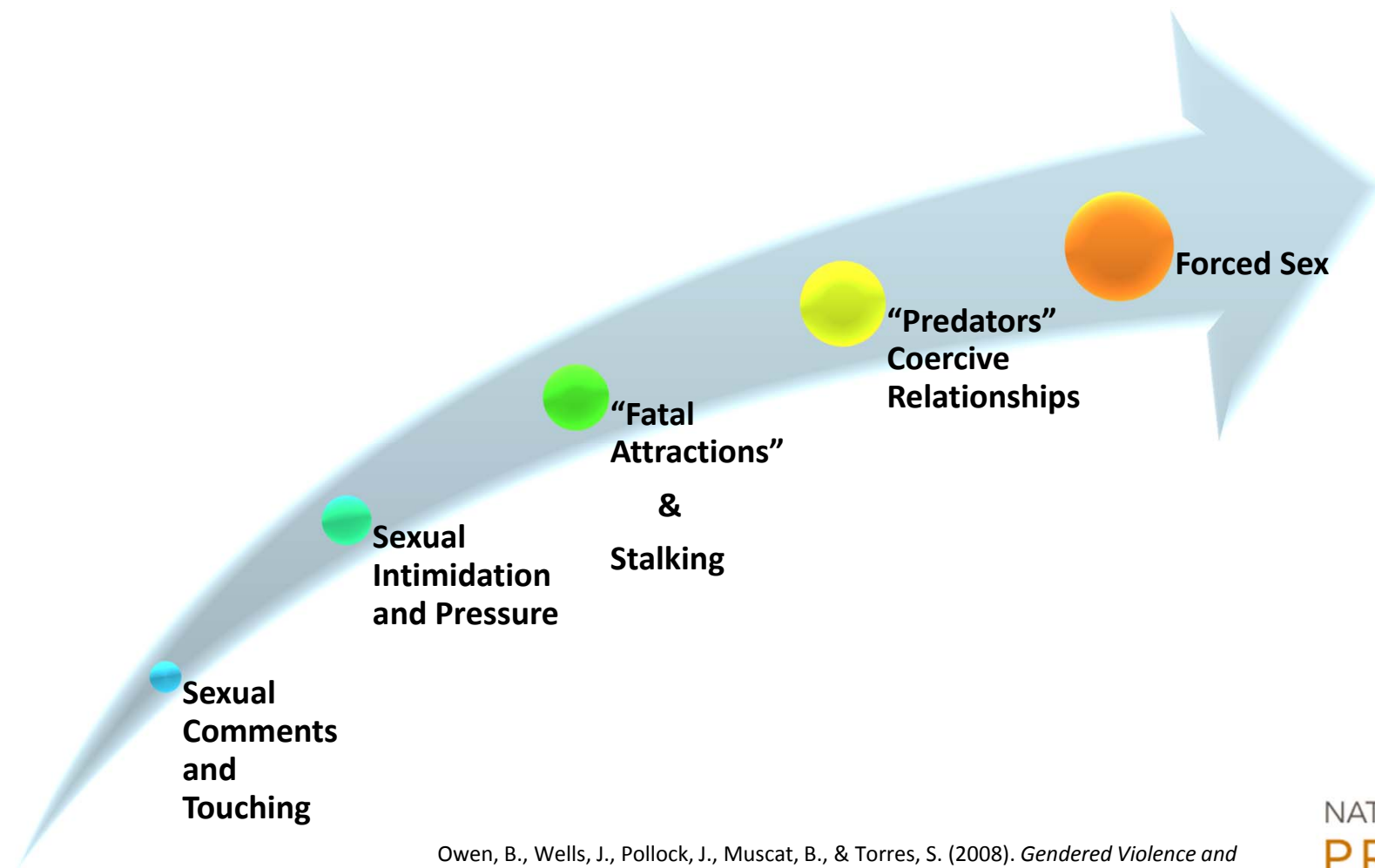
# Types of Allegations

There are different types of allegations

- Administrative:
  - Sexual Harassment
  - Sexual touching that may not be criminal
- Criminal
  - Sexual Assault

*All allegations must be investigated.*

# Continuum of Inmate-on-Inmate/Resident-on-Resident Sexual Abuse



Owen, B., Wells, J., Pollock, J., Muscat, B., & Torres, S. (2008). *Gendered Violence and Safety: A Contextual Approach to Improving Security in Women's Facilities*. Final report. Washington, DC: National Institute of Justice.

