

Effective Investigative Process

Addressing Staff Sexual Misconduct
with Offenders

Washington, DC
March 12-17, 2006

Foundations of Successful Investigations

- Strong and clear policy on zero tolerance policy for staff sexual misconduct
- Strong investigative policy for staff sexual misconduct
- Training of staff and offenders about investigative procedures
- Be sure investigators know the channels of reporting (including your mandatory reporting guidelines)
- Keep victim-offender involved in process
- Inclusion of outside agencies to aid in the investigative process

Foundations of Successful Investigations

- The investigative process is viewed as credible
- The investigative process is in compliance with applicable criminal laws and administrative procedures
- The completion of successful investigations are defined as a security issue
- There are reasonable assurances of retaliation control

Considerations for effective Investigations

- WHO
 - Department of Internal Affairs
 - Local Law Enforcement
 - Prosecutors
 - Victim Services
- PLACE
 - Probation or Parole Department
 - Local Jail
 - State or Federal Prison
 - House Arrest
 - Half-way House
 - Work Release

Considerations Cont'd

- INVESTIGATIVE TEAM
 - Gender
 - Ethnicity
 - Expertise
 - Qualifications
 - Language Spoken
- WHAT
 - Crime scene management
 - Size of agency
 - Financial and legal restrictions
 - Policy
 - Guardianship (juvenile)

Considerations Cont'd

- **NEEDS**
 - Medical
 - Safety
- **HOW**
 - Evidence Collection
 - Wiretaps
 - Interviews
 - Notifications

The Offender Interview

- Be prepared for virtually any type of emotional reaction
- Victim may assume the investigation lacks integrity
- Build rapport
- Confidentiality
- Create a quiet, safe setting (inside vs. outside location)
- Genuineness and authenticity
- Active listening
- Paraphrasing, summarizing & clarifying
- Allow adequate response time
- Non-verbal communication
- Use concrete ideas (who, what, when, where, how)
- When possible, avoid investigations involving individuals with whom your objectivity is challenged
- Multiple Interviews
- Debrief
- Interview Teams
- Avoid judging, attacking, condescending, denial
- Avoid offering pity
- Avoid beginning with preconceived outcome
- Truth-finding

The Offender Interview Continued

- Use vocabulary and sentences that are at the individual's level of cognitive and language development
- Be prepared to deal with feelings of intense fear and terror
- Set limits
- Do not personalize
- Be redundant, thorough, detailed
- Be patient
- Boundary clarification
- Clarify role, goals
- Provide accurate, straightforward information
- Maintain professionalism
- Focus on facts & behavior

Involving Other Agencies

■ When

- Embrace and develop mutual opportunities prior to need
- Immediately and in accordance with criminal law
- Immediately and in accordance with carefully developed protocols and MOU's
- Embrace and assess throughout investigative process

■ Why

- Maximize resources
- Building for the future
- Enhance effective public policy
- Enhancement of institutional and public safety

Investigative Techniques

- Resources: Use all available resources laid out for you under your law and policy
 - Property and room search of victim
 - Check account activity of victim
 - Telephone activity
 - Mail
 - Records- Logbooks, roll call, medical records
- Use protocols outlined by your policy for interviews
- Use medical calls and records to your advantage
- Document everything

Investigative Techniques

■ Aggressive Techniques

- Body Wire
- Electronic Monitoring
- Controlled Calls
- Dialogue-approach-discussion
- Polygraph of staff and offender to assess credibility

■ Physical Evidence

- Blood
- Semen
- Saliva
- Skin
- Hair

Sample Interview Questions: Victim

- Do you know the staff member's financial status?
- To whom does the staff member owe money?
- Describe the staff member's physical characteristics?
 - Hair pattern on body
 - Type of underwear
 - Bellybutton
 - Scars
 - Moles
 - Tattoos / piercing
 - Circumcised / uncircumcised
 - Hygiene
 - Skin pigmentation
- What do you know about the staff member?
- What type of vehicle does s/he drive?
- What are the staff member's hobbies? Days off?
- Where did the staff member go on vacation?
- What type of home does the staff member have?
- Has the staff member ever given you cards, tokens, notes, photos?

Sample Interview Questions: Victim Con't

- When did your relationship begin?
- What occurred?
- When / Frequency?
- Where did act 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?
- Does the staff member own his/her home or rent?
- What type of music does the staff member like?
- What are the names of the officer's family members, wife, kids, friends, pets?
- Where does the officer live?
- What is the staff member's telephone #?
- Have you told anyone about this? Whom? When?
- Description of area where act took place?
 - Detail
 - Locks
 - Keys
 - Announcements
 - Radio transmission

Know Your Policy and Procedure for:

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

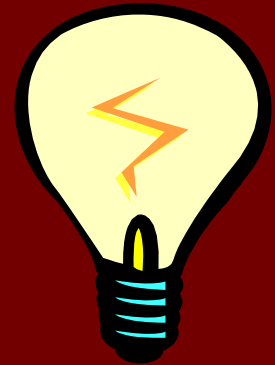
Victims and Investigations

- Consider the victim's perspective: fear, terror, the inmate code
- 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

Staff Members and Investigations

- 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
 - Determine Garrity or Miranda

Remember!



- Be tenacious.
- Be creative.
- Be intelligent.
- Keep good records.
- Know your agency's policy and procedure and the state and federal criminal law.
- Bring in other skill sets – lawyers, physicians, forensics, treatment partners, and available community resources