



# Module 7: Investigative Policy

## Investigating Allegations of Staff Sexual Misconduct with Offenders

Developed by the NIC/WCL Project  
under NIC Cooperative Agreement  
#06S20GJJ1



# Objectives

- Review the elements of effective investigative policies
- Identify the link between policy and investigative decisions



# Elements of Effective Policies

- Statement of Purpose
- Policy
- Definitions
- Procedures
- Responsibilities
- Findings
- Sanctions
- Appeal



# Statement of Purpose

- Goal of the policy

- to inform all staff of procedures for accepting, processing, and investigating complaints concerning allegations of misconduct
- define provisions applicable to investigation and disposition of allegations of misconduct



# Policy

- Establishment of procedures for investigating complaints and allegations of misconduct
- To accept and investigate all complaints of alleged misconduct, determine whether the allegations are valid, and take appropriate corrective action



# Definitions

- Who are investigating authorities
  - Chain of command
  - Reporting structure
- What actions can be investigated
  - Nonconsensual sexual acts
  - Abusive sexual contacts
  - Staff sexual misconduct
  - Staff sexual harassment



# Definitions

- Who staff are that can be investigated
  - Line staff
  - Volunteers/ Educators
  - Clergy
  - Contractors
  - Administration
- What complaints warrant an investigation
  - Misconduct



# Procedures

- What should first responders do
- What is the reporting structure— chain of command
- When to involve outside partners
- Securing the crime scene
- Victim management
- Staff management



# Responsibilities

- Clean and distinct lines of authority to authorize, conduct, supervise and conclude investigations



# Findings

- Timelines and frequency of updates
  - To whom
  - Method and venue
  
- Progress to Completion
  - When to stop investigations
  - Link analysis
  - Coordination with stakeholders
  
- Criminal v. Administrative



# Sanctions

- Administrative sanctioning
  - Job loss
  - Suspension with or without pay
  
- Criminal sanctioning
  - Referral for prosecution



# Appeal

- Who can appeal an investigative decision
- Timeframe when appeals can happen
- What is the appeal process
- Who are appeals made to



# Procedures: First Responders

## ■ Responsibilities and Duties

- Who do they report to
- Timeline of reporting requirements
- What if anything should they be asking a victim
- What should they do with the victim
- What is their role in securing a scene
- Immediate disclosure v. time lapse disclosure



# Procedures: Reporting

- Chain of command
- Who has decision making authority for investigations
- Need to know v. nice to know
- Confidentiality
- Involving outside law enforcement (criminal investigations)
- Report writing timelines
- Time frames for reporting



# Outside Partners

- When and if to involve outside partners
  - Law enforcement
  - Crisis intervention
  - Medical/ mental health care
  - Prosecutors



# Securing a Crime Scene

- Crime scene preservation
  - Who should secure the scene
  - When should someone be called to collect evidence
- Evidence collection
  - Who collects evidence
  - Methods for collecting evidence



# Victim Management

- What to do with victims who report immediately
- Where to put victims in the facility
- Calling medical/ SANE examination
- Mental health care
- Housing
- Separation from alleged perpetrator



# Staff Management

- Confidentiality
- Separation from victim
- Who needs to know about report
- Zero tolerance for retaliation against those who report
- Rights of accused staff member



# Considerations: Will you allow.....

- Cross Gender Interviewing
- Solo Interviewing
- Taping/ Controlled Calls
- Information communicated to staff and offenders after an investigation is complete
- Media and public relations



# Using Policy to Make Investigative Decisions

- Consistency in decisions
- Continuity of decisions
- Integrity of decision process
- Basis of investigation
- Defensible decision
  - Referral for prosecutions



# Impact of Effective Investigative Policy

- Demystifies investigative process
- Enhances thoroughness of process
- Facilitates integrity of process
- Facilitates accountability throughout process
- Facilitates timeliness
- Facilitates cultural change
- Facilitates identification of management and training issues



# Activity: Investigative Policy

- Group 1: Evidence Collection
- Group 2: Immediate Medical
- Group 3: Mental Health Care
- Group 4: Reporting
- Group 5: Filing Grievances