# What is Reportable?

## **Everything is Reportable**

But not everything is a PREA incident

- Familiarize yourself with the U.S. Department of Justice definitions of sexual abuse and sexual harassment and your state criminal statute definitions of sexual assault
- Be aware when you are investigating whether something is a possible case of sexual harassment or sexual abuse, or whether it is a possible policy violation and doesn't rise to criminal activity.

# Types of Investigations

## **Sexual Harassment**

- Difficult to determine either substantiated or unfounded
- Can be a precursor to more abuse
- Important to document the investigation
- Report delivered to those who can protect inmates/residents
- History can demonstrate the agency's record of protecting offenders



# Dynamics of Sexual Harassment

## **Sexual Harassment**

- May precede sexual abuse and is used to
  - test a target
  - demean others
  - overtly or subtly intimidate
  - challenge new inmates/residents or staff
  - threaten inmates/residents or staff who are perceived to be weaker
- May be used
  - to move the alleged perpetrator
  - to retaliate against the alleged perpetrator

# Types of Investigations

## Inmate-on-Inmate or Resident-on-Resident Sexual Abuse

- May involve
  - Physical force
  - Coercion, pressure
- Includes voyeurism and exhibitionism, abusive touching, and penetration

***Remember: Not all sexual interactions are abusive  
and not all physical interactions are sexual.***

# Dynamics of Sexual Abuse

## Sexual abuse in custody...

- **Triggers** new mental illnesses and exacerbates existing ones
- **Spreads** infectious diseases
- **Increases** health and mental health care expenditures

# Dynamics of Incarceration

Predators look for **means, opportunity,** and **vulnerability**, selecting targets...

- who are **least able to defend** themselves,
- who may be **less believed or believable**, or
- who are **disliked or ostracized.**



# Dynamics of Incarceration

- In women's and girl's facilities, relationships and loyalty tend to be valued highly. Men's and boy's facility cultures value aggression and power.
- Some see sexual aggression as a way to assert their power and control over others.
- Being victimized and seeking help often are viewed as signs of weakness.

# Dynamics of Incarceration

Aggressors typically employ one of several methods to control victims:

1. Force (physical assaults or threats of harm)
2. Entrapment or blackmail (for example, requiring debts to be repaid with sex, protection)
3. Pressure tactics (persuasion, bribes, use of alcohol and drugs)

