

National Institute of Corrections

Investigating Allegations of Staff Sexual Misconduct with Inmates

Operational Strategies in Investigations and Vulnerability in Operations

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What are some of the Assumptions Around this Issue?

- Staff should know right from wrong and govern their own conduct.
- Misconduct is effectively addressed by reviewing the organizations management and operational practices.
- Most staff want to do the right thing.
- The Code of Silence is not a significant Factor

Where Do We Begin?



- Myths
- What we know and don't know
- Institutional Realities
- Management and Operational challenges

We Don't have a problem



Burying your head in the sand still leaves
the rest of your body vulnerable....

Investigators: You are Key



- **What are your beliefs/Attitudes**
- **How well organized are you**
- **How well do you communicate?**
- **How familiar are you with policy?**
- **Do you stay current in investigative techniques/training?**

Myths about Staff Sexual Misconduct with Inmates

- No reports = no incidents
- Cross gender supervision =misconduct
- Inmates give consent
- Code of silence can't be overcome
- Male officers involved w/female inmates
- Orientating inmates =false reports/allegations
- Rookies = incidents
- Inmates set up staff so staff are real victims

Myths about Staff Sexual Misconduct with Inmates

- Little physical or other evidence only leads to he said/ she said.
- Prosecutors won't prosecute, so why investigate?
- Arrestees aren't in jail long enough for misconduct to occur.
- Officers/custodial staff are the only ones involved in sexual misconduct.

Realities

- Leadership must come from the top.
- Zero tolerance and mandatory reporting are important ingredients in prevention
- Required behaviors must be role modeled
- Sexual misconduct associated with earlier breaches of professional boundaries.

Realities

- Legislation with clear penalties can be an effective tool. Policies that back it up are essential.
- Policies need to be in place to direct staff. Policies must be explicit.
- Effective training is a part of a strategic response.

Realities

- Training must include contractors, volunteers etc.
- Staff fear and distrust internal investigations
- Investigations must be professional, timely and conducted by trained and supervised investigators.

Realities

- There needs to be multiple reporting points for staff and inmates.
- Daily operations must support a “zero tolerance” atmosphere.
- Staff misconduct disrupts everything.
- An incident of sexual misconduct polarizes staff, offenders and leadership.

What we know and don't know about staff sexual misconduct

□ Why we don't know more

- ✓ Lack of interface between HR, investigations, legal
- ✓ We “cut deals” with employees/allow resignations
- ✓ Contractor data infrequently collected
- ✓ Inmate information not collected
- ✓ Physical location data not collected
- ✓ Discipline based on what can be proven, rather than the real facts of the incident
- ✓ No standard definitions
- ✓ No standardized reporting
- ✓ Unwillingness to report outcomes publicly

BOP Study of 20 Investigations

- 75% of cases male/staff female inmates
- Staff employed more than 3 years
- Staff highly regarded, good evaluations
- Incidents in remote areas
- Staff in facility at other than work times; volunteered to work overtime
- Staff having problems at home
- Inmates provided initial reports
- Investigations revealed higher than normal contraband

Hawaii Study - what staff get involved (1996)

- Staff perceive female inmates as helpless victim and him/herself as potential rescuer
 - Staff perceive inmates as “subhuman”
 - Staff who are “anti-supervisory and anti-administration”
 - Staff who feel abandoned, alienated and unsupported
 - Staff who have no life outside work
 - Male supervisors
 - “Male and female staff are statistically at equal risk for perpetrating sexual abuse of female inmates.”

Kansas DOC Study (1999)

N - 225

- 28% of incidents involved first year employees
- 56% of incidents in first three years of employment
- 65% of incidents in first four years of employment
- Female staff involved in 55% of incidents
- Uniformed staff involved in 56% of incidents

Kansas DOC Study (1999)

N - 225

- 19% of incidents involved food service employees
- Causes:
 - Lack of clear policy, comprehensive or specific
 - Employees didn't understand risks, behaviors, inexperienced
 - Training was insufficient
 - Isolation of staff with inmates
 - Staff values



Key Operational Issues

- Demystify the investigative process. Insure that investigations policies and procedures are known to all. Participate in training for staff and inmates.
- Be visible throughout the institution and establish positive working relationships. First contact with staff should not be under adverse circumstances.



