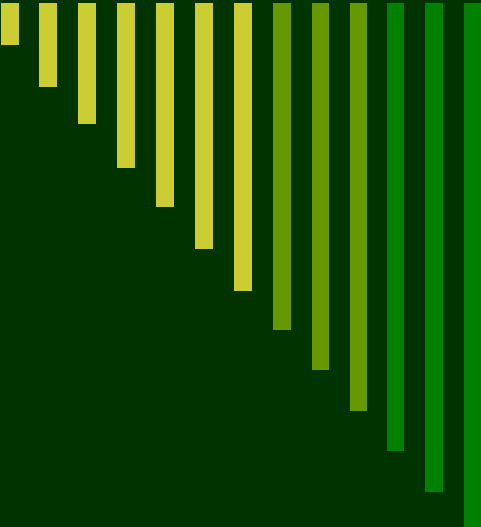


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# Investigating Allegations of Staff Sexual Misconduct with Youth in Custody

**Addressing Staff Sexual Misconduct with Youth in Custody**

**November 7-9, 2005**

**Kentucky Department of Juvenile Justice**

**Lexington, KY**

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# Objectives

- ❑ Identify the foundations of successful investigations
  - ❑ Identify investigative considerations
  - ❑ Understanding implications of Garrity
  - ❑ Identifying important concepts when interviewing youth
  - ❑ Understanding special circumstances regarding investigations involving youth
  - ❑ Identify successful investigative techniques
  - ❑ Discuss decisions investigators need to make during the investigative process
  - ❑ How to manage the staff member and youth effectively
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# Foundations of Successful Investigations

**Strong and clear policy on zero tolerance for misconduct**

**Sexual misconduct policy**

**Training of staff and youth about policy**

**Explain and demystify the investigative process**

**Keep youth involved in process**

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# Foundations of Successful Investigations Cont'd

Staff, youth, and community partners view process as credible

Legal / Judicial partners view processes in compliance with applicable laws and criminal procedures

Defined as public safety/ security issue for individuals, institution, and community partners

Reasonable assurances of retaliation control against youth, witnesses, and community partners

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# Investigative Considerations

Who conducts the investigations?

- Agency Personnel
  - Outside Law Enforcement
  - Private
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# Investigative Considerations Cont'd

- ❑ Gender and ethnicity of investigative team members
  - ❑ Expertise / qualifications of investigative team members
  - ❑ Logistics of managing crime scene
  - ❑ Community / partnership issues
  - ❑ Size of system
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# Garrity - Administrative Investigation Warnings

- ...You are entitled to all the rights and privileges guaranteed by the laws and the constitution of this state and the United States, involving the right not to be compelled to incriminate yourself. I further wish to advise you that refusal to testify or to answer questions relating to the performance of your departmental duties could result in your dismissal from the department. If you do answer, neither your statements nor any information or evidence which is gained by reason of such statements can be used against you in any subsequent criminal proceeding. However, these statements may be used against you in relation to subsequent departmental charges...
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# Garrity Cont'd

- ...At this time I am going to question you regarding (type of investigation). This questioning concerns administrative matters relating to the official business of the department. I am not questioning you for the purpose of instituting any criminal proceeding against you. During the course of the questioning, even if you do disclose information which indicates that you may be guilty of criminal conduct, neither your statements nor the fruits (products, results, etc.) of any statement you make will be used against you in any criminal proceedings...



# Sample Interview Questions

- What do you know about the staff member?
- Does the staff member own his/her home or rent?
- What type of vehicle does s/he drive?
- What type of music does the staff member like?
- What are the staff member's hobbies? Days off?
- What are the names of the staff member's family members, wife, kids, friends, pets?
- Where did the staff member go on vacation?
- Where does the staff member live?
- What type of home does the staff member have?
- What is the staff member's telephone #?



