

Investigating Allegations of Staff Sexual Misconduct with Offenders

Module 9: Investigative Techniques

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

Objectives

- Identify foundations for successful investigations
- Understand why investigations fail
- Define considerations made in effective investigations
- Identifying useful investigative techniques (including interviewing staff and victims, evidence collection, etc.)

Foundations of Successful Investigations

- Strong and clear zero tolerance policy for staff sexual misconduct
- Strong investigative policy
- Training staff and offenders about investigative process
- Knowing the channels of reporting (including your mandatory reporting guidelines)
- Keeping victim-offender involved in process

Foundations of Successful Investigations

- Including where appropriate outside agencies to aid in the investigation
- Understanding what prosecutors need
- Understanding evidence timelines
- The investigative process is viewed as credible
- Investigative process complies with applicable criminal laws and administrative procedures
- Completion of successful investigations is defined as a security issue
- Reasonable assurances to staff and offenders of protection from retaliation
- Ensure safety and security

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Why Investigations Fail

- Attitude toward victim
- Reaction of 1st Responders
- Lack of communication with investigative partners both internal and external
 - Law enforcement
 - Mental Health
 - Medical
 - Prosecutors
- Lack of support for the victim's safety
- Administrative Reasons
 - Weak policy
 - Lack of support from administration
 - Poor teamwork
 - Poor Recordkeeping

Why Investigations Fail Cont'd

- Timing and Pace of the investigation
- Distrust of investigators
- Poorly trained investigators
- Lack of commitment to task
- Poor coordination of agency partners
- Process
 - Leaks
 - Uncooperative victims
 - Vulnerable Victims
 - Uncooperative staff – code of silence

Why Investigations Fail Cont'd

- Evidence that is
 - Limited
 - Weak
 - Poorly collected
 - Poorly preserved
- Not properly utilizing all of the available investigative tools

Considerations for Effective Investigations

■ WHO

- Department of Internal Affairs
- Local Law Enforcement
- EAP
- Union
- Division of Youth Services
- Advocacy and Protection Agencies
- Prosecutors
- Victim Services

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Considerations Cont'd

■ PLACE

- Probation or Parole Department
- Community
- Local Jail
- State or Federal Prison
- House Arrest
- Half-way House
- Work Release

Considerations Cont'd

■ INVESTIGATIVE TEAM

- Gender
- Ethnicity
- Expertise
- Qualifications
- Language ability

Considerations Cont'd

■ WHAT

- Crime scene management
- Size of agency
- Financial and legal restrictions
- Policy

Considerations Cont'd

- NEEDS

- Medical
- Safety

- HOW

- Evidence Collection
- Wiretaps
- Interviews
- Notifications

Involving Other Agencies

■ When

- Embrace and develop mutual opportunities prior to need
- Immediately and in accordance with criminal law
- Immediately and in accordance with carefully developed protocols and MOU's
- Embrace and assess throughout investigative process

■ Why

- Maximize resources
- Building relationships for the future
- Enhance effective public policy
- Enhancement of institutional and public safety

Investigative Techniques

- Property and room search of victim
- Check account activity of victim
- Telephone activity
- Mail
- Records- Logbooks, roll call, medical records
- Body Wire
- Electronic Monitoring
- Controlled Calls
- Polygraph

Finding DNA Evidence

- Chairs
- Floors
- Cups
- Clothes
- Bedding
- Tissue Paper

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Sample Interview Questions for Successful Investigations

- Do you know the staff member's financial status?
- To whom does the staff member owe money?
- Describe the staff member's physical characteristics?
 - Hair pattern on body
 - Type of underwear
 - Bellybutton
 - Scars/ Moles
 - Tattoos / piercing
 - Circumcised / uncircumcised
 - Hygiene
 - Skin pigmentation
- What do you know about the staff member?
- What type of vehicle does s/he drive?
- What are the staff member's hobbies? Days off?
- Where did the staff member go on vacation?
- What type of home does the staff member have?
- Has the staff member ever given you cards, tokens, notes, photos?

Sample Interview Questions

Cont'd

- When did your relationship begin?
- What occurred?
- When / Frequency?
- Where did act take place?
- Did ejaculation occur?
- Who was the last person you saw before the act took place?
- Who was the first person you saw after the act took place?
- Does the staff member own his/her home or rent?
- What type of music does the staff member like?
- What are the names of the officer's family members, wife, kids, friends, pets?
- Where does the officer live?
- What is the staff member's telephone #?
- Have you told anyone about this? Whom? When?
- Description of area where act took place?
 - Detail
 - Locks
 - Keys
 - Announcements
 - Radio transmission

Know Your Law, Policy and Procedure for:

- Evidence collection and analysis
- When to include other agencies
- Calling in victim services
- Aggressive Investigative Techniques
 - Using offender
 - Wiretaps
 - polygraphs
- Interviews of both victim and staff

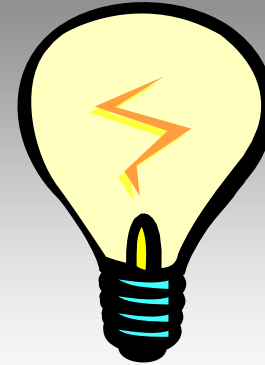
Victims and Investigations

- Consider the victim's perspective: fear, terror, the inmate code
- Complex motives of the victims
 - Sentence reduction
 - Change in housing
 - Jealousy
 - Revenge
- Ability to relate to the victim
- Pace of the investigative process
- Victim safety pending investigation
- Use victim services to advocate for the victim

Staff Members and Investigations

- Written Reports
- Confidentiality
- Interview with Detailed Notes
- What to do with Accused Staff Member
 - Reassign
 - Administrative Leave w/o pay
 - Allow to resign
 - E.A.P. referral
 - Go to licensing agencies
 - Determine Garrity or Miranda

Remember!



- Be tenacious.
- Be creative.
- Be intelligent.
- Keep good records.
- Know your agency's policy and procedure and the state and federal criminal law.
- Bring in other skill sets – lawyers, physicians, forensics, treatment partners, and available community resources