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### Curriculum: Investigating Allegations of Staff Sexual Misconduct with Offenders (Facilitator's Guide)

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NATIONAL INSTITUTE OF CORRECTIONS

*in partnership with*

THE AMERICAN UNIVERSITY  
WASHINGTON COLLEGE OF LAW

Curriculum:  
Investigating Allegations of Staff  
Sexual Misconduct with Offenders

FACILITATOR'S GUIDE  
2010

NIC/WCL PROJECT ON ADDRESSING PRISON RAPE

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# **Investigating Allegations of Staff Sexual Misconduct with Offenders**

## **Facilitator's Guide**

**2010**

This document was prepared under cooperative agreement #06S20GJJ1 from the National Institute of Corrections, U.S. Department of Justice with Washington College of Law/American University. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice.

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This curriculum is available to all who request it. NIC and the Project's intent, however, is that trainers who use these materials will be experienced in and knowledgeable about the field in order to maintain the integrity of the work in this area.

If you need information on "train the trainers" sessions or available speakers, please contact the National Institute of Corrections.

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## Introduction

*Investigating Allegations of Staff Sexual Misconduct with Offenders* is a 36-hour educational program that addresses the complex issues in investigations of staff on offender sexual abuse in correctional settings. It is primarily designed for investigators, prosecutors, human resource administrators, and high-level correctional administrators, but can be adapted for other audiences.

Before the lesson plans begin on page 31, you will find background information for the instructor. First you will find the proposed program agenda for the training, a list of topics and break times. This provides the instructor with a snapshot of the entire training; each module, topic and time allowed for that module.

Next, is the “Teaching Tips” section that offers suggestions for the instructor on:

1. Selecting trainers and guest speakers
2. Things to do prior to the training
3. Setting up the training room
4. Knowing your audience
5. Using the curriculum
6. Team teaching
7. Teaching to maximize effectiveness
8. Handling challenging people
9. Responding to questions

The rest of the curriculum organizes the 15 modules into lesson plans. Each module is located behind a tab and can be used as lecture notes.

The **goal** of the training is to educate legal and correctional professionals on how to identify:

1. The external and internal linkages that need to be made to ensure effective investigations and dispositions for staff involved staff sexual misconduct with offenders.
2. The impact of training on successful investigations.
3. The impact of training on all actors within the system including (administrators, line-staff, volunteers, contractors, and investigators, law enforcement and prosecutors).

The **objectives** of the training are to ensure that participants are able to:

1. Review the Prison Rape Elimination Act of 2003 (PREA) and identify its impact on investigations of staff sexual misconduct with persons under correctional supervision.

2. Understand a comprehensive approach to addressing and investigating allegations of staff sexual misconduct with offenders- - policy, training and operational practices.
3. Understand legal and investigative implications and strategies to responding to staff sexual misconduct with offenders.
4. Understand the role of the prosecutor and review the legal tools for prosecuting staff sexual misconduct with offenders—their content, importance and relevance to investigations.
5. Demonstrate and model how integrated relationships between police, prosecutors, investigators, and correctional personnel can help to ensure successful investigations and convictions of staff sexual misconduct with persons under correctional supervision.

## Training Agenda<sup>2</sup>

START	END	SUBJECT
		<b>Day 1</b>
8:30 am	10:00 am	<b>Welcome and Introduction</b>
10:00 am	10:15 am	Break
10:15 am	10:45 am	<b>Module 1: Training Objectives</b>
10:45 am	11:15 am	<i>Activity: Identification of Critical Issues</i>
11:15 am	12:15 pm	<b>Module 2: Prison Rape Elimination Act of 2003</b>
12:15 pm	1:15 pm	Lunch
1:15 pm	2:30 pm	<b>Module 3: State Laws and Investigations</b>
2:30 pm	3:45 pm	<b>Module 4: Agency Culture</b>
3:45 pm	4:00 pm	<i>Break</i>
4:00 pm	4:30 pm	<b>Module 5: Action Planning</b>
4:30 pm	5:00 pm	<i>Activity: Action Planning in Groups</i>
		<b>Day 2</b>
8:30 am	9:00 am	Review of Day 1 Logistics Questions
9:00 am	10:00 am	<b>Module 6: Training for Investigators to Work in a Correctional Setting</b>
10:00 am	10:15 am	<i>Break</i>
10:15 am	11:00 pm	<i>Activity and Report Out: Designing Training in Response to PREA Standards</i>
11:00 am	12:00pm	<b>Module 7: Investigative Policy</b>
12:00 pm	1:00 pm	<i>Lunch</i>
1:30 pm	2:00 pm	<i>Activity and Report Out: Designing Investigative Policies Addressing PREA Standards</i>
2:00 pm	2:30 pm	<b>Module 8: Operational Practices</b>

<sup>2</sup> NOTE: While this is the way we would lay out the training if we had 36 hours, we recognize that not everyone can do that. Again, this curriculum is designed to use as a whole, in part and/or as shortened versions of itself. You should feel free to modify per your timing and training needs.

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2:30 pm	3:00 pm	<i>Activity and Report Out: Designing Investigative Policies addressing PREA Standards</i>
3:00 pm	3:15 pm	<i>Break</i>
3:15 pm	5:00 pm	<b>Module 9: Investigative Techniques</b>
		<b>Day 3</b>
8:30 am	9:00 am	Review of Day 2 Logistics Questions
9:00 am	11:00 am	<i>Activity and Report Out: Mapping the Investigative Process</i>
10:30 am	10:45 am	<i>Break</i>
11:00 am	12:30pm	<b>Module 10: DNA and Medical Health Care</b>
12:30 pm	1:30 pm	<i>Lunch</i>
1:30 pm	3:00 pm	<b>Module 11: Victimization and Mental Health Care</b>
3:00 pm	3:15 pm	<i>Break</i>
3:15 pm	4:15 pm	<b>Module 12: Media</b>
4:15 pm	5:00 pm	<i>Activity: Action Planning in Groups</i>
		<b>Day 4</b>
8:30 am	9:00 am	Review of Day 3 Logistics Questions
9:00 am	10:30 am	<b>Module 13: The Role of Prosecutors in Cases of Staff Sexual Misconduct</b>
10:30 am	10:45 am	<i>Break</i>
10:45 am	12:30 am	<b>Module 14: Human Resource Issues in Investigations of Staff Sexual Misconduct</b>
12:30 pm	1:30 pm	<i>Lunch</i>
1:30 pm	3:30 pm	<b>Module 15: Legal Liability and Investigations</b>
3:30 pm	3:45 pm	<i>Break</i>
3:45 pm	4:30 pm	Answer Unanswered Questions/Issues Report Out on Action Plans

		<b>Day 5</b>
8:30 am	8:45 am	Review of Day 4 Logistics Questions Overview of Day 5
8:45 am	10:15 am	Report Out on Action Plans
10:15 am	10:30 am	Break
10:30 am	11:30 am	Report Out on Action Plans
11:30 am	12:00 pm	Wrap-up; Evaluations; Certificates

## **Teaching Tips**

### **Selecting Trainers**

- Those in charge of selecting speakers for the training, might want to use the following criteria to ensure a consistently representative faculty:
  1. Content expertise
  2. Effectiveness as a speaker
  3. Diversity (race, gender, age, ideas)
  4. Credibility
  5. Availability
  6. Reliability
  7. Locality: using someone from the local site in addition to national presenters
  8. Commitment to and interest in the topic
- Have speakers provide current “bios” for their introductions and for inclusion in the participant notebook. Each biography should be two to three paragraphs in length and highlight the speaker’s relevant experiences and qualifications.
- In addition to the main trainers, including guest speakers for some of the modules can enhance the learning experience. Talk with other trainers and representatives from the host site for local suggestions and assessment of experts in the field.
- Have personal contact ahead of time with the all trainers and speakers to articulate expectations and needs, to answer any questions they may have and to describe the make-up of the audience so that their information is appropriately targeted.
- Make sure all trainer handouts are copied and distributed in advance of his/her presentation.

### **Prior to the Training**

- Training coordinators should encourage participants to bring examples of materials from their own agencies that relate to investigations of staff sexual misconduct (e.g., number of allegations, prosecution referrals, investigation policies). These materials may be useful as participants develop their action plans. Give participants a “what to bring list” ahead of time.
- Encourage participants to bring materials and program information for the training resource table to share with other participants (e.g., their inmate orientation booklet).

- Trainers need to be sure all classroom space, equipment and audiovisual materials (i.e., video) have been ordered or reserved and is working prior to the first day of training.
- Trainers should confirm with the host-site coordinator that the “logistics” have been arranged (e.g., food for lunches and breaks, special needs, parking, printing and assembly of participant notebooks and trainer handouts, name tags, audio visual equipment). NIC has a sample checklist to assist training organizers.

## **Setting Up the Training Room**

- On the first day of training, each training participant should receive the following: (1) Investigating Allegations of Staff Sexual Misconduct Participant Notebook; (2) a pen; (3) a notepad; (4) 10-12 index cards for comments; and (5) a nametag and tentcard.
- Set out these items at individual spots at the tables or hand out at registration.
- The suggested audience size for the training is 25-35 people.
- The training room should accommodate classroom-style tables and movable chairs with four to six participants per table if possible. This works well for small group discussions yet provides enough room for participants to take notes. Each participant should have an unobstructed view of the front of the room, and be able to see the speaker and easel, audio-visual screen and other training aids.
- Set up with a “resource table” for participants to share information on their activities or programs.
- Set up table and chairs in the back of the room for faculty to be seated when not presenting and to store upcoming audio-visual programs, handouts, etc.
- Set up two easels w/paper and multiple colored markers in the room for activities.
- Test all audio-visual materials (slides, overheads, DVD/videos) and equipment (projector, lap tops) in the room to be sure they work. The resources needed for each module are listed at the beginning of that module in the shaded square.
- Good ventilation and room temperature are important for an effective and comfortable training environment.
- Make sure you advise participants where restrooms are located.
- Have water available for speakers and at each table for participants.

- Ideally, the lighting in the room should be able to dim or turn off for showing PowerPoint® slides, videos and/or overheads.
- Be sure arrangements have been made for refreshments (e.g., water, coffee, tea, soda, non-caffeine alternatives, juice) for the morning and afternoon each day.
- Good acoustics are also important to facilitate good communication. If the room is too large or not sound proof to outside noises, it may not be an effective training location. A lapel microphone may be an option for some speakers so they can be heard while moving around the room.
- Be sure the training site meets the Americans with Disabilities Act (ADA) requirements for any special needs of participants and speakers. Registration applications should ask participants if they have any special needs or accommodations.

## **Knowing your Audience**

- The target audience for this training is high level correctional administrators including: personnel working in investigative capacities; those who supervise investigations; and wardens, prosecutors, human resources professionals, and agency legal staff.
- Know your audience in your training. Find out who they are, what they want to know and learn, their level of experience, and any politics or particular group dynamics among the players. Some trainers may wish to develop pre-training questionnaires to help gather this information. Understand and learn as much as possible ahead of time about participants' issues, concerns and profile data. Time can also be set-aside at the training itself to discuss this information with participants.

## **Using the Curriculum**

- The lesson plan modules may be arranged in a variety of ways to meet the specific training needs of participants. The suggested format for the training is teaching the modules in the numeric sequence spread over four and a half days (approximately 8:30 am to 4:30 pm for a total of 36 hours), that includes a one-hour lunch period and breaks each day.
- There are 15-minute breaks scheduled once in the morning and once in the afternoon. These are guidelines. You may need to judge whether this is enough or if there is a better time for the break or lunch given the flow of the training. Add in a few more five minute stretch breaks if needed or move the times depending upon the needs of the participants.

- The starting and ending times and topics are included in the curriculum. If you need to adjust this, just start each morning reviewing key concepts from the previous day, answer any questions and give an overview of topics for the new day.
- The lesson plans are written in a lecture format with talking points. The left hand column has topic headings and can be used as a quick reference for the presenter. Detailed speaking notes are on the right hand column and can be used as a guide if needed. Speaking notes are written in *red italics* and notes to the instructor are written in *blue italics*. Notes in **black** are what are contained on the PowerPoint slides.
- Most modules, where applicable, contain a discussion section at the very end. This section is designed to integrate a discussion of PREA Standards into the lesson but also to create a conversation about how this affects your agency's policies and procedures. As of the date of this publication, the Attorney General has not issued final PREA Standards. However, this curriculum contains the PREA Standards recommended by the National Prison Rape Elimination Commission (NPREC) in June 2009. We believe that for the most part, the final standards will be similar in content to the standards proposed by the NPREC. Once final standards are passed you should modify your lesson plans to integrate the new material.
- A number of the same PREA Standards included in this curriculum apply to different modules. For ease of reference we have repeated standards in each module to take into consideration that you may present these modules separately or to different audiences. You should feel free to limit or expand discussion of specific standards if you have discussed elsewhere.
- Group activities and participant involvement are a big part of this training. Group interactions with the trainer involving mutual inquiry, shared experiences and personal observations help keep the training interesting and relevant.
- Adult learning models suggest that for maximum attention and retention, "non-lecture" activities be interjected approximately every ten minutes. Therefore, the curriculum is designed to be interactive, with instructor-generated questions for participants, some small group discussion and group activities.
- People learn in different ways – some are visual learners, some need to be more "hands on", while others prefer a lecture format. Mix up your teaching style to reach the maximum number of people. Explain things in different ways and monitor your audience for comprehension through verbal interaction - watching their behavior and feedback.
- The method of presentation for the training includes lecture with visual aids (using videos and a PowerPoint® slide format). Pictures of the actual slides are not put into

the instructor's guide so that the PowerPoint® slides can be updated and customized for the group and jurisdiction. At the beginning of each slide program or video, the following logos will appear in the lesson plans:



for Video or DVD



for PowerPoint®

If you choose not to use the PowerPoint®, the slides can be copied onto transparencies for use with an overhead projector. It is always a good idea to make transparencies as a back up in case the equipment does not work. The slides are to enhance and clarify your presentation. Do not read or talk “to” the slides. Use a remote control or ask a co-trainer to forward the slides so you are not forced to remain by the equipment the whole time you are teaching. Trainers should practice using the equipment before the training.

- The word “Activity” appears whenever there is an individual or group exercise. General discussion questions posed to the full group by the instructor are not listed as an activity but rather a regular part of the lecture style.
- Allow six to eight hours to review the materials before you instruct the program and plan activities. You should be able to present the materials with the PowerPoint® slides serving as a guide and not have to read your notes or read from the slides.

## **Team Teaching**

- As you will most likely be training in teams, prior to the training discuss with the other trainers who is the lead, teaching methods and styles of delivery. You might also wish to discuss:
  1. Whether everyone feels comfortable if one trainer interjects examples or ideas during another trainer's presentation;
  2. How all team members will receive the same background information about participants, key issues, etc.;
  3. Goals and procedures for group activities;
  4. Who will lead discussions following group activities;
  5. Back-up plans in case a trainer is unavailable at the last minute;
  6. Whether it is useful to designate a “team leader” who introduces the next speaker, providing a common thread throughout the training;
  7. Who will summarize each section and direct participant questions, etc.
- A team meeting with all trainers the day before the training is suggested to finalize the training details and logistics.

- At the end of each training day, meet together as a team, debrief the training and discuss if the level of information and delivery style is appropriate; discuss overall strengths and weaknesses.
- At the end of the training, meet together as a team to discuss and review the training evaluations. Each trainer should receive a copy of the written evaluations.
- Record all participant comments and evaluations to make changes for future training sessions.

## **Teaching to Maximize Effectiveness**

- Arrive at the training room at least 45 minutes before the session begins. This allows time for you to be sure all the audio-visual equipment is there and functioning and that the appropriate room arrangements have been made and that all handouts are ready for participants.
- Tape two or three large blank pages from the easel pad on the wall for participants to write critical issues they want addressed throughout the training.
- Ask participants to turn off the ringers on their “Blackberry” and cellular phone (encourage the use of less disruptive notification systems such as vibration or digital display if they must be in contact with their office).
- As a trainer, review your own commitment and passion for the topic.
- Move around the room as you talk. Convey your energy about the work to your audience.
- Help quiet participants speak up and be included.
- Be supportive, non-judgmental, and give compliments to participants: (e.g., “That’s a good question. I am glad you raised that...”).
- Keep language simple and avoid jargon; be clear. If acronyms or abbreviations are used, explain what they mean (BJA, NIC, WCL, HIPPA, etc.).
- Encourage participants to share their own experiences at the appropriate places but keep the pace moving along.
- Help participants who have difficulty presenting information by asking, “Is this an accurate summary of what you are saying...?”



- After you answer a question from a participant, ask them, “Does that answer your question?”
- Challenge participants to speak up and be engaged in order to reduce passivity. Always try to get clear answers from participants and make sure that you fully understand the comments made. Ask for clarification if necessary and encourage participants to be succinct in voicing their comments and concerns.
- Continually remind participants that the information presented during this training is a combination of specific strategies and concrete examples as well as a philosophical change in the “way of doing business.” This training is not “cookie-cutter.” It cannot always be transferred exactly from one correctional program to another. Each agency is unique, with particular issues, demographics, crime characteristics, personalities and existing structures.
- Do not take things personally or become defensive. Encourage participants to think critically and to challenge how policy affects programs and how correctional programs do what they do. Participants may challenge and ask questions about what is contained in the curriculum or examples you use.
- During the first break, informally seek honest feedback from an audience member or co-presenter. Ask for his or her perception of the training including room temperature, pace, appropriateness of information, presentation style and/or level of participant’s interest and engagement. Do this throughout the remaining and make adjustments as needed.
- Allow adequate time for moving into small group exercises and make certain there is adequate, pre-arranged space for the small groups.
- Many activities involve writing ideas on an easel pad. Be sure you can do this easily and still facilitate/instruct. Also, write large and legibly. You may also want to ask a participant or other trainer to write the responses on the easel pad for you.
- Be flexible - issues arise, coffee is late, pagers go off, audio-visual equipment stops working, people cough, egos emerge, guest speakers get stuck in traffic, someone forgets the name tags and participants have their own agendas. When you anticipate things before they occur, issues can be avoided. If something cannot, just keep going, recognizing that the best-laid plans sometimes have to be adjusted. Always have a back-up plan.

## **Handling Challenging People**

- Be sure your values and emotions are in check prior to teaching. Anticipate emotionally charged challenging questions such as, “What about manipulative offenders?” “There was consent so it shouldn’t be illegal,” or, “This is why women shouldn’t be in corrections.” Develop a response that is compelling, clear and reasonable such as, “It may appear that there was ‘consent’ but because of the imbalance of power, consent is often coerced or inmates may not understand they can say no. In addition, as a matter of law, staff sexual misconduct with offenders is illegal in all fifty states. It is our responsibility as correctional professionals to know better and follow the law.” Specific examples of responses are given in the lesson plans. Choose words that are not “hot buttons” for people, but rather help further communication and understanding.
- Encourage participants to be creative and non-traditional to bring about better results. Help participants to use the training as an opportunity to reflect on desired outcomes and how best to reach them.
- During the training, manage the discussion and do not let one or two people dominate. Start a session by saying, “I would like to start this discussion by inviting people who have not spoken much to give us their thoughts.” It is important that different viewpoints get expressed. Possible responses to difficult, controlling or domineering people include:
  1. Politely interrupting them with a statement such as, “May we put that on the back burner for the moment and return to it later?” or “If it is all right, I would like to ask if we can discuss that on the break. There’s another important point we still need to discuss and we are running a little short of time.”
  2. You can also jump in at a pause with, “That’s a good point, let’s hear from some of the others” or redirect the conversation. “We have had several comments in support of this idea, are there different viewpoints in the room?” This gives the control of the training back to the instructor.
- A good instructor allows everyone a chance to speak and facilitates opportunities for less vocal people in all parts of the room to be heard. If people do not participate in discussions or appear to have their minds elsewhere, call on them by name to give an answer, opinion or recount an experience. However, do it in a way that does not put the person on the spot. Then praise the person for responding.
- If a participant is belligerent or rude, walk closer to the person, even standing next to them.
- If a discussion escalates and becomes highly emotional, divert the conversation away from the people participating before it gets out of hand. “I think we all know how John and Bob feel about this. Now, does anyone else have a comment?” or validate their

feelings or emotional reactions by saying something such as, “Clearly this is a very emotional and difficult issue with differing viewpoints.” Intense emotions can also be a good indicator of major issues in the system (which is made up of people and values). You may want to give extra time for discussion to see if some clarity or understanding can come out of it.

- Another option with heated discussions is to take a break, talk to the person in private, and be clear but polite about expectations.
- As you go along, register steps of agreement and disagreement with participants. “Am I correct in assuming we all agree (or disagree) on this point?” or you may simply agree to disagree on certain issues since each jurisdiction is unique.
- If you need to control the person who “knows it all,” acknowledge the person’s contribution and then ask others in the group for their opinion of the person’s statement.
- If you have a person who “knows their job and doesn’t want to be told how to do it,” explain that s/he is just the individual you are looking for, that the training is to exchange ideas and points of view that will benefit everyone and that their experience will be valuable to all. Make this person a resource and give them “responsibility” for others’ learning while keeping it under control and accurate.
- When a discussion gets off track say, “Your point is an interesting one, but it is a little different from the main issues here; perhaps we can address your issues during the break or after the session,” or, “We will be talking about that later in Module X. Your points are very interesting. Could you hold those thoughts until we get to that module?”
- If a person speaks in broad generalizations ask, “Can you give us a specific example on that point?” or, “Your general idea is a good one, but I wonder if we can make it even more concrete. Does anyone know of a case where... ?”
- If a person in the group states something that is incorrect (yet no one addresses the misinformation due to the person’s status), avoid direct or public criticism. You can graciously correct the information or use indirect methods to set the record straight such as analyzing a similar case or situation in another jurisdiction where the correct information is given. You may also want to talk to the person at the break and share the correct information.
- You may choose to allow fellow participants to respond to difficult people in the class
- Generally, try not to interrupt participants. Be respectful and listen. Be open, yet firm, and manage the discussion keeping in mind what is best for the whole group.

## **Responding to Questions**

- Trainers should anticipate the types of questions participants might ask for each training module and plan how to handle them. Before you begin the training, prepare a list of questions you are most likely to get and prepare your answers. Trainers can also use these questions to stimulate group discussions throughout presentations. Make sure questions are designed to get thoughtful reactions to specific points. Do not ask questions that can be answered by a “yes” or “no” response; open-ended questions generate better audience participation.
- Questions from participants are a good indication of the level of their awareness, attention and interest in your subject. Questions have value in helping to clarify, modify or fortify points or to test an idea for its potential. Remember that answering a question is impromptu. Pause if you need to, relax, maintain your poise, keep your answers short and to the point, and give the short answer first (e.g., yes/no) then explain why.
- Some correctional issues or questions may border on giving legal advice. Be clear about when it is appropriate to refer a question to a lawyer in the group if he or she is willing to answer or suggest the questioner check with his or her own agency’s legal staff.
- If you do not know the answer to a question, acknowledge that fact and offer to find the information or check with the audience to see if anyone knows the answer. Not all questions have to be answered. Sometimes the most effective response is one that allows the audience to keep thinking about the issue or concern. Some instructors keep a running list of questions or issues on a displayed easel pad then come back to the questions throughout the training. Some people will write on the index cards you provided. You should try to answer them the next morning before you begin new material.
- When a person asks a question, restate the question for the entire group and direct your answer to the audience, not the individual questioner. Make sure everyone has heard the question and rephrase questions that are unclear or rambling. Try to diffuse emotional questions by politely asking for clarification.
- Avoid a one-on-one conversation/argument with a participant.

# Welcome and Introduction

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Topic	Speaking Points
<b>Welcome</b>	<ul style="list-style-type: none"> <li>• <i>Welcome training participants. Introduce yourself. Other trainers will be introduced later during faculty introductions.</i></li> <li>• <i>Welcome local dignitaries (local DOC director, administrators, etc.). Ask them to welcome training participants so they know this is an important issue and to reinforce organizational support for addressing this issue.</i></li> </ul>
<b>History of Work</b>	<ul style="list-style-type: none"> <li>• <i>Have your agency's representative give his welcome and describe the agency's role, history and support addressing this topic. A good example of a representative to welcome the group would be the DOC Commissioner, Jail Administrator, Sheriff or Agency Chief.</i></li> </ul>
<b>Logistics</b>	<ul style="list-style-type: none"> <li>• <i>Indicate the location of restrooms, telephones, where people should be parking and address any special needs. Ask participants to turn off their, "Blackberrys" and cell phones. Indicate that there will be frequent breaks that will allow time for making phone calls.</i></li> </ul>
<b>Feedback</b>	<ul style="list-style-type: none"> <li>• <i>Throughout the training, we would appreciate hearing from you – what you liked or didn't like, "creature comfort" issues like it is too hot or cold in the room, issues, questions you might have and so on. Please write your comments on the 3" x 5" cards you will find on your tables. These are confidential. You do not have to list your name. Put them [indicate location] at any time during the training.</i></li> </ul>

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Topic	Speaking Points
<b>Goals for Training</b>	<p><i>The goals for this training are to have participants who can identify:</i></p> <ol style="list-style-type: none"> <li><i>1. The external and internal linkages that need to be made to ensure effective investigations and dispositions in staff sexual misconduct cases</i></li> <li><i>2. The impact of the various training components, e.g. PREA, understanding legal and investigative implications on investigating allegations of staff sexual misconduct with offenders</i></li> </ol>
<b>Group Courtesies</b>	<ul style="list-style-type: none"> <li><i>Acknowledge to the group that training courtesies agreed upon by everyone can assist the learning process. Generate guidelines from the group that they would like for the week. You can get them started by presenting the four listed below if they agree with them (write the courtesies on the easel pad paper, tape it to the wall and leave it up throughout training).</i></li> </ul> <p><i>Group courtesies might include:</i></p> <ol style="list-style-type: none"> <li><i>1. Everyone gets heard and respected</i></li> <li><i>2. Differences are expected and accepted</i></li> <li><i>3. Common ground/understanding will be sought but agreeing to disagree is fine</i></li> <li><i>4. Speak one person at a time</i></li> <li><i>5. Critical thinking is encouraged</i></li> </ol> <ul style="list-style-type: none"> <li><i>The topic is serious, but we hope you will have fun and enjoy the training.</i></li> </ul>
<b>Action Plan</b>	<ul style="list-style-type: none"> <li><i>We want you to have something tangible to take away from your training experience – a tool to help you apply the information to your work. We are all going to present individual “Action Plans” at the end of the training. An action plan outlines the actions, based on information you have learned in this training, you will do upon returning back to your job. Everything you will be doing over the next four and a half days will be a building block or piece of that action plan.</i></li> </ul>

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Topic	Speaking Points
<b>Action Plan Cont'd</b>	<ul style="list-style-type: none"> <li><i>In your notebook there is an, “Action Plan” PowerPoint®. We encourage you to jot down your ideas as the week goes along. This will assist you as you write down the ideas gleaned from the training and the changes you plan to make. When we get to Module 5, we will explain it more. In the meantime, jot down any “ah-ha” moments or ideas you have as we go along.</i></li> <li><i>Are there any questions?</i></li> </ul>
<b>Technology</b>	<ul style="list-style-type: none"> <li><i>Some training rooms may have lap top computers available for each participant. Explain how they work, appropriate and inappropriate usage, and where to go for technical assistance.</i></li> </ul>
<b>Participant Notebooks</b>	<ul style="list-style-type: none"> <li><i>Describe all the sections of the participant notebook and indicate that they contain paper copies of all PowerPoint® presentations and handouts for the training. Suggest participants write their names on their notebooks. The notebooks are for them to keep.</i></li> <li><i>Invite participants to add materials from their programs to the resource table. Ask if anyone brought information for the table and allow them to announce what they brought.</i></li> </ul>
<b>Faculty Introductions</b>	<ul style="list-style-type: none"> <li><i>Let each faculty member do a self-introduction. Tell participants that faculty biographies are located in their participant notebooks.</i></li> </ul>
<b>Participant Introductions</b>	<ul style="list-style-type: none"> <li><i>Let’s go around the room and do self-introductions. In addition to the usual name, title and agency, I would like you to share in one minute or less one thing about yourself that is interesting and that is not visible by looking at you. It can be anything. In prior trainings, we had someone who had trained tigers in a zoo, someone who was a skydiver, and someone who had lived in the jungle in the Peace Corp. This is a good way for you to learn something new about your colleagues.</i></li> </ul>

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Topic	Speaking Points
<b>Participant Introductions</b> <b>Cont'd</b>	<ul style="list-style-type: none"><li>• <i>Tell participants that a list of participants is in their notebook.</i> <i>Feel free to do any other “icebreaker” activity you choose.</i></li></ul>

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# **Module One:**

## **Training Objectives**

### **Activity: Identification of Critical Issues**

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## **Module 1: Training Objectives**

**Time:** 1 hour

### **Learning Objectives:**

1. Understand the overall goals and objectives of the curriculum, the module topics and training logistics.

### **Resources Needed:**

LCD projector, computer and media screen  
Easel pad, markers, tape

### **Participant Notebook Handouts:**






PowerPoint®

### **PowerPoint® Programs:**

Module 1: Training Objectives

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Topic	Speaking Points
<b>Objectives</b>	<ul style="list-style-type: none"> <li><i>Describe the objectives for the overall training. As you go through each objective, give specific examples of the types of things to be covered and discussed pertaining to that objective.</i></li> </ul>
<b>Objective One</b> 	<ul style="list-style-type: none"> <li>Review the Prison Rape Elimination Act of 2003 (PREA) and standards to identify their impact on investigations of staff sexual misconduct with persons under correctional supervision.</li> </ul>
<b>Objective Two</b> 	<ul style="list-style-type: none"> <li>Understand a comprehensive approach to addressing and investigating allegations of staff sexual misconduct with offenders-- policy, training and operational practices.</li> </ul>
<b>Objective Three</b> 	<ul style="list-style-type: none"> <li>Understand legal and investigative implications and strategies to responding to staff sexual misconduct with offenders.</li> </ul>
<b>Objective Four</b> 	<ul style="list-style-type: none"> <li>Understand the role of the prosecutor and review the legal tools for prosecuting staff sexual misconduct with offenders-- their content, importance and relevance to investigations.</li> </ul>
<b>Objective Five</b> 	<ul style="list-style-type: none"> <li>Demonstrate and model how integrated relationships between police, prosecutors, investigators, and correctional personnel can help to ensure successful investigations and convictions of staff sexual misconduct with persons under correctional supervision.</li> </ul>

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Topic and Time	Speaking Points
<b>Activity:</b> <b>Identification of Critical Issues</b>	<p>What are the critical issues you face when investigating staff sexual misconduct?</p> <p><i>Discuss in the large group and write examples on easel pad. Allow the participants to generate a list.</i></p> <p><i>Some examples might include:</i></p> <ul style="list-style-type: none"> <li>• Prevention</li> <li>• What can you do with a ‘he said, she said’?</li> <li>• Report writing</li> <li>• Transparency in investigations</li> <li>• How do you handle employment during and post investigation?</li> <li>• Grooming – how do you intervene?</li> <li>• Boundary issues</li> <li>• If your primary goal is to mitigate threat, are there appropriate administrative strategies to use?</li> <li>• How do we comply?</li> <li>• Challenges in trying to prosecute these cases</li> <li>• How do you get administration buy-in that this is an important issue to address and not cover-up?</li> <li>• After all the fall out, you are often left to work with the victim and be responsible for them. Sometimes they have multiple involvements in these kinds of situations.</li> <li>• How do you set up different avenues to report?</li> <li>• How do you deal with false or malicious reports?</li> <li>• How do you deal with the media?</li> <li>• Garrity</li> <li>• Gender differences in same sex and different sex cases</li> <li>• What more can we do for staff to identify potential risk?</li> <li>• Identifying potential offenders in the selection/hiring process</li> <li>• How do we address the ‘code of silence’?</li> <li>• Hard to keep confidentiality in an institutional setting</li> <li>• How do you deal with public advocacy? Hidden agendas?</li> <li>• What is the investigative structure?</li> <li>• How do you handle resources for the victim? Isolation?</li> </ul>

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Topic and Time	Speaking Points
	<ul style="list-style-type: none"> <li>• What about off-duty conduct?</li> <li>• Do our investigative processes meet PREA Standards?</li> <li>• Are we collecting data in a way that will help the agency in audit or compliance efforts?</li> </ul> <p><i>The list of participants' critical issues should be placed on the wall around the room. Let people know they can add to the list throughout the training. Check the list at the end of week to be sure all issues have been addressed.</i></p>

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# Module Two:

## Prison Rape Elimination Act: Overview and Update

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## **Module 2 – The Prison Rape Elimination Act: Overview and Update**

**Time:** 1 hour 15 minutes

### **Module Objectives:**

1. Understand the Prison Rape Elimination Act and how it impacts agency's policies and practices, responsibilities and liabilities.