**Remember that coercion ≠ consent**

# Video



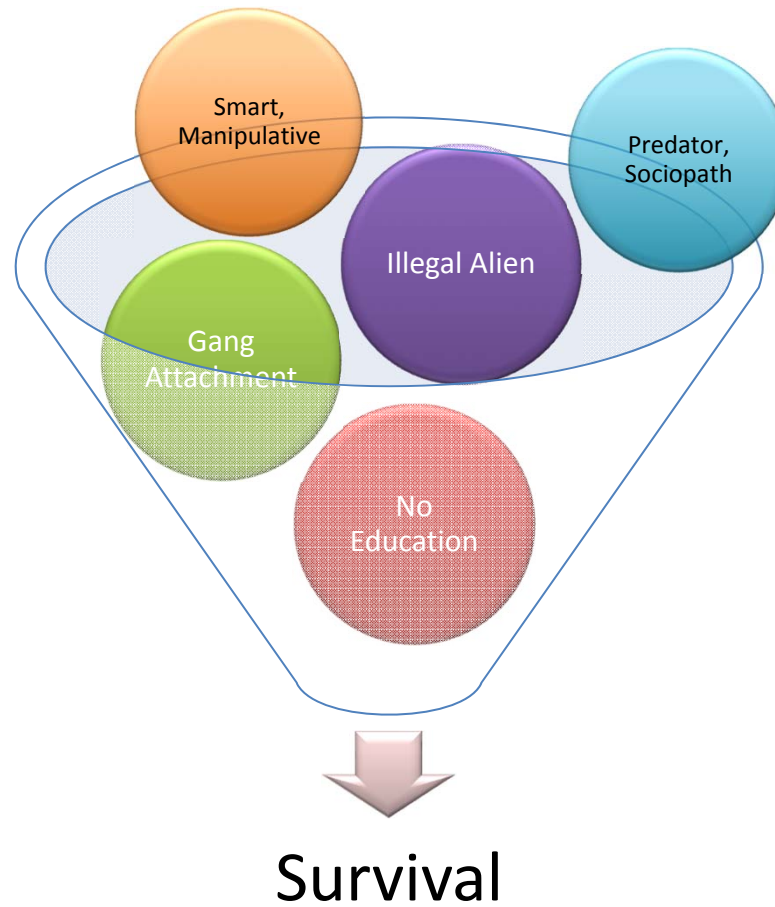


# Dynamics of Incarceration

Anyone can be at risk, but offenders are more vulnerable if:

- Young and inexperienced
- First-time offenders/new to incarceration
- Are not “tough” or “streetwise”
- Have mental illnesses or developmental disabilities
- Incarcerated for sexual violence against children or vulnerable adults

# How I got Here



# Pathways for Women and Girls

Greater risk for experiences such as sexual abuse, sexual assault, and domestic violence

- Women and girls in custody are 3 times more likely to have a history of abuse than men or boys in custody
- BJS data, 1994: 43.2% of females reported experiencing physical/sexual abuse prior to incarceration versus 12.2% of males
- Girls in custody have rates of abuse that are 6-10x higher than girls in the general population
- Women with an abuse history are more likely than women with no prior abuse to be incarcerated for a violent offense (42% versus 25%)

*The Context of Sexual Violence in Facilities for Women and Girls:  
Presented by B. Owen, 2007*  
Pollock, J. (2002), *Women, Prison and Crime* (2nd ed.). New York,  
NY: Wadsworth.

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# Pathways for Women

## **The Implications for these Backgrounds for Sexual Abuse in Female Facilities Include:**

- Sex defined as “love” or as a commodity
- Boundary issues
- Challenges in defining domestic violence
- Fears about disclosure and reporting
- PTSD and re-traumatization
- Crisis and long-term treatment issue

# Protective Pairing

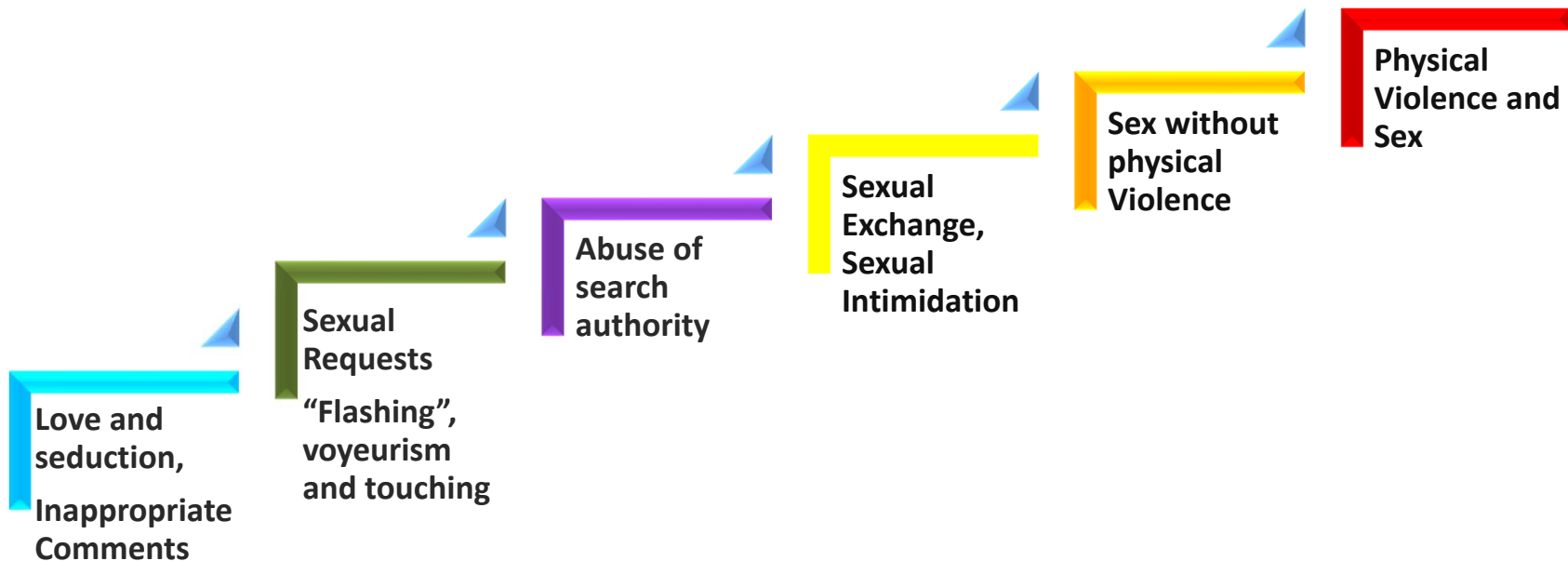
Protective Pairing or 'HOOKING UP' – an offender may trade sex for protection