Key Operational Issues

- Make Supervisors aware of the need to be observant of staff demeanor and behavior.

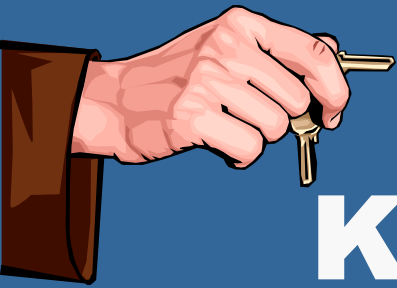
Examples:

- Unusual “off” routine schedule activity at work.
- Change in appearance
- Significant life crisis
- Defensive about certain inmate(s)/ownership
- Volunteering for extra inmate activities



Key Operational Issues

- Investigators are not infallible . Make sure there is a system of checks and balances.
- Establish information needs and insure you are getting feedback from management and staff re. activities. Examples, incidents involving same staff, same unit, same time of day.
- Don't form preconceived notions about inmate or staff testimony. Allow the investigation to take you where it goes.



Key Operational Issues

- Review inmate appeal data to garner support/data about patterns of conduct.
- Provide training to staff who monitor inmates telephones to identify types of information to report.
- Properly select, train and supervise investigative staff to insure their credibility.

Key Operational Issues

- Have a thorough working knowledge of the physical plant including:

- Key control plan.
- Isolation of storage areas
- Isolation of professional offices
- Specific modifications for minimal privacy

Provide input to management about special concerns based on prior findings in investigations.



Key Operational Issues

- Coordinate efforts with medical/mental health staff and insure clarity of roles and responsibilities with respect to confidentiality and reporting.
- Insure balance of male/female staff on investigative team to facilitate investigative process.
- Establish first responders that are trained to preserve evidence in a real time event. (Rape kits, Contracts w/ outside hospital etc.)

Key Operational Issues

Work with Management to insure Inmate Assignments do not contribute to the problem. Key into any exceptions to established policy.

- Who has authority?
- Avoid ownership of inmates as “employees”.
- Monitor use of 2nd and 3rd Shifts.
- Policy to rotate assignments (periodically)
- Assignment of inmates in isolated areas





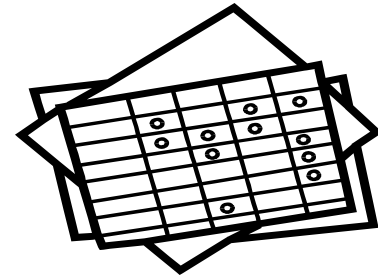
Key Operational Issues

- Coordinate with Security staff receiving feedback re. contraband searches. (Check personal property for cards, letters, phone numbers, address books, jewelry, pictures etc.)
- Watch for unusual Money Order patterns
- Establish some system of link analysis so small pieces of information do not get lost.

Key Operational Issues

Matrix Information

Chart: Name, Event, Who, Where, When



- Floor Plans for each building
 - Use colored dots for drugs, assaults, sexual acts etc.
- Analyze Blind Spots
 - Use drug dogs, post assignments, physical plant design.

When it Hits the Fan!

Despite your best efforts..it blows sky high any way !!!



**What do I
do Now?**



Aftermath

- Staff need to talk about experience
 - End of investigation doesn't end event
 - Control gossip
 - Guided interactions, peer debriefers
 - Acknowledge these are tough times
- Use experience to reinforce leadership
 - Reemphasize inclusion and teamwork
 - Prevention
 - Staff now know red flags
 - Stress security and changing culture

Aftermath continued...

- MOU's with:
 - Investigating agencies
 - prosecutor
 - Attorney General/other
- Coordination of staff issues w/management
 - Timing
 - Suspension
 - Reassignment
 - Referrals to EAP

Aftermath continued...

- Prevention of retaliation against staff and/or inmates – or appearance of retaliation
- What you tell staff? Media? Inmates?
- Procedures for production of physical evidence
- Documentation, Documentation, Documentation
- Train, Train, Train

Conclusion



As long as there are human beings living and working together there will be opportunities for inappropriate interactions.

Demystifying the investigative process & interfacing with the other management units will enhance the facility's ability to minimize incidents of sexual misconduct.