### **Resources:**

LCD projector, computer and media screen

### **Participant Notebook Handouts:**

PowerPoint®

PREA – Public Law 108-79

National Prison Rape Elimination Report: Executive Summary

National Prison Rape Elimination Commission: Standards for Adult Prisons and Jails

Sexual Violence Reported by Correctional Authorities, 2006

Sexual Violence Reported by Federal and State Inmates, 2007

Sexual Violence Reported by Jail Inmates, 2007

Definitions: Sexual Violence – BJS and PREA

PREA Program Model




### **PowerPoint® Programs:**

Module 2: Prison Rape Elimination Act: Overview and Update

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Topic	Speaking Points
<b>The Prison Rape Elimination Act of 2003</b> 	<p><i>The following are our objectives for this module</i></p> <ol style="list-style-type: none"> <li><i>1. Understand the purposes of the Prison Rape Elimination Act of 2003</i></li> <li><i>2. Understand the key components of the Prison RAPE Elimination Act of 2003</i></li> <li><i>3. Review the current status of the Prison Rape Elimination Act Standards</i></li> </ol>
<b>PREA Purposes</b> 	<p><i>The Prison Rape Elimination Act passed unanimously. Congress sent a strong message that this is a serious problem and needed a federal solution. PREA has several purposes:</i></p> <ul style="list-style-type: none"> <li>• Increase accountability of prison officials who fail to detect, prevent, reduce and punish prison rape</li> <li>• Protect 8<sup>th</sup> amendment rights of federal, state and local prisoners</li> <li>• Establish grant programs</li> <li>• Reduce costs of prison rape on interstate commerce</li> </ul>
<b>PREA Purposes</b> 	<ul style="list-style-type: none"> <li>• Establish zero tolerance for the conduct</li> <li>• Make prevention a top priority</li> <li>• Develop national standards for detection, prevention, reduction and punishment</li> <li>• Increase available data and information on incidence in order to improve management and administration</li> <li>• Standardize definitions used for collecting data on the incidence of rape</li> </ul>




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Topic	Speaking Points
<b>PREA: Major Sections</b> 	<p><i>PREA has six major sections. Everyone was given a job under the act.</i></p> <ul style="list-style-type: none"> <li>Section 4: Collection of prison rape statistics, data and research (BJS)  <i>BJS was tasked with determining prevalence of sexual violence on a facility level. This has been the most visible and controversial aspect of the act; almost as controversial as the Commission. Why? Discuss</i></li> <li>Section 5: Prison Rape Prevention and Prosecution (NIC)  <i>NIC was given \$5 million to do training, technical assistance and research. This curriculum is part of that effort.</i></li> <li>Section 6: Grants to Protect Inmates and Safeguard Communities (BJA)  <i>BJA had \$40 million to do grants. Over the course of several years they awarded a number of large grants to state DOCs. Little of this money went to jails, lock-ups, community corrections or juvenile agencies. States used this money to do a number of things including training, improve electronic surveillance, improve investigations, develop data collection methods, develop classification options for victims and predators, enhance medical and mental health treatment for victims and hiring staff to implement PREA.</i></li> <li>Section 7: National Prison Rape Elimination Commission  <i>The Prison Rape Elimination Commission held its first meeting in July 2004 and issued standards in June 2009</i></li> <li>Section 8: Adoption and Effect of National Standards  <i>A final rule by the Attorney General is expected in 2011</i></li> <li>Section 9: Accreditation organizations must adopt standards or lose federal funds</li> </ul>




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Topic	Speaking Points																
<div>What We Know about Prevalence</div> <div></div>	<div><ul style="list-style-type: none"><li>• Administrative survey collections -- 2004, 2005 and 2006 data</li><li>• Inmate Victim self reports—2007</li><li>• Juvenile Victim self-reports—2010</li></ul></div> <div><p><i>We are only going to discuss adult numbers during this training. There are a separate set of reports for juveniles that show rates of three to five times higher than adult rates.</i></p></div>																
<div>Sexual Violence in Correctional Settings as Reported by Authorities</div> <div></div>	<div><ul style="list-style-type: none"><li>• 2006 BJS Report<ul style="list-style-type: none"><li>▪ Since the Prison Rape Elimination Act was passed in 2003, the estimated number of allegations nationwide rose by 21%</li><li>▪ 6,528 allegations included:<ul style="list-style-type: none"><li>√ 36% staff sexual misconduct</li><li>√ 34%, inmate-on-inmate nonconsensual sexual acts</li><li>√ 17%, staff sexual harassment</li><li>√ 13%, inmate-on-inmate abusive sexual contacts</li></ul></li></ul></li></ul></div>																
<div>Sexual Violence in Correctional Settings as Reported by Authorities</div> <div></div>	<div><ul style="list-style-type: none"><li>• Consistencies in Findings from 2004-2006<ul style="list-style-type: none"><li>▪ Staff Sexual Misconduct<table><tr><td></td><td><u>2006</u></td><td><u>2005</u></td><td><u>2004</u></td></tr><tr><td>Substantiated</td><td>25%</td><td>15%</td><td>30%</td></tr><tr><td>Unsubstantiated</td><td>47%</td><td>66%</td><td>55%</td></tr><tr><td>Unfounded</td><td>28%</td><td>19%</td><td>15%</td></tr></table></li></ul></li></ul></div>		<u>2006</u>	<u>2005</u>	<u>2004</u>	Substantiated	25%	15%	30%	Unsubstantiated	47%	66%	55%	Unfounded	28%	19%	15%
	<u>2006</u>	<u>2005</u>	<u>2004</u>														
Substantiated	25%	15%	30%														
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Topic	Speaking Points
<b>Sexual Violence in Correctional Settings as Reported by Inmates</b> 	<ul style="list-style-type: none"> <li>• 2007 BJS Report- State and Federal Inmates               <ul style="list-style-type: none"> <li>▪ The estimated number of State and Federal inmates experiencing sexual violence totaled 60,500 (or 4.5% of the Nation’s prisoners).</li> <li>▪ Findings and Rankings:                   <ul style="list-style-type: none"> <li>√ Among the 10 facilities with the highest overall prevalence rates, 3 had prevalence rates of staff sexual misconduct that exceeded 10%</li> <li>√ 14 facilities had nonconsensual sex rates of 300 or more incidents per 1,000 inmates</li> </ul> </li> </ul> </li> </ul>
<b>Sexual Violence in Correctional Settings as Reported by Inmates</b> 	<ul style="list-style-type: none"> <li>• 2008 BJS Report- Jail Inmates               <ul style="list-style-type: none"> <li>▪ The estimated number of Jail inmates experiencing sexual violence totaled 24,700 (or 3.2% of all jail inmates).</li> <li>▪ Findings and Rankings:                   <ul style="list-style-type: none"> <li>√ 18 jails had prevalence rates of at least twice the national average</li> <li>√ Nearly 1/3 of all facilities had rates of “zero”</li> </ul> </li> </ul> </li> </ul>
<b>National Prison Rape Elimination Commission</b> 	<ul style="list-style-type: none"> <li>• Charge               <ul style="list-style-type: none"> <li>▪ Conduct legal and factual study of the effects of prison rape in the US</li> <li>▪ Recommend national standards                   <ul style="list-style-type: none"> <li>√ Consultation with accreditation organizations</li> <li>√ Can’t impose something that would mandate substantial increased costs to agency</li> <li>√ Hold hearings</li> </ul> </li> </ul> </li> <li>• Issue report w/in 2 years of initial meeting [June 23, 2009]</li> </ul>




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Topic	Speaking Points
<b>Commission Findings</b> 	<p><i>Invite a discussion of the findings as you go through them.</i></p> <p><i>These are the findings of the Commission:</i></p> <ul style="list-style-type: none"> <li>• Protecting inmates from sexual abuse remains a challenge correctional facilities across the country.</li> <li>• Sexual abuse is not an inevitable feature of incarceration -- leadership matters.</li> <li>• Certain individuals are more at risk of sexual abuse than others.</li> </ul>
<b>Commission Findings</b> 	<ul style="list-style-type: none"> <li>• Few correctional facilities are subject to the kind of rigorous internal monitoring and external oversight that would reveal why abuse occurs and how to prevent it.</li> <li>• Many victims cannot safely and easily report sexual abuse, and those who speak out often do so to no avail.</li> <li>• Victims are unlikely to receive the treatment and support known to minimize the trauma of abuse.</li> </ul>
<b>Commission Findings</b> 	<ul style="list-style-type: none"> <li>• Juveniles in confinement are much more likely than incarcerated adults to be sexually abused, and they are particularly at risk when confined with adults.</li> <li>• Individuals under correctional supervision in the community are at risk for sexual abuse.</li> <li>• A large and growing number of detained immigrants are in danger of sexual abuse.</li> </ul>
<b>Structure of Standards</b> 	<ul style="list-style-type: none"> <li>• Table of Contents</li> <li>• Preface</li> <li>• Compliance guide</li> <li>• Glossary</li> <li>• Standards <ul style="list-style-type: none"> <li>▪ Standard</li> <li>▪ Discussion</li> <li>▪ Checklist</li> </ul> </li> </ul>




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Topic	Speaking Points
<b>Standards Include</b> 	<ul style="list-style-type: none"> <li>• Leadership and Accountability</li> <li>• Prevention</li> <li>• Detection and Response</li> <li>• Monitoring</li> </ul> <p><i>In many of the following modules during this training we will discuss the applicability of the standards to each training component. What follows is an example of some of the standards.</i></p>
<b>Standards Example</b> 	<ul style="list-style-type: none"> <li>• IN-1 <u>Duty to Investigate</u> <ul style="list-style-type: none"> <li>▪ Summary: The facility investigates all allegations of sexual abuse, including third-party and anonymous reports, and notifies victims and/or other complainants in writing of investigation outcomes and any disciplinary or criminal sanctions, regardless of the source of the allegation. All investigations are carried through to completion, regardless of whether the alleged abuser or victim remains at the facility.</li> </ul> </li> </ul>
<b>Compliance Checklist</b> 	<ul style="list-style-type: none"> <li>• IN-1 <u>Duty to Investigate</u></li> </ul> <p><i>This is a sample compliance checklist for the data collection standard. This is a guideline for compliance but there is also room to explain how you may do things differently</i></p>




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Topic	Speaking Points
<b>Standards Example</b> 	<ul style="list-style-type: none"> <li>DC-2 <u>Data Collection</u> <ul style="list-style-type: none"> <li>Summary: The agency collects accurate, uniform data for every reported incident of sexual abuse using a standardized instrument and set of definitions. Data is aggregated annually and includes data necessary to satisfy annual BJS Surveys. Data is obtained from multiple sources, including contracted facilities.</li> </ul> </li> </ul>
<b>Compliance Checklist</b> 	<ul style="list-style-type: none"> <li>DC-2 <u>Data Collection</u></li> </ul> <p><i>This is a sample compliance checklist for the data collection standard. This is a guideline for compliance but there is also room to explain how you may do things differently</i></p>
<b>Adoption and Effect of National Standards</b> 	<ul style="list-style-type: none"> <li>A year after National Prison Rape Elimination Commission issues report, AG is to publish a final rule with standards <ul style="list-style-type: none"> <li>90 days after publication -- transmission to state departments of correction</li> <li>FBOP is immediately covered by rule</li> <li>Possible reduction of 5% each year for failure to meet the standard</li> <li>Annual report on non-compliance</li> </ul> </li> </ul>

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Topic	Speaking Points
<b>Likely Reality</b> 	<ul style="list-style-type: none"> <li>• PREA Working Group <ul style="list-style-type: none"> <li>▪ NIC, OJP, OJJDP, NIJ, BJA</li> </ul> </li> <li>• Listening Sessions <ul style="list-style-type: none"> <li>▪ Jan- Feb 2010</li> </ul> </li> <li>• Comment Period <ul style="list-style-type: none"> <li>▪ May 2010</li> </ul> </li> <li>• Cost Study Completed <ul style="list-style-type: none"> <li>▪ April 2010</li> </ul> </li> <li>• Propose Rule <ul style="list-style-type: none"> <li>▪ Fall/ Winter 2010</li> </ul> </li> <li>• Final Rule <ul style="list-style-type: none"> <li>▪ 2011</li> </ul> </li> </ul>
<b>What does this mean?</b> 	<ul style="list-style-type: none"> <li>• There will be a rule</li> <li>• Increased scrutiny at state, federal and local level on custodial sexual abuse</li> <li>• Enhanced focus on investigations, prosecution and administrative sanctions</li> <li>• Services for victims</li> </ul>
<b>What does this mean?</b> 	<ul style="list-style-type: none"> <li>• Reentry services for victims and perpetrators and role of community corrections</li> <li>• Set of national standards that establish minimum standards for addressing sexual violence in custody</li> </ul> <p><i>The word minimum is important. Many states have policies and practices that exceed those of the standards. That is a good thing as states are free to innovate and do what they feel needs to be done to create safe and secure environments.</i></p>

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Topic	Speaking Points
<b>Unresolved Issues</b> 	<ul style="list-style-type: none"> <li>• Who defines compliance?</li> <li>• Who monitors compliance?</li> <li>• The existence of a body to continue to refine the standards</li> <li>• The availability of funding to assist in implementing the standards and developing best practices</li> </ul> <p><i>These are all part of the AG's responsibility and will be clear in the final standards.</i></p>

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## **Module Three: State Laws and Investigations**

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## **Module 3: State Laws and Investigations**

**Time:** 1 hour, 15 minutes

### **Module Objectives:**

1. Review the legal tools for sanctioning sexual violence in institutional settings—their content, importance and impact on staff sexual misconduct.

### **Resources:**

LCD projector, computer and media screen

### **Participant Notebook Handouts:**

PowerPoint®

50 State Survey of Staff Sexual Misconduct Laws

Checklist

Maps

Continuum





State Criminal Laws Prohibiting the Sexual Abuse of Individuals under Custodial Supervision

### **PowerPoint® Programs:**

Module 3: State Laws and Investigations



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Topic and Time	Speaking Points
<b>Elements of Good State Laws</b>  	<p><i>In this module, we are going to look at elements of good state laws and how laws are an important tool in investigations.</i></p> <p><i>Describe why understanding our laws is critical to doing our investigations.</i></p>
<b>Objective</b>  	<p>Review the legal tools for prosecuting staff sexual misconduct with offenders – their content, importance and relevance to investigations.</p>
<b>Governmental Limits on Sexual Activity in Institutional Settings</b>  	<p><i>There are four sets of governmental definitions of sexual activity while in custody. They are:</i></p> <ol style="list-style-type: none"> <li><i>1. BJS Definitions</i></li> <li><i>2. State Law</i></li> <li><i>3. Agency Policy</i></li> <li><i>4. PREA</i></li> </ol>
<b>Continuum of Sexual Activity Involving Adult Offenders</b>  	<p><i>There is a continuum on which sexual activity in correctional settings occurs.</i></p> <ol style="list-style-type: none"> <li><i>1. Forced</i></li> <li><i>2. Coerced</i></li> <li><i>3. Strategic</i></li> <li><i>4. Consensual</i></li> </ol> <p><i>The law against sexual abuse of individuals in custody is clear in cases of staff sexual misconduct—it is prohibited. However, in cases of inmate on inmate sexual abuse, generally criminal law sanctions apply in forced and coerced sex. The reality though is that a state could choose to prosecute any sexual contact between inmates. Administrative sanctions apply in any of the above situations.</i></p>

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Topic and Time	Speaking Points
<b>Important Questions</b>  	<ul style="list-style-type: none"> <li>• What are the legal tools for punishing staff for sexual abuse of offenders?</li> <li>• Are correctional staff mandatory reporters of sexual violence against adults?</li> <li>• Are inmates considered vulnerable adults?</li> <li>• What about juveniles in adult settings?</li> </ul>
<b>Legal Tools for Prosecuting Staff Sexual Misconduct</b>  	<ul style="list-style-type: none"> <li>• Staff sexual misconduct laws</li> <li>• Sexual assault laws (including sodomy)</li> <li>• Vulnerable Adult statutes</li> <li>• Child Exploitation</li> <li>• Mandatory reporting</li> <li>• HIV Statutes</li> <li>• Sex Offender registration</li> </ul> <p><i>Ask participants to discuss what other laws or statutes could be used. Some responses could include:</i></p> <ul style="list-style-type: none"> <li>• <i>Perjury</i></li> <li>• <i>Obstruction of justice</i></li> <li>• <i>Employment</i></li> <li>• <i>Witness intimidation</i></li> <li>• <i>Conveyance issues (contraband, escape)</i></li> <li>• <i>Conspiracy</i></li> <li>• <i>Civil rights violation</i></li> <li>• <i>Solicitation</i></li> <li>• <i>Racketeering</i></li> <li>• <i>Stalking</i></li> <li>• <i>Unlawful Imprisonment</i></li> <li>• <i>Assault and Battery</i></li> </ul>

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Topic and Time	Speaking Points
<b>Staff Sexual Misconduct</b> 	<ul style="list-style-type: none"> <li>• Felony in most states</li> <li>• Consent is an issue for prosecution</li> <li>• Victim credibility is an issue</li> <li>• Code of Silence/ Lack of corroboration</li> <li>• Lack of Physical Evidence and timely reporting</li> </ul>
<b>Staff Sexual Misconduct Laws– Optimal Elements</b> 	<ul style="list-style-type: none"> <li>• Coverage</li> <li>• Conduct</li> <li>• Defenses</li> <li>• Reporting</li> <li>• Sanctions</li> </ul>
<b>State Criminal Laws Prohibiting Sexual Abuse of Individuals in Custody</b> 	<p><i>This is a map representing the sanctions for staff sexual misconduct in each state.</i></p> <p><i>In only 3 states is staff sexual misconduct is a misdemeanor—MD, KY and IA.</i></p> <p><i>In nine states staff sexual misconduct is a felony or misdemeanor depending on the severity of the crime</i></p> <p><i>Staff sexual misconduct is a felony in all other states and the District of Columbia</i></p>





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Topic and Time	Speaking Points
<b>State Criminal Laws Prohibiting Sexual Abuse of Individuals Under Community Corrections Supervision</b>  	<p><i>This is a map representing the coverage for staff sexual misconduct in community corrections settings in each state.</i></p> <p><i>Staff sexual misconduct by community corrections staff is a crime in all but nine states.</i></p>
<b>State Criminal Laws Prohibiting Sexual Abuse of Individuals Under Correctional Supervision: Consent as a Defense</b>  	<p><i>This is a map representing the states that allow consent as a defense to sexual abuse of individuals under custodial supervision.</i></p> <p><i>Currently 2 states penalize offenders for engaging in sex with staff implying that they are able to consent to sex with staff. In 23 states and the District of Columbia consent is not a defense. All the other statutes are silent on the consent issue</i></p>
<b>Staff Sexual Misconduct Law</b>  	<p><i>Enter your state's staff sexual misconduct law here and discuss with the class. Analyze it—talk about good and bad components. Discuss what you would change.</i></p>
<b>Sexual Assault</b>  	<ul style="list-style-type: none"> <li>• Generally felony</li> <li>• Lack of consent is element of crime</li> <li>• Complainant credibility is an issue</li> <li>• Lack of corroboration</li> <li>• Sex offender registration usually required</li> </ul>

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Topic and Time	Speaking Points
<b>Sexual Assault</b> 	<i>Enter your state's sexual assault law here and discuss with the class.</i>
<b>Sodomy</b> 	<ul style="list-style-type: none"> <li>• Prohibits certain sexual practices</li> <li>• Many states don't define oral and anal sex as intercourse</li> <li>• Many states don't define same sex/sex as intercourse – even if it involves penetration</li> </ul>
<b>Sodomy</b> 	<p><i>Enter your state's sodomy law here and discuss with the class.</i></p> <p><i>Even though you cannot keep consenting adults outside of prison from engaging in sodomy, you can do so in correctional settings.</i></p> <p><i>Courts have found that state sodomy laws are constitutional as they are applied to prison settings—See:</i></p> <ul style="list-style-type: none"> <li>• <i>U.S. v. Brewer, 363 F.Supp. 606 (M.D. Pa. 1973);</i></li> <li>• <i>People v. Frazier, 64 Cal.Rptr. 447 (Cal. Ct. App. 1967);</i></li> <li>• <i>People v. Coulter, 288 N.W.2d 448 (Mich. Ct. App. 1980)</i></li> </ul>
<b>Vulnerable Adult Statutes</b> 	<ul style="list-style-type: none"> <li>• Generally cover “special populations” <ul style="list-style-type: none"> <li>▪ Mentally ill</li> <li>▪ Mentally retarded</li> <li>▪ Elderly</li> <li>▪ Youth</li> <li>▪ Those in treatment</li> </ul> </li> <li>• May have separate advocacy agency e.g. NAPA, NAMI, AARP, Senior Citizens Law Center</li> <li>• May also have civil liability consequences</li> </ul>

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Topic and Time	Speaking Points
<b>Vulnerable Adult Statutes</b> 	<p><i>Enter your state's vulnerable person statute here and discuss the following questions with the class.</i></p> <p><i>Are offenders a class of vulnerable person?</i>  <i>What about youth in adult settings?</i>  <i>What about youth in general?</i></p>
<b>Child Exploitation</b> 	<ul style="list-style-type: none"> <li>• How does this apply to juveniles serving sentences as adults?</li> </ul>
<b>Child Exploitation</b> 	<p><i>Enter your state's child exploitation law here and discuss with the class. Discuss how this would effect sex with an older offender or sex with a staff member</i></p>
<b>Mandatory Reporting</b> 	<ul style="list-style-type: none"> <li>• Mandatory reporting laws require certain individuals to report cases of physical or sexual abuse committed against children and vulnerable adults.           <ul style="list-style-type: none"> <li>▪ What does this mean for youth housed as adults?</li> </ul> </li> <li>• 24 states do not include correctional staff in their adult mandatory reporting statutes           <ul style="list-style-type: none"> <li>▪ 1 state has NO adult mandatory reporting statute at all-- South Dakota</li> </ul> </li> <li>• 26 state mandatory reporting laws include correctional staff as mandatory reporters           <ul style="list-style-type: none"> <li>▪ Hawaii and Mississippi explicitly name correctional staff in their law while the other 24 states imply it by stating “any person” or “all people”</li> </ul> </li> <li>• Florida, Missouri and South Carolina also have specific duty to report clauses under their staff sexual misconduct laws in addition to their mandatory reporting laws</li> </ul>

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Topic and Time	Speaking Points
<b>Mandatory Reporting</b> 	<p><i>This is a map representing the states that explicitly name correctional officers as mandatory reporters. 23 states and the District of Columbia do not name correctional staff as mandatory reporters.</i></p>
<b>Mandatory Reporting</b> 	<p><i>Enter your state's mandatory reporting statute here and discuss with the class.</i></p>
<b>Mandatory Reporting: Florida and Missouri</b> 	<p><i>Two states—Florida and Missouri have mandatory reporting guidelines within their staff sexual misconduct law.</i></p> <ul style="list-style-type: none"> <li>• Florida [Fla. Stat. Ann. § 944.35 (West 2006)]. <ul style="list-style-type: none"> <li>▪ Witnessing, or reasonable cause to suspect, that an inmate or an offender under the supervision of the department in the community has been unlawfully abused or is the subject of sexual misconduct.</li> <li>▪ Each employee who witnesses, or has reasonable cause to suspect, that an inmate or an offender under the supervision of the department in the community has been unlawfully abused or is the subject of sexual misconduct.</li> </ul> </li> <li>• Missouri [Mo. Ann. Stat. § 217.410 (West 2005)]. <ul style="list-style-type: none"> <li>▪ Reasonable cause to believe that an offender in a correctional center operated or funded by the department has been abused.</li> <li>▪ Any employee of the department of corrections.</li> <li>▪ Immediately report offender abuse in writing to the director.</li> <li>▪ Upon receipt of a report, the department shall initiate an investigation within twenty-four hours.</li> </ul> </li> </ul>

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Topic and Time	Speaking Points
<b>HIV Statutes</b> 	<ul style="list-style-type: none"> <li>• Separate offense or enhancement for knowingly infecting someone with HIV?</li> </ul>
<b>Sex Offender Registration</b> 	<ul style="list-style-type: none"> <li>• Not considered a penalty</li> <li>• Registration available for both youth and adults</li> <li>• Many other requirements come with it depending on state</li> </ul>
<b>Overlap Of: Law, Policy and Standards</b> 	<p><i>There is an overlap of state criminal law, policy and PREA standards.</i></p>
<b>Interaction Between Law, Policy and Standards</b> 	<ul style="list-style-type: none"> <li>• Different purposes <ul style="list-style-type: none"> <li>▪ Law is what is politically available</li> <li>▪ Policies are what is optimal</li> <li>▪ Standards are what is ideal</li> </ul> </li> <li>• BJS definitions e.g. <ul style="list-style-type: none"> <li>▪ Different purposes – data collection</li> <li>▪ Policy – what is going on in institution</li> <li>▪ State Law – what could be passed</li> </ul> </li> </ul>

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Topic and Time	Speaking Points
<p><b>Why is this Important?</b></p> 	<p><i>How does this matter for investigations? You need to know what material to look for, what questions to ask and figure out the elements of the crime/ administrative violation or how you might classify this for data collection purposes.</i></p> <ul style="list-style-type: none"> <li>• Describes prohibited conduct</li> <li>• Evidence collection</li> <li>• Investigation</li> </ul>

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# Module Four: Agency Culture

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## Module 4 – Agency Culture

**Time:** 1 hour 15 min

### Module Objectives:

1. Define agency culture
2. Identify how agency ethics affects the investigative process
3. Identify and discuss how the culture of other agencies plays a role in the investigation of staff sexual misconduct
4. Identify and discuss how prosecutions affect the culture of investigations
5. Identify culture challenges affecting agency leadership
6. Define strategies to change negative institutional culture

### Resources:

LCD projector, computer and media screen

### Participant Notebook Handouts:




PowerPoint®  
Culture Assessment  
Daily Dozen  
Ethics  
Ethical Decision Making

### PowerPoint® Programs:

Module 4: Agency Culture



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Topic	Speaking Points
<b>Objectives</b>  	<p><i>In this module, we are going to be taking about agency atmosphere, norms, values, collective behaviors that make up the institutional culture.</i></p> <ul style="list-style-type: none"> <li>• Define agency culture</li> <li>• Identify how agency ethics affects the investigative process</li> <li>• Identify and discuss how the culture of other agencies plays a role in the investigation of staff sexual misconduct</li> <li>• Identify and discuss how prosecutions affect the culture of investigations</li> <li>• Identify culture challenges affecting agency leadership</li> <li>• Define strategies to change negative institutional culture</li> </ul>
<b>Components of Agency Culture</b>  	<ul style="list-style-type: none"> <li>• Beliefs: Shared explanations of experience</li> <li>• Values: What is considered right and good.</li> <li>• Norms: Shared rules, “the way things are done”</li> <li>• So deeply held that they aren’t even noticed unless they are violated</li> <li>• Norms are often more powerful than formal sanctions (e.g. sanctions)</li> </ul>
<b>Definitions of Agency Culture</b>  	<ul style="list-style-type: none"> <li>• Sum of the organizations attitudes, beliefs, values, norms and prejudices that form the way of life within the organization <ul style="list-style-type: none"> <li>▪ Includes the character of the surrounding community, the history of the operations and the professionalism and ethics of staff and leadership– past and present</li> <li>▪ Can vary by facility, shift and division</li> <li>▪ Can be positive or negative</li> <li>▪ Can be resistant to change or embrace it looking to the future</li> </ul> </li> </ul>

