

**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 8

Report Writing

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: 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.

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



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

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.



Criteria for Prosecutorial Referral

PREA Standard 115.(3)71

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



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

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

Why Does a Prosecutor Not Charge an Inmate/Resident?

- Bad investigation
- Little likelihood of obtaining a conviction
- Victim is not sympathetic
- Overworked
- Witness availability and cooperation
- Inmates/residents are already in custody

Writing the Final Report

Outline

- ◇ Introduction
- ◇ Summary of Allegations
- ◇ List of Interviews
- ◇ Documents Reviewed
- ◇ Interview Synopses
- ◇ Definitions and Standards
- ◇ Conclusion



Introduction

- ◇ Short.
- ◇ Concise/ specific.
- ◇ Sets up the reason for the report.
- ◇ May list a summary of allegations.

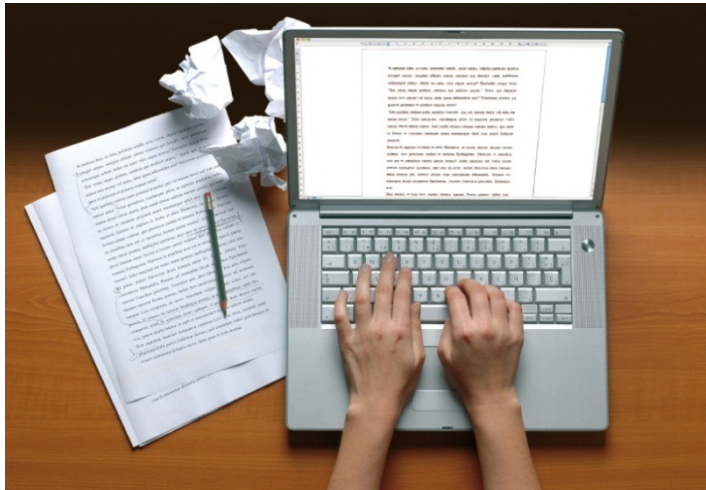


Introduction Example

- ◇ 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.



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.

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).

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.



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

- ◇ 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 minute video clip).

Outline of Possible Rule Violation

- ◇ Policy 5010R-A states that *Offenders are not to participate in sexual contact of any kind.*
- ◇ Policy 5010R-A states that *Staff are prohibited from having sexual contact of any kind with offenders.*

Example of Steps

- ◇ Your Interview Report of interviews with the 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.



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 listened to the phone call and told King he believed it was teacher, Jonathan Olson

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

- ◇ 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.

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

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.

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.

Suspect

- Write your report from your suspect interview.
- Does his story fit that of the victim's?



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



THE **FINAL** REPORT.



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

Final View



- ◇ Is your grammar and spelling accurate?
- ◇ Does it make sense to you?
- ◇ Do you have a supervisor or peer review.

Questions?