# Sample Interview Questions Cont'd

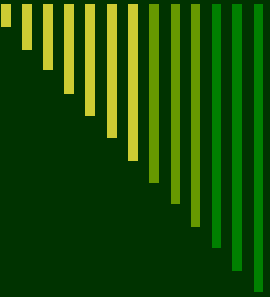
- Do you know the staff member's financial status?
- To whom does the officer owe \$?
- Has the staff member ever give you cards, tokens, notes, photos?
- Describe the staff member's physical characteristics?
  - Hair pattern on body
  - Type of underwear
  - Bellybutton
  - Scars
  - Moles
  - Tattoos / piercing
  - Circumcised / uncircumcised
  - Hygiene
  - Skin pigmentation



# Sample Interview Questions Cont'd

- When did your relationship begin?
- Did sex occur?
- When / Frequency?
- Where did sex take place?
- Did ejaculation occur?
- Have you told anyone about this?
- Who was the last person you saw before the act took place?
- Who was the first person you saw after the act took place?
- Description of area where event took place?
  - Detail
  - Locks
  - Keys
  - Announcements
  - Radio transmission

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# Things to consider when interviewing youth



# Investigative Techniques

- Move quickly but not hastily
  
- Provide direct access to investigative officer
  - “hot line” that accepts collect calls from youths, co-habitants, families, and community partners
  - Get detailed interviews and written statements
  - From complainant
  - From anyone in a position to corroborate
    - youth colleagues, employer, employees, treatment providers, family members, and staff colleagues



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# Investigative Techniques

- Use resources available in correctional and community settings
    - Property and room search of youth
    - youth account activity
    - Telephone activity
    - Mail
    - Records –logbooks, roll calls, medical records if permitted
    - Potential Witnesses
-



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# Investigative Techniques

- Remember possibility of physical evidence
    - Blood
    - Semen
    - Saliva
    - Skin
    - hair
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# Investigative Techniques

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

- Take it to the community
    - Release
      - Home confinement
      - Probation
      - Parole
      - Family members of youth
      - Former youths
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# Useful Techniques When Investigations Involve Youth

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# Investigators Should:

- ❑ Adapt the investigation to your facility
  - ❑ Know your investigative resources
  - ❑ Identify how to use technology effectively
  - ❑ Understand evidence collection and chain of custody
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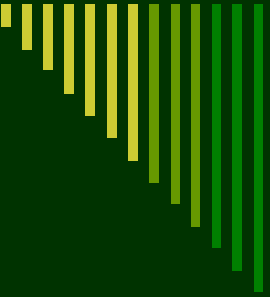


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# Know Your Policy and Procedure for:

- Evidence collection and analyzation
  - Including other agencies
  - Calling in victim services
  - Aggressive Investigative Techniques
  - Interviews
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# Evidence Collection Considerations

- Office Searches
  - Cell Searches
  - Telephone System Monitoring
  - Visitation Records
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# Managing the Youth

- ❑ Consider the victim's perspective: fear, terror, etc
  - ❑ Complex motives of the victims
  - ❑ Ability to relate to the victim
  - ❑ Pace of the investigative process
  - ❑ Victim safety pending investigation
  - ❑ Use victim services to advocate for the victim
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# 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
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# Why Investigations Fail: Administrative Reasons

- Weak policy
  - Lack of support from the top
  - Poor teamwork
  - Poor Recordkeeping
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# Why Investigations Fail: Process

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

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# Why Investigations Fail: Poor Coordination

- Law enforcement
  - Mental health
  - Medical
  - Prosecution
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# Why Investigations Fail Cont'd

- ❑ Poorly trained investigators
  - ❑ Limited evidence
  - ❑ Lack of commitment to task
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# Impact of Good Investigations

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# Remember!

- Be tenacious.
- Be creative.
- Be intelligent.
- Keep good records.
- Know the law.
- Bring in other skill sets – lawyers, physicians, forensics, treatment partners, and available community resources

