

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.





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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.

NATIONAL PREA RESOURCE CENTER



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	
	Module 8: Objectives	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 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	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	Requirements for a Report
	 The PREA Standards have certain minimum requirements for investigative reports, including The inclusion of any evidence found In administrative reports, your reasoning for any credibility assessments. Ensure that you comply with these requirements, as your reports may be pulled during your facility's audit 	
2.5 min	reports may be pulled during your facility's audit. Criteria for Administrative Action	Criteria for Administrative Action

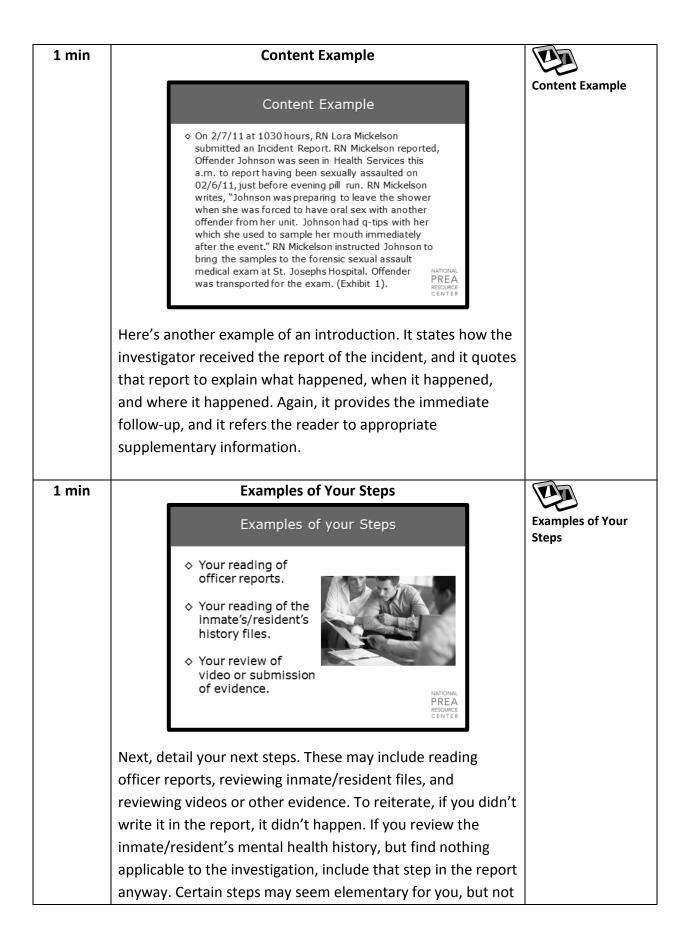
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	Criteria for Administrative Action PREA Standard 115.(3)72 The agency shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.	Insert agency policy regarding evidentiary requirements for administrative action
	PREA resource center	
	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. NATIONAL PREA RESOURCE CENTER The criteria for procedutorial referral include substantiation of	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.
	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.	

	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 choose to prosecute a case? Why might a prosecutor choose not to prosecute a case?	Discuss.
1 min	Criteria for Prosecutorial Referral	
	Criteria for Prosecutorial Referral	Criteria for Prosecutorial Referral
	 Investigation Report must be complete and accurate NO bias Crime Scene Preservation Do not forget that sometimes a person's body is the crime scene (DNA) Evidence Preservation Photograph EVERYTHING National PREA RESOurce CENTER Accurate and accurate acc	
	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 Defendant?	Why Does a Prosecutor Charge a 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 	

		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	
	many prosecutors may not see the need to prosecute a case against a perpetrator who is already in prison. In any case, if	
	Many juries are not sympathetic to convicted criminals, and	
	about the jury's perception of and response to the victim.	
	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	
	Witness availability and cooperation	
	Overworked	
	 Victim is not sympathetic 	
	Bad investigationLittle likelihood of obtaining a conviction	
	. Dad investigation	Charge an Inmate/Resident?
	Inmate/Resident?	Prosecutor Not
	Why Does a Prosecutor <u>Not</u> Charge an	Why Does a
1 min	Why Does a Prosecutor <u>Not</u> Charge an Inmate/Resident?	
	does the prosecutor know whether an investigation was solid? Through the report.	
	itself – whether the investigation conducted was solid. How	
	the victim. However, the decision primarily lies with the case	
	Juries are more likely to convict when they sympathize with	
	view the defendant as a person. The victim also plays a role.	
	code; and the prosecutor's perception of how a jury would	
	the defendant; the crime that was allegedly committed; the prosecutor's perception of the defendant's personal moral	
	Why does a prosecutor charge a defendant? A lot hinges on	

	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 Short. Concise/ specific. Sets up the reason for the report. May list a summary of allegations. 	Introduction
	investigation. The summary of allegations may actually be	
	included in this introduction. Be concise, and be specific.	