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Topic	Speaking Points
<b>Influences on Agency Culture</b>  	<ul style="list-style-type: none"> <li>• History: critical events</li> <li>• Hiring process: qualities sought, backgrounds considered, questions asked</li> <li>• Promotional process               <ul style="list-style-type: none"> <li>▪ How it is determined</li> <li>▪ How it is perceived</li> </ul> </li> <li>• Leadership and agency ethics               <ul style="list-style-type: none"> <li>▪ Are rules enforced for everyone?</li> </ul> </li> <li>• Characteristics and behaviors of staff members</li> <li>• Characteristics and behaviors of offenders               <ul style="list-style-type: none"> <li>▪ Respect for staff</li> </ul> </li> <li>• Staff-staff interactions               <ul style="list-style-type: none"> <li>▪ Does line staff trust administration?</li> </ul> </li> <li>• Staff-offender dynamics               <ul style="list-style-type: none"> <li>▪ Are interactions professional or over familiar?</li> <li>▪ Are offenders talking about staff business or personal affairs?</li> <li>▪ Are non-verbal interactions appropriate?</li> </ul> </li> <li>• Agency policy and procedures               <ul style="list-style-type: none"> <li>▪ Does practice match policy?</li> </ul> </li> <li>• Language               <ul style="list-style-type: none"> <li>▪ Are cartoons posted in staff areas?</li> <li>▪ Are sexual innuendos accepted?</li> </ul> </li> <li>• Disciplinary process</li> <li>• Relations with organized labor</li> <li>• Imbalance of power</li> </ul>
<b>Agency Ethics</b>  	<ul style="list-style-type: none"> <li>• What are the agency ethics?</li> <li>• How does the staff know the ethics of the agency?</li> <li>• Why are ethics of an agency important?</li> <li>• How are staff members trained to make ethical decisions?</li> <li>• How do agency ethics affect the investigative process?</li> </ul>

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Topic	Speaking Points
<b>Impact of Culture on Investigations</b>  	<ul style="list-style-type: none"> <li>• Can support or obstruct an investigation <ul style="list-style-type: none"> <li>▪ Affects cooperation from staff, offenders and witnesses</li> </ul> </li> <li>• Need to understand culture in which investigations take place <ul style="list-style-type: none"> <li>▪ Provides a context for behaviors and responses of staff and offender to the investigation</li> </ul> </li> <li>• Outcome of investigations can, in turn, influence culture</li> </ul>
<b>Employee Code of Silence: Definition</b>  	<ul style="list-style-type: none"> <li>• Unwillingness to openly discuss other staff or incidences/ allegations of illegal, unethical, immoral conduct</li> <li>• Protection of self to fit into culture</li> <li>• Non-cooperation with management and investigators results in protection of wrongdoers</li> <li>• Staff will risk discipline and even termination rather than violate this powerful norm</li> <li>• Why? <ul style="list-style-type: none"> <li>▪ fear of retaliation by staff</li> <li>▪ may view investigative process as a witch hunt</li> </ul> </li> <li>• Culture imposes penalties on staff who break the code of silence</li> </ul>
<b>The Code of Silence: Baron v. Hickey</b>    <i>NOTE: You may want to add a case from your state here</i>	<p><i>The “code of silence” is not a healthy norm from a legal liability standpoint. In a Massachusetts case, Baron v. Hickey, 242 F. Supp. 2d 66 (D. Mass 2003):</i></p> <ul style="list-style-type: none"> <li>• County Corrections officer harassed by co-workers after he reported misconduct</li> <li>• Reported co-workers playing cards with inmates</li> <li>• Referred to as “rat”; people dropped cheese in front of him; tires slashed</li> <li>• Complained on 30 separate occasions</li> <li>• Claimed that he was forced to resign</li> <li>• Jury awarded Baron \$500,000 for severe harassment</li> <li>• Affirmed 402 F.3d 225 (1st Cir.(Mass.))</li> </ul>


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Topic	Speaking Points
<b>Culture of Other Agencies</b> 	<ul style="list-style-type: none"> <li>• Organization's attitude toward offenders</li> <li>• Perceptions of the corrections environment</li> <li>• Standards of proof</li> <li>• Influence of larger political environment</li> </ul>
<b>Impact of Culture on Investigations</b> 	<ul style="list-style-type: none"> <li>• Important for participants from other agencies to understand the features of correctional culture <ul style="list-style-type: none"> <li>▪ Code of Silence</li> <li>▪ Imbalance of power and its impact on consent</li> <li>▪ Layers of interaction</li> </ul> </li> </ul>
<b>Impact of Prosecutions on Agency Culture</b> 	<ul style="list-style-type: none"> <li>• Gets everyone's attention</li> <li>• Defines the issue as serious</li> <li>• Prosecutors have unique tools <ul style="list-style-type: none"> <li>▪ Subpoena powers</li> <li>▪ Grand jury</li> </ul> </li> <li>• Successful prosecution can be a defining moment <ul style="list-style-type: none"> <li>▪ Lessons learned</li> <li>▪ Turning point</li> </ul> </li> </ul>
<b>Challenges for Leadership</b> 	<ul style="list-style-type: none"> <li>• Sexual misconduct by staff does not arise out of nowhere</li> <li>• Can be a symptom of the culture</li> <li>• Addressing the problem in a systematic way is about cultural change</li> <li>• Cultural change is the challenge for leadership <ul style="list-style-type: none"> <li>▪ Must shift deeply ignored norms and attitudes</li> <li>▪ Ideology and attitude lies in key positions</li> </ul> </li> </ul>

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Topic	Speaking Points
<p><b>Strategies for Changing Culture</b></p> 	<ul style="list-style-type: none"> <li>• Define boundaries for employees through policies that are clear, concise and definitive about what is acceptable and unacceptable.</li> <li>• Conduct appropriate screening during hiring and promotional processes <ul style="list-style-type: none"> <li>Provide employees appropriate tools for self-assessment, to help them learn when they might be crossing boundaries.</li> </ul> </li> <li>• Help employees to identify and maintain their own professional boundaries; provide training through interactive exercises and dialogue <ul style="list-style-type: none"> <li>▪ Reinforcement of training and ethical standards</li> </ul> </li> <li>• Maintain a policy and practice that provides employees with access to advice and assistance when they have concerns and questions about boundaries.</li> <li>• Train and support first line supervisors in their efforts to supervise employees, and recognize red flags</li> <li>• Ensure that there are open dialogues specific to the issue, using regular employee meetings, regular discussions and sharing of information and concerns, and any other format that will keep employees talking about the issue.</li> <li>• Provide a safe environment for the discussion of concerns and questions without fear of embarrassment or retaliation</li> <li>• Ensure that practices match policy and procedure; and</li> <li>• Model ethical behavior and insist that all managers and supervisors do the same.</li> <li>• Educate staff <ul style="list-style-type: none"> <li>▪ For managers: there is liability</li> <li>▪ For supervisors and line staff: it's a security/ public safety issue</li> <li>▪ It is part of professionalism</li> </ul> </li> <li>• Its part of professionalism <ul style="list-style-type: none"> <li>▪ No more acceptable than for dentist/patient, priest/parishioners, law enforcement/motorist</li> </ul> </li> <li>• Make it clear that you take it seriously <ul style="list-style-type: none"> <li>▪ Zero tolerance must mean zero tolerance</li> <li>▪ Consequence: Something has to happen to someone.</li> </ul> </li> </ul>

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Topic	Speaking Points
	<ul style="list-style-type: none"> <li>Model the behavior <ul style="list-style-type: none"> <li>The culture will not tolerate hypocrisy</li> <li>Demonstrate personal commitment</li> </ul> </li> <li>Acknowledge and recognize staff who move process forward</li> </ul>
<b>Discussion♦: Applicability of PREA Standards</b>	<p><i>Ask participants to refer to their copy of the Adult Prison and Jail Standards. Use this time to discuss the PREA Standards that apply to agency culture. Discuss the standard as well as the compliance checklist</i></p> <p><i>Sample questions to get the conversation started are: Do you agree with this standard(s)</i></p> <ol style="list-style-type: none"> <li><i>Why is this standard important?</i></li> <li><i>How does the agency comply with this standard? What do we do to demonstrate our compliance with this standard?</i></li> <li><i>What else could/ should we do?</i></li> </ol> <p><i>Standards that apply to agency culture include:</i></p> <p><i>PP1- Zero Tolerance of Sexual Abuse</i>  <i>OR-5 Agency Protection Against Retaliation</i>  <i>DI-1 Disciplinary Sanctions for Staff</i>  <i>DC-1 Sexual Abuse Incident Reviews</i></p> <p><i>Add other standards for the discussion as you see fit.</i></p>

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♦ You can also do these discussions as an exercise or activity

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# Module Five:

# Action Planning

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## **Module 5 – Action Planning**

**Time:** 1 hour

### **Module Objectives:**

1. Understand the action planning process and its purpose.

### **Resources:**

LCD projector computer and media screen

Easel pad, markers, tape

Electronic copy of the Action Plan instructions

Sign-up sheet for action plan presentation times (posted on a training room wall)

### **Participant Notebook Handouts:**

PowerPoint®


Action Planning instructions and examples

### **PowerPoint® Programs:**




Module 5: Action Planning

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Topic and Time	Speaking Points
<p><b>What Action Plans Involve</b></p> 	<p><i>You may need to modify this module for your agency, jurisdiction or state. It is important to require participants to take steps/ action post training.</i></p> <p><i>If you have been to an NIC training before, you know that individual “Action Plans” are an integral part of the week. We will be giving you time each day to work on your action plan.</i></p> <p><i>We will be talking about leadership, law, policy, management practices, operational practice, offender programs and services, training, investigative policy, media relations, community relations, agency culture. Be sure to address staff sexual misconduct in all these areas.</i></p> <p><i>In your Action Plan you will begin by asking yourself, what do I need to do first? What do I need to prioritize? As the week progresses, you will find your issues, topics and ideas all start heading in the same direction. You will begin to see the sequence and a timeframe.</i></p>
<p><b>Components of a Response to Staff Sexual Misconduct</b></p>	<p><i>The following are areas to consider when thinking about responding to staff sexual misconduct. Add others as you see fit.</i></p> <ul style="list-style-type: none"> <li>• Classification</li> <li>• Sexuality</li> <li>• PREA</li> <li>• Culture</li> <li>• Prosecution</li> <li>• Victim Services</li> <li>• Training</li> <li>• Policy</li> <li>• Investigations</li> <li>• Victimization History</li> <li>• Leadership</li> <li>• Law</li> <li>• Medical and Mental Health</li> </ul>



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Topic and Time	Speaking Points
<b>Effective Responses to Staff Sexual Misconduct</b> 	<p><i>The following are components of an effective response to staff sexual misconduct:</i></p> <ul style="list-style-type: none"> <li>• PREA</li> <li>• Policy</li> <li>• Prevention Training and Classification</li> <li>• Culture and Leadership</li> <li>• Investigations, Law and Prosecution</li> <li>• Sexuality and Victim Services</li> <li>• Medical/ Mental Health Care and Spirituality</li> </ul>
<b>Action Plan Assignment</b> 	<p><i>Each of you will be receive a flash drive that has a blank Action Plan form. We want you to use that disk to enter your thoughts and ideas from the week. You will use it to present your action plan at the end of the week.</i></p> <p><i>Your team's assignment is to:</i></p> <ul style="list-style-type: none"> <li>• Use action plan format on disk.</li> <li>• Be specific -- objectives must be measurable.</li> <li>• Set your priorities.</li> <li>• Be realistic about time lines.</li> <li>• Identify person(s) responsible – by name!</li> <li>• Name the stakeholders.</li> <li>• Identify any fiscal impact.</li> </ul>
<b>Action Plan Example</b> 	<p><i>Here is an example of what your Action Plan might include. You can type your information right on the form. From left to right, you write down your priority action step. Then, write the measurable objective, completion or due date, person or people responsible (not committees or departments – put down names), who are the stake holders, and the fiscal impact (remember some things do not cost money – such as a policy change).</i></p>

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Topic and Time	Speaking Points
<b>Presentations</b>  	<p><i>What happens to the Action Plan? On Thursday afternoon and Friday morning you will be presenting the information to the entire class. Each state/jurisdictional team will present for 20 minutes. We expect that the action plan will be a living document to guide your efforts when you return from training.</i></p> <ul style="list-style-type: none"> <li>• You will have time throughout the week to work on the Action Plan and your 15 minute presentation.</li> <li>• Sign-up sheet will be posted.</li> <li>• Share the work!</li> <li>• Questions will be asked after your presentation.</li> <li>• Help is available from the consultants as you develop your plan.</li> <li>• You are representing your agency.</li> </ul>
<b>Your Team's Presentation</b>  	<ul style="list-style-type: none"> <li>• Summarize this week's discussions.</li> <li>• Identify YOUR organization's major challenge(s)?</li> <li>• Describe the biggest "AH HA" for your Team as you considered all the issues discussed during this week?</li> <li>• Review your Action Plan.</li> <li>• Be ready for questions!</li> </ul>
<b>Discussion: Applicability of PREA Standards</b>	<p><i>Ask participants to refer to their copy of the Adult Prison and Jail Standards. Use this time to discuss the PREA Standards that apply to action planning. Discuss the standard as well as the compliance checklist.</i></p> <p><i>Sample questions to get the conversation started are:</i></p> <ol style="list-style-type: none"> <li><i>1. Why is this standard important?</i></li> <li><i>2. How does the agency comply with this standard? What do we do to demonstrate our compliance with this standard?</i></li> <li><i>3. What else could/ should we do?</i></li> </ol> <p><i>Standards that apply to action planning include:</i></p>

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Topic and Time	Speaking Points
	<i>DC-3 Data Review for Corrective Action</i> <i>AU-1 Audit of Standards</i>  <i>Add other standards for the discussion as you see fit.</i>

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# **Module Six:**

## **Training for Investigators Working in Correctional Settings**

### **Activity: Designing a Training**

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## **Module 6 – Training for Investigators Working in Correctional Settings**

**Time:** 1 hour 45 minutes

### **Module Objectives:**

1. Identify investigative competencies
2. Understand the critical elements of an effective training program for investigators
3. Review the impact of training on investigations.

### **Resources:**

LCD projector, computer and media screen  
Easel pad, markers, tape

### **Participant Notebook Handouts:**




PowerPoint®  
NIC PREA DACUM Report

### **PowerPoint® Programs:**

Module 6: Training for Investigators Working in Correctional Settings



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Topic	Speaking Points
<b>Training Objectives</b>  	<p><i>This module should be taught by an experienced investigator who can speak about the particulars of each of these techniques.</i></p> <p><i>In this module, we are going to be talking about the importance of training investigators within the unique context and culture of a correctional setting.</i></p> <ul style="list-style-type: none"> <li>• Identify investigative competencies</li> <li>• Understand the critical elements of an effective training program for investigators</li> <li>• Review the impact of training on investigations</li> </ul>
<b>Investigative Competencies</b>  	<ul style="list-style-type: none"> <li>• Report writing</li> <li>• Crime scene investigation</li> <li>• Interviewing</li> <li>• Evidence Collection</li> <li>• Investigative decision-making: policies and procedures</li> <li>• Criminal Investigations</li> <li>• Prosecutors and Courts</li> </ul>
<b>Report Writing</b>  	<ul style="list-style-type: none"> <li>• What to include in the report</li> <li>• Format</li> <li>• Timeframes for completion</li> <li>• Findings v. conclusions</li> </ul>




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Topic	Speaking Points
<b>Crime Scene Investigations</b>  	<ul style="list-style-type: none"> <li>• Securing the crime scene</li> <li>• Where physical evidence can be found</li> <li>• Use of equipment</li> <li>• How to store evidence</li> <li>• Chain of custody</li> <li>• DNA               <ul style="list-style-type: none"> <li>▪ What</li> <li>▪ When</li> <li>▪ Where</li> <li>▪ How</li> </ul> </li> </ul>
<b>Interviewing Techniques</b>  	<ul style="list-style-type: none"> <li>• Gender/ race of interviewers</li> <li>• Dealing with vulnerable populations</li> <li>• Sensitivity for victims of sexual assault</li> <li>• Questioning techniques</li> <li>• Space and time considerations for the victims</li> <li>• Taking the report               <ul style="list-style-type: none"> <li>▪ Using the words of the victim</li> </ul> </li> <li>• Options               <ul style="list-style-type: none"> <li>▪ Polygraph, voice stress analyzer, etc.</li> <li>▪ Mental health involvement</li> <li>▪ Removal from facility</li> <li>▪ Other</li> </ul> </li> </ul>





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Topic	Speaking Points
<b>Evidence Collection</b>  	<ul style="list-style-type: none"> <li>• Where to find evidence in correctional settings <ul style="list-style-type: none"> <li>▪ Phone records</li> <li>▪ Commissary</li> <li>▪ Logs</li> <li>▪ Cameras</li> <li>▪ Housing records</li> <li>▪ Medical/mental health records</li> <li>▪ Requests for changes</li> <li>▪ Classification file</li> <li>▪ Disciplinary records</li> <li>▪ Grievances</li> <li>▪ Inmate file</li> <li>▪ Visitor lists</li> <li>▪ DNA</li> </ul> </li> </ul>
<b>Decision Making: Policies and Procedures</b>  	<ul style="list-style-type: none"> <li>• Chain of command</li> <li>• When to call outside agencies <ul style="list-style-type: none"> <li>▪ Law enforcement, medical, crisis intervention</li> </ul> </li> <li>• Victim management</li> <li>• Administrative case v. criminal case</li> <li>• Timeframes for investigations and reporting</li> </ul>
<b>Criminal Investigations</b>  	<ul style="list-style-type: none"> <li>• When a case goes from administrative to criminal</li> <li>• Timeframe for calling outside law enforcement</li> <li>• Garrity v. Miranda warnings</li> </ul>

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Topic	Speaking Points
<b>Prosecutors and Courts</b> 	<ul style="list-style-type: none"> <li>• Selling your case to the prosecution</li> <li>• Appearances in court and testifying about findings</li> </ul>
<b>Training Techniques</b> 	<ul style="list-style-type: none"> <li>• Academy –Investigations 101 <ul style="list-style-type: none"> <li>▪ Also report writing</li> </ul> </li> <li>• Shadowing</li> <li>• Coaching</li> <li>• Mock trials, mock crime scenes</li> <li>• Victim advocates <ul style="list-style-type: none"> <li>▪ Sexual assault treatment responders</li> </ul> </li> </ul>
<b>Why Demystify the Investigative Process</b> 	<ul style="list-style-type: none"> <li>• Clarity, transparency</li> <li>• Prevention/deterrence</li> <li>• Cooperation <ul style="list-style-type: none"> <li>▪ Code of silence – offenders and employees</li> </ul> </li> <li>• Why things happen</li> <li>• Rights and responsibilities</li> <li>• False reports</li> <li>• Accountability</li> </ul>
<b>Impact of Training on Investigations</b> 	<ul style="list-style-type: none"> <li>• Safer facilities</li> <li>• Deterrent/prevention</li> <li>• Understanding = improved morale</li> <li>• Begins culture change and staff buy-in</li> <li>• Increases likelihood for prosecution</li> <li>• Gives agency claim of qualified immunity from civil suit</li> <li>• Transparency</li> <li>• Safer communities</li> </ul>

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Topic	Speaking Points
<p><b>Discussion:</b>  <b>Applicability of PREA Standards</b></p>	<p><i>Ask participants to refer to their copy of the Adult Prison and Jail Standards. Use this time to discuss the PREA Standards that apply to training. Discuss the standard as well as the compliance checklist.</i></p> <p><i>Sample questions to get the conversation started are:</i></p> <ol style="list-style-type: none"> <li><i>1. Why is this standard important?</i></li> <li><i>2. How does the agency comply with this standard? What do we do to demonstrate our compliance with this standard?</i></li> <li><i>3. What else could/ should we do?</i></li> </ol> <p><i>Standards that apply to training include:</i></p> <p><i>TR-1 Employee Training</i>  <i>TR-4 Specialized Training: Investigations</i></p> <p><i>Add other standards for the discussion as you see fit.</i></p>
<p><b>Activity and Report Out:</b></p> <p><b>Create the ideal training module</b></p> <p><i>NOTE: You can change group topics as needed in your agency</i></p>	<p><i>Have participants divide into five groups to discuss training (what it would include) for each of the following investigative needs:</i></p> <p style="padding-left: 40px;">Group 1: Securing a Crime Scene  Group 2: Interviewing  Group 3: Report Writing  Group 4: Evidence Collection  Group 5: Court Appearances (Investigators testifying in Court)</p> <p><i>Have each group give a report on its discussion</i></p>

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## **Module Seven: Investigative Policy**

### **Activity: Designing Investigative Policies**

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## **Module 7 – Investigative Policy**

**Time:** 1 hour

### **Module Objectives:**

1. Review the elements of effective investigative policies
2. Identify the link between policy and investigative decisions

### **Resources:**

LCD projector, computer and media screen  
Easel pad, markers, tape

### **Participant Notebook Handouts:**





PowerPoint®

### **PowerPoint® Programs:**

Module 7: Investigative Policy





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Topic	Speaking Points
<b>Objectives</b>  	<p><i>This module should be taught by an experienced investigator who can speak about the particulars of each of these techniques.</i></p> <ul style="list-style-type: none"> <li>• Review the elements of effective investigative policies</li> <li>• Review the components of effective investigative policies</li> <li>• Identify the link between policy and investigative decisions</li> </ul>
<b>Elements of Effective Investigative Policies</b>  	<ul style="list-style-type: none"> <li>• Statement of Purpose</li> <li>• Policy</li> <li>• Definitions</li> <li>• Procedures</li> <li>• Responsibilities</li> <li>• Findings</li> <li>• Sanctions</li> <li>• Appeal</li> </ul>
<b>Statement of Purpose</b>  	<ul style="list-style-type: none"> <li>• Goal of the policy <ul style="list-style-type: none"> <li>▪ to inform all staff of procedures for accepting, processing, and investigating complaints concerning allegations of misconduct</li> <li>▪ define provisions applicable to investigation and disposition of allegations of misconduct</li> </ul> </li> </ul>
<b>Policy</b>  	<ul style="list-style-type: none"> <li>• Establishment of procedures for investigating complaints and allegations of misconduct</li> <li>• To accept and investigate all complaints of alleged misconduct, determine whether the allegations are valid, and take appropriate corrective action</li> </ul>
<b>Definitions</b>	<ul style="list-style-type: none"> <li>• Who are investigating authorities? <ul style="list-style-type: none"> <li>▪ Chain of command</li> <li>▪ Reporting structure</li> </ul> </li> </ul>






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Topic	Speaking Points
	<ul style="list-style-type: none"> <li>• What actions can be investigated? <ul style="list-style-type: none"> <li>▪ Nonconsensual sexual acts</li> <li>▪ Abusive sexual contacts</li> <li>▪ Staff sexual misconduct</li> <li>▪ Staff sexual harassment</li> </ul> </li> <li>• Who staff are that can be investigated? <ul style="list-style-type: none"> <li>▪ Line staff</li> <li>▪ Volunteers/ Educators</li> <li>▪ Clergy</li> <li>▪ Contractors</li> <li>▪ Administration</li> </ul> </li> <li>• What complaints warrant an investigation? <ul style="list-style-type: none"> <li>▪ Misconduct</li> </ul> </li> </ul>
<b>Procedures</b> 	<ul style="list-style-type: none"> <li>• What should first responders do?</li> <li>• What is the reporting structure– chain of command?</li> <li>• When to involve outside partners?</li> <li>• Securing the crime scene</li> <li>• Victim management</li> <li>• Staff management</li> </ul>
<b>Responsibilities</b> 	<ul style="list-style-type: none"> <li>• Clean and distinct lines of authority to authorize, conduct, supervise and conclude investigations</li> </ul>
<b>Findings</b> 	<ul style="list-style-type: none"> <li>• Timelines and frequency of updates <ul style="list-style-type: none"> <li>▪ To whom</li> <li>▪ Method and venue</li> </ul> </li> <li>• Progress to Completion <ul style="list-style-type: none"> <li>▪ When to stop investigations</li> <li>▪ Link analysis</li> <li>▪ Coordination with stakeholders</li> </ul> </li> <li>• Criminal v. Administrative</li> </ul>





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Topic	Speaking Points
<b>Sanctions</b> 	<ul style="list-style-type: none"> <li>• Administrative sanctioning <ul style="list-style-type: none"> <li>▪ Job loss</li> <li>▪ Suspension with or without pay</li> </ul> </li> <li>• Criminal sanctioning <ul style="list-style-type: none"> <li>▪ Referral for prosecution</li> </ul> </li> </ul>
<b>Appeal</b> 	<ul style="list-style-type: none"> <li>• Who can appeal an investigative decision?</li> <li>• Timeframe when appeals can happen?</li> <li>• What is the appeal process?</li> <li>• Who are appeals made to?</li> </ul>
<b>Procedures: First Responders</b> 	<ul style="list-style-type: none"> <li>• Responsibilities and Duties <ul style="list-style-type: none"> <li>▪ Who do they report to?</li> <li>▪ Timeline of reporting requirements</li> <li>▪ What if anything should they be asking a victim?</li> <li>▪ What should they do with the victim?</li> <li>▪ What is their role in securing a scene?</li> <li>▪ Immediate disclosure v. time lapse disclosure</li> </ul> </li> </ul>
<b>Procedures: Reporting</b> 	<ul style="list-style-type: none"> <li>• Chain of command</li> <li>• Who has decision making authority for investigations?</li> <li>• Need to know v. nice to know</li> <li>• Confidentiality</li> <li>• Involving outside law enforcement (criminal investigations)</li> <li>• Report writing timelines</li> <li>• Time frames for reporting</li> </ul>
<b>Outside Partners</b> 	<ul style="list-style-type: none"> <li>• When and if you involve outside partners <ul style="list-style-type: none"> <li>▪ Law enforcement</li> <li>▪ Crisis intervention</li> <li>▪ Medical/ mental health care</li> <li>▪ Prosecutors</li> </ul> </li> </ul>



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Topic	Speaking Points
<b>Securing a Crime Scene</b> 	<ul style="list-style-type: none"> <li>• Crime scene preservation <ul style="list-style-type: none"> <li>▪ Who should secure the scene?</li> <li>▪ When should someone be called to collect evidence?</li> </ul> </li> <li>• Evidence collection <ul style="list-style-type: none"> <li>▪ Who collects evidence?</li> <li>▪ Methods for collecting evidence</li> </ul> </li> </ul>
<b>Victim Management</b> 	<ul style="list-style-type: none"> <li>• What to do with victims who report immediately?</li> <li>• Where to put victims in the facility?</li> <li>• Calling medical/ SANE examination</li> <li>• Mental health care</li> <li>• Housing</li> <li>• Separation from alleged perpetrator</li> </ul>
<b>Staff Management</b> 	<ul style="list-style-type: none"> <li>• Confidentiality</li> <li>• Separation from victim</li> <li>• Who needs to know about report?</li> <li>• Zero tolerance for retaliation against those who report</li> <li>• Rights of accused staff member</li> </ul>
<b>Considerations: Will You Allow...</b> 	<ul style="list-style-type: none"> <li>• Cross Gender Interviewing</li> <li>• Solo Interviewing</li> <li>• Taping/ Controlled Calls</li> <li>• Information communicated to staff and offenders after an investigation is complete</li> <li>• Media and public relations</li> </ul>
<b>Using Policy to Make Investigative Decisions</b>	<ul style="list-style-type: none"> <li>• Consistency in decisions</li> <li>• Continuity of decisions</li> <li>• Integrity of decision process</li> <li>• Basis of investigation</li> <li>• Defensible decision</li> </ul>

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Topic	Speaking Points
	<ul style="list-style-type: none"> <li>▪ Referral for prosecutions</li> </ul>
<p><b>Impact of Effective Investigative Policy</b></p> 	<ul style="list-style-type: none"> <li>• Demystifies investigative process</li> <li>• Enhances thoroughness of process</li> <li>• Facilitates integrity of process</li> <li>• Facilitates accountability throughout process</li> <li>• Facilitates timeliness</li> <li>• Facilitates cultural change</li> <li>• Facilitates identification of management and training issues</li> </ul>
<p><b>Discussion: Applicability of PREA Standards</b></p>	<p><i>Ask participants to refer to their copy of the Adult Prison and Jail Standards. Use this time to discuss the PREA Standards that apply to investigative policy. Discuss the standard as well as the compliance checklist.</i></p> <p><i>Sample questions to get the conversation started are:</i></p> <ol style="list-style-type: none"> <li><i>1. Why is this standard important?</i></li> <li><i>2. How does the agency comply with this standard? What do we do to demonstrate our compliance with this standard?</i></li> <li><i>3. What else could/ should we do?</i></li> </ol> <p><i>Standards that apply to investigative policy include:</i></p> <p><i>PP-7 Assessment and use of Monitoring Technology</i>  <i>RP-1 Evidence Protocol and Forensic Medical Exams</i>  <i>RP-3 Agreements with Outside Law Enforcement Agencies</i>  <i>RE-1 Inmate Reporting</i>  <i>OR-3 Staff First Responder Duties</i>  <i>OR-4 Coordinated Response</i></p> <p><i>Add other standards for the discussion as you see fit.</i></p>

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Topic	Speaking Points
<b>Activity and Report Out:</b>  <b>Investigative Policy</b>  <i>NOTE: You can change group topics as needed in your agency</i>	<i>Have participants divide into five groups to discuss policy (what it would include) for each of the following investigative needs:</i> <ul style="list-style-type: none"> <li>• Group 1: Evidence Collection</li> <li>• Group 2: Immediate Medical Attention</li> <li>• Group 3: Mental Health Care</li> <li>• Group 4: Reporting</li> <li>• Group 5: Filing Grievances</li> </ul> <i>Have each group give a report on its discussion</i>

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# **Module Eight:**

## **Operational Practices**

### **Activity: Addressing Operational Practices**

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## **Module 8 – Operational Practices**

**Time:** 1 hour

### **Module Objectives:**

1. Identify how operational practices are connected to investigations
2. Review the comprehensive approach to preventing and investigating allegations of sexual misconduct.
3. Discuss key operational issues and their impact on investigations
4. Outline the elements of critical operational practices