- Does this constitute CONSENT?
- Does his/her survival depend on it?



**Would the individual behave in this manner  
in the 'free world'?**

# Continuum of Staff Sexual Misconduct



Owen, B., Wells, J., Pollock, J., Muscat, B., & Torres, S. (2008). *Gendered Violence and Safety: A Contextual Approach to Improving Security in Women's Facilities*. Final report. Washington, DC: National Institute of Justice.

# Staff Offenders: Always an Unequal Relationship

- Staff control the lives, freedom and safety of the offenders under their supervision
- Staff can place offenders at risk with other offenders, can write disciplinary infractions, can compromise safety
- Staff and offenders can NEVER be in an equal relationship
- It is a 'strict liability' issue –

***Consent is never an excuse***

# Video Staff vs Offender





# Staff and Offenders: Always an Unequal Relationship

- How does the male staff affect the female in the video?
- How does her past make her a vulnerable person?
- Does she have the self esteem to get out of the relationship?
- Does she deserve to be “loved by a good man”?

## Reports of Sexual Abuse and Sexual Harassment: Where do they come from?

- Not every offender involved in a sexual abuse or sexual harassment incident identifies themselves as a victim.
- In many cases, particularly those involving “staff member on offender” sexual abuse, the youth/adult victim involved may resist the investigation and refuse to cooperate.
  - Inmates/residents may have strong emotional feelings towards the involved staff member.
  - Inmates/residents may fear retribution from other inmates/residents, from the staff member or his/her co-workers.
  - Emotional/relational responses are not unusual.

# First Response



# Video: First Responder



# What is the Role of a First Responder

- Important first step in the investigation.
- Not an investigator.
- Stabilizes the situation:
  - for the victim
  - for the facility
- Supports the investigation by
  - securing the scene, if appropriate.
  - relaying important observations and information to the investigator.

INSERT APPROPRIATE POLICY HERE

INSERT AGENCY POLICY RE: FIRST RESPONSE  
HERE

- What are the responsibilities of a first responder?
- How does an allegation reach the investigator?
- Include policy statements addressing what types of allegations are investigated.

# The Event is Reported



- A first responder can be anyone.
- Whomever an offender chooses to tell is the first responder
  - You have no control if the person reported to is not within the agency

# Reports of Sexual Abuse and Sexual Harassment: Where do they come from?

- From the offender (victim) directly.
- From family of victims.
- From other offenders.
- From correctional staff.
- From medical staff.
- From mental health staff.
- From other support staff.
- From volunteers.
- From advocates.



# First Responder's Role: Interacting with the Victim

## Non-criminal allegations

- Report, report, report!!
- Ensure reporter understands the allegation is and will be taken seriously
- Non-criminal incidents of sexual harassment and sexual abuse are often precursors to criminal incidents of sexual assault

# First Responder's Role: Interacting with the Victim

## Criminal Allegations

PREA Standard 115.64 requires a first responder to:

- (1) Separate the alleged victim and abuser;
- (2) Preserve and protect any crime scene;
- (3) **Request** that the alleged victim and **ensure** that the alleged abuser not take any actions that could destroy physical evidence, including, as appropriate,

- washing,
- brushing teeth,
- changing clothes,
- urinating,
- defecating,
- smoking,
- drinking, or
- eating

# First Responder's Role: Interacting with the Victim

## Criminal Allegations

- Ensure
  - Victim's safety
  - Provision of medical assistance
- Explain
  - Required housing changes
  - Basic investigative process
  - Importance of FME and evidence collection
  - Detailed, truthful interviews
- If desired by victim or required by policy, contact support services or family members/friends.