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	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
	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. 	
	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 way the investigator did and, presumably, come to the same conclusions. Officers (like first responders) should	
	write their reports in a similar format.	



	all audiences will have your knowledge or have the time to	
	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	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	
	Consider houses and the information. Only use	
	Consider <i>how</i> you present your information. Only use quotation marks if it's exactly what was said. Entire cases can hinge on an inaccurate quotation.	
1 min	quotation marks if it's exactly what was said. Entire cases can	
1 min	quotation marks if it's exactly what was said. Entire cases can hinge on an inaccurate quotation.	Content Examples
1 min	quotation marks if it's exactly what was said. Entire cases can hinge on an inaccurate quotation. Content Examples	Content Examples
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1 min	quotation marks if it's exactly what was said. Entire cases can hinge on an inaccurate quotation. 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 MITCAL PREA MITCAL	Content Examples
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1 min	quotation marks if it's exactly what was said. Entire cases can hinge on an inaccurate quotation. Content Examples Content Examples	Content Examples

	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
	 sexual contact of any kind. Policy 5010R-A states that Staff are prohibited from having sexual contact of any kind with offenders. 	
	RESOURCE CENTER	
	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
	 Your Interview Report of interviews with the victim staff and witnesses 	
	 Your Interview Report of interviews with the victim, staff and witnesses. Your Interview Report of interviews with a suspect. 	
	victim, staff and witnesses.	
	 victim, staff and witnesses. Your Interview Report of interviews with a suspect. 	
	 victim, staff and witnesses. Your Interview Report of interviews with a suspect. Your review of alibi or video or phones. Steps you requested a peer to do i.e: monitor mail or phones. 	
	 victim, staff and witnesses. Your Interview Report of interviews with a suspect. Your review of alibi or video or phones. Your review of alibi or video or phones. Steps you requested a peer to do i.e: monitor mail or phones. 	
	 victim, staff and witnesses. Your Interview Report of interviews with a suspect. Your review of alibi or video or phones. Steps you requested a peer to do i.e: monitor mail or phones. Include everything you do in a report – your interviews, the 	
1 min	 victim, staff and witnesses. Your Interview Report of interviews with a suspect. Your review of alibi or video or phones. Steps you requested a peer to do i.e: monitor mail or phones. Include everything you do in a report – your interviews, the follow-up steps you take to review alibis, and anything you 	

	 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. King identified the offender as Sparks, Jolene #185677. King also identified Sparks as an education tutor. King then contacted Education Director Paul Clifford and requested he come to his office. King asked Clifford to listen to a phone call to see if he thought it could be any of his education staff. Clifford listeneed 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 about the phone call.	
1 min	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. 	Content Example
	This is a piece from the same report, but written in first	
	person. As you can see, the report is quite detailed regarding	
	the content of the interview. Again, be careful with quotations.	
1 min	Content Example	
		Content Example

	 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. 	
	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 Tips NO: Jack is irresponsible; he is always late. YES: During the past six months, Jack was late eight times.	Writing the Final Report
	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 Writing Tips	[insert appropriate style] Writing the Final Report
	remarks in the work place: I have received complaints from two coworkers.	
	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	Writing the Final Report	E
	Writing the Final Report	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. 	
	Here's another example of where a report should include	
	fact rather than conclusions drawn from those facts.	
1 min	Suspect	Suspect

	 Suspect Write your report from your suspect interview. Does his story fit that of the victim's? 	
	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 Report Attachments Documentary Evidence -incident reports -time slips, call in notices, etc. -unit reports, officer logs Post Orders Union Representation Waivers Transcripts THEFINALREPORT. Values Transcripts Writing the Final Report Image: Colspan="2">Image: Colspan="2">Image: Colspan="2">Image: Colspan="2">Colspan="2">Colspan="2">Colspan="2">Colspan="2">Colspan="2">Colspan="2">Colspan="2">Colspan="2">Colspan="2"Colspan	Writing the Final Report
1 min	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. 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 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 Final View Solution Is your grammar and spelling accurate? Does it make sense to you? Do you have a supervisor or peer review. 	Final View
	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.	
1 min	Questions?	