### **Resources:**

LCD projector, computer and media screen  
Easel pad, markers, tape

### **Participant Notebook Handouts:**





PowerPoint®

### **PowerPoint® Programs:**

Module 8: Operational Practices


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Topic	Speaking Points
<b>Overview</b>  	<p><i>I have yet to see a staff sexual misconduct case that did not have serious operational implications: breach of responsibility; staff being away from post; or contraband. Understanding the operational implications of staff sexual misconduct can help you conduct a sound and thorough investigation by knowing where to gather information and whom to interview.</i></p> <p><i>Read a letter or other correspondence from a staff to an offender. You may also use a news story. Identify the operational practices and investigative issues presented by the letter.</i></p>
<b>Objectives</b>  	<ul style="list-style-type: none"> <li>• Identify how operational practices are connected to investigations</li> <li>• Review the comprehensive approach to preventing and investigating allegations of sexual misconduct.</li> <li>• Discuss key operational issues and their impact on investigations</li> <li>• Outline the elements of critical operational practices</li> </ul>
<b>What We Know</b>  	<ul style="list-style-type: none"> <li>• Operational practices impact investigations</li> <li>• Operational practices can impede or facilitate the flow of information</li> <li>• Failure to be attentive to operational issues leaves the agency at risk for staff sexual misconduct</li> <li>• Attention to practices as part of a holistic/comprehensive approach</li> <li>• Clearly established practices sets benchmarks for staff and offender behavior <ul style="list-style-type: none"> <li>▪ Facilitate identification of deviations from established roles</li> </ul> </li> </ul>
<b>Comprehensive Approach</b>  	<p><i>A comprehensive approach includes</i></p> <ul style="list-style-type: none"> <li>• Not just one policy, one procedure</li> <li>• Triage policies, procedures, post orders in light of PREA</li> <li>• Culture</li> </ul>


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Topic	Speaking Points
	<ul style="list-style-type: none"> <li>• Training</li> </ul>
<b>Key Operational Practices</b>  	<ul style="list-style-type: none"> <li>• Entry points for employees, contractors</li> <li>• Searches of person, property, lockers</li> <li>• Sign in/sign out</li> <li>• Credentials</li> <li>• Classification</li> <li>• Orientation of offenders</li> <li>• Assignment, supervision, rotation of inmate workers and those who supervise them</li> <li>• Tours by supervisors</li> <li>• Showering protocols</li> <li>• Gender responsive strategies and programming</li> <li>• Inmate Rules – Written and enforced? <ul style="list-style-type: none"> <li>▪ Inmates in the rooms/cell of others</li> <li>▪ Shakedowns</li> <li>▪ Allowable property</li> <li>▪ Clothing</li> </ul> </li> <li>• Failure to pay attention to: <ul style="list-style-type: none"> <li>▪ Food</li> <li>▪ Mental health</li> </ul> </li> <li>• Medical <ul style="list-style-type: none"> <li>▪ Security</li> <li>▪ Volunteers</li> <li>▪ Medical reporting</li> <li>▪ STDs</li> <li>▪ Pregnancies</li> <li>▪ Assaults</li> </ul> </li> </ul> <p><i>You can add examples from your agency or state.</i></p>
<b>Key Operational Practices Cont'd</b>	<ul style="list-style-type: none"> <li>• Grievance procedures</li> <li>• Effective training</li> <li>• Physical plant – Security Audit: <ul style="list-style-type: none"> <li>▪ Key control</li> <li>▪ Isolated areas</li> </ul> </li> </ul>

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Topic	Speaking Points
	<ul style="list-style-type: none"> <li>▪ Isolation of professional offices</li> <li>▪ Windows covered</li> <li>• Specific modifications for minimal inmate privacy</li> <li>• Floor plans for the facility – “Crime Mapping”</li> <li>• Analyze blind spots</li> </ul> <p><i>What about showers? Privacy screens that may work for a male institution might not for a female institution. Case law supports that women may have a greater right to privacy than males. Are there private shower stalls but the dressing area is communal? One institution did not have sleepwear for the women. Many were sleeping in their underwear with male correctional officers watching them.</i></p> <p><i>What other operational issues are there but we haven’t talked about? Discuss.</i></p> <p><i>Some examples are:</i></p> <ul style="list-style-type: none"> <li>• <i>Gender specific posts</i></li> <li>• <i>Strip searches</i></li> <li>• <i>Integrity in investigations</i></li> </ul> <p><i>What about gender-specific posts? What about strip-searches? Remember that some staff sexual misconduct can be same sex. How often are these strip searches done and who documents them? These things protect staff too. If an offender says s/he is being over searched, you can go back and look at documents.</i></p> <p><i>What about integrity of investigations? Who is doing them, how is s/he doing them? What is the reputation of the investigator? What training has the officer had?</i></p> <p><i>Know your policies and operations well, not only for prevention of staff sexual misconduct but for investigation as well. You may not be able to get a criminal conviction for staff sexual misconduct, but you might be able to sanction staff member for violation of an operational policy. In one case where the institution couldn’t prove staff sexual misconduct occurred, they terminated staff based on agency rule violations.</i></p>

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Topic	Speaking Points
<p><b>Making your Environment Investigations Friendly</b></p> 	<ul style="list-style-type: none"> <li>• Leadership participates in training of both staff and offenders</li> <li>• Investigators are visible</li> <li>• First contact between staff and investigators is positive</li> <li>• Identify and train first responders</li> <li>• Red Flags, Daily Dozen, and Ethics</li> <li>• Supervisors are supervising</li> <li>• Collect and analyze data <ul style="list-style-type: none"> <li>▪ Grievances, discipline, incidents, etc.</li> </ul> </li> <li>• Clarify roles - medical/mental health staff</li> <li>• Multiple systems of reporting</li> </ul>
<p><b>Discussion: Applicability of PREA Standards</b></p>	<p><i>Ask participants to refer to their copy of the Adult Prison and Jail Standards. Use this time to discuss the PREA Standards that apply to operational practices. Discuss the standard as well as the compliance checklist.</i></p> <p><i>Sample questions to get the conversation started are:</i></p> <ol style="list-style-type: none"> <li><i>1. Why is this standard important?</i></li> <li><i>2. How does the agency comply with this standard? What do we do to demonstrate our compliance with this standard?</i></li> <li><i>3. What else could/ should we do?</i></li> </ol> <p><i>Standards that apply to operational practices include:</i></p> <p><i>PP-4 Limits to Cross-Gender Viewing and Searches</i>  <i>PP-5 Accommodating Inmates with Special Needs</i>  <i>PP-7 Assessment and Use of Monitoring Technology</i>  <i>SC-1 Screening for Risk of Victimization and Abusiveness</i>  <i>DC-2 Data Collection</i>  <i>AU-1 Audits of Standards</i></p> <p><i>Add other standards for the discussion as you see fit.</i></p>

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Topic	Speaking Points
<p><b>Activity</b></p> <p><i>Have participants divide into five groups to discuss operational practices. Each group will be assigned an operational practice and should outline that operational practice taking PREA into account.</i></p> <p>Group 1: Inmate workers/inside facility  Group 2: Volunteers  Group 3: Inmate workers assigned to work for other state/local agencies  Group 4: Cross gender supervision  Group 5: Search of employees, possessions, etc.</p> <p><i>Have each group give a report of its discussion</i></p> <p><i>NOTE: You can change or add group topics as needed in your agency</i></p>	

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## **Module Nine:**

# **Investigative Techniques**

## **Activity: Mapping the Investigative Process**

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## **Module 9 – Investigative Techniques**

**Time:** 3 hours 45 minutes

(NOTE: 2 hours is for the activity and report out)

### **Module Objectives:**

1. Identify foundations for successful investigations
2. Understand why investigations fail
3. Define considerations made in effective investigations
4. Identify useful investigative techniques (including interviewing staff and victims, evidence collection, etc.)

### **Resources:**

LCD projector, computer and media screen  
Butcher paper, markers and tape

### **Participant Notebook Handouts:**



PowerPoint®  
Watching for Signs of Sexual Misconduct  
Not part of the ‘Rat Squad’

### **PowerPoint® Programs:**

Module 9: Investigative Techniques


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Topic	Speaking Points
<b>Objectives</b>  	<p><i>This module should be taught by an experienced investigator who can speak about the particulars of each of these techniques.</i></p> <p><i>In this module, we are going to talk about investigative techniques. We will focus on why some investigators fail and others are successful.</i></p> <p><i>We hope at the end of this module that participants will be able to demonstrate some of the investigative techniques used in successful investigations.</i></p> <ul style="list-style-type: none"> <li>• Identify foundations for successful investigations</li> <li>• Understand why investigations fail</li> <li>• Define considerations for effective investigations</li> <li>• Identify useful investigative techniques (including interviewing staff and victims, evidence collection, etc.)</li> </ul>
<b>Foundations of Successful Investigations</b>  	<ul style="list-style-type: none"> <li>• Strong and clear zero tolerance policy for staff sexual misconduct</li> <li>• Strong investigative policy</li> <li>• Training staff and offenders about investigative process</li> <li>• Knowing the channels of reporting (including your mandatory reporting guidelines)</li> <li>• Keeping victim-offender involved in process</li> <li>• Including where appropriate outside agencies to aid in the investigation</li> <li>• Understanding what prosecutors need</li> <li>• Understanding evidence timelines</li> <li>• The investigative process is viewed as credible</li> <li>• Investigative process complies with applicable criminal laws and administrative procedures</li> <li>• Completion of successful investigations is defined as a security issue</li> <li>• Reasonable assurances to staff and offenders of protection from retaliation</li> <li>• Ensure safety and security</li> </ul>


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Topic	Speaking Points
<p><b>Why Investigations Fail</b></p> 	<ul style="list-style-type: none"> <li>• Attitude toward victim</li> <li>• Reaction of 1st Responders</li> <li>• Lack of communication with investigative partners both internal and external               <ul style="list-style-type: none"> <li>▪ Law enforcement</li> <li>▪ Mental Health</li> <li>▪ Medical</li> <li>▪ Prosecutors</li> </ul> </li> <li>• Lack of support for the victim's safety</li> <li>• Administrative Reasons               <ul style="list-style-type: none"> <li>▪ Weak policy</li> <li>▪ Lack of support from administration</li> <li>▪ Poor teamwork</li> <li>▪ Poor Recordkeeping</li> </ul> </li> <li>• Timing and Pace of the investigation</li> <li>• Distrust of investigators</li> <li>• Poorly trained investigators</li> <li>• Lack of commitment to task</li> <li>• Poor coordination of agency partners</li> <li>• Process               <ul style="list-style-type: none"> <li>▪ Leaks</li> <li>▪ Uncooperative victims</li> <li>▪ Vulnerable Victims</li> <li>▪ Uncooperative staff – code of silence</li> </ul> </li> <li>• Evidence that is               <ul style="list-style-type: none"> <li>▪ Limited</li> <li>▪ Weak</li> <li>▪ Poorly collected</li> <li>▪ Poorly preserved</li> </ul> </li> <li>• Not properly utilizing all of the available investigative tools</li> </ul>




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Topic	Speaking Points
<p><b>Considerations for Effective Investigations</b></p> 	<p><b>WHO</b></p> <ul style="list-style-type: none"> <li>• Department of Internal Affairs</li> <li>• Local Law Enforcement</li> <li>• EAP</li> <li>• Union</li> <li>• Division of Youth Services</li> <li>• Advocacy and Protection Agencies</li> <li>• Prosecutors</li> <li>• Victim Services</li> </ul> <p><b>PLACE</b></p> <ul style="list-style-type: none"> <li>• Probation or Parole Department</li> <li>• Community</li> <li>• Local Jail</li> <li>• State or Federal Prison</li> <li>• House Arrest</li> <li>• Half-way House</li> <li>• Work Release</li> </ul> <p><b>INVESTIGATIVE TEAM</b></p> <ul style="list-style-type: none"> <li>• Gender</li> <li>• Ethnicity</li> <li>• Expertise</li> <li>• Qualifications</li> <li>• Language ability</li> </ul> <p><b>WHAT</b></p> <ul style="list-style-type: none"> <li>• Crime scene management</li> <li>• Size of agency</li> <li>• Financial and legal restrictions</li> <li>• Policy</li> </ul> <p><b>NEEDS</b></p> <ul style="list-style-type: none"> <li>• Medical</li> <li>• Safety</li> </ul> <p><b>HOW</b></p> <ul style="list-style-type: none"> <li>• Evidence Collection</li> <li>• Wiretaps</li> <li>• Interviews</li> <li>• Notifications</li> </ul>


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Topic	Speaking Points
<b>Involving Other Agencies</b> 	<p><b>WHEN</b></p> <ul style="list-style-type: none"> <li>• Embrace and develop mutual opportunities prior to need</li> <li>• Immediately and in accordance with criminal law</li> <li>• Immediately and in accordance with carefully developed protocols and MOU's</li> <li>• Embrace and assess throughout investigative process</li> </ul> <p><b>WHY</b></p> <ul style="list-style-type: none"> <li>• Maximize resources</li> <li>• Building relationships for the future</li> <li>• Enhance effective public policy</li> <li>• Enhancement of institutional and public safety</li> </ul>
<b>Investigative Techniques</b> 	<ul style="list-style-type: none"> <li>• Property and room search of victim</li> <li>• Check account activity of victim</li> <li>• Telephone activity</li> <li>• Mail</li> <li>• Records- Logbooks, roll call, medical records</li> <li>• Body Wire</li> <li>• Electronic Monitoring</li> <li>• Controlled Calls Stop here to play examples of controlled calls if you have any</li> <li>• Polygraph- sometimes just bringing in the polygraph can be a catalyst to telling the truth. Check your policies and procedures as well as state laws to ensure you can polygraph.</li> </ul>
<b>Finding DNA Evidence</b> 	<ul style="list-style-type: none"> <li>• Chairs</li> <li>• Floors</li> <li>• Cups</li> <li>• Clothes</li> <li>• Bedding</li> <li>• Tissue paper</li> </ul>
<b>Sample Interview Questions for</b>	<ul style="list-style-type: none"> <li>• Do you know the staff member's financial status?</li> </ul>




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Topic	Speaking Points
<b>Successful Investigations</b>  	<ul style="list-style-type: none"> <li>• To whom does the staff member owe money?</li> <li>• Describe the staff member's physical characteristics? <ul style="list-style-type: none"> <li>▪ Hair pattern on body</li> <li>▪ Type of underwear</li> <li>▪ Belly button</li> <li>▪ Scars/ Moles</li> <li>▪ Tattoos / piercing</li> <li>▪ Circumcised / uncircumcised</li> <li>▪ Hygiene</li> <li>▪ Skin pigmentation</li> </ul> </li> <li>• What do you know about the staff member?</li> <li>• What type of vehicle does s/he drive?</li> <li>• What are the staff member's hobbies? Days off?</li> <li>• Where did the staff member go on vacation?</li> <li>• What type of home does the staff member have?</li> <li>• Has the staff member ever given you cards, tokens, notes, photos?</li> <li>• When did your relationship begin?</li> <li>• What occurred?</li> <li>• When / Frequency?</li> <li>• Where did act take place?</li> <li>• Did ejaculation occur?</li> <li>• Who was the last person you saw before the act took place?</li> <li>• Who was the first person you saw after the act took place?</li> <li>• Does the staff member own his/her home or rent?</li> <li>• What type of music does the staff member like?</li> <li>• What are the names of the officer's family members, wife, kids, friends, pets?</li> <li>• Where does the officer live?</li> <li>• What is the staff member's telephone #?</li> <li>• Have you told anyone about this? Whom? When?</li> <li>• Description of area where act took place? <ul style="list-style-type: none"> <li>▪ Detail</li> <li>▪ Locks</li> <li>▪ Keys</li> <li>▪ Announcements</li> <li>▪ Radio transmissions</li> </ul> </li> </ul>

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Topic	Speaking Points
<b>Know your Law, Policies and Procedures</b>  	<ul style="list-style-type: none"> <li>• Evidence collection and analysis</li> <li>• When to include other agencies</li> <li>• Calling in victim services</li> <li>• Aggressive Investigative Techniques <ul style="list-style-type: none"> <li>▪ Using offender</li> <li>▪ Wiretaps</li> <li>▪ Polygraphs</li> </ul> </li> <li>• Interviews of both victim and staff</li> </ul>
<b>Victims and Investigations</b>  	<ul style="list-style-type: none"> <li>• Consider the victim's perspective: fear, terror, the inmate code</li> <li>• Complex motives of the victims <ul style="list-style-type: none"> <li>▪ Sentence reduction</li> <li>▪ Change in housing</li> <li>▪ Jealousy</li> <li>▪ Revenge</li> </ul> </li> <li>• Ability to relate to the victim</li> <li>• Pace of the investigative process</li> <li>• Victim safety pending investigation</li> <li>• Use victim services to advocate for the victim</li> </ul>
<b>Staff Members and Investigations</b>  	<ul style="list-style-type: none"> <li>• Written Reports</li> <li>• Confidentiality</li> <li>• Interview with Detailed Notes</li> <li>• What to do with Accused Staff Member <ul style="list-style-type: none"> <li>▪ Reassign</li> <li>▪ Administrative Leave w/o pay</li> <li>▪ Allow to resign</li> <li>▪ E.A.P. referral</li> <li>▪ Go to licensing agencies</li> <li>▪ Determine Garrity or Miranda</li> </ul> </li> </ul>
<b>Summary</b>	<ul style="list-style-type: none"> <li>• Be tenacious.</li> <li>• Be creative.</li> <li>• Be intelligent.</li> </ul>

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Topic	Speaking Points
	<ul style="list-style-type: none"> <li>• Keep good records.</li> <li>• Know your agency's policy and procedure and the state and federal criminal law.</li> <li>• Bring in other skill sets – lawyers, physicians, forensics, treatment partners, and available community resources</li> </ul> <p><i>What we have identified here is a proactive investigative culture. Does this look like your system or are you primarily reactive? Discuss. How can you change that? Discuss. What are barriers to changing your investigative culture if anything? Discuss.</i></p>
<p><b>Discussion: Applicability of PREA Standards</b></p>	<p><i>Ask participants to refer to their copy of the Adult Prison and Jail Standards. Use this time to discuss the PREA Standards that apply to investigations. Discuss the standard as well as the compliance checklist.</i></p> <p><i>Sample questions to get the conversation started are:</i></p> <ol style="list-style-type: none"> <li><i>1. Why is this standard important?</i></li> <li><i>2. How does the agency comply with this standard? What do we do to demonstrate our compliance with this standard?</i></li> <li><i>3. What else could/ should we do?</i></li> </ol> <p><i>Standards that apply to investigations include:</i></p> <p><i>RP-1 Evidence Protocol and Forensic Medical Exams</i>  <i>RP-3 Agreements with Outside Law Enforcement Agencies</i>  <i>RP-4 Agreements with Prosecuting Authority</i>  <i>IN-1 Duty to Investigate</i>  <i>IN-2 Criminal and Administrative Agency Investigations</i>  <i>IN-3 Evidence Standards for Administrative Investigations</i>  <i>MM-2 Access to Emergency Medical and Mental Health Care</i></p> <p><i>Add other standards for the discussion as you see fit.</i></p>

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Topic	Speaking Points
<b>Activity and Report Out:</b>  <b>Mapping the Investigative Process</b>	<p><i>Hand out a large piece of butcher paper and markers to teams of three. Ask them to map out the investigative process for the agency from the time a report is made until the finding is completed—administrative and criminal. Ask teams to identify bottlenecks or gaps.</i></p> <p><i>During the report out phase ask teams to identify gaps in reporting and investigation as they see it and how those could be remedied.</i></p>

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# Module Ten:

# DNA and Medical Care

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## **Module 10: DNA and Medical Care**

**Time:** 1 hour 30 minutes

### **Module Objectives:**

1. Identify medical services for men and women
2. Understand reporting obligations
3. SART Evaluation and Evidence Collection

### **Resources Needed:**

LCD Projector, computer and media screen

### **Participant Notebook Handouts:**

PowerPoint®

Medical Problems of Jail Inmates

DNA PowerPoint

Secretors Handout

National Protocol for Sexual Assault Medical Forensic Examinations<sup>▽</sup>




### **PowerPoint® Programs:**

Module 10: DNA and Medical Care

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<sup>▽</sup> NOTE: The Office of Victim Services will be developing a special protocol for DNA Evidence Collection in correctional settings. When that is available we will update the curriculum.

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Topic	Speaking Points
<b>Objectives</b> 	<p><i>This module should be taught by an experienced SANE Nurse Examiner or Rape Crisis Advocate who can speak about the particulars of each of these sections.</i></p> <ul style="list-style-type: none"> <li>• Identify medical services for men and women</li> <li>• Understand Reporting Obligations</li> <li>• SART Evaluation and Evidence Collection</li> </ul>
<b>The Role of Health Care Providers in Corrections</b> 	<ul style="list-style-type: none"> <li>• Confidentiality</li> <li>• Reporting</li> <li>• Dual Purpose Services <ul style="list-style-type: none"> <li>▪ Patient Centered</li> <li>▪ Criminal Justice</li> </ul> </li> <li>• Security and Safety</li> </ul>
<b>Immediate Medical Concerns</b> 	<ul style="list-style-type: none"> <li>• Primary Survey <ul style="list-style-type: none"> <li>▪ ABC's</li> </ul> </li> <li>• Secondary Survey <ul style="list-style-type: none"> <li>▪ Bleeding</li> <li>▪ Head Trauma</li> <li>▪ Shock</li> <li>▪ Genital Trauma</li> </ul> </li> </ul>




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Topic	Speaking Points
<b>SART</b> 	<ul style="list-style-type: none"> <li>• Sexual Assault Response Teams <ul style="list-style-type: none"> <li>▪ Comprehensive response to victims of sexual assault</li> <li>▪ Multidisciplinary</li> <li>▪ Coordination</li> <li>▪ Information sharing</li> </ul> </li> <li>• Crisis intervention counseling <ul style="list-style-type: none"> <li>▪ Mental health</li> <li>▪ Victim services</li> <li>▪ Informed of rights under relevant federal /state crime victims' rights laws</li> </ul> </li> <li>• Special Needs</li> <li>• Evaluation and documentation of event <ul style="list-style-type: none"> <li>▪ History</li> <li>▪ Physical Exam</li> <li>▪ Body Maps</li> <li>▪ Diagnostic Testing</li> <li>▪ Treatment</li> <li>▪ Prophylactic treatment for STI's</li> <li>▪ Body Fluid Exposure Protocol</li> </ul> </li> <li>• Evidence Collection <ul style="list-style-type: none"> <li>▪ Consent to evaluate and treat</li> <li>▪ Consent to release medical information and forensic evidence</li> <li>▪ Clothing collection</li> <li>▪ Collection of head and pubic hairs</li> <li>▪ Oral swabs for victim DNA or perpetrator DNA</li> <li>▪ Vaginal/rectal swabs and smears</li> </ul> </li> <li>• Chain of Custody</li> </ul>




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Topic	Speaking Points
<b>Confidentiality</b> 	<ul style="list-style-type: none"> <li>Guidance on reporting obligations <ul style="list-style-type: none"> <li>HIPPA <ul style="list-style-type: none"> <li>Health Insurance Portability and Accountability Act of 1996</li> </ul> </li> <li>State Laws</li> <li>Health Organizations Professional Codes of Ethics</li> <li>Correctional Institution Policies and Procedures</li> </ul> </li> <li>Confidentiality is not applicable when there is potential for harm to the victim or others</li> <li>Communicable diseases must be reported according to applicable laws</li> <li>May need to be modified to further protect the victim, or other innocent parties</li> </ul>
<b>Implications for Public Health</b> 	<ul style="list-style-type: none"> <li>Spread of infectious disease <ul style="list-style-type: none"> <li>HIV/AIDS</li> <li>Hepatitis</li> <li>Syphilis</li> <li>Gonorrhea</li> <li>Chlamydia</li> </ul> </li> <li>Increased health care costs for medical and mental health</li> </ul>
<b>Dual Purpose of the Exam: Patient Centered</b> 	<ul style="list-style-type: none"> <li>Evaluate and treat injuries</li> <li>Conduct prompt examinations</li> <li>Provide support and counseling</li> <li>Prophylaxis against STD's</li> <li>Assess women for pregnancy risk and discuss options</li> <li>Provide medical / mental health follow-up</li> </ul>

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Topic	Speaking Points
<b>Dual Purpose of the Exam: Criminal Justice</b> 	<ul style="list-style-type: none"> <li>• Obtain a history of the assault</li> <li>• Document exam findings</li> <li>• Properly collect, handle, and analyze data</li> <li>• Interpret and analyze findings (post-exam)</li> <li>• Present findings and provide expert opinion related to exam/evidence</li> </ul>
<b>Multidisciplinary Process</b> 	<ul style="list-style-type: none"> <li>• Utilizing a multidisciplinary team offers expertise from: <ul style="list-style-type: none"> <li>▪ First responders</li> <li>▪ Sexual assault forensic examiners</li> <li>▪ Law enforcement representatives</li> <li>▪ Victims and advocates</li> <li>▪ Prosecutors</li> <li>▪ Forensic photographers</li> </ul> </li> </ul>
<b>Patient Centered Care</b> 	<ul style="list-style-type: none"> <li>• Ensures patient privacy</li> <li>• Provides a safe environment and acknowledges safety concerns</li> <li>• Accommodates victims request for family or friend to be with them</li> <li>• Respects patient's request for providers of a specific gender</li> <li>• Integrates exam procedures</li> <li>• Involves victim services and law enforcement</li> </ul>
<b>Components of Forensic Medical Exam</b> 	<ul style="list-style-type: none"> <li>• Consents</li> <li>• Sexual assault history <ul style="list-style-type: none"> <li>▪ Standardized forms</li> </ul> </li> <li>• Physical exam: <ul style="list-style-type: none"> <li>▪ Body maps</li> <li>▪ Standardized colposcopy</li> </ul> </li> <li>• Treatment plan" <ul style="list-style-type: none"> <li>▪ Prophylactic treatment for STI</li> <li>▪ Post-coital contraception</li> <li>▪ Medical and mental health follow-up</li> </ul> </li> </ul>

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Topic	Speaking Points
<b>Consents</b> 	<ul style="list-style-type: none"> <li>• Obtain verbal and written: <ul style="list-style-type: none"> <li>▪ General medical care</li> <li>▪ Pregnancy testing and EC</li> <li>▪ Prophylaxis for STI's</li> <li>▪ HIV testing and prophylactic</li> </ul> </li> <li>• Release of medical information</li> <li>• Forensic exam AND evidence collection</li> <li>• Photographs including colposcope</li> <li>• Toxicology screening</li> <li>• Release of forensic information and evidence</li> </ul>
<b>Sexual Assault History</b> 	<ul style="list-style-type: none"> <li>• Obtain the medical forensic history in a private and quiet space</li> <li>• Coordinate with other responders, information that is respectful to the victims</li> <li>• Avoid repetition of questions</li> <li>• Weapons involved</li> <li>• Threats of harm / injuries inflicted</li> <li>• Physical blows, choking, biting</li> <li>• Physical restraints</li> <li>• Involuntary ingestion of drugs or alcohol</li> <li>• Loss of consciousness</li> <li>• Description of the sexual assault: <ul style="list-style-type: none"> <li>▪ Penetration of anus, vagina, oral</li> <li>▪ Oral contact with genitals</li> <li>▪ Other contact with genitals</li> <li>▪ Use of foreign objects</li> <li>▪ Digital penetration</li> </ul> </li> <li>• Ejaculation</li> <li>• Use of contraception or lubricants</li> <li>• Last menstrual period</li> <li>• Last consensual sex</li> </ul>




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Topic	Speaking Points
<b>Physical Exam</b> 	<ul style="list-style-type: none"> <li>• Head to toe</li> <li>• General body survey</li> <li>• Cardiovascular</li> <li>• Abdominal</li> <li>• Pelvic <ul style="list-style-type: none"> <li>▪ Colposcopy</li> <li>▪ Speculum</li> </ul> </li> </ul>
<b>Physical Exam Documentation Map</b> 	<p><i>This is a physical exam documentation map. This allows SANE examiners to map out and document each bruise or scrape a victim may have.</i></p>
<b>Physical Findings</b> 	<ul style="list-style-type: none"> <li>• Findings “external” to the genital areas <ul style="list-style-type: none"> <li>▪ Anterior neck region 35%</li> <li>▪ Inner thighs 24%</li> <li>▪ Facial 18%</li> <li>▪ Breasts, posterior thorax, upper extremities, sacral and abdominal areas 12%</li> </ul> </li> <li>• Most common site and type of injury: <ul style="list-style-type: none"> <li>▪ Posterior fourchette 70%</li> <li>▪ Labia minora 53%</li> <li>▪ Hymenal tissues 29%</li> <li>▪ Fossa Navicularis 25%</li> </ul> </li> </ul>




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Topic	Speaking Points
<b>Colposcopy</b> 	<ul style="list-style-type: none"> <li>• Binocular system of lenses of varying magnification coupled with an intense light source to which a video monitor or digital camera is attached</li> <li>• Non –invasive</li> <li>• Superior to gross visualization</li> <li>• Subtle injuries are visualized</li> <li>• Documentation using photography</li> <li>• Standard of care</li> </ul> <p><i>Two visuals of colposcopy exams follow. These are very graphic pictures and you may need to provide notice about the nature of the pictures or you can choose not to show them.</i></p>
<b>Forensic Evidence Collection</b> 	<ul style="list-style-type: none"> <li>• Forensic evidence collection is challenging</li> <li>• Technological advances contribute to documentation of objective findings</li> <li>• Prosecution rests on objective data</li> </ul>
<b>Timing of Evidence Collection</b> 	<ul style="list-style-type: none"> <li>• Examine patient ASAP to minimize the loss of evidence</li> <li>• 72-96 hour limit for obtaining forensic evidence</li> <li>• May collect up to 5-7 days following assault</li> </ul>





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Topic	Speaking Points
<b>Evidence Collection</b> 	<ul style="list-style-type: none"> <li>• Evidence kits should contain <ul style="list-style-type: none"> <li>▪ Instruction checklist</li> <li>▪ Forms</li> <li>▪ Materials for collecting and preserving evidence</li> </ul> </li> <li>• Collect the evidence from patients as guided by the forensic history, physical exam, and evidence collection kit instructions</li> <li>• Reduce potential contamination</li> <li>• Distinguish patient's DNA from suspect's DNA</li> <li>• Oral swabs</li> <li>• Swabs obtained from anal, cervix, and vaginal areas</li> <li>• Body fluids found on other areas</li> <li>• Pubic and head hairs</li> <li>• Debris</li> <li>• Toxicology specimens</li> </ul>
<b>Preservation of Evidence</b> 	<ul style="list-style-type: none"> <li>• Follow jurisdictional policies <ul style="list-style-type: none"> <li>▪ Drying</li> <li>▪ Packaging</li> <li>▪ Labeling</li> <li>▪ Sealing</li> <li>▪ Secure storage sites</li> <li>▪ Law enforcement should transfer evidence to crime laboratory</li> </ul> </li> <li>• MAINTAIN CHAIN OF CUSTODY</li> </ul>
<b>Laboratory Tests</b> 	<ul style="list-style-type: none"> <li>• Pregnancy</li> <li>• Toxicology specimens</li> <li>• Hepatitis B, C, and HIV antibody testing with consent</li> <li>• Do NOT test for STI</li> </ul>