# First Responder's Role: Interacting with the Victim

The first responder will attempt to gather essential information

- Description of suspect offender, clothing, or conduct.
- Description of abuse or harassment for the investigator.
- Description of location and scope of scene, if applicable.

# First Responder's Role: Interacting with the Victim

The first responder or investigator should NOT:

- Conduct an in-depth interview with the alleged victim
- Attempt to determine the validity of the allegation
- Attempt to determine if the victim had any previous history or previous contact with the suspect
- Attempt to determine background information on victim, including disclosure of consented sexual activity around time of abuse

# What Should a First Responder Record in their Notes for the Report?

## Detailed Description of Victim and Suspect

- Locations
- Affect (Real not surmised or assumed)
- Wounds and where they are

# What Does Every Case Need To Be Successful?



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# What Every Case Needs

- **Evidence** sufficient to prove each element of the offense for administrative action or prosecutorial referral.
- **Identification** of the suspect.
- **Cooperative** victim.
- Ideally, independent sources of **corroboration** of victim's statements (these can be both forensic evidence and/or statements from others.)



# What Every Case Needs

***Remember – many of the steps for administrative investigations and criminal investigations are the same!***

Standard 115.71 requires

- Administrative investigation:
  - Interviews
  - Evidence collection
- Criminal investigation
  - Interviews
  - Evidence collection

# What is Evidence?

Something that can be used as proof of innocence or guilt.

Can include:

- A verbal statement.
- A document.
- A material object.



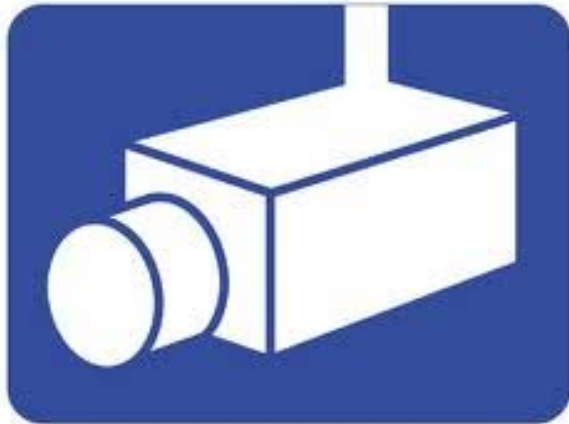
# What Are Your Sources Of Evidence?



# Sources of Evidence

- **From victim:** These include statements, forensic medical exam and physical evidence.
- **From abuse scene and any secondary scenes (cells, bathrooms, dayrooms, rec. yards, etc.)** These include any physical evidence and area canvases.
- **From witnesses:** These include those observing both pre and post abuse/harassment conduct, and those who may have insight into influencing factors, e.g. debts between offenders, etc.
- **From suspect:** These include statements (both positive and negative) as well as any physical evidence (from clothing and body of suspect).

# Sources of Evidence



- Offender phones
- Offender mail
- Security video
- Log books
- Staff personal phones
  - Court orders, search warrants

# Credibility Assessment

## **115.71: Credibility Assessment**

- Camera footage
- History of allegations
- History of vulnerability
- History of other relevant requests (attempts to move, etc.)
- Relationship with suspect
- Perceptions of staff
- Recent discipline, moves, etc.

# Sexual Harassment Cases - Considerations

- Similar to “keep separate” system of investigating (e.g. bullying, threats, protection)
- History of
  - unit moves under duress
  - behavior, staff perceptions
  - keep separates
  - manipulative behavior
  - relationships with staff
  - gambling or protection behaviors
  - discipline
  - retaliation
- Relationship with suspect (e.g. friend, enemy, rival gang member, no relationship)

# Pat-down Search Cases - Considerations

- Who is conducting the search?
  - New officer
  - Seasoned officer
- Agency's pat search policy
- Camera footage
- Relevant history – possibility of retaliation?
- Victim description and imitation of search
- Officer description and imitation of search



# Acquaintance Cases- Considerations

- Evidence of force or coercion, if applicable.
- Evidence of victim's fear of assailant or of resistance.
- Evidence of injury, if applicable.
- Evidence of interaction between parties (demeanor or conduct.)
- Evidence of communication such as letters, notes, etc.

