

**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 9

Prosecutorial Collaboration: Techniques to Get Prison Cases Prosecuted

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 9: Objectives

1. Identify techniques for writing the final report to ensure accuracy and clarity.
2. Explain criteria required for administrative action and prosecutorial referral, per requirements of PREA Standard 115.(3)34.
3. Apply your understanding to increase prosecutions of cases that are substantiated and criminal in nature.

Begin with the End in Mind

What is your end game?

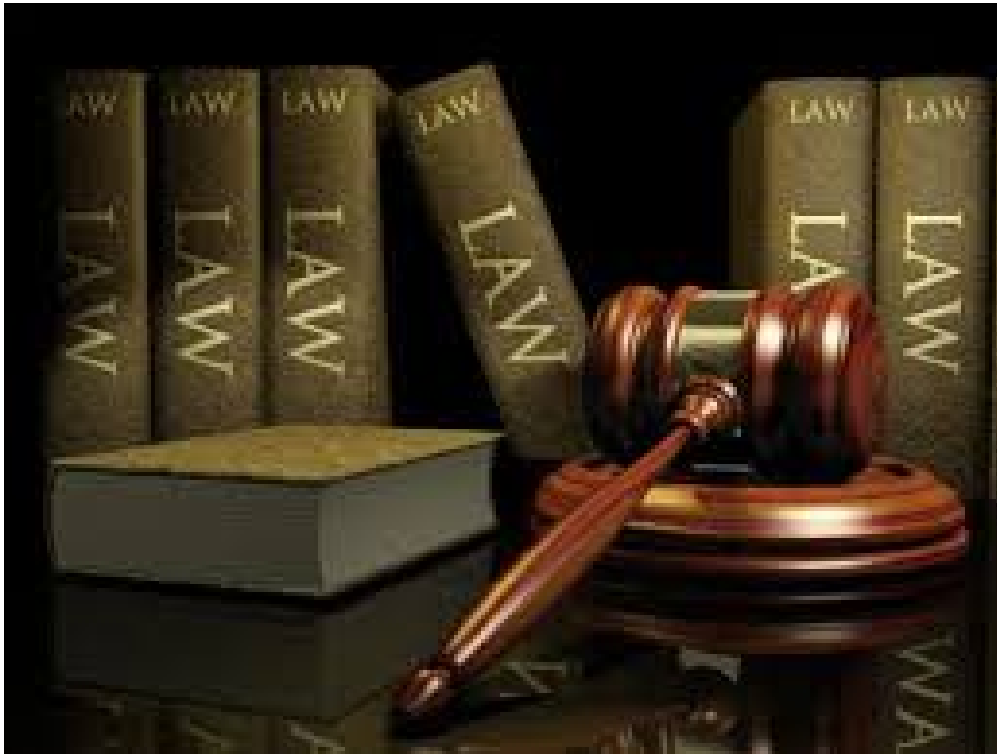
- Filing a criminal charge
- Pass the buck to law enforcement
- Carryout policy objectives
- Comply with PREA
- Help ensure justice is carried out, even within the corrections facility

What Is the Legal Process?

- Incident
 - Possibly an arrest
- Investigation
 - Likely an arrest
- Grand Jury
- Indictment
- Arraignment
- Bond Hearing



What Is the Legal Process? Cont.



- Trial
- Sentencing
- Appeal

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

Why Does a Prosecutor Not Charge an Inmate/Resident?

- Victim and witnesses may lack credibility
- Sex between inmates/residents and staff may be considered consensual

Video

Defense Techniques

- The victim is no saint
- Witnesses are biased and evil people
- Poor investigative work
- Beyond a reasonable doubt standard not met

It All Begins With an Investigation



- 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



We Have a Solid Investigation, Now What?

- Know your criminals
- Create, train, and implement
- Respond to subpoenas
- Cure witness problems
- Train employees on how to be a trial witness
- Collaborate with the local law enforcement and prosecutors

Know Your Criminals

- Put together a Pending Charges list
- When seeking prosecution present full disciplinary history of inmate/resident
- Provide information regarding reason for original incarceration

Create-Train-Implement

Create, train, and implement

- investigations
- crime scene preservation
- evidence preservation
- video retention policy

Subpoenas

- Prosecutors often use the subpoena process to evaluate whether anyone cares about the case. A subpoena that does not receive a response conveys that no one cares about the outcome.
 - Subpoenas may not actually require attendance
 - Subpoena compliance should be mandated via policy
 - If necessary, witnesses and victims must appear

Cure Witness Problems

- Evidence of a crime becomes evidence in court through use of witnesses. No witnesses usually mean no evidence.
 - Ensure witnesses remain available. Keep records of new addresses and changes of employment.
 - Take steps to protect personal information from being turned over to inmate through discovery.
 - Must appear in court when necessary.

Witness Training

- Agencies should train employees on how to be a good witness. They will feel much more confident throughout the court process as well as provide better outcomes at trial.

Collaborate with Local Law Enforcement and Prosecutors

- Use the team approach to get “buy-in” from all aspects of law enforcement.
 - Hook and Haul
 - Pending Charges List
- Regular calls and follow up provides solidarity and dispels the feeling that someone is being “thrown under the bus.”
- Thank your law enforcement officers and prosecutors for doing a good job.

Questions?