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Topic	Speaking Points
<b>Treatment</b> 	<ul style="list-style-type: none"> <li>• Follow CDC recommendations for treatment of: <ul style="list-style-type: none"> <li>▪ Syphilis</li> <li>▪ Chlamydia</li> <li>▪ Gonorrhea</li> <li>▪ Trichomonas</li> <li>▪ Bacterial Vaginosis</li> <li>▪ Hepatitis B</li> <li>▪ HIV post-exposure therapy</li> </ul> </li> </ul>
<b>Long Term Health Care Issues</b> 	<ul style="list-style-type: none"> <li>• HIV/AIDS</li> <li>• Hepatitis B and / or C</li> <li>• STI</li> <li>• Pregnancy</li> <li>• Suicidal thoughts / actions</li> </ul>
<b>Follow Up Examinations</b> 	<ul style="list-style-type: none"> <li>• Detect new infections</li> <li>• Complete hepatitis B immunizations</li> <li>• Complete counseling and treatment for other STI's</li> <li>• Opportunity to monitor compliance with previous treatments</li> <li>• Repeat Syphilis, HIV 6 weeks and 3 months</li> </ul>
<b>Special Concerns in a Correctional Setting</b> 	<ul style="list-style-type: none"> <li>• Does reporting deter inmates from seeking help?</li> <li>• What happens when reporting does more harm than good?</li> </ul>

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Topic	Speaking Points
<b>Impact of Sexual Assault</b> 	<ul style="list-style-type: none"> <li>• On inmates               <ul style="list-style-type: none"> <li>▪ STI's</li> <li>▪ HIV/AIDS</li> <li>▪ Hepatitis B and / or C</li> <li>▪ Substance Abuse</li> <li>▪ Suicide</li> <li>▪ Post traumatic syndrome</li> <li>▪ May become perpetrators to regain control</li> </ul> </li> <li>• On Staff               <ul style="list-style-type: none"> <li>▪ Display of unmanageable anger or hostility by inmates</li> <li>▪ Secondary trauma</li> <li>▪ Communicable disease transmission</li> <li>▪ Guilt</li> <li>▪ Powerless/helpless</li> </ul> </li> </ul>
<b>Summary</b> 	<ul style="list-style-type: none"> <li>• Sexual assault is a violent crime</li> <li>• Forensic evidence collection is challenging and prosecution rests on objective data</li> <li>• Victim-Centered approach recognizing the need for timely, compassionate, respectful and appropriate care is vital</li> <li>• Understanding the emotional impact will facilitate recovery</li> <li>• Documentation of accurate historical data and physical findings</li> <li>• Clear management and follow-up plans will follow standard of care and offer a comprehensive evaluation</li> </ul>

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Topic	Speaking Points
<b>Discussion: Applicability of PREA Standards</b>	<p><i>Ask participants to refer to their copy of the Adult Prison and Jail Standards. Use this time to discuss the PREA Standards that apply to evidence collection and medical health care. Discuss the standard as well as the compliance checklist.</i></p> <p><i>Sample questions to get the conversation started are:</i></p> <ol style="list-style-type: none"> <li><i>1. Why is this standard important?</i></li> <li><i>2. How does the agency comply with this standard? What do we do to demonstrate our compliance with this standard?</i></li> <li><i>3. What else could/ should we do?</i></li> </ol> <p><i>Standards that apply to evidence collection and medical health care include:</i></p> <p><i>TR-5 Specialized Training: Medical and Mental Health Care</i>  <i>RP-1 Evidence Protocol and Forensic Medical Exams</i>  <i>RE-4 Third-Party Reporting</i>  <i>MM-1 Medical and Mental Health Screenings—history of Sexual Abuse</i>  <i>MM-2 Access to Emergency Medical and Mental Health Care</i>  <i>MM3- Ongoing Medical and Mental Health Care for Sexual Abuse Victims and Abusers</i></p> <p><i>Add other standards for the discussion as you see fit.</i></p>

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# **Module Eleven: Victimization and Mental Health Care**

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## **Module 11: Victimization and Mental Health Care**

**Time:** 1 hour 30 minutes

### **Module Objectives:**

1. Review rates of sexual violence in the community
2. Review offenders' past history of victimization
3. Review and discuss rates of sexual violence experienced by offenders under correctional supervision
4. Discuss how victimization may affect the correctional environment
5. Identify needed mental health interventions for victims of sexual violence in correctional settings
6. Recommendations for correctional agencies regarding necessary mental health interventions

### **Resources Needed:**

LCD projector, computer and media screen

### **Participant Notebook Handouts:**




PowerPoint®  
Ethics for Counselors  
Sexual Assault Services Chart  
Confidentiality  
Prior Abuse Reported by Inmates and Probationers  
Mental Health Problems of Prison and Jail Inmates  
Prevalence and Severity of Physical and Sexual Assault- Bedford Hills Study

### **PowerPoint® Programs:**

Module 11: Victimization and Mental Health Care





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Topic	Speaking Points
<b>Objectives</b> 	<p><i>This module should be taught by an experienced Rape Crisis Counselor who can speak about the particulars of each of these sections.</i></p> <ul style="list-style-type: none"> <li>• Review rates of sexual violence in the community</li> <li>• Review offenders' past history of victimization</li> <li>• Review and discuss rates of sexual violence experienced by offenders under correctional supervision</li> <li>• Discuss how victimization may affect the correctional environment</li> <li>• Identify needed mental health interventions for victims of sexual violence in correctional settings</li> <li>• Recommendations for correctional agencies regarding necessary mental health interventions</li> </ul>
<b>Rates of Sexual Victimization: A Community Perspective</b> 	<ul style="list-style-type: none"> <li>• 80% of rape victims are less than 30</li> <li>• 1 in 6 women and 1 in 33 men are victims of sexual assault</li> <li>• 60% of sexual assaults go unreported</li> <li>• 73% of sexual violence was committed by someone the victim knew</li> </ul>
<b>Victimization Histories of Offenders 1997 U.S. Census Bureau</b> 	<ul style="list-style-type: none"> <li>• Offenders who reported experiencing physical abuse <ul style="list-style-type: none"> <li>▪ 72.8% of women</li> <li>▪ 73.5% of men</li> </ul> </li> <li>• Offenders who reported experiencing sexual abuse <ul style="list-style-type: none"> <li>▪ 39% of women</li> <li>▪ 6% of men</li> </ul> </li> </ul>
<b>Victimization Histories of</b>	<ul style="list-style-type: none"> <li>• Offenders reporting any physical or sexual abuse <ul style="list-style-type: none"> <li>▪ 19% of state prisoners</li> </ul> </li> </ul>



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Topic	Speaking Points
<b>Offenders 1999 BJS Study</b> 	<ul style="list-style-type: none"> <li>▪ 10% federal prisoners</li> <li>▪ 16% of men and women in local jails or on active probation</li> <li>• Offenders reporting they had been physically or sexually abused before age 18.               <ul style="list-style-type: none"> <li>▪ 6% to 14% of male offenders</li> <li>▪ 23% to 37% of female offenders</li> </ul> </li> </ul>
<b>Victimization Histories: Male Offenders</b> 	<ul style="list-style-type: none"> <li>• Study done in rural Northeastern Jail (1999)               <ul style="list-style-type: none"> <li>▪ 40% experienced childhood sexual abuse – (sexual contact when under age 16)</li> <li>▪ Average age, onset of sexual abuse = 10</li> </ul> </li> </ul>
<b>Victimization Histories: Female Offenders</b> 	<ul style="list-style-type: none"> <li>• Study done at Bedford Hills Women’s Institution in NY (1999)               <ul style="list-style-type: none"> <li>▪ 82% reported childhood victimization</li> <li>▪ 92% reported severe violence as an adult</li> </ul> </li> </ul>
<b>How Victimization May Translate into Crime (1999 BJS Study)</b> 	<ul style="list-style-type: none"> <li>• Serving time for violent offenses               <ul style="list-style-type: none"> <li>▪ 61% of reportedly abused men</li> <li>▪ 34% of reportedly abused women</li> </ul> </li> <li>• Serving time for sexual offenses               <ul style="list-style-type: none"> <li>▪ 19% of men who reported abuse before prison</li> </ul> </li> <li>• Serving time for homicide               <ul style="list-style-type: none"> <li>▪ 16% of reportedly abused men</li> <li>▪ 14% of reportedly abused women</li> </ul> </li> <li>• Using illegal drugs regularly               <ul style="list-style-type: none"> <li>▪ 76% of reportedly abused men</li> <li>▪ 80% of reportedly abused women</li> <li>▪ Many of those reported being under the influence at the time of their offense</li> </ul> </li> </ul>



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Topic	Speaking Points
<p><b>Sexual Violence in Correctional Settings as Reported by Authorities, 2004</b></p> 	<ul style="list-style-type: none"> <li>• Adult Statistics <ul style="list-style-type: none"> <li>▪ 5,386 allegations of sexual violence reported Nationwide in 2004 and included: <ul style="list-style-type: none"> <li>✓ 42% involved staff sexual misconduct</li> <li>✓ 37% involved inmate-on-inmate nonconsensual sexual acts</li> <li>✓ 11% staff sexual harassment</li> <li>✓ 10% inmate-on-inmate abusive sexual contact</li> </ul> </li> </ul> </li> <li>• Youth Statistics <ul style="list-style-type: none"> <li>▪ Staff sexual misconduct <ul style="list-style-type: none"> <li>✓ State and local law enforcement authorities and child protective services, had the highest rates of alleged staff sexual misconduct (11.34 allegations per 1,000 youth)</li> <li>✓ Local and privately operated juvenile facilities reported 3.22 allegations --nearly 3 times the rate in State and Federal prisons</li> </ul> </li> <li>▪ Youth-on-youth sexual violence <ul style="list-style-type: none"> <li>✓ 7.31 allegations in local or private juvenile facilities</li> <li>✓ 6.75 allegations per 1,000 in State juvenile facilities.</li> <li>✓ These rates were more than 6 times the inmate-on-inmate rate in State prison systems and nearly 7 times the rate in local jails</li> </ul> </li> </ul> </li> </ul>
<p><b>Sexual Violence in Correctional Settings as Reported by Authorities, 2005</b></p> 	<ul style="list-style-type: none"> <li>• Allegations of sexual violence rose from 2004 to 2005 <ul style="list-style-type: none"> <li>▪ 6,241 allegations of sexual violence in prison and jail reported in 2005, up from 5,386 in 2004</li> <li>▪ Overall rates increased in 2005 to 2.83 allegations of sexual violence per 1,000 inmates -- up from 2.43 per 1,000 inmates in 2004.</li> </ul> </li> <li>• 6,241 allegations included: <ul style="list-style-type: none"> <li>▪ 38% of allegations involved staff sexual misconduct;</li> <li>▪ 35%, inmate-on-inmate nonconsensual sexual acts;</li> <li>▪ 17%, staff sexual harassment; and</li> <li>▪ 10%, inmate-on-inmate abusive sexual contact.</li> </ul> </li> </ul>




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Topic	Speaking Points																
<p><b>Sexual Violence in Correctional Settings as Reported by Authorities, 2006</b></p> 	<ul style="list-style-type: none"><li>• Since the Prison Rape Elimination Act was passed in 2003, the estimated number of allegations nationwide rose by 21%</li><li>• 6,528 allegations included:<ul style="list-style-type: none"><li>▪ 36% staff sexual misconduct</li><li>▪ 34%, inmate-on-inmate nonconsensual sexual acts</li><li>▪ 17%, staff sexual harassment</li><li>▪ 13%, inmate-on-inmate abusive sexual contacts</li></ul></li></ul>																
<p><b>Sexual Violence in Correctional Settings as Reported by Authorities: Consistencies in Findings from 2004-2006</b></p> 	<ul style="list-style-type: none"><li>• Reported staff sexual misconduct revealed that:<ul style="list-style-type: none"><li>▪ The sexual relationship “appeared to be willing” in 57% of incidents in 2006; in comparison, the relationship was classified as “romantic” in 68% of the incidents in 2005.</li><li>▪ Physical force, abuse of power, or pressure was involved in 7% of the incidents in 2006, compared to 15% of the incidents in 2005.</li><li>▪ 33% of the incidents in 2006 involved other forms of assault while in 2006</li><li>▪ 12% of the incidents in 2006, correctional authorities reported the “level of coercion unknown.”</li></ul></li><li>• Staff Sexual Misconduct<table><tr><td></td><td><u>2006</u></td><td><u>2005</u></td><td><u>2004</u></td></tr><tr><td>Substantiated</td><td>25%</td><td>15%</td><td>30%</td></tr><tr><td>Unsubstantiated</td><td>47%</td><td>66%</td><td>55%</td></tr><tr><td>Unfounded</td><td>28%</td><td>19%</td><td>15%</td></tr></table></li></ul>		<u>2006</u>	<u>2005</u>	<u>2004</u>	Substantiated	25%	15%	30%	Unsubstantiated	47%	66%	55%	Unfounded	28%	19%	15%
	<u>2006</u>	<u>2005</u>	<u>2004</u>														
Substantiated	25%	15%	30%														
Unsubstantiated	47%	66%	55%														
Unfounded	28%	19%	15%														
<p><b>Sexual Violence in Correctional Settings as Reported by Inmates</b></p>	<ul style="list-style-type: none"><li>• 2007 BJS Report- State and Federal Inmates<ul style="list-style-type: none"><li>▪ The estimated number of State and Federal inmates experiencing sexual violence totaled 60,500 (or 4.5% of the Nation’s prisoners).</li><li>▪ Findings and Rankings:<ul style="list-style-type: none"><li>✓ Among the 10 facilities with the highest overall</li></ul></li></ul></li></ul>																



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Topic	Speaking Points
	<p>prevalence rates, 3 had prevalence rates of staff sexual misconduct that exceeded 10%</p> <ul style="list-style-type: none"> <li>✓ 14 facilities had nonconsensual sex rates of 300 or more incidents per 1,000 inmates</li> <li>• 2008 BJS Report- Jail Inmates <ul style="list-style-type: none"> <li>▪ The estimated number of Jail inmates experiencing sexual violence totaled 24,700 (or 3.2% of all jail inmates).</li> <li>▪ Findings and Rankings: <ul style="list-style-type: none"> <li>▪ 18 jails had prevalence rates of at least twice the national average</li> <li>▪ Nearly 1/3 of all facilities had rates of “zero”</li> </ul> </li> </ul> </li> </ul>
<p><b>Sexual Victimization: Mental Health Concerns</b></p> 	<ul style="list-style-type: none"> <li>• People who suffer sexual abuse are: <ul style="list-style-type: none"> <li>▪ 3 times more likely to suffer from depression.</li> <li>▪ 6 times more likely to suffer from post-traumatic stress disorder.</li> <li>▪ 13 times more likely to abuse alcohol.</li> <li>▪ 26 times more likely to abuse drugs.</li> <li>▪ 4 times more likely to contemplate suicide.</li> </ul> </li> </ul>
<p><b>Common Reactions to Sexual Assault: Feelings</b></p> 	<ul style="list-style-type: none"> <li>• Emotional shock: <ul style="list-style-type: none"> <li>▪ I feel so numb. Why am I so calm? Why can't I cry? Why don't I feel anything?</li> </ul> </li> <li>• Disbelief: <ul style="list-style-type: none"> <li>▪ I can't believe this happened to me.</li> </ul> </li> <li>• Shame: <ul style="list-style-type: none"> <li>▪ I feel so dirty.</li> </ul> </li> <li>• Guilt: <ul style="list-style-type: none"> <li>▪ Did I do something to make this happen? Could I have done something to stop it? If only I had . . .</li> </ul> </li> <li>• Powerlessness: <ul style="list-style-type: none"> <li>▪ Will I ever feel in control again?</li> </ul> </li> <li>• Denial: <ul style="list-style-type: none"> <li>▪ It wasn't really rape. Nothing happened.</li> </ul> </li> <li>• Anger: <ul style="list-style-type: none"> <li>▪ I want to kill that person!</li> </ul> </li> </ul>





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Topic	Speaking Points
	<ul style="list-style-type: none"> <li>• Fear: <ul style="list-style-type: none"> <li>▪ What if I am pregnant or have a STD? These thoughts keep going through my head. I'm afraid to close my eyes.</li> </ul> </li> <li>• Depression: <ul style="list-style-type: none"> <li>▪ I'm so tired. I feel so hopeless. Maybe I'd be better off dead.</li> </ul> </li> <li>• Triggers: <ul style="list-style-type: none"> <li>▪ I keep having flashbacks.</li> </ul> </li> <li>• Anxiety: <ul style="list-style-type: none"> <li>▪ I feel so confused. Am I going crazy?</li> </ul> </li> <li>• Helplessness: <ul style="list-style-type: none"> <li>▪ Loss of self-reliance. Will I ever be able to function on my own?</li> </ul> </li> </ul>
<b>Common Reactions to Sexual Assault: Behaviors</b>  	<ul style="list-style-type: none"> <li>• Expressive: <ul style="list-style-type: none"> <li>▪ Crying, yelling, shaking, being angry, swearing, etc. Anger may be directed at friends, family.</li> </ul> </li> <li>• Calm: <ul style="list-style-type: none"> <li>▪ May behave extremely composed, controlled or unaffected.</li> </ul> </li> <li>• Withdrawn: <ul style="list-style-type: none"> <li>▪ May shrink inside herself; provide one word answers or none at all; offering no information without being prodded.</li> </ul> </li> <li>• Nightmares: <ul style="list-style-type: none"> <li>▪ Survivor may have difficulty sleeping or have nightmares of being chased or attacked.</li> </ul> </li> <li>• Flashbacks</li> <li>• Changing eating habits</li> <li>• Lack of concentration or energy</li> <li>• Rape Trauma Syndrome or Post-traumatic Stress Disorder.</li> </ul>
<b>Rape Trauma Syndrome (RTS)</b>  	<ul style="list-style-type: none"> <li>• A common reaction to a rape or sexual assault-- to an unnatural or extreme event <ul style="list-style-type: none"> <li>▪ Four Phases <ul style="list-style-type: none"> <li>✓ Acute Crisis Phase</li> <li>✓ Outward Adjustment Phase</li> <li>✓ Integration Phase</li> <li>✓ Reactivation</li> </ul> </li> </ul> </li> </ul>

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Topic	Speaking Points
<b>Acute Crisis Phase</b> 	<ul style="list-style-type: none"> <li>Occurs right after the assault</li> <li>Physical Reactions <ul style="list-style-type: none"> <li>Change in sleep patterns, change of appetite, poor concentration, acting withdrawn, jumpy</li> </ul> </li> <li>Emotional Reactions <ul style="list-style-type: none"> <li>Depression, guilt, anger, anxiety, fear</li> </ul> </li> <li>Behavioral Reactions <ul style="list-style-type: none"> <li>Acting out, change in hygiene, refuse to change room, harm to self, suicidal thoughts</li> </ul> </li> </ul>
<b>Outward Adjustment Phase</b> 	<ul style="list-style-type: none"> <li>Survivors feel a need to get back to normal</li> <li>Grooming and eating returns to normal but sleeping remains irregular</li> <li>Survivor tries to regain control</li> </ul>
<b>Integration Phase</b> 	<ul style="list-style-type: none"> <li>The survivors idea of who they were before the assault and after become one and the survivor accepts the assault</li> <li>Takes months or years to achieve</li> </ul>
<b>Reactivation of Crisis</b> 	<ul style="list-style-type: none"> <li>Can happen at any time and during any of the phases</li> <li>Reactivation mirrors the acute phase</li> <li>Can be triggered by sights, smells, sounds, situations or memories</li> </ul>
<b>RTS in Correctional Settings</b>	<ul style="list-style-type: none"> <li>Repeated sexual assault situations</li> <li>No control over environment</li> <li>Continuous contact with assaulter</li> </ul>

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Topic	Speaking Points
	<ul style="list-style-type: none"> <li>Triggers may cause anger or violent reactions</li> </ul>
<b>Impact of Victimization in the Correctional Setting: Male Victims</b>  	<ul style="list-style-type: none"> <li>Connection between sexual/ physical victimization and aggressive &amp; self-destructive behavior</li> <li>Report past abuse associated with violent crime</li> <li>Defend against feelings associated with victimization (shame, stigma)</li> <li>May question sexual identity and preference</li> <li>Feel the best defense is a good offense</li> <li>May imitate their aggressors</li> <li>Acutely aware of the prison code and their ranking</li> </ul>
<b>Impact of Victimization in the Correctional Setting: Female Victims</b>  	<ul style="list-style-type: none"> <li>At risk for unhealthy relationships with authority figures, based on perceptions of their power to harm</li> <li>Difficulty adjusting to coercive, restrictive environments</li> <li>Lack of right to privacy, cell searches, bodily searches may replicate past abuse</li> <li>Concern with how reporting may interrupt relationships</li> <li>Vulnerable to abusive authority figures</li> <li>Faced with sexual assault situations: <ul style="list-style-type: none"> <li>May not understand it is possible to refuse</li> <li>May lack perception of a “right” to refuse</li> <li>May believe it’s always dangerous to refuse</li> </ul> </li> </ul>
<b>The Impact of Being Incarcerated and Being a Survivor</b>  	<ul style="list-style-type: none"> <li>More likely to experience physical trauma</li> <li>Systemic infliction of psychological trauma</li> <li>Retaliation and/or retribution</li> <li>Lack of autonomy and safety</li> <li>General distrust <ul style="list-style-type: none"> <li>staff, reporting structure, investigation, prosecution</li> </ul> </li> <li>Feelings of disorientation and anxiousness may make people unable to follow rules</li> </ul>




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Topic	Speaking Points
	<ul style="list-style-type: none"> <li>• Sharing or talking about feelings may be a safety risk for an inmate</li> <li>• Isolation may be a relief but it could also cause further trauma</li> <li>• Increased anger may cause acting out</li> <li>• Complex nature of “consent” can lead to self-blame</li> <li>• Multiple traumas exacerbate symptoms</li> </ul>
<b>Mental Health: Necessary Interventions</b>  	<ul style="list-style-type: none"> <li>• Community Rape Crisis Centers <ul style="list-style-type: none"> <li>▪ Companion Services <ul style="list-style-type: none"> <li>✓ a rape crisis counselor to be with you during the SANE exam and at court appearances</li> <li>✓ some communities have rape crisis counselors that will meet inmates at the hospital and act as advocates during SANE Exams</li> </ul> </li> <li>▪ Short or long-term counseling (group or individual)</li> <li>▪ Safety Planning</li> <li>▪ Self- Defense</li> <li>▪ 24- hour Hotlines</li> <li>▪ Mental Health evaluation</li> <li>▪ Group counseling (in some situations)</li> </ul> </li> </ul>
<b>Partnering with Local Crisis Centers</b>  	<ul style="list-style-type: none"> <li>• PROS <ul style="list-style-type: none"> <li>▪ Specialized training for care of sexual assault victims</li> <li>▪ Victims may be more comfortable with a provider outside of the correctional institution</li> <li>▪ Ability to provide a wider range of services</li> </ul> </li> <li>• CONS <ul style="list-style-type: none"> <li>▪ Counselors may not be trained in dealing with inmates or regulations of correctional environments</li> <li>▪ May not agree with or understand policies that may go against ethical codes and beliefs</li> </ul> </li> </ul>
<b>Mental Health Interventions: Cautions</b>	<ul style="list-style-type: none"> <li>• Use of protective custody</li> <li>• Specifications for use of mental health services</li> <li>• Difference between crisis intervention and ongoing mental health</li> </ul>


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Topic	Speaking Points
	<p>care</p> <ul style="list-style-type: none"> <li>• Training for outside mental health providers</li> </ul>
<p><b>Mental Health Interventions: The Offender/ Victim Dichotomy</b></p> 	<ul style="list-style-type: none"> <li>• Chicken or the Egg syndrome– what came first victimization or victimizing</li> <li>• Does physical locality of victimization matter?</li> <li>• Spectrum and cycle of violence</li> <li>• Continuum of sexual activity and reasoning</li> <li>• Funding for crisis intervention</li> </ul>
<p><b>What Really Happens: Mental Health Care for Incarcerated Victims</b></p> 	<ul style="list-style-type: none"> <li>• Sexual Assault Survey in 2006 <ul style="list-style-type: none"> <li>▪ Surveyed Rape crisis centers in all 50 states</li> <li>▪ Asked 4 questions <ul style="list-style-type: none"> <li>✓ Do/ would your services extend to incarcerated victims of sexual assault?</li> <li>✓ Do/ would you help victims who are now in the community (such as in half-way houses or on parole) who were sexually abused while incarcerated?</li> <li>✓ Are the services you provide to incarcerated persons dependent on status (felony vs. misdemeanor offender) or facility (prison vs. half-way house)?</li> <li>✓ Is funding from the Violence Against Women Act (VAWA) used in any of your services for incarcerated or formerly incarcerated persons?</li> </ul> </li> </ul> </li> <li>• Findings: <ul style="list-style-type: none"> <li>▪ 35 states responded</li> <li>▪ 33 states had at least one crisis center willing to support incarcerated victims</li> <li>▪ 2 states refused to help incarcerated victims <ul style="list-style-type: none"> <li>✓ Texas and Arizona</li> </ul> </li> <li>▪ Some states have PREA agreements with DOCs to provide mental health services <ul style="list-style-type: none"> <li>✓ Iowa and Rhode Island</li> </ul> </li> </ul> </li> </ul>

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Topic	Speaking Points
<b>Recommendations</b>  	<ul style="list-style-type: none"> <li>• Build relationships with community partners</li> <li>• Lobby state and local legislative bodies for funding for victim centered care for inmates</li> <li>• Training for offenders and staff– ongoing</li> <li>• Victim-centered approach to allegations</li> </ul>
<b>Discussion: Applicability of PREA Standards</b>	<p><i>Ask participants to refer to their copy of the Adult Prison and Jail Standards. Use this time to discuss the PREA Standards that apply to prior victimization and mental health care. Discuss the standard as well as the compliance checklist.</i></p> <p><i>Sample questions to get the conversation started are:</i></p> <ol style="list-style-type: none"> <li><i>1. Why is this standard important?</i></li> <li><i>2. How does the agency comply with this standard? What do we do to demonstrate our compliance with this standard?</i></li> <li><i>3. What else could/ should we do?</i></li> </ol> <p><i>Standards that apply to prior victimization and mental health care include:</i></p> <p><i>TR-5 Specialized Training: Medical and Mental Health Care</i>  <i>SC-1 Screening for Risk of Victimization and Abusiveness</i>  <i>RE-4 Third-Party Reporting</i>  <i>MM-1 Medical and Mental Health Screenings—history of Sexual Abuse</i>  <i>MM-2 Access to Emergency Medical and Mental Health Care</i>  <i>MM3- Ongoing Medical and Mental Health Care for Sexual Abuse Victims and Abusers</i></p> <p><i>Add other standards for the discussion as you see fit.</i></p>

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# Module Twelve: Media Strategies

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## **Module 12 – Media Strategies**

**Time:** 1 hour

### **Module Objectives:**

1. Learn best practices and strategies for working with the media

### **Resources:**

LCD projector, computer and media screen  
DVD or Video Player  
Video clip from “60 Minutes” or one from your jurisdiction

### **Participant Notebook Handouts:**






PowerPoint®  
Tips on Working with the Media  
Press Release Template  
Example Press Release with accompanying news story  
Media Case Study

### **PowerPoint® Programs:**

Module 12: Media Strategy





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Topic	Speaking Points
<b>Opening</b> 	<p><i>Consider having an experienced media person or Public Information Officer present this module</i></p> <p><i>In this module, we will talk about working with the media during sexual abuse cases in custodial settings. Unless we are well prepared and have a media plan, we may find ourselves and our institution facing damaging scrutiny and pressure during these incidents.</i></p>
<b>Basic Principles for Media Matters</b> 	<ul style="list-style-type: none"> <li>• Be Ready for media inquiries before they come</li> <li>• Be Responsive to media inquiries, friendly or not</li> <li>• Be Rapid, answering inquiries as quickly as possible</li> <li>• Be Right, even if it means waiting to respond fully</li> </ul>
<b>Be Ready</b> 	<ul style="list-style-type: none"> <li>• Who takes media calls?</li> <li>• What is the procedure for promptly responding?</li> <li>• Who are your spokespeople?</li> <li>• Do you have a template press release ready?</li> <li>• Do you have a media list?</li> <li>• Do you have a media outreach plan?</li> </ul>
<b>Be Responsive</b> 	<ul style="list-style-type: none"> <li>• Building a reputation for honesty</li> <li>• Building relationships with the media</li> <li>• Doing a service for the public</li> <li>• Protecting your institution</li> </ul>
<b>Be Rapid</b> 	<ul style="list-style-type: none"> <li>• Determine the deadline</li> <li>• Build credibility</li> <li>• Get ahead of the story</li> </ul>

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Topic	Speaking Points
<b>Be Right</b> 	<ul style="list-style-type: none"> <li>• Being accurate is priority #1</li> <li>• Respond fully only when you have the full answer</li> <li>• Correct mistakes quickly</li> <li>• Build a reputation for honesty</li> </ul>
<b>Best Practices for Press Releases</b> 	<ul style="list-style-type: none"> <li>• Informative</li> <li>• Accurate</li> <li>• Neutral</li> <li>• Concise</li> </ul>
<b>Broadcast Interview Do's</b> 	<ul style="list-style-type: none"> <li>• Do: settle on a message in advance</li> <li>• Do: prepare, prepare, prepare <ul style="list-style-type: none"> <li>▪ read, write, moot interviews</li> </ul> </li> <li>• Do: think before answering</li> <li>• Do: speak slowly, in short sentences</li> <li>• Do: get comfortable, smile where appropriate</li> </ul>
<b>Broadcast Interview Don'ts</b> 	<ul style="list-style-type: none"> <li>• Don't: go beyond what you know</li> <li>• Don't: get defensive</li> <li>• Don't: be afraid to correct a mistake</li> </ul>

