Investigating Allegations of Staff Sexual Misconduct with Offenders

Module 9: Investigative Techniques

Developed by the NIC/WCL Project under NIC Cooperative Agreement #06S20GJJ1
Objectives

- Identify foundations for successful investigations
- Understand why investigations fail
- Define considerations made in effective investigations
- Identifying useful investigative techniques (including interviewing staff and victims, evidence collection, etc.)
Foundations of Successful Investigations

- Strong and clear zero tolerance policy for staff sexual misconduct
- Strong investigative policy
- Training staff and offenders about investigative process
- Knowing the channels of reporting (including your mandatory reporting guidelines)
- Keeping victim-offender involved in process
Foundations of Successful Investigations

- Including where appropriate outside agencies to aid in the investigation
- Understanding what prosecutors need
- Understanding evidence timelines
- The investigative process is viewed as credible
- Investigative process complies with applicable criminal laws and administrative procedures
- Completion of successful investigations is defined as a security issue
- Reasonable assurances to staff and offenders of protection from retaliation
- Ensure safety and security
Why Investigations Fail

- Attitude toward victim
- Reaction of 1\textsuperscript{st} Responders
- Lack of communication with investigative partners both internal and external
  - Law enforcement
  - Mental Health
  - Medical
  - Prosecutors
- Lack of support for the victim’s safety
- Administrative Reasons
  - Weak policy
  - Lack of support from administration
  - Poor teamwork
  - Poor Recordkeeping
Why Investigations Fail Cont’d

- Timing and Pace of the investigation
- Distrust of investigators
- Poorly trained investigators
- Lack of commitment to task
- Poor coordination of agency partners
- Process
  - Leaks
  - Uncooperative victims
  - Vulnerable Victims
  - Uncooperative staff – code of silence
Why Investigations Fail Cont’d

- Evidence that is
  - Limited
  - Weak
  - Poorly collected
  - Poorly preserved

- Not properly utilizing all of the available investigative tools
Considerations for Effective Investigations

- WHO
  - Department of Internal Affairs
  - Local Law Enforcement
  - EAP
  - Union
  - Division of Youth Services
  - Advocacy and Protection Agencies
  - Prosecutors
  - Victim Services
Considerations Cont’d

PLACE

- Probation or Parole Department
- Community
- Local Jail
- State or Federal Prison
- House Arrest
- Half-way House
- Work Release
Considerations Cont’d

- INVESTIGATIVE TEAM
  - Gender
  - Ethnicity
  - Expertise
  - Qualifications
  - Language ability
Considerations Cont’d

WHAT

- Crime scene management
- Size of agency
- Financial and legal restrictions
- Policy
Considerations Cont’d

- **NEEDS**
  - Medical
  - Safety

- **HOW**
  - Evidence Collection
  - Wiretaps
  - Interviews
  - Notifications
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 relationships for the future
  - Enhance effective public policy
  - Enhancement of institutional and public safety
Investigative Techniques

- Property and room search of victim
- Check account activity of victim
- Telephone activity
- Mail
- Records- Logbooks, roll call, medical records
- Body Wire
- Electronic Monitoring
- Controlled Calls
- Polygraph
Finding DNA Evidence

- Chairs
- Floors
- Cups
- Clothes
- Bedding
- Tissue Paper
Sample Interview Questions for Successful Investigations

- 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 Cont’d

- 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 Law, Policy and Procedure for:

- Evidence collection and analysis
- When to include other agencies
- Calling in victim services
- Aggressive Investigative Techniques
  - Using offender
  - Wiretaps
  - Polygraphs
- Interviews of both victim and staff
Victims and Investigations

- Consider the victim’s perspective: fear, terror, the inmate code
- Complex motives of the victims
  - Sentence reduction
  - Change in housing
  - Jealousy
  - Revenge
- 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
  - Go to licensing agencies
  - 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.