

The background of the slide is a light-colored, textured surface resembling a spiral-bound notebook. A silver metal spiral binding is visible along the left edge. A horizontal green bar highlights the main title text.

# Investigating Allegations of Staff Sexual Misconduct with Inmates

National Institute of Corrections  
& Washington College of Law

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# Foundations of Successful Investigations

- Strong and clear policy on zero tolerance for misconduct
- Sexual misconduct policy
- Training of staff and offenders about policy
- Explain and demystify the investigative process

# Foundations of Successful Investigations

- Staff and Offenders view process as credible
- Defined as security issue for both individuals and institution

# Investigative considerations

- Who performs the investigations
  - Onsite
  - Off-site
  - Institutional
  - Private

# Investigative considerations

- Gender and composition of investigative teams
- Size of system

# Investigative techniques

- Move quickly but not hastily
- Provide direct access to investigative officer
  - “hot line” that accepts collect calls from offenders and families
- Get detailed interviews and written statements
  - From complainant
  - From anyone in a position to corroborate

# Sample Interview Questions

- What do you know about the officer?
- What type of vehicle does he drive?
- What are the officer's hobbies? Days off?
- Where did the officer go on vacation?
- What type of home does the officer have?

- Does the officer own his/her home or rent?
- What type of music does the officer like?
- What are the names of the officer's family members, wife, kids, friends, pets?
- Where does the officer live?
- What is the officer's telephone #?

# Sample Interview Questions

- Do you know the officer's financial status?
- Who does the officer owe \$ to?
- Did the officer ever give you cards, tokens, notes, photos?

- Describe the officer's physical characteristics
  - Hair pattern on body
  - Type of underwear
  - Bellybutton
  - Scars
  - Moles
  - Tattoos
  - Circumcised/uncircumcised
  - Hygiene
  - Skin pigmentation

# Sample Interview Questions

- When did your relationship begin?
- How often did sex occur?
- Where did sex 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?

- Have you told anyone about this?
- Description of area where event took place?
  - Detail
  - Locks
  - Keys
  - Announcements
  - Radio transmission

# Investigative Techniques

- Use resources available in correctional setting
  - Property and room search of inmate
  - Inmate account activity
  - Telephone activity
  - Mail
  - Records – logbooks, roll calls, medical records if permitted

# Investigative Techniques

- Remember possibility of physical evidence
  - Blood
  - Semen
  - Saliva
  - Skin
  - Hair

# Investigative techniques

- Consider aggressive techniques
  - Body wire
  - Electronic monitoring and recording equipment
  - Controlled calls
  - Dialogue-approach-discussion
  - Polygraph examinations of staff and inmates to assess credibility

# Investigative techniques

- Take it to the community
  - Release
    - Home confinement
    - Probation
    - Parole
    - Family members of inmate
    - Former inmates

# Managing the Offender

- Offenders' Perspective
- Complex Motives of Complainants
- Ability to Relate to the Complainant
- Pace
- Inmate Management Pending Investigation
  - Discipline
  - Segregation/Protective Custody

# Managing Staff

- 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

# Why Investigations Fail

## – Administrative Reasons

- Weak policy
- Lack of support from the top
- Poor teamwork
- Poor recordkeeping

# Why Investigations Fail

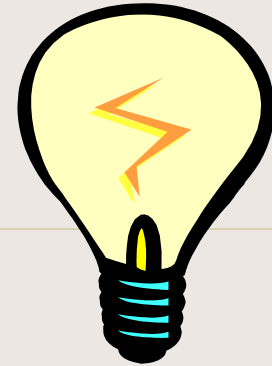
- Process

- Leaks
- Uncooperative complainants
- Complainants with limited mental capacity
- Uncooperative staff – code of silence

# Why Investigations Fail

- Poorly trained investigators
- Limited evidence
- Lack of commitment to task
- Linkages coordination
  - Law enforcement
  - Mental health
  - Medical
  - Prosecution

# Remember!



- Be tenacious.
- Be creative.
- Be intelligent.
- Keep good records.
- Know the law.
- Bring in other skill sets – lawyers, physicians, forensics.