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Topic	Speaking Points
<p><b>Discussion and Video</b></p> 	<p><i>Walk around with a microphone to participants as if you are a roving reporter.</i></p> <p><i>“We understand that there have been cases of sexual abuse in your agency. What are you doing about it?”</i></p> <p><i>Allow participants to try out responses thinking on their feet. Give feedback to them on how they did.</i></p> <p><i>Show the “60 Minutes” video of Pat Caruso discussing the Timothy Souder case (or a clip of your choice).</i></p> <p><i>Ask participants to think about these questions:</i></p> <ul style="list-style-type: none"> <li><i>Does the CEO look confident?</i></li> <li><i>Does he define his agency’s mission statement?</i></li> <li><i>Are they caring?</i></li> <li><i>Did they humanize their response?</i></li> <li><i>What could they have done differently?</i></li> <li><i>Is someone taking these allegations seriously?</i></li> </ul> <p><i>Discuss these questions at the end of the video. Possible responses include:</i></p> <ul style="list-style-type: none"> <li><i>Defensive, dismissive of girl’s statement</i></li> <li><i>Would not apologize</i></li> <li><i>Looked dumb</i></li> <li><i>Looked cold, uncaring</i></li> <li><i>Not proactive</i></li> <li><i>Even if he couldn’t talk about the current case, he could have said they take these things seriously and are taking proactive steps</i></li> </ul>

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# **Module Thirteen: The Role of Prosecutors in Cases of Staff Sexual Misconduct**

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## **Module 13 – The Role of Prosecutors in Cases of Staff Sexual Misconduct with Offenders**

**Time:** 1 hour 30 minutes

### **Module Objectives:**

1. Understand the barriers to prosecution
2. Identify why these cases should be prosecuted
3. Define and understand what prosecutors need for a successful prosecution
4. Understand the importance of the initial investigation for prosecution

### **Resources:**

LCD projector, computer and media screen

### **Participant Notebook Handouts:**





PowerPoint®  
In the News: A Chart of news articles  
Unwanted Sex  
“Prosecuting Cases of Staff Sexual Misconduct”

### **PowerPoint® Programs:**

Module 13: The Role of Prosecutors in Cases of Staff Sexual Misconduct with Offenders





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Topic	Speaking Points
<b>Objectives</b> 	<p><i>This module should be taught by an experienced Prosecutor who has experience prosecuting sexual abuse cases, cases in custodial settings or both.</i></p> <ul style="list-style-type: none"> <li>• Understand the barriers to prosecution</li> <li>• Identify why these case should be prosecuted?</li> <li>• Define and understand what prosecutors need for a successful prosecution</li> <li>• Understand the importance of the initial investigation for prosecution</li> </ul>
<b>Topics for Discussion</b> 	<ul style="list-style-type: none"> <li>• Selling your case</li> <li>• Preparing for trial</li> <li>• Anticipating defenses</li> <li>• Additional criminal charges and sanctions</li> <li>• Benefits of prosecution</li> </ul>
<b>Barriers to Prosecution</b> 	<ul style="list-style-type: none"> <li>• Sexual assault prosecution requires special expertise</li> <li>• Lack of understanding of correctional culture</li> <li>• Role reversal of prosecution and defense</li> <li>• Little positive feedback &amp; lots of ill will</li> <li>• The case that never ends (civil suits, arbitrations, etc.)</li> </ul>
<b>Sex Cases in General</b> 	<ul style="list-style-type: none"> <li>• Comes down to he said, she said (no witnesses)</li> <li>• Lack of physical / biological evidence</li> <li>• What exactly is consent</li> <li>• Problematic victims</li> </ul>





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Topic	Speaking Points
<b>Correctional Cases in General</b> 	<ul style="list-style-type: none"> <li>• Victim is a criminal</li> <li>• Gets what s/he deserves</li> <li>• Witnesses are criminals</li> <li>• Law enforcement benefit of the doubt</li> <li>• All about the civil \$\$\$\$ lawsuit (ulterior motives)</li> </ul>
<b>Why Prosecute? Sexual Assault = Symptom</b> 	<ul style="list-style-type: none"> <li>• Contraband issues</li> <li>• Safety and security issues</li> <li>• Public health issues</li> <li>• Behavioral issues</li> <li>• Morale issues</li> </ul>
<b>Case Classification</b> 	<ul style="list-style-type: none"> <li>• Staff/Inmate vs. Inmate/Inmate</li> <li>• Historical case vs. “Real Time”</li> <li>• Multiple victims vs. Single victim</li> <li>• Multiple defendants vs. Single defendant</li> </ul>
<b>Case Example: Comm. v. LeShawn Walker</b> 	<ul style="list-style-type: none"> <li>• Eight female victims</li> <li>• Sexual activity from 1995-2003 (pre-PREA)</li> <li>• Historical case ( no physical evidence)</li> <li>• One inmate eyewitness for one victim</li> <li>• Female CO’s &amp; other inmates as defense witnesses</li> <li>• Result: guilty-4, not Guilty-3 hung jury-1</li> <li>• Sentence: 10-28 years</li> </ul> <p><i>You can substitute and/or add a case from your agency here</i></p>




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Topic	Speaking Points
<b>Why This Result: Comm. v. LeShawn Walker</b>  	<ul style="list-style-type: none"> <li>• One day of testimony from internal affairs explaining physical layout, rules and regulations, record-keeping, and informal culture</li> <li>• Jury able to see a common course of offender conduct over the years through details of inmate testimony</li> <li>• Jury reluctant to believe inmates who had filed lawsuits</li> </ul>
<b>What Prosecutors Need</b>  	<ul style="list-style-type: none"> <li>• Policies &amp; procedures</li> <li>• The initial report</li> <li>• Corroboration (witnesses, DNA, physical evidence)</li> <li>• Crime scene</li> <li>• Admissions</li> </ul>
<b>Policies and Procedures</b>  	<ul style="list-style-type: none"> <li>• Clearly articulated sexual misconduct directives consistent with PREA</li> <li>• Training/retraining on directives</li> </ul>
<b>The Initial Report</b>  	<ul style="list-style-type: none"> <li>• Timing of report of sexual assault</li> <li>• Devil in the details</li> <li>• Demeanor of victim</li> <li>• Location</li> <li>• Any prior contact/relationship with suspect</li> <li>• Willingness to go forward</li> </ul>




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Topic	Speaking Points
<b>Corroboration</b> 	<ul style="list-style-type: none"> <li>• Sexual assault kit               <ul style="list-style-type: none"> <li>▪ Injuries</li> <li>▪ DNA</li> </ul> </li> <li>• Reports of rape</li> <li>• Eye/ear/prompt complaint witnesses</li> <li>• Physical evidence</li> <li>• Documentary evidence</li> </ul>
<b>Carefully Processed Crime Scenes</b> 	<ul style="list-style-type: none"> <li>• Determine location of assault (the place/person)               <ul style="list-style-type: none"> <li>▪ Prison cell</li> <li>▪ Office</li> </ul> </li> <li>• Immediately photograph/diagram</li> <li>• Recover all physical evidence               <ul style="list-style-type: none"> <li>▪ From the person of the victim</li> <li>▪ Bedding</li> <li>▪ Defendant's clothing</li> <li>▪ Condoms/wrappers</li> <li>▪ Cups/glasses</li> </ul> </li> </ul>
<b>Admissions</b> 	<ul style="list-style-type: none"> <li>• Non-custodial interview of suspect/lock in details</li> <li>• Custodial-Miranda waiver</li> <li>• Statements to co-workers and supervisors</li> </ul>

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Topic	Speaking Points
<b>Initial Investigation</b>  	<ul style="list-style-type: none"> <li>• Documentation</li> <li>• Medical forensic examination</li> <li>• Photograph / diagram scene</li> <li>• Determine all sexual contacts or acts</li> <li>• Uncover all potential witnesses (eye or ear)</li> <li>• Determine prior contact with target</li> <li>• Obtain log books, inmate locators, shift schedules</li> <li>• Copy of staff personnel or inmate discipline file</li> <li>• Obtain internal investigative reports (watch out for Garrity)</li> </ul>
<b>Selling Your Case</b>  	<ul style="list-style-type: none"> <li>• Seek prosecutor with sexual assault experience</li> <li>• Be prepared to educate prosecutor about your agency's culture</li> <li>• Offer a tour of your facility.</li> <li>• Explain importance of case to your institution (disease model)</li> <li>• Be convinced yourself!</li> <li>• Don't misrepresent facts-prosecutors hate surprises!!</li> <li>• Be willing to do additional investigation if required.</li> </ul>
<b>Preparing for Trial</b>  	<ul style="list-style-type: none"> <li>• Locating and securing inmate witnesses</li> <li>• Addressing witness safety issues, including intimidation</li> <li>• Securing employee witnesses</li> <li>• Updating criminal histories of witnesses</li> <li>• Keeping prosecutors informed of civil litigation and other discovery issues</li> <li>• Keeping prosecutors advised of exculpatory evidence</li> <li>• Investigation does not end with an arrest</li> </ul>

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Topic	Speaking Points
<b>Anticipate Defenses</b>  	<ul style="list-style-type: none"> <li>• Fabrication</li> <li>• Bias</li> <li>• Motive</li> <li>• Consent</li> <li>• Nullification</li> <li>• Poor investigative work</li> <li>• Identity</li> <li>• Reasonable doubt</li> <li>• Character of victim</li> </ul>
<b>Pre-Trial Disposition: A Conviction = A Conviction</b>  	<ul style="list-style-type: none"> <li>• Guilty pleas are good</li> <li>• Saves victims from testifying</li> <li>• Ensures conviction in weaker cases</li> <li>• Avoid issues of recantation</li> <li>• Avoid issues of witness relocation</li> <li>• Useful in cases w/ no DNA /weak corroboration</li> <li>• Opportunity for civil release negotiation in weak cases</li> <li>• Registered sex offender</li> <li>• Potential for jail time</li> <li>• Deterrent effects</li> <li>• Encourages reporting</li> </ul>
<b>Additional Criminal Charges</b>  	<ul style="list-style-type: none"> <li>•</li> <li>• Physical/ Sexual Assault</li> <li>• Sex Offender Registration</li> <li>• Loss of License</li> <li>• Mandatory Reporting</li> <li>• Vulnerable Victims</li> <li>• Statutory Rape</li> <li>• Obstruction of Justice</li> <li>• Perjury</li> <li>• Conspiracy</li> <li>• Witness Tampering</li> <li>• Bribery</li> <li>• Malfeasance in Office</li> </ul>

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Topic	Speaking Points
<b>What Prosecutors Add</b> 	<ul style="list-style-type: none"> <li>• Independent investigation</li> <li>• Cover (internal and external)</li> <li>• Experts <ul style="list-style-type: none"> <li>▪ Medical</li> <li>▪ Sexual assault/power</li> <li>▪ DNA</li> </ul> </li> <li>• Grand jury compulsion</li> <li>• Wiretap corroboration</li> <li>• Sentencing options</li> </ul>
<b>Benefits Of Prosecution</b> 	<ul style="list-style-type: none"> <li>• Deterrence</li> <li>• Improved working relationship between internal affairs and prosecutors for other cases</li> <li>• Safer environment</li> <li>• Increased funding for jail in county budget</li> <li>• Revised policies and procedures re: sexual harassment</li> </ul>
<b>Discussion: Applicability of PREA Standards</b>	<p><i>Ask participants to refer to their copy of the Adult Prison and Jail Standards. Use this time to discuss the PREA Standards that apply to prosecution. Discuss the standard as well as the compliance checklist.</i></p> <p><i>Sample questions to get the conversation started are:</i></p> <ol style="list-style-type: none"> <li><i>1. Why is this standard important?</i></li> <li><i>2. How does the agency comply with this standard? What do we do to demonstrate our compliance with this standard?</i></li> <li><i>3. What else could/ should we do?</i></li> </ol> <p><i>Standards that apply to prosecution include:</i></p> <p><i>RP-4 Agreements with the Prosecuting Authority</i></p> <p><i>Add other standards for the discussion as you see fit.</i></p>

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# **Module Fourteen:**

## **Human Resource Issues in Investigations of Staff Sexual Misconduct**

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## **Module 14 – Human Resource Issues in Investigations of Staff Sexual Misconduct**

**Time:** 1 hour 45 minutes

### **Module Objectives:**

1. Understand the appropriate human resources laws that govern agency's investigative practices in cases of staff sexual misconduct with offenders.

### **Resources:**

LCD projector, computer and media screen

### **Participant Notebook Handouts:**

PowerPoint® Anti-fraternization Memo

No Contact Policies: Case Law Examples






“Labor and Employment Law: Tools for Prevention, Investigation and Discipline of Staff Sexual Misconduct in Custodial Settings”

### **PowerPoint® Programs:**

Module 14: Human Resource Issues in Investigations of Staff Sexual Misconduct






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Topic	Speaking Points
<b>Possible Focus Topics</b> 	<ul style="list-style-type: none"> <li>• Reference checks for employees who leave voluntarily rather than wait for results of investigation into alleged sexual misconduct</li> <li>• Searches of employees' persons and bags, etc.</li> <li>• Video surveillance of employees</li> <li>• Off-duty conduct rules</li> </ul>
<b>Reference Checks Relevant Legal Standards: Defamation</b> 	<ul style="list-style-type: none"> <li>• Making of false and unprivileged statements that injure reputation</li> <li>• There is a qualified privilege for employment references</li> <li>• Applies as long as no bad faith or bad intent in giving the reference</li> <li>• However, still end up in court engaged in expensive litigation, because bad faith and truthfulness of statement end up getting connected</li> </ul>
<b>Former Employers' Duty of Care</b> 	<ul style="list-style-type: none"> <li>• Employers owe a duty of care (to clients and possibly others) for current employees, who are agents, but not for former employees</li> <li>• Therefore, there is no recognized obligation (yet) on the part of former employers to warn future employers about "bad apples"</li> <li>• This may start to change through legislation and case law</li> </ul>
<b>Combination of these Legal Rules Push to Following Conclusion</b> 	<ul style="list-style-type: none"> <li>• Best not to give bad references for former employees</li> <li>• Failure to give good reference to some employees may also create defamation claim, so</li> <li>• HR counsel often tell employers to do no more than confirm dates and positions of employment through official channels</li> </ul>
<b>Reference Checks: Waivers</b> 	<ul style="list-style-type: none"> <li>• Employers increasingly are using waiver forms in which job applicant agrees to waive all legal rights based on reference given; applicant must present this to former employer</li> <li>• Blanket waivers are less likely to be upheld than ones applying to a particular job prospect</li> </ul>

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Topic	Speaking Points
<b>Non-official Reference Checks</b> 	<ul style="list-style-type: none"> <li>• Nonofficial, back channel communications preferred but these cannot be written down or invoked later in explaining why an applicant did not get the job, which raises its own set of problems</li> </ul>
<b>The Legal Squeeze: Negligent Hiring Doctrine</b> 	<ul style="list-style-type: none"> <li>• Employer may be held liable for negligence in failing to discover dangerous propensities of an employee</li> <li>• Must check available public records for problems before hiring and must attempt to check former references</li> </ul>
<b>Public Employer Issues</b> 	<ul style="list-style-type: none"> <li>• Provisions of federal and state Constitution apply <ul style="list-style-type: none"> <li>▪ 1st Amendment - freedom of association</li> <li>▪ 4th Amendment – privacy, surveillance</li> <li>▪ 5th, 14th Amendment – due process, equal protection</li> </ul> </li> <li>• Balancing test – courts will weigh intrusion on employee’s constitutional rights against weight of employer’s interest</li> </ul>
<b>Employee Surveillance</b> 	<ul style="list-style-type: none"> <li>• Key issues under balancing test is “reasonableness”:</li> <li>• Notice</li> <li>• Methods</li> <li>• Random vs. targeted</li> <li>• Objective cause</li> <li>• Balance between intrusiveness and employer need</li> </ul>
<b>Privacy</b> 	<ul style="list-style-type: none"> <li>• “Reasonable expectation of privacy”</li> <li>• Depends heavily on work context</li> <li>• Corrections officers working in secured areas have low expectations of privacy</li> <li>• Probation officers and others working in the community may have higher expectations of privacy</li> <li>• E.g., Personal or apparently “personal” cars</li> <li>• Extremely intrusive searches such as body cavity searches need more justification</li> <li>• Urine drug tests okay</li> </ul>

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Topic	Speaking Points
<b>Proactive Steps: Employee Surveillance</b>  	<ul style="list-style-type: none"> <li>• Provide general notice about employee surveillance methods</li> <li>• Restrict surveillance methods to those reasonably necessary</li> <li>• Use even-handed procedures for selecting surveillance targets</li> </ul>
<b>Employer Interests that Can Support Off-Duty Conduct Rules</b>  	<ul style="list-style-type: none"> <li>• Interests in on-the-job performance</li> <li>• Interests in off-the-job conduct that implicates officer's fitness for duty</li> <li>• Interests in public reputation of correctional institution</li> </ul>
<b>Litigation Results</b>  	<ul style="list-style-type: none"> <li>• Off Duty Conduct Rules Generally <ul style="list-style-type: none"> <li>▪ Many court cases involving police and corrections officers uphold policies regulating off-duty conduct <ul style="list-style-type: none"> <li>✓ E.g., disorderly conduct, association with criminal activities, places or persons, etc.</li> </ul> </li> </ul> </li> </ul>
<b>Quiz: What's Okay?</b>  	<p><i>Pose the following questions to the group- discuss after each one</i></p> <p><b>What's Okay #1?</b></p> <p><i>Question: Termination of a state corrections officer who was married to a man who was subsequently incarcerated in the state prison system for a felony</i></p> <p>Answer: Yes</p>





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Topic	Speaking Points
	<p><b>What's Okay #2?</b></p> <p><i>Question: Termination of probation officer for buying a car at a dealership where probationer under her supervision worked (though he was not involved in the sale)?</i></p> <p>Answer: Yes</p> <p><b>What's Okay #3?</b></p> <p><i>Question: Termination of probation officer who exchanged letters with a man she had previously dated who was serving life sentence in prison outside her jurisdiction?</i></p> <p>Answer: Yes</p> <p><b>What's Okay #4?</b></p> <p><i>Question: Denial of probation officer's request to attend baptism of child of longstanding friend whose older son had been placed on probation?</i></p> <p>Answer: Yes</p>

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Topic	Speaking Points
<b>Litigation Results for No Contact Policies</b> 	<ul style="list-style-type: none"> <li>Courts of appeals have tended to uphold policies that prohibit corrections officers from contact with current or former clients in light of the security interests involved           <ul style="list-style-type: none"> <li>There are a few contrary trial court decisions with specific facts</li> <li>This is an evolving area of the law</li> <li>Good, sound, well thought out-policies are best protection               <ul style="list-style-type: none"> <li>✓ Think through the connection between rules and policies and the goals or interests being enforced</li> </ul> </li> </ul> </li> </ul>
<b>Union Issues</b> 	<ul style="list-style-type: none"> <li>Contractual obligations created through collective bargaining agreements (CBAs)</li> <li>Proactive: review CBAs for inconsistent provisions and work to reconcile</li> </ul>
<b>Modifying Inconsistent CBA Provisions</b> 	<ul style="list-style-type: none"> <li>Best option: Rely on Management Rights clauses           <ul style="list-style-type: none"> <li>If new or expanded policy is presented to union reps and they don't object, good argument exists that the policy change was within the scope of management rights</li> </ul> </li> <li>Second best options           <ul style="list-style-type: none"> <li>Request mid term modification</li> <li>Bargain for changes at contract renewal</li> </ul> </li> <li>Both are less ideal options because they require trading</li> </ul>
<b>Investigations</b> 	<ul style="list-style-type: none"> <li>Union representation – <i>Weingarten</i> rights           <ul style="list-style-type: none"> <li>Employee has right to have union rep. present during interview</li> <li>Role of the union rep. is to facilitate the process and help the employee understand what is going on</li> <li>Union rep. may not obstruct proceedings and may be asked to leave if he or she is doing so</li> <li>Good, well trained union rep. can facilitate the process; it is</li> </ul> </li> </ul>

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Topic	Speaking Points
	worth investing energy in developing good relationships with union reps.
<b>Arbitration</b> 	<ul style="list-style-type: none"> <li>Both sides have the right to legal representation and to present evidence</li> <li>Employer may not interfere with right of employees to testify at arbitration hearing</li> <li>Arbitrator is not required to follow finding of misconduct in another forum, even a criminal court</li> </ul>
<b>Union Duty of Fair Representation</b> 	<ul style="list-style-type: none"> <li>Unions are legally required to represent all of their members fairly (even if they think the member is guilty of misconduct, and even if they think the misconduct is reprehensible)</li> <li>Unions have an interest in eliminating “bad apples” from their midst, just as management does</li> <li>Vigorous union advocacy on behalf of an accused employee does not mean the union believes the employee does not deserve discipline or termination</li> </ul>
<b>Key Issues in the Union Context</b> 	<ul style="list-style-type: none"> <li>Proactive <ul style="list-style-type: none"> <li>Dealing with the Union in making policy changes and collective bargaining agreement modifications</li> </ul> </li> <li>Reactive <ul style="list-style-type: none"> <li>Dealing with the Union in investigations</li> <li>Dealing with the Union in grievance and arbitration proceedings concerning employee discipline/termination</li> </ul> </li> </ul>
<b>Proactive Steps in Union Context</b> 	<ul style="list-style-type: none"> <li>Run training sessions, which include clear statement of disciplinary rules</li> <li>Give union policy statements on disciplinary procedures for staff sexual misconduct</li> <li>Review collective bargaining agreement for inconsistent terms; request modifications if necessary</li> <li>Assume and expect professionalism by union reps.; understand their constraints and duties</li> </ul>

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Topic	Speaking Points
<b>Proactive vs. Reactive Thinking</b> 	<ul style="list-style-type: none"> <li>• Proactive: What is Ideal <ul style="list-style-type: none"> <li>▪ Designing policies</li> <li>▪ Screening at hiring stage</li> </ul> </li> <li>• Reactive: Dealing with the here and now <ul style="list-style-type: none"> <li>▪ Investigations</li> <li>▪ Discipline and termination of employees</li> </ul> </li> </ul>
<b>Employment Context</b> 	<ul style="list-style-type: none"> <li>• Different legal considerations apply depending on whether you are:</li> <li>• Public or private</li> <li>• Public (government) employer has many issues to think about arising from constitution and federal/state law</li> <li>• But for private facility or private sub-contractor, “employment at will” is the norm</li> <li>• Union or nonunion</li> <li>• Union environments lessen employer flexibility, but there are ways to work with unions on these issues</li> <li>• In all contexts, anti-discrimination laws apply</li> </ul>
<b>Sex/Race Discrimination Charges</b> 	<ul style="list-style-type: none"> <li>• Can be based on sex, race, nationality, religion, or disability or age (for over 40 y.o.)</li> <li>• Plaintiff must show that employer treated him or her differently than others similarly situated but of a different sex, race, national origin, or religious category</li> <li>• This is hard to do; most discrimination cases are lost and most lawyers hesitate to file beyond administrative level without very strong evidence</li> <li>• Pretext: is the employer’s stated reason the REAL reason?</li> </ul>

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Topic	Speaking Points
<b>To Protect Against Successful Discrimination Cases</b> 	<ul style="list-style-type: none"> <li>• Maintain consistency in treatment across cases, incidents, and employees, and review cases for consistency               <ul style="list-style-type: none"> <li>▪ Individual discretion by varying supervisors can be problematic</li> <li>▪ Unstated rules – e.g., credit for longstanding clean record – can also be problematic; either make the rule an explicit one or don't use it</li> </ul> </li> <li>• Contemporaneous and clear articulation of reasons for employment actions</li> <li>• Maintenance of detailed personnel files that include contemporaneous documentation of problems, even relatively minor ones</li> <li>• These files should be treated as confidential (secured access) with access rights limited to those with real reason to need them</li> </ul>
<b>Consistency Makes Good Policy Proactively</b> 	<ul style="list-style-type: none"> <li>• Training supervisors</li> <li>• Minimizing managerial discretion</li> <li>• Treat like cases alike</li> <li>• Consistently enforce disciplinary rules</li> <li>• Maintain up-to-date personnel files</li> <li>• Keep contemporaneous documentation of all infractions, even minor ones</li> <li>• Protect employment information from general discussion</li> </ul>

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Topic	Speaking Points
<b>Discussion:          Applicability of          PREA Standards</b>	<p><i>Ask participants to refer to their copy of the Adult Prison and Jail Standards. Use this time to discuss the PREA Standards that apply to human resources. Discuss the standard as well as the compliance checklist.</i></p> <p><i>Sample questions to get the conversation started are:</i></p> <ol style="list-style-type: none"> <li><i>1. Why is this standard important?</i></li> <li><i>2. How does the agency comply with this standard? What do we do to demonstrate our compliance with this standard?</i></li> <li><i>3. What else could/ should we do?</i></li> </ol> <p><i>Standards that apply to human resource issues include:</i></p> <p><i>PP-6 Hiring and Promotion Decisions</i>  <i>DI-1 Disciplinary Sanctions for Staff</i></p> <p><i>Add other standards for the discussion as you see fit.</i></p>

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# Module Fifteen: Legal Liability

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## Module 15- Legal Liability<sup>^</sup>

**Time:** 2 hours

### Module Objectives:

1. Understand significant court decisions and case law related to staff sexual misconduct with offenders.
2. Take steps to prevent or mitigate legal liability.

### Resources:

LCD projector, computer and media screen

### Participant Notebook Handouts:

PowerPoint®


### PowerPoint® Programs:

Module 15: Legal Liability

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<sup>^</sup> We did not include full cases only citations in this module. If you, or the person who will present this module, are unable to download the cases from legal research websites contact us at [nic@wcl.american.edu](mailto:nic@wcl.american.edu) for a copy of the cases.