In the event of a sexual assault...  
GLOVE UP!



# Facility Crime Scene

- Video and photograph the crime scene area.
- Identify staff who will touch and/or handle evidence.

# Crime Scenes



**VICTIM**



**SUSPECT**

**CRIME SCENE**



# Sources of DNA

- Blood
- Saliva (skin cells)
- Sweat (skin cells) “touch DNA”
- Hair Root
- Mucous
- Vaginal Fluid
- Semen
- Vomit
- Feces



# Physical Evidence to Collect From the Scene

- Victim's Underwear
- Victim's Clothes
- Rug/floor covering
- Chair covering
- Towel
- Blanket and sheets
- Condom
- Tissue
- Other



# Sexual Assault Evidence Kit

- What happens during the process?
- How long does it take?
- How private should it be?
- What needs to be done before the inmate/youth is taken to the hospital?

# Evidence Collected by SANE

- Oral swabs (if oral sex)
- Vaginal swabs
- Inner Thighs/Genitalia Swabs
- Rectal Swabs
- Blood Sample
- Pubic Hair Combing
- Pulled Head Hair (known samples)
- Pulled Pubic Hair (known samples)





# Physical Evidence to Collect From the Suspect

- Underwear/Clothing
- Penile Swab
- Buccal Swab (as evidence of oral sex or as known sample)
- Pulled Head Hair
- Pulled Pubic Hair

# Assessment of Forensic Exam

- Cannot conclude
  - Validity of claim
  - “Diagnosis” rape/sexual assault
  - Degree of force
- Can conclude
  - Recent sexual contact
  - Recent trauma
  - Consistency between findings and victim’s account of events

***The absence of injuries does not mean that sex was consensual or a sexual assault did not occur.***

# Physical Evidence to Collect From the Scene



# Processing the Crime Scene

## **Video**

- You can start the video as far back as the main door to the jail or prison.
- Be very careful of what is said around the video.
- If video stops for some reason note it in your report.
- Video “out” and move your way “in.”

# Processing the Crime Scene

## Photography – Still

- Photograph entire scene, start out and move in.
- Keep a photo log to put with your report.
- Do not delete photos that you think are substandard.



# Processing the Crime Scene

## **Collection of Evidence**

- Determine if evidence is perishable.
- Don't play SHOW and TELL!!
- Where do you put film or memory sticks?

# Processing the Crime Scene

## **Preservation and Security**

- Place in evidence repository immediately.
- Determine proper container for evidence.
- Complete evidence log and sign.



# What is wrong with this photo?





# Hair - Take it or Leave it?



# What are we bagging? How are we bagging it?



# Evidence Handling

## **Wet Items**

- Paper bag
- Place paper bag in red biohazard bag
- Transport to evidence locker
- Open biohazard bag; roll down the side to expose the paper bag to the air

# Use of Luminol



# Evidence Handling

## **Clothing**

- Keep articles of clothing separate.
  - Have paper below each item as it is being bagged to catch falling hair, lint or other evidence
- NEVER place the clothing of a victim in the same container as those of the suspect.
- Or in the washer!

What would you take?  
How would you take it?



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# Evidence Handling

## **Weapons**

- Take photos to record location of weapon(s) if you must move them
  - Document why you moved a weapon if it was moved before it was photographed.
- Place in the proper container to ensure no one is harmed removing it from the evidence repository.

# Evidence Handling

## **Other supportive evidence**

- Letters or notes between suspect and victim.
- Gifts, favors, excess commissary, extra unexplained items, contraband.



# Evidence

The value of physical evidence is that it...

- Cannot lie, forget or change
- Is demonstrable
- Not dependent on witnesses

***But once you have missed it, it is gone.***

What is constructive possession?

# Evidence

The value of physical evidence can be destroyed if:

- Handled wrong
- Moved too early
- Marked incorrectly or inaccurately
- Not preserved properly
- Chain of custody is not precise

# Crime Scene Mishaps

What do we do if the crime scene and/or evidence is mishandled?

- You cannot put an item “back.”
- You must explain what happened in your reports.
- All staff involved must write reports.
- Mistakes can be salvaged if dealt with honestly and not “covered up.”

# Questions?