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Topic	Speaking Points
<b>Legal Liability</b>	<p><i>Try to find someone from your area who is an expert in these cases. The Attorney General or someone from the local law school would be good.</i></p> <p><i>Before giving this section of the training make sure that you review the cases, update where needed and make sure they are still good law. There are a number of good cases on many issues. When you are updating this section pick ones you want to use if you are modifying it for your agency, setting or situation.</i></p> <p><i>In this module we are going to talk about the legal liability issues in investigating allegations of staff sexual misconduct.</i></p> <p><i>You have a tremendous amount of discretion in your role. Even though you feel like you are getting sued all the time, you really aren't. Think about all the things that you do each day in that could be sued for, but are not. That is not to say that the fear of lawsuits isn't present. It helps us and motivates us to look at things differently and make changes.</i></p> <p><i>Here are some general thoughts about litigation:</i></p> <ul style="list-style-type: none"> <li><i>• Litigation is a last resort – one of the reasons we are talking about this topic in the latter part of the training is because there are so many things you can do prior to ever getting to this point.</i></li> <li><i>• Litigation locks people into positions</i></li> <li><i>• Policy and practice are often developed in crisis</i></li> <li><i>• Solutions are about vindicating the winner; not necessarily what is best or practicable</i></li> </ul>
<b>Major Issues</b> 	<ul style="list-style-type: none"> <li>• Staff Sexual Misconduct</li> <li>• Inmate on Inmate Conduct</li> </ul>





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Topic	Speaking Points
<b>Staff Sexual Misconduct</b> 	<p><i>If you have a poor reputation and standing in the community, courts may believe that you engaged in or failed to prevent challenged conduct.</i></p> <ul style="list-style-type: none"> <li>• Important Factors <ul style="list-style-type: none"> <li>▪ who raises the issue <ul style="list-style-type: none"> <li>✓ male inmate</li> <li>✓ female inmate</li> </ul> </li> <li>▪ what has been your history <ul style="list-style-type: none"> <li>✓ complaints about misconduct</li> <li>✓ complaints about other institutional concerns</li> <li>✓ community standing</li> </ul> </li> <li>▪ the context in which the issue is raised <ul style="list-style-type: none"> <li>✓ litigation</li> <li>✓ investigation</li> <li>✓ agency oversight</li> <li>✓ media investigation</li> </ul> </li> </ul> </li> </ul>
<b>Inmate on Inmate Conduct</b> 	<ul style="list-style-type: none"> <li>• Who raises the issue <ul style="list-style-type: none"> <li>▪ Male</li> <li>▪ Female</li> </ul> </li> <li>• Nature of the conduct <ul style="list-style-type: none"> <li>▪ Forced</li> <li>▪ Coerced</li> <li>▪ Consensual</li> </ul> </li> </ul>
<b>Your Role in Litigation</b> 	<ul style="list-style-type: none"> <li>• Prevention – training and policy</li> <li>• Insulate-- agency from liability – ensure procedures are in place to protect agency and officials</li> <li>• Act – change policies and procedures even though litigation pending</li> <li>• Restore -- confidence in agency</li> <li>• Defend – if appropriate to do so</li> <li>• Propose – influence legislature</li> <li>• Identify -- areas of concern</li> <li>• Improve -- culture and practice</li> </ul>




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Topic	Speaking Points
<b>Legal Framework</b> 	<ul style="list-style-type: none"> <li>• Prison Rape Elimination Act</li> <li>• Prison Litigation Reform Act</li> <li>• Constitutional Framework</li> <li>• State Tort Framework</li> </ul>
<b>PREA</b> 	<ul style="list-style-type: none"> <li>• Focus on preventing, reducing and sanctioning prison rape</li> <li>• Focus on appropriate services to victims of prison rape</li> <li>• Investigations will have an impact on data collection – most visible PREA outcome at present</li> </ul> <p><i>The act itself does not create any new rights but standards are persuasive to courts on standard of care issues.</i></p>
<b>Prison Litigation Reform Act – Pub. L. No. 104-134, 110 Stat 1321 (1995)</b> 	<ul style="list-style-type: none"> <li>• Exhaustion requirement</li> <li>• Limits on attorneys fees</li> <li>• Limits consent decrees</li> <li>• Limits on appointment of special masters</li> <li>• Physical injury requirement</li> <li>• Limits on proceeding IFP</li> </ul> <p><i>One PREA recommendation is to amend the PLRA because of exhaustion and physical injury requirements. They are hard to exhaust given the complexity of grievance proceedings and often in these cases there is no visible physical injuries from the assault.</i></p>
<b>PLRA</b> 	<ul style="list-style-type: none"> <li>• Porter v. Nussle, 122 S. Ct. 983, 986 (2002) (exhaustion requirement of PLRA)</li> <li>• Morris v. Eversley, 282 F.Supp. 2d 196 (S.D. N.Y. 2002)(woman challenging sexual assault during incarceration was not required meet PLRA exhaustion requirement once released)</li> <li>• White v. Haines, 217 W.Va. 414, 618 S.E.2d. 423 (W.Va., 2005)(state can provide for different exhaustion scheme than federal government with regard to complaints of sexual abuse in custody)</li> </ul>

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Topic	Speaking Points
	<ul style="list-style-type: none"> <li>Amador v. Superintendents of DOCS, 2007 WL 4326747 <ul style="list-style-type: none"> <li>District court denied class certification concluding that no named plaintiff had properly exhausted administrative remedies within the meaning of PLRA.</li> <li>In fact, all named plaintiffs had reported to the Inspector General’s Office (IG), which was a means of reporting sanctioned by New York Department of Correctional Services (DOCS) policy.</li> </ul> </li> </ul>
<b>Civil Liability -- Constitutional Claims</b> 	<ul style="list-style-type: none"> <li>Most common legal bases for challenges <ul style="list-style-type: none"> <li>42 U.S. C. 1983</li> <li>Eighth Amendment</li> <li>Fourth Amendment</li> <li>Fourteenth Amendment</li> <li>State tort claims</li> </ul> </li> </ul>
<b>42 U.S. C. 1983</b> 	<ul style="list-style-type: none"> <li>Creates a federal cause of action for the vindication of rights found elsewhere</li> <li>Key elements <ul style="list-style-type: none"> <li>Deprived or a right secured by the constitution or law of U.S.</li> <li>Deprivation by a person acting under color of state law</li> </ul> </li> </ul>
<b>West v. Atkins, 487 U.S. 42 (1988)</b> 	<ul style="list-style-type: none"> <li>“A defendant in a section 1983 suit acts under color of state law when he abuses the position given to him by the state.”</li> </ul>
<b>Washington v. City of Shreveport, 2006</b>	<ul style="list-style-type: none"> <li>City employee who supervised jail inmates working with the City Public Works Department was “acting under color of state law” and could be sued under 42 U.S.C. §1983 for violating</li> </ul>

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Topic	Speaking Points
<b>WL 1778756</b> <b>(W.D. La.)</b> 	constitutional and or state laws.
<b>Smith v. Cochran,</b> <b>339 F.3d 1205</b> <b>(10th Cir. 2003)</b> 	<ul style="list-style-type: none"> <li>• Inmate who was assigned to work in state driver's license bureau as part of her sentence, able to sue state driver's license examiner for sexual misconduct under 8th amendment. State agency that is delegated the responsibility of the state can be liable under 8th amendment.</li> <li>• But see, Smith v. Cochran, 182 F. Appx 854 (10th Cir. 2006)(driver's license examiner wins at trial on credibility issues of inmate)</li> </ul>
<b>Eighth Amendment</b> 	<ul style="list-style-type: none"> <li>• Prohibits cruel and unusual punishment</li> <li>• Legal standard is deliberate indifference <ul style="list-style-type: none"> <li>▪ Established in a prison rape case Farmer v. Brennan, 511 U.S. 825 (1994)</li> <li>▪ Two part test <ul style="list-style-type: none"> <li>✓ the injury must be objectively serious and must have caused an objectively serious injury</li> <li>✓ the official must have a sufficiently culpable state of mind and have acted with deliberate indifference or reckless disregard for the inmate's constitutional rights</li> </ul> </li> </ul> </li> </ul>
<b>What the Court Looks For</b> 	<ul style="list-style-type: none"> <li>• Deliberate indifference to inmate vulnerability -- safety or health <ul style="list-style-type: none"> <li>▪ Official knew of and disregarded an excessive risk to inmate safety or health</li> <li>▪ Official must be aware of facts from which an inference could be drawn that a substantial risk of harm exists and he must draw the inference</li> </ul> </li> </ul>




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Topic	Speaking Points
<b>Fourth Amendment – Bell v. Wolfish, 441 U.S. 520 (1979)</b> 	<ul style="list-style-type: none"> <li>• Did the individual have a legitimate expectation of privacy? <ul style="list-style-type: none"> <li>▪ The scope of the intrusion</li> <li>▪ The manner in which it was conducted</li> <li>▪ The justification for the intrusion</li> <li>▪ The place in which it is conducted</li> </ul> </li> </ul>
<b>Fourteenth Amendment: Substantive Due Process</b> 	<ul style="list-style-type: none"> <li>• Was the individual deprived of a life, liberty or property without due process of law?</li> <li>• Lower legal standard than 8th Amendment</li> <li>• Depending on situation – 14th Amendment may apply – juveniles and pre-trial detainees in particular</li> </ul>
<b>State Tort Law Claims</b> 	<ul style="list-style-type: none"> <li>• Assault</li> <li>• Battery</li> <li>• Intentional infliction of emotional distress</li> <li>• Negligent infliction of emotional distress</li> <li>• Negligent hiring, firing, supervision, training</li> </ul>
<b>Liability</b> 	<ul style="list-style-type: none"> <li>• Municipal</li> <li>• Official</li> <li>• Individual</li> <li>• Personal</li> </ul>
<b>Municipal Liability</b> 	<ul style="list-style-type: none"> <li>• Monell v. Department of Social Services, 436 U.S. 658 (1978) <ul style="list-style-type: none"> <li>▪ Municipality is a person who can be held liable under Section 1983</li> <li>▪ Officially executed policy or toleration of custom within municipality must inflict the injury <ul style="list-style-type: none"> <li>✓ Inaction</li> <li>✓ Failure to train or supervise</li> </ul> </li> </ul> </li> </ul>




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Topic	Speaking Points
	<ul style="list-style-type: none"> <li>✓ Failure to investigate <ul style="list-style-type: none"> <li>▪ Can't be held responsible under respondeat superior or vicarious liability for:</li> <li>▪ Independent actions of employees</li> <li>▪ Wrongful conduct of single employee</li> <li>▪ Must make showing that this officer was likely to inflict a particular injury and that agency had facts from which it conclude that it was likely</li> </ul> </li> <li>• Likely Defendants <ul style="list-style-type: none"> <li>▪ County, city, state, agency</li> <li>▪ Corrections officials <ul style="list-style-type: none"> <li>✓ Sued in official, individual and personal capacity</li> </ul> </li> <li>▪ Individual Staff <ul style="list-style-type: none"> <li>✓ Sued in official, individual and personal</li> </ul> </li> </ul> </li> </ul>
<b>Official Liability</b> 	<ul style="list-style-type: none"> <li>• Will cause liability to municipality</li> <li>• Did it happen on your watch</li> <li>• Were you responsible for promulgating and enforcing policy</li> <li>• Did you fail to act or ignore information presented to you</li> <li>• Failure to TRAIN, SUPERVISE, FIRE, and TAKE ACTION</li> </ul>
<b>Individual Liability</b> 	<ul style="list-style-type: none"> <li>• Officials sued in individual capacity may be protected from damages if the alleged wrongful conduct was committed while they performed a function protected by qualified immunity</li> </ul>
<b>Elements of Individual Liability</b> 	<ul style="list-style-type: none"> <li>• (1) participated directly in the alleged constitutional violation;</li> <li>• (2) after being informed of the violation through a report or appeal, failed to remedy the wrong;</li> <li>• (3) created a policy or custom under which unconstitutional practices occurred, or allowed the continuance of such a policy or custom;</li> <li>• (4) grossly negligent in supervising subordinates who committed the wrongful acts; or</li> <li>• (5) deliberate indifference to others' rights by failing to act on information indicating that unconstitutional acts were occurring.</li> </ul>

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Topic	Speaking Points
<b>Personal Liability</b> 	<ul style="list-style-type: none"> <li>Plaintiff must provide notice that the suit is against the official in her personal capacity</li> <li>Direct participation not required               <ul style="list-style-type: none"> <li>Actual or constructive notice of unconstitutional practices</li> <li>Demonstrated gross negligence or deliberate indifference by failing to act</li> </ul> </li> </ul>
<b>Qualified Immunity</b> 	<ul style="list-style-type: none"> <li>No violation of federal law -- constitutional or otherwise</li> <li>Rights and law not clearly established at the time of the incident</li> <li>Official's action was objectively legally reasonable in light of clearly established legal rules at time of the incident</li> </ul>
<b>Riley v. Olk-Long</b> <b>282 F.3d. 592</b> <b>(C.A. 8 (Iowa))</b> <b>2002)</b> 	<ul style="list-style-type: none"> <li>Facts:               <ul style="list-style-type: none"> <li>Inmate brought Section 1983 action against prison warden and director of security under 8th amendment. Jury found in favor of inmate.</li> <li>Warden and director of security moved for judgment as matter of law or for a new trial.</li> </ul> </li> <li>Result:               <ul style="list-style-type: none"> <li>Prison warden and director of security were deliberately indifferent to the substantial risk of harm that guard presented to female inmates.</li> <li>Held personally liable to inmate in amount of \$20,000 against Sebek and \$25,000 in punitive damages from Olk-Long the warden</li> </ul> </li> <li>What happened?               <ul style="list-style-type: none"> <li>Officer made inappropriate comments to inmate Riley about whether she was having sex with her roommate</li> <li>He came into her room after lockdown and attempted to reach under her shirt</li> <li>Grabbed her from behind and rubbed up against her</li> <li>Inmate didn't report above because "she doubted that she would be believed and feared the resulting discipline"</li> <li>Officer entered cell and raped her. She performed oral sex so she wouldn't become pregnant</li> <li>Another inmate witnessed incident and reported it</li> <li>Inmate placed in administrative segregation during</li> </ul> </li> </ul>

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Topic	Speaking Points
	<p>investigation.</p> <ul style="list-style-type: none"> <li>▪ Officer terminated.</li> <li>▪ Convicted under state law</li> </ul> <ul style="list-style-type: none"> <li>• Why? <ul style="list-style-type: none"> <li>▪ Prior to this incident other female inmates had complained</li> <li>▪ Link had a history of predatory behavior</li> <li>▪ Four prior investigations closed as inconclusive</li> <li>▪ Collective bargaining unit precluded permanent reassignment</li> <li>▪ Sebek suspected but didn't take leadership</li> <li>▪ Sebek had opportunity to terminate but didn't</li> <li>▪ Olk-Long didn't think that officer posed a threat</li> <li>▪ Collective bargaining agreement was no defense to failure to protect inmate safety</li> </ul> </li> </ul>
<p><b>Gonzales v. Huerfano County, 403 F.3d 1179 (10th Cir. 2005) cert. den. Salazar v. Gonzales, 546 U.S. 1003, 126 S.Ct. (U.S. Nov 07, 2005)</b></p> 	<ul style="list-style-type: none"> <li>• On 10/13/1998, the Jail Administrator sexually assaulted Teresa Gonzales.</li> <li>• Later that day the senior detention officer sexually assaulted another female inmate, Amanda Guel.</li> <li>• Teresa Gonzales files suit under §1983.</li> <li>• Both women handed in written statements describing assault to detention officers who called the Sheriff.</li> <li>• The Sheriff went to jail but didn't see the women until the next day.</li> <li>• The Sheriff was related to both the senior detention officer and the jail administrator – son in law and nephew by marriage.</li> <li>• Procedural posture <ul style="list-style-type: none"> <li>▪ In the 10th Circuit Court of Appeals because District Court granted summary judgment for county, sheriff and jail employees.</li> <li>▪ Plaintiff appealed.</li> </ul> </li> <li>• Defendants and Claims by Plaintiff: <ul style="list-style-type: none"> <li>▪ County <ul style="list-style-type: none"> <li>✓ Duty to employ competent law enforcement officers and to supervise Sheriff and Jail</li> </ul> </li> <li>▪ Administrator 8th Amendment <ul style="list-style-type: none"> <li>✓ Negligent supervision</li> </ul> </li> </ul> </li> </ul>

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Topic	Speaking Points
	<ul style="list-style-type: none"> <li>▪ Sheriff (individual and personal capacity) <ul style="list-style-type: none"> <li>✓ 8th Amendment</li> <li>✓ Negligent supervision</li> </ul> </li> <li>▪ Martinez and Dominick Gonzales <ul style="list-style-type: none"> <li>✓ Assault and battery</li> </ul> </li> <li>• County dismissed <ul style="list-style-type: none"> <li>▪ Not sued in correct name</li> <li>▪ No allegation that county set the policy which caused injury</li> <li>▪ No showing that Sheriff set the “official policy” for the county</li> <li>▪ Otherwise immune from suit under state statute – Colo. Rev. Stat. §30-11-105</li> </ul> </li> <li>• Sheriff not dismissed <ul style="list-style-type: none"> <li>▪ “Knew of and disregarded ‘an excessive risk to inmate health and safety’”</li> <li>▪ No employee evaluations since 1994</li> <li>▪ Only occasionally visited the jail</li> <li>▪ Left investigations of all problems at jail to designee</li> </ul> </li> <li>• Prior incidents established notice <ul style="list-style-type: none"> <li>▪ Inmate access to vodka</li> <li>▪ Drunk inmates sitting in control room and knew how to run controls</li> <li>▪ Dominick Gonzales exposed himself to female inmates in past</li> <li>▪ Dominick Gonzales asked female inmates to expose their breasts</li> <li>▪ Dominick Gonzales arrested at bar for harassing female dancers but still working at jail</li> <li>▪ Didn’t know about incidents because of his “lackadaisical attitude toward his responsibility to run the institution” <ul style="list-style-type: none"> <li>✓ Jail Administrator did not want to investigate allegations of problems at jail and that was okay with sheriff</li> <li>✓ Ignored inmate complaints</li> </ul> </li> <li>▪ The <i>Farmer</i> case doesn’t require that Sheriff knew that specific employee posed substantial risk of harm</li> <li>▪ Harm can come from specific source or multiple sources as long as facts available to draw conclusion that risk exists</li> </ul> </li> </ul>


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Topic	Speaking Points
	<ul style="list-style-type: none"> <li>Deputies dismissed but back in because Sheriff is back in on appeal</li> </ul>
<p><b>Campos v. Nueces County, 162 S.W. 3d 778 (Tex. App. 2005)</b></p> 	<ul style="list-style-type: none"> <li>Female prisoners in county substance abuse treatment facility sued guards and county under civil rights act and Texas Tort Claims Act for non-operating and improperly placed security cameras, doors, rooms and enclosures when those defects resulted in their sexual abuse and harassment.</li> <li>Conclusion <ul style="list-style-type: none"> <li>Female prisoners could sue county and guards</li> <li>County waived sovereign immunity generally granted for premises defects and inmates had alleged that their injury was caused by defective premises</li> <li>Intentional torts and negligence of individual correctional officers did not defeat the waiver of immunity</li> </ul> </li> </ul>
<p><b>Cash v. County of Erie, 2007 WL 2027844 (W.D. N.Y. July 11, 2007)</b></p> 	<ul style="list-style-type: none"> <li>Vickie Cash sexually assaulted by correctional officer in 2002 while in segregation in Erie County holding center</li> <li>Officer Hamilton hired in 1989</li> <li>Working alone on unit</li> <li>Suspended w/o pay 1/2003</li> <li>Pleads to 3rd degree rape</li> <li>Sues <ul style="list-style-type: none"> <li>Former sheriff in official and individual capacity</li> <li>County</li> <li>Sheriff Department</li> <li>Offending officer</li> </ul> </li> <li>Posture – cross motions for summary judgment</li> <li>Result <ul style="list-style-type: none"> <li>Sheriff Department out as admin arm of county</li> <li>County still in</li> <li>Sheriff still in</li> <li>Officer still in</li> </ul> </li> <li>Reasoning <ul style="list-style-type: none"> <li>Deputy was working alone in the Alpha segregation area of the Holding Center, where the female inmates were</li> </ul> </li> </ul>

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Topic	Speaking Points
	<p>housed</p> <ul style="list-style-type: none"> <li>▪ No female deputies or matrons on duty</li> <li>▪ No policy in place to prevent male deputies from walking in on female inmates unannounced, at any</li> <li>▪ Undersheriff and Superintendent of the Holding Center, when deposed, said that it was appropriate for male deputies to observe women inmates in various stages of undress, or using the toilet</li> <li>▪ Sheriff testified that he was aware of complaints made by other female inmates about sexual abuse of assault</li> <li>▪ Could not recall taking steps to address it</li> <li>▪ Range of assaults less than 1000 not more than 20</li> <li>▪ reasonable jury could find               <ul style="list-style-type: none"> <li>✓ County had policy and practice that allowed male officers to have access to female inmates w/o presence of female staff and other inmates</li> <li>✓ Prison officials, including sheriff had knowledge of practice</li> <li>✓ Prison officials knew of past complaints and took no corrective action</li> </ul> </li> <li>• Cash's cross motion for summary judgment denied               <ul style="list-style-type: none"> <li>▪ No indication if other sexual harassment complaints made prior to 12/2002 when incident occurred</li> <li>▪ No indication whether other incidents were investigated</li> </ul> </li> </ul>
<p><b>Heckenlaible v. Virginia Peninsula Regional Jail Authority, 491 F. Supp 2d. 544 (2007)</b></p> 	<ul style="list-style-type: none"> <li>• Mentally ill inmate sues former jailer and jail authority</li> <li>• MSJ denied in part and granted in part</li> <li>• Facts about Officer               <ul style="list-style-type: none"> <li>▪ Hired in 2001</li> <li>▪ Passed criminal background check</li> <li>▪ Nothing to suggest that he posed a risk</li> </ul> </li> <li>• Facts about Inmate               <ul style="list-style-type: none"> <li>▪ Pre-trial detainee</li> <li>▪ Under influence of drugs and alcohol at time of arrest</li> <li>▪ Epileptic</li> <li>▪ Past history of self harm</li> <li>▪ Infected with lice</li> <li>▪ Placed in medical unit – for lice</li> </ul> </li> </ul>


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Topic	Speaking Points
	<ul style="list-style-type: none"> <li>• Operational issue <ul style="list-style-type: none"> <li>▪ Steele supervised the medical unit where Heckenlaible was housed – ALONE</li> <li>▪ Two spot checks during beginning of 12 hour shift</li> <li>▪ Inmates encouraged to shower by medical</li> <li>▪ Steele supervised Heckenlaible in the shower</li> <li>▪ Heckenlaible noticed him watching her while she showered</li> </ul> </li> <li>• Convergence <ul style="list-style-type: none"> <li>▪ Steele did cell search later that night</li> <li>▪ Forced Heckenlaible to have oral sex with him</li> <li>▪ Heckenlaible cleaned herself off with a towel which she kept under the bed</li> <li>▪ Heckenlaible cried herself to sleep</li> </ul> </li> <li>• Investigation and Prosecution <ul style="list-style-type: none"> <li>▪ Heckenlaible reports to Jail Authority supervisory staff the next day</li> <li>▪ They place Steele on administrative leave</li> <li>▪ They recover towel – determine that there is semen</li> <li>▪ Steele is fired for sex with inmate and refusal to cooperate in investigation</li> <li>▪ Steele convicted of carnal knowledge of an inmate in 2004—a class 6 felony</li> <li>▪ Still locked up at time of the writing of the opinion</li> </ul> </li> <li>• Precautionary measures of agency <ul style="list-style-type: none"> <li>▪ Policy prohibiting abuse of inmates</li> <li>▪ Policy prohibiting sex with inmates</li> <li>▪ Policy that prohibited search of female inmate by male staff unless accompanied by female staff, except in emergency</li> </ul> </li> <li>• History of agency <ul style="list-style-type: none"> <li>▪ No complaints against Steele</li> <li>▪ No complaints of sexual abuse of inmates</li> </ul> </li> <li>• Claims against Jail Authority and Steele <ul style="list-style-type: none"> <li>▪ Assault and battery</li> <li>▪ Intentional infliction of emotional distress</li> <li>▪ Negligent hiring</li> <li>▪ Negligent retention</li> <li>▪ Negligence in having Steele be only one supervising</li> </ul> </li> </ul>


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Topic	Speaking Points
	<p>women</p> <ul style="list-style-type: none"> <li>• Claims against Steele <ul style="list-style-type: none"> <li>▪ 42 U.S. C. §1983</li> <li>▪ 14th Amendment substantive due process right to bodily integrity</li> </ul> </li> <li>• Court's ruling <ul style="list-style-type: none"> <li>▪ Jail Authority could be liable under theory of respondeat superior for Steele's actions</li> </ul> </li> <li>• Distinguishes from cases where acts of employee were incidental to employment</li> <li>• In this case <ul style="list-style-type: none"> <li>▪ "employee's wrongful conduct is 'related to the nature of the employment'"</li> </ul> </li> <li>• MSJ denied <ul style="list-style-type: none"> <li>▪ Intentional infliction of emotional distress</li> <li>▪ Assault and battery</li> <li>▪ Negligence</li> <li>▪ Substantive due process claim</li> </ul> </li> <li>• MSJ granted <ul style="list-style-type: none"> <li>▪ Negligent hiring</li> <li>▪ Negligent retention</li> </ul> </li> </ul>
<p><b>Fernandez v. Morris, 2008 WL 2775638 (S.D.Cal. Jul. 16, 2008)</b></p> 	<ul style="list-style-type: none"> <li>• Fernandez was arrested and held at Imperial County Jail for importing marijuana into U.S.</li> <li>• Jail held inmates for U.S. Marshal service</li> <li>• Coerced and pressured for sex by deputy into sex</li> <li>• Infected with syphilis by deputy</li> <li>• Officer convicted of sex with ward and admits to "consensual" sex with Fernandez and two other inmates</li> <li>• Sues county</li> <li>• Sues Jail</li> <li>• Sues Sheriff Carter [individual and official]</li> <li>• Sues Sheriff Loera [individual and official]</li> <li>• Motion to dismiss 12(b)(6)</li> <li>• Claims <ul style="list-style-type: none"> <li>▪ 42 U.S. C. §1983</li> <li>▪ Assault &amp; battery</li> <li>▪ Negligent hiring, supervision, training and control</li> </ul> </li> </ul>




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Topic	Speaking Points
	<ul style="list-style-type: none"> <li>▪ Negligence</li> <li>▪ Intentional infliction of emotional distress</li> <li>▪ State civil rights claims</li> <li>• Defendants lose on exhaustion b/c unable to demonstrate effective grievance policy and inmate while in segregation had to request form from c/o</li> <li>• Additionally asked for counsel during interview regarding incident but was refused</li> <li>• County remains in on federal claims</li> <li>• Jail remains in on federal claims</li> <li>• County and jail dismissed on state law claims on immunity grounds</li> <li>• Carter and Loera remain in on state and federal claims except intentional infliction of emotional distress</li> <li>• Carter and Loera out on state civil rights claims</li> </ul>
<p><b>Ice v. Dixon, 2005 WL 1593899 (Ohio Dec.)</b></p> 	<ul style="list-style-type: none"> <li>• Facts <ul style="list-style-type: none"> <li>▪ Inmate sexually assaulted during incarceration at Mahoning County Jail</li> <li>▪ Bi-Polar Manic Depressive</li> <li>▪ Defendant Dixon promised to arrange Ice's release from County Jail if she performed oral sex and other sex acts on him</li> </ul> </li> <li>• On motion for summary judgment <ul style="list-style-type: none"> <li>▪ Mahoning County immune in official capacity</li> <li>▪ Defendant Wellington, Sheriff, immune in official capacity and individual capacity</li> <li>▪ Defendant Dixon, perpetrator, immune in official capacity</li> <li>▪ Dixon not immune in individual capacity and on claims of assault and battery against Ice</li> </ul> </li> <li>• Why this result <ul style="list-style-type: none"> <li>▪ Specific Policy</li> <li>▪ Training to staff</li> <li>▪ Within 48 hours of incident videotaped plaintiff in interview</li> <li>▪ Took plaintiff to hospital for rape kit</li> <li>▪ Called Ohio Bureau of Criminal Investigation</li> </ul> </li> </ul>


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Topic	Speaking Points
	<ul style="list-style-type: none"> <li>▪ Suspended Dixon</li> <li>▪ Internal Affairs involved</li> <li>▪ Sent to Mahoning County Prosecutor's Office</li> </ul>
<b>Brown v. Scott, 329 F.Supp.2d 905 (E.D. Mich. 2004)</b> 	<ul style="list-style-type: none"> <li>• Inmate sued unit manager for not changing his cell assignment upon request <ul style="list-style-type: none"> <li>▪ Told unit manager that cell mate was predatory homosexual rapist</li> <li>▪ Had been warned by other inmate</li> <li>▪ Unit manager says did he proposition you</li> <li>▪ 3 days later forcibly raped</li> </ul> </li> <li>• Unit managers defense <ul style="list-style-type: none"> <li>▪ No record of cellmate as homosexual predator</li> <li>▪ Inmate only referred to rumor</li> <li>▪ Didn't ask for protection</li> <li>▪ Would have moved if he had asked</li> </ul> </li> <li>• Allowed suit to proceed</li> </ul>
<b>Williams v. Caruso, 2005 WL 2261602 (W.D. Mich. Sep. 17, 2005)</b> 	<ul style="list-style-type: none"> <li>• Inmate classified as homosexual predator sued about classification and lost <ul style="list-style-type: none"> <li>▪ Had a major misconduct for sexual assault</li> <li>▪ Found involved</li> <li>▪ Shipped</li> <li>▪ Convicted for the assault</li> <li>▪ Procedural claim that at disciplinary he was not classified as homosexual predator and should not have been shipped and placed on current restrictions</li> </ul> </li> <li>• State prevails</li> </ul>
<b>Johnson v. Johnson, 385 F.3d 503 (5th Cir. 2004)</b> 	<ul style="list-style-type: none"> <li>• Failure to protect claim allowed to proceed against Texas Department of Criminal Justice</li> <li>• Plaintiff ultimately lost at trial</li> </ul>

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Topic	Speaking Points
<p><b>Sutton v. Washington, 2008 WL 696887 (W.D. Wash. Feb.13, 2008)</b></p> 	<ul style="list-style-type: none"> <li>• Facts <ul style="list-style-type: none"> <li>▪ Young homosexual inmate</li> <li>▪ History of relationships with older inmates in exchange for goods</li> <li>▪ Treatment plan from psychiatrist and classification counselor call for working in kitchen to make money</li> <li>▪ Works in kitchen but is pressured for sex from other inmates</li> <li>▪ Contacts counselor with the following complaint</li> <li>▪ I need to be removed from my work program in Food-Service (Kitchen duty). I am being pressured to perform sexual act(s) on another inmate in the kitchen. I request a Private-meeting with you, in order to get away from the man who is doing this to me. Please help me, and please see me soon.</li> <li>▪ Counselor and custody supervisor give him the following options <ul style="list-style-type: none"> <li>✓ Just say no</li> <li>✓ Provide information on assailant</li> <li>✓ Report to work</li> <li>✓ Don't report to work and get an infraction</li> </ul> </li> <li>▪ Inmate reports to work <ul style="list-style-type: none"> <li>✓ Caught on camera having sex with an inmate</li> <li>✓ Officers watch b/c it appears to be consensual – say it only lasts 30 seconds</li> <li>✓ Call kitchen and apprehend both</li> </ul> </li> <li>▪ Disciplinary for plaintiff and other inmate</li> <li>▪ At hearing Sutton talks about having complained and being told he has to go to work</li> </ul> </li> <li>• Result <ul style="list-style-type: none"> <li>▪ State of Washington and Washington DOC dismissed</li> <li>▪ Kitchen supervisors dismissed</li> <li>▪ Hearing office and psychologist dismissed</li> <li>▪ Nagy, who watched tape is dismissed</li> <li>▪ Caught on camera having sex with an inmate</li> <li>▪ Heaward, custody unit supervisor and Olsen counselors remain in</li> <li>▪ Set for trial by magistrate but overturned in part by district court judge, 2008 WL 704217 (W.D.Wash. Mar</li> </ul> </li> </ul>

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Topic	Speaking Points
	13, 2008)
<b>Croom v. Wagner, 2006 WL 2619794(E.D. Pa 2006)</b> 	<ul style="list-style-type: none"> <li>Plaintiff and cellmate were involved in a violent altercation, as well as consensual sex [sex not challenged in suit] <ul style="list-style-type: none"> <li>Court upholds administrative discipline of inmates for consensual sex with cellmate – including denial of final parole</li> </ul> </li> </ul>
<b>Bennett v. Correctional Medical Services, 2008 WL 2064202 (D.N.J.)</b> 	<ul style="list-style-type: none"> <li>Inmates challenges exposure to Hepatitis C as a result of sexual victimization in custody <ul style="list-style-type: none"> <li>Specifically refer to iv drug use, sex, tattooing etc. in prison</li> <li>Court refuses to certify class, but allows two plaintiffs to proceed individually</li> </ul> </li> </ul>
<b>Davis v. High Desert State Prison, 2008 WL 2397613 (D.Nev.)</b> 	<ul style="list-style-type: none"> <li>Leave granted for inmate to amend complaint <ul style="list-style-type: none"> <li>Inmate claims that he was sexually assaulted another inmate who used a razor</li> <li>Placed in admin. segregation without shoes, clothes or underwear</li> <li>Claims retaliation for filing the claim</li> </ul> </li> </ul>
<b>Thomas v. Werholtz, 272 Fed. Appx. 687 (2008)</b> 	<ul style="list-style-type: none"> <li>Inmate challenges being classified as sexual predator after shakedown reveals letters of sexually explicit nature in his cell <ul style="list-style-type: none"> <li>Other inmates complain he is pressuring for sex</li> <li>Moved to higher security</li> <li>Loses high paying job</li> </ul> </li> <li>Court upholds</li> </ul>



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Topic	Speaking Points
<b>Conclusions</b> 	<ul style="list-style-type: none"> <li>• Corrections officials can be held liable in their official, individual and personal capacities for sexual violence against inmates by either staff or other offenders</li> <li>• Courts will permit agencies to take disciplinary actions against offenders who engage in sexual abuse of other inmates</li> <li>• Municipalities can be held liable for sexual violence against inmates if the violence is a result of a policy or custom of the county or agency or if it follows official policy set by the agency head.</li> </ul>
<b>Other Investigative Issues</b> 	<ul style="list-style-type: none"> <li>• False arrest</li> <li>• Malicious prosecution</li> <li>• Retaliation</li> <li>• Aggressive investigative techniques</li> </ul>
<b>False Arrest</b> 	<ul style="list-style-type: none"> <li>• Defendant intended to confine plaintiff</li> <li>• Plaintiff was aware of confinement</li> <li>• Plaintiff did not consent to confinement</li> <li>• The confinement was not otherwise privileged</li> </ul>
<b>Malicious Prosecution</b> 	<ul style="list-style-type: none"> <li>• Defendant maliciously commenced or continued prosecution against plaintiff in a criminal proceeding that ended in plaintiff's favor</li> <li>• No probable cause</li> </ul>
<b>Strategies</b> 	<ul style="list-style-type: none"> <li>• Good investigations</li> <li>• Based on credible evidence <ul style="list-style-type: none"> <li>▪ Inmate testimony</li> <li>▪ Surveillance</li> <li>▪ Logs and records</li> <li>▪ Staff testimony</li> </ul> </li> </ul>



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Topic	Speaking Points
	<ul style="list-style-type: none"> <li>• Consistent investigative policies and practices</li> <li>• Probable cause</li> </ul>
<p><b>Robinson v. Arapahoe County Sheriff Greyson Robinson, et. al., 2006 WL 726296 (D. Colo.)</b></p> 	<ul style="list-style-type: none"> <li>• Facts: <ul style="list-style-type: none"> <li>▪ Plaintiff James Robinson, a deputy sheriff, resigned his position during an investigation into alleged sexual relations with female inmates at the detention center. The information obtained during the investigation was turned over to the Arapahoe County D.A. Plaintiff claimed that exculpatory information was not turned over to the D.A.</li> </ul> </li> <li>• Legal Claims <ul style="list-style-type: none"> <li>▪ 14th Amendment Due Process</li> <li>▪ State law claims <ul style="list-style-type: none"> <li>✓ Abuse of process <ul style="list-style-type: none"> <li>• Malicious prosecution</li> <li>• Outrageous conduct</li> <li>• Defamation</li> </ul> </li> </ul> </li> </ul> </li> <li>• Findings <ul style="list-style-type: none"> <li>▪ No 14th amendment violation – <ul style="list-style-type: none"> <li>✓ no custom or policy and;</li> <li>✓ no property right to job given that there was no contractual right to the job</li> </ul> </li> </ul> </li> </ul>
<p><b>False arrest and Malicious Prosecution -- Corona v. Lunn, 2002 WL 550963 (S.D.N.Y.)</b></p> 	<ul style="list-style-type: none"> <li>• Facts <ul style="list-style-type: none"> <li>▪ Lunn assigned to investigate allegations of sexual misconduct</li> <li>▪ Receives information that Ross had sex with Corona</li> <li>▪ Inmate Ross initially denies and later admits to sex</li> <li>▪ Ross has history of mental illness</li> <li>▪ Lunn takes statement</li> <li>▪ Lunn corroborates detail with records and review of facility</li> <li>▪ Files a felony complaint against Corona</li> <li>▪ Corona is placed on administrative leave without pay</li> <li>▪ Corona charged with sexual assault of inmate</li> <li>▪ Acquitted after jury trial</li> <li>▪ Reinstated with back pay</li> </ul> </li> </ul>



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Topic	Speaking Points
	<ul style="list-style-type: none"> <li>▪ Corona files suit for false arrest and malicious prosecution</li> <li>• Result <ul style="list-style-type: none"> <li>▪ No false arrest because Lunn had probable cause</li> <li>▪ Could rely on informant testimony notwithstanding her psychiatric history</li> <li>▪ Corroborated her testimony</li> <li>▪ Was objectively reasonable to believe that probable cause existed</li> <li>▪ Reasonable officers could have disagreed over whether probable cause existed</li> <li>▪ No malicious prosecution because probable cause existed</li> </ul> </li> </ul>
<p><b>Retaliation --  Austin v. Terhune  367 F. 3d. 1167  C.A.9 (Cal.), 2004</b></p> 	<ul style="list-style-type: none"> <li>• Correctional officer exposed his genitalia to male prisoner.</li> <li>• Prisoner tried to file a grievance but was prevented from doing so by other officers</li> <li>• The exposing officer apologized later and told him not to complain</li> <li>• Inmate refused and officer filed a false disciplinary on inmate</li> <li>• Inmate placed in segregation for six weeks and continued to file grievances</li> <li>• Officials eventually investigated</li> <li>• Officer suspended w/o pay for 30 days</li> <li>• Court allowed inmate to proceed in law suit for the retaliation</li> </ul>
<p><b>Aggressive  Investigative  Techniques--  Sanchez-Luna v.  U.S. 545 U.S.  1134, 125 s. Ct.  2951</b></p> 	<ul style="list-style-type: none"> <li>• Facts <ul style="list-style-type: none"> <li>▪ Female inmate, Sanchez-Luna, at FCI Danbury sexually abused by Officer Vasquez</li> <li>▪ OIG sets up sting operation on 3/20/2002. OIG agents positioned in closet with video camera</li> <li>▪ Sanchez-Luna alleges that oral sex with Sanchez occurs that evening while OIG agents are recording in closet</li> <li>▪ No effort is made to stop the oral sex</li> <li>▪ Vasquez eventually pleads guilty</li> </ul> </li> <li>• 8th Amendment</li> <li>• 5th Amendment</li> <li>• FTCA</li> </ul>


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Topic	Speaking Points
	<ul style="list-style-type: none"> <li>▪ Assault and Battery</li> <li>▪ Negligent Failure to Prevent Assault and Battery</li> <li>▪ Negligent infliction of emotional distress</li> <li>▪ Intentional infliction of emotional distress</li> <li>• Case was settled on behalf of offender</li> <li>• Lesson Learned <ul style="list-style-type: none"> <li>▪ When conducting undercover operations, must ensure that you are in a position to prevent or stop additional sexual conduct from occurring</li> </ul> </li> </ul>
<p><b>Edge v. Ferrell, 2008 WL 942038 (S.D.Ala. Apr. 7, 2008)</b></p> 	<ul style="list-style-type: none"> <li>• Inmate struck deal to help in investigation to set up allegedly homosexual staff in exchange for being able to see former nurse employee who he married after she divorced her husband</li> <li>• Investigators allowed inmate to have sex 2x with staff and taped it</li> <li>• No constitutional violation</li> <li>• What not to do</li> </ul>
<p><b>Foley-Clark v. U.S. No. C- 00-4056 (PJH) (N.D. Cal. 2002)</b></p> 	<ul style="list-style-type: none"> <li>• Inmate reports misconduct of staff.</li> <li>• Post-apprehension, locked in hole and given option of being in segregation or moved to more restrictive setting</li> <li>• Chose to remain in general population at FCI Dublin</li> <li>• Harassed and threatened by other officers and inmates</li> <li>• After her release, OIG attempted to give inmate reward \$, which she characterized as “hush money”</li> <li>• Legal Claims <ul style="list-style-type: none"> <li>▪ Fifth Amendment</li> <li>▪ 8th Amendment</li> <li>▪ Negligent hiring, training, retaining and supervision</li> <li>▪ Assault</li> <li>▪ Battery</li> <li>▪ False Imprisonment</li> <li>▪ Intentional infliction of emotional distress</li> </ul> </li> <li>• Result <ul style="list-style-type: none"> <li>▪ Claims for assault, battery, false imprisonment and intentional infliction of emotional distress as to</li> </ul> </li> </ul>

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Topic	Speaking Points
	<p>government allowed to proceed to trial.</p> <ul style="list-style-type: none"> <li>▪ Issue was voluntariness of inmate's consent.</li> <li>▪ Case settled on the eve of trial.</li> </ul> <ul style="list-style-type: none"> <li>• Lessons Learned <ul style="list-style-type: none"> <li>▪ Must check the background of cooperating individuals for particular vulnerabilities <ul style="list-style-type: none"> <li>✓ Mental health issue</li> <li>✓ Past history of sexual and physical abuse</li> </ul> </li> <li>▪ Even if inmates claims to consent, have to be very mindful of perceived pressure to agree</li> <li>▪ Courts routinely assume lack of ability to consent in penal setting</li> <li>▪ Must protect cooperating individual before, during and after the incident</li> </ul> </li> </ul>
<p><b>Cane v. Lappin, 3:04 CV 00912 (SRU) (U.S. D.C. Conn.)</b></p> 	<ul style="list-style-type: none"> <li>• Facts <ul style="list-style-type: none"> <li>▪ Inmate Cane was incarcerated at FCI Danbury</li> <li>▪ CO Johnson subject to multiple investigations prior to incident September 2001</li> <li>▪ Assigned to posts with unsupervised contact with women inmates</li> <li>▪ Cane reported sexual abuse to drug counselor</li> <li>▪ Didn't want to report incident to investigative authorities because she didn't want to lose drug treatment spot</li> </ul> </li> <li>• Results <ul style="list-style-type: none"> <li>▪ Staff told her <ul style="list-style-type: none"> <li>✓ not to report</li> <li>✓ no confidentiality</li> </ul> </li> <li>▪ Not surprised by assailant</li> <li>▪ Investigator told they had a thick file on Johnson</li> <li>▪ Alleges retaliation from drug treatment counselor after report Case settled.</li> </ul> </li> <li>• Lessons Learned <ul style="list-style-type: none"> <li>▪ Major problems with the case <ul style="list-style-type: none"> <li>✓ long track record of the perpetrator</li> <li>✓ Perpetrator had been the subject of numerous, previous investigations by both OIG and BOP.</li> <li>✓ Investigations had been unsubstantiated</li> <li>✓ prosecution declined several times</li> <li>✓ when all of the previous allegations were</li> </ul> </li> </ul> </li> </ul>

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Topic	Speaking Points
	<p>aggregated, did not look good for the government.</p> <ul style="list-style-type: none"> <li>▪ Lesson <ul style="list-style-type: none"> <li>✓ make every effort to get offenders, particularly repeat offenders, out of the system at earliest possible point</li> <li>✓ If can't make criminal case look for an administrative avenue.</li> </ul> </li> </ul>
<p><b>Peddle v. Sawyer, No. 3:98cv2364 (WWE)(U.S. D.C. Conn. 1999)</b></p> 	<ul style="list-style-type: none"> <li>• Facts <ul style="list-style-type: none"> <li>▪ Peddle incarcerated at FCI Danbury</li> <li>▪ Inmate had serious history of physical and sexual abuse</li> <li>▪ Officer Cephas had history of complaints for sexual misconduct, including incident outside of the prison in which he had exposed himself to a woman</li> <li>▪ Cephas was a senior officer who chose nighttime posting in Bridge Unit that housed vulnerable inmates like Peddle</li> <li>▪ Cephas obtained personal information about Peddle and her family and used it to coerce her into sex with him</li> <li>▪ Singled Peddle out for pat searches, targeted her for sexual coercion and abuse</li> <li>▪ Inmate told by Cephas and another officer not to tell about abuse</li> <li>▪ Alleges that other staff knew about abuse and covered for Cephas</li> <li>▪ Peddle had repeatedly denied sexual contact with Cephas</li> <li>▪ OIG set up sting to try to catch Cephas in act</li> <li>▪ Relied on Peddle's cell mate to notify OIG investigators that Peddle had left cell in middle of the night</li> <li>▪ Investigators waiting for cell mate's call at local police station</li> <li>▪ Cell mate fails to call</li> <li>▪ OIG agents confront Peddle and Cephas early the next morning</li> <li>▪ Peddle admits to contact and produces towel containing Cephas' semen</li> <li>▪ Cephas convicted of sexual abuse of a ward.</li> </ul> </li> <li>• Result</li> </ul>

**REMEMBER:** Speaking notes are written in *red italics* and notes to the instructor are written in *180 blue italics*. Points in black are information from the PowerPoint slide for your reference.

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Topic	Speaking Points
	<ul style="list-style-type: none"> <li>▪ Case settled</li> <li>▪ Primary vulnerabilities from government perspective were Cephas' history and failure of the sting operation</li> <li>• Lessons Learned               <ul style="list-style-type: none"> <li>▪ When devising sting operations be aware of possible failures and vulnerabilities and try to plan around them</li> </ul> </li> </ul>
<b>Areas of Vulnerability</b> 	<ul style="list-style-type: none"> <li>• Targets with multiple complaints</li> <li>• Targets with a number of inconclusive investigations</li> <li>• Targets allowed to continue working with likely victims</li> <li>• Victim denials and unwillingness to cooperate               <ul style="list-style-type: none"> <li>▪ Fear of retaliation</li> <li>▪ Fear of loss of programming/longer sentences</li> <li>▪ History of abuse</li> </ul> </li> <li>• Getting strong evidence in these very intimate interactions</li> </ul>
<b>Bottom Line</b> 	<ul style="list-style-type: none"> <li>• Investigators can be held liable</li> <li>• Investigators can insulate agency from liability by their actions</li> <li>• Investigations are critical to agency efforts to address sexual abuse in custody</li> </ul>

**REMEMBER:** Speaking notes are written in *red italics* and notes to the instructor are written in *blue italics*. Points in black are information from the PowerPoint slide for your reference.

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## **Unanswered Questions, Action Plan Reports and Wrap Up**

**REMEMBER:** Speaking notes are written in *red italics* and notes to the instructor are written in *blue italics*. Points in black are information from the PowerPoint slide for your reference.

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Topic	Speaking Points
Answering Unanswered Questions	<p><i>Before we move on to our last activity, I'd like to take a few minutes to check our critical issues list we have had on the wall all week, as well as answer any other questions you might have.</i></p> <p><i>Check off Critical Issues you have discussed and see what remains—ask participants if they need or want to discuss those items not checked off.</i></p> <p><i>Summarize the resolution of any major issues from the week.</i></p>
Action Plan Report Outs	<p><i>Have teams do presentations. Be engaged and have other participants as well as other faculty ask questions.</i></p>
Wrap up	<ul style="list-style-type: none"> <li>• <i>Wrap up</i></li> <li>• <i>Recap discussions from week</i></li> <li>• <i>Evaluations</i></li> <li>• <i>Certificates</i></li> <li>• <i>Thank participants</i></li> <li>• <i>Remind of resources for further assistance</i></li> </ul>

**REMEMBER:** Speaking notes are written in *red italics* and notes to the instructor are written in *blue italics*. Points in black are information from the PowerPoint slide for your reference.

# Appendix

## Investigating Allegations of Staff Sexual Misconduct with Offenders Pre/ Post-test

---

Name \_\_\_\_\_

Title \_\_\_\_\_

Jurisdiction \_\_\_\_\_

Date \_\_\_\_\_

---

Prior to participating in this training program, we request that you take this pre-test, which has been designed to assess your knowledge of PREA and the issue of staff sexual misconduct with offenders. Please read each question carefully and select the answer you feel is most correct.

---

**1. What is the purpose of the Prison Rape Elimination Act (PREA)?**

- a) Establish a “zero-tolerance” standard for the incidence of prison rape
- b) Make the prevention of prison rape a top priority in each prison system
- c) Develop and implement national standards for the detection, prevention, reduction and punishment of prison rape
- d) Increase the availability of data and information on the incidence of prison rape
- e) All of the above

**2. [T/F] Local jails, police lock-ups, and juvenile facilities are covered under PREA legislation.**

- a) True
- b) False

**3. Which is not a barrier to prosecuting cases of staff sexual misconduct?**

- a) Witness reliability
- b) Resources
- c) Lack of experience
- d) Lack of prison facilities

**4. Agency leadership can change institutional culture by \_\_\_\_\_.**

- a) Establishing a vision, redefining the issue, hiring a SANE, educating inmates
- b) Establishing a vision, redefining the issue, consulting defense counsel, educating inmates
- c) Establishing a vision, redefining the issue, educating staff, educating inmates
- d) None of the above

**5. [T/F] Correctional agencies and officials can be held liable for failure to train, supervise, investigate, and discipline personnel under their cognizance in their municipal and official capacities.**

- a) True
- b) False

**6. [T/F] There is no need to train corrections staff on PREA policy.**

- a) True
- b) False

**7. According to Bureau of Justice Statistics (BJS) Definitions, which are acceptable investigative report dispositions?**

- a) Substantiated, Closed, Unsubstantiated, Unfounded
- b) Substantiated, Investigation on-going, Unsubstantiated, Unfounded
- c) Closed, Investigation on-going, Unsubstantiated, Unfounded
- d) Investigation on-going, Proceeding, Unsubstantiated, Unfounded
- e) None of the above

**8. Which can be used to corroborate incidents of sexual misconduct?**

- a) Rape kits
- b) Eye or ear witnesses
- c) Physical evidence
- d) Rape reports
- e) All of the above

**9. [T/F] Staff cannot be punished if they do not report incidents of staff sexual misconduct.**

- a) True
- b) False

**10. Who should be included in the process to develop agency investigative policy?**

- a) Law enforcement, Victim advocates, Sexual assault treatment center, EMS, Prosecutors
- b) Defense counsel, Law enforcement, Sexual assault treatment center, EMS, Prosecutors
- c) Law enforcement, Media, Sexual assault treatment center, EMS, Prosecutors
- d) Defense Counsel, Victim advocates, Sexual assault treatment center, EMS, Prosecutors

**13. What are three important factors in dealing with media in today's environment?**

- a) Build Partnership, Build Trust, Reputations means everything
- b) Deny, No response, Provide vague information
- c) Admit guilt, Ensure PIO is kept in the dark, Keep everything inside the facility
- d) None of the above

**12. What area of correctional agency operations can be used to evaluate investigative policy effectiveness?**

- a) Prosecution outcomes
- b) Source of allegations
- c) Timelines to conclusions
- d) Timeliness of allegations
- e) All of the above

**13. Which are strategies that can be used to deal with a reticent prosecutor?**

- a) Involve the media, Be responsive, Follow-up regularly
- b) Get them involved early, Be responsive, Follow-up regularly
- c) Do not discuss possible weaknesses in case, Be responsive, Follow-up regularly
- d) Only involve them when investigation is complete, Be responsive, Follow-up regularly
- e) None of the above

**14. Which are types of legal liability?**

- a) Municipal, Financial, Personal, Individual
- b) Municipal, Agency, Personal, Individual
- c) Agency, Financial, Individual, Personal
- d) Municipal, Personal, Individual, Official
- e) None of the above

**15. Which is an area of vulnerability when investigating staff sexual misconduct?**

- a) Getting strong evidence in these very intimate interactions
- b) Targets with multiple complaints
- c) Targets with a number of inconclusive investigations
- d) Victim denials and unwillingness to cooperate
- e) All of the above

**16. Which is a common reason investigations fail?**

- a) Timing and Pace of the investigation
- b) Distrust of investigators
- c) Poorly trained investigators
- d) All of the above
- e) Both A and C

**17. In a correctional setting, which groups are considered vulnerable victims of sexual abuse?**

- a) Gay and transgendered, the mentally ill, those with limited language ability, visitors
- b) Juveniles, the mentally ill, those with limited language ability, visitors
- c) Gay and transgendered, the mentally ill, those with limited language ability, Juveniles
- d) Investigators, the mentally ill, those with limited language ability, Juveniles
- e) None of the above

**18. [T/F] Institutional culture affects sexual misconduct investigations.**

- a) True
- b) False

**19. The \_\_\_\_\_ warning provides that if an employee is compelled to answer questions as a condition of employment, the employee's answers and the “fruits” of the answers may not be used against the employee in a subsequent criminal prosecution.**

- a) Weingarten
- b) Garrity
- c) Kalkines
- d) Miranda
- e) None of the above

**20. [T/F] Sexual Assault Nurse Examiners (SANE) can be used to collect DNA evidence.**

- a) True
- b) False

## TRAINING COURSE EVALUATION

### *Investigating Allegations of Staff Sexual Misconduct with Offenders*

The National Institute of Corrections and American University's Washington College of Law take seriously the quality of its Project that addresses prison rape. In order for us to continually monitor the quality of our Project, we ask that you take a few minutes to complete this training course evaluation. Your input will help us understand the impact of our training efforts, and inform us of areas which may need improvement.

#### What is your agency affiliation?

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Federal Prison     | <input type="checkbox"/> Community         | <input type="checkbox"/> Native American |
| <input type="checkbox"/> State Prison       | Corrections                                | Territory                                |
| <input type="checkbox"/> Jail (County/City) | <input type="checkbox"/> Juvenile Facility | <input type="checkbox"/> Other: _____    |

#### Does your agency house male, female or both?

- |                              |                                |                               |
|------------------------------|--------------------------------|-------------------------------|
| <input type="checkbox"/> Men | <input type="checkbox"/> Women | <input type="checkbox"/> Both |
|------------------------------|--------------------------------|-------------------------------|

#### What is your professional status?

- |  |  |
|--|--|
| <input type="checkbox"/> <b>Executive:</b> Commissioner, Deputy Commissioner, Secretary, Assistant Secretary, Director, Assistant Director, Jail Administrator, etc. | <input type="checkbox"/> <b>Supervisory Staff:</b> Colonel, Major, Captain, Sergeant, etc.                             |
| <input type="checkbox"/> <b>Facility Administrator:</b> Warden, Deputy Warden, Commander, Deputy Commander, Director, Superintendent, Lieutenant, etc.               | <input type="checkbox"/> <b>Law Enforcement:</b> Sheriff, Deputy Sheriff, Road Deputy, etc.                            |
| <input type="checkbox"/> <b>Investigations:</b> Internal Affairs, Investigator, Inspector General, Special Agent, etc.   | <input type="checkbox"/> <b>Legal/Advocacy:</b> Attorney, Counsel, EEO, Psychologist, Victim Advocate, Prosecutor etc. |
|  | <input type="checkbox"/> <b>Other Personnel:</b> Human Resources, Training, PREA Coord. Medical, Food Service, etc.    |
|  | <input type="checkbox"/> <b>Line Staff</b>   |
|  | <input type="checkbox"/> <b>Other:</b> _____   |

#### How long have you worked in/with the corrections field?

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Less than 3 years | <input type="checkbox"/> 11 to 20 years     | <input type="checkbox"/> Not applicable |
| <input type="checkbox"/> 3 to 5 years      | <input type="checkbox"/> 21 to 30 years     |   |
| <input type="checkbox"/> 6 to 10 years     | <input type="checkbox"/> More than 31 years |   |

#### How long have you worked at your current agency?

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Less than 3 years | <input type="checkbox"/> 11 to 20 years     | <input type="checkbox"/> Not applicable |
| <input type="checkbox"/> 3 to 5 years      | <input type="checkbox"/> 21 to 30 years     |   |
| <input type="checkbox"/> 6 to 10 years     | <input type="checkbox"/> More than 31 years |   |



*Curriculum: Investigating Allegations of Staff Sexual Misconduct with Offenders*  
*Evaluation*  
*NIC/WCL Project on Addressing Prison Rape*

**Module 1: Training Objectives**

**Instructor:**

	Poor	Fair	Satisfactory	Good	Excellent
The instructor was knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The instructor was prepared and organized for the module.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The instructor was responsive to participants' needs and questions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The information was relevant to my job.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Comments:**

**Module 2: Overview and Update- The Prison Rape Elimination Act of 2003**

**Instructor:**

	Poor	Fair	Satisfactory	Good	Excellent
The instructor was knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The instructor was prepared and organized for the module.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The instructor was responsive to participants' needs and questions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The information was relevant to my job.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Comments:**

**Module 3: State Laws & Investigations**

**Instructor:**

	Poor	Fair	Satisfactory	Good	Excellent
The instructor was knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The instructor was prepared and organized for the module.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The instructor was responsive to participants' needs and questions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The information was relevant to my job.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Comments:**

*Curriculum: Investigating Allegations of Staff Sexual Misconduct with Offenders*  
*Evaluation*  
*NIC/WCL Project on Addressing Prison Rape*

**Module 4: Agency Culture**

**Instructor:**

	Poor	Fair	Satisfactory	Good	Excellent
The instructor was knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The instructor was prepared and organized for the module.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The instructor was responsive to participants' needs and questions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The information was relevant to my job.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Comments:**

**Module 5: Action Planning**

**Instructor:**

	Poor	Fair	Satisfactory	Good	Excellent
The instructor was knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The instructor was prepared and organized for the module.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The instructor was responsive to participants' needs and questions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The information was relevant to my job.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Comments:**

**Module 6: Training for Investigators in a Correctional Setting**

**Instructor:**

	Poor	Fair	Satisfactory	Good	Excellent
The instructor was knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The instructor was prepared and organized for the module.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The instructor was responsive to participants' needs and questions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The information was relevant to my job.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Comments:**



*Curriculum: Investigating Allegations of Staff Sexual Misconduct with Offenders*  
*Evaluation*  
*NIC/WCL Project on Addressing Prison Rape*

**Module 7: Investigative Policy**

**Instructor:**

	Poor	Fair	Satisfactory	Good	Excellent
The instructor was knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The instructor was prepared and organized for the module.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The instructor was responsive to participants' needs and questions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The information was relevant to my job.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Comments:**

**Module 8: Operational Practices**

**Instructor:**

	Poor	Fair	Satisfactory	Good	Excellent
The instructor was knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The instructor was prepared and organized for the module.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The instructor was responsive to participants' needs and questions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The information was relevant to my job.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Comments:**

**Module 9: Investigative Techniques**

**Instructor:**

	Poor	Fair	Satisfactory	Good	Excellent
The instructor was knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The instructor was prepared and organized for the module.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The instructor was responsive to participants' needs and questions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The information was relevant to my job.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Comments:**

*Curriculum: Investigating Allegations of Staff Sexual Misconduct with Offenders*  
*Evaluation*  
*NIC/WCL Project on Addressing Prison Rape*

**Module 10: DNA and Medical Health Care**

**Instructor:**

	Poor	Fair	Satisfactory	Good	Excellent
The instructor was knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The instructor was prepared and organized for the module.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The instructor was responsive to participants' needs and questions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The information was relevant to my job.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Comments:**

**Module 11: Victimization and Mental Health Care**

**Instructor:**

	Poor	Fair	Satisfactory	Good	Excellent
The instructor was knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The instructor was prepared and organized for the module.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The instructor was responsive to participants' needs and questions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The information was relevant to my job.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Comments:**

**Module 12: Media**

**Instructor:**

	Poor	Fair	Satisfactory	Good	Excellent
The instructor was knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The instructor was prepared and organized for the module.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The instructor was responsive to participants' needs and questions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The information was relevant to my job.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Comments:**

**Module 13: The Role of Prosecutors in Cases of Staff Sexual Misconduct**

**Instructor:**

	Poor	Fair	Satisfactory	Good	Excellent
The instructor was knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The instructor was prepared and organized for the module.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The instructor was responsive to participants' needs and questions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The information was relevant to my job.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Comments:**

**Module 14: Human Resource Issues in Investigations of Staff Sexual Misconduct**

**Instructor:**

	Poor	Fair	Satisfactory	Good	Excellent
The instructor was knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The instructor was prepared and organized for the module.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The instructor was responsive to participants' needs and questions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The information was relevant to my job.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Comments:**

**Module 15: Legal Liability and Investigations**

**Instructor:**

	Poor	Fair	Satisfactory	Good	Excellent
The instructor was knowledgeable about the subject matter.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The instructor was prepared and organized for the module.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The instructor was responsive to participants' needs and questions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The information was relevant to my job.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Comments:**

**Please select the phrase that best describes the scope of the training material.**

- ☐ The scope of the material was too broad.
- ☐ The scope of the material was too narrow.
- ☐ The scope of the material was appropriate.

**Please select the training module you feel was most helpful to your understanding of “Investigating Allegations of Staff Sexual Misconduct.” (Select One)**

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Training Objectives        | <input type="checkbox"/> Investigative Policy            | <input type="checkbox"/> PREA Standards                             |
| <input type="checkbox"/> PREA                       | <input type="checkbox"/> Operational Practices           | <input type="checkbox"/> The Role of Prosecutors                    |
| <input type="checkbox"/> State Laws                 | <input type="checkbox"/> Investigative Technique         | <input type="checkbox"/> Media                                      |
| <input type="checkbox"/> Agency Culture             | <input type="checkbox"/> DNA & Medical Care              | <input type="checkbox"/> Human Resources & Administrative Sanctions |
| <input type="checkbox"/> Action Planning            | <input type="checkbox"/> Victimization and Mental Health | <input type="checkbox"/> Legal Liability                            |
| <input type="checkbox"/> Training for Investigators |  | <input type="checkbox"/> Group Activities and Exercises             |

**Please select the training module you feel was least helpful to your understanding of “Investigating Allegations of Staff Sexual Misconduct.” (Select One)**

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Training Objectives        | <input type="checkbox"/> Investigative Policy            | <input type="checkbox"/> PREA Standards                             |
| <input type="checkbox"/> PREA                       | <input type="checkbox"/> Operational Practices           | <input type="checkbox"/> The Role of Prosecutors                    |
| <input type="checkbox"/> State Laws                 | <input type="checkbox"/> Investigative Technique         | <input type="checkbox"/> Media                                      |
| <input type="checkbox"/> Agency Culture             | <input type="checkbox"/> DNA & Medical Care              | <input type="checkbox"/> Human Resources & Administrative Sanctions |
| <input type="checkbox"/> Action Planning            | <input type="checkbox"/> Victimization and Mental Health | <input type="checkbox"/> Legal Liability                            |
| <input type="checkbox"/> Training for Investigators |  | <input type="checkbox"/> Group Activities and Exercises             |

**Was the course material appropriate for the professional level of students selected to attend this course?**

- ☐ Yes
- ☐ No

**Would you recommend this course to other individuals affiliated with the Department of Corrections?**

- ☐ Yes
- ☐ No

**Please select the phrase that best describes the pre/post-test.**

- ☐ The pre/post-test was too easy.
- ☐ The pre/post-test was too difficult.
- ☐ The pre/post-test was appropriate.

**Please select the phrase that best describes the logistical arrangements for the training program.**

- ☐ The logistical arrangements were outstanding.
- ☐ The logistical arrangements were satisfactory.
- ☐ The logistical arrangements were unsatisfactory.

**How would you rate the classroom environment?**

- ☐ Very comfortable
- ☐ Comfortable
- ☐ Not comfortable

**What suggestions do you have for improvement of this training program?**

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**May we contact you to participate in an ongoing training program evaluation?**

- ☐ Yes
- ☐ No

**Name:** \_\_\_\_\_

**Phone No:** \_\_\_\_\_

**E-mail Address:** \_\_\_\_\_

***Thank you for taking the time to help us monitor the quality of our training***