

1 Mr. Saucier.

2 MR. SAUCIER: Thank you. On behalf of
3 Commissioner Kathleen Dennehy from Massachusetts,
4 it's a great honor to have been asked by the
5 Commission and to describe to you the investigative
6 measures that have been adopted by the Mass.
7 Department of Corrections in regards to sexual
8 assaults.

9 Several decades ago the Mass. Department of
10 Correction had developed an Interperimeter Security
11 Team. These teams were assigned to each and every
12 institution that we have. Their purpose,
13 primarily, is to investigate inmate incidents that
14 occur. However, back around 1995, a group of these
15 investigators were trained by the state police.
16 The purpose of the training was to appropriately
17 investigate sexual assaults that occur within the
18 prison setting.

19 These investigators, in fact, were sort of
20 hand picked. The reason that they were picked is
21 because we felt that their personalities were good
22 for that particular job. We felt they could be

1 empathetic to the inmates and, ultimately, they
2 could produce a good final report of one is needed.

3 In addition to the Interperimeter Security
4 Team, we also have the Office of Investigative
5 Services, which I am part of. And primarily their
6 responsibility is to conduct staff investigations
7 for staff issues. However, they are also utilized
8 to consult from the IPS Team if needed, and to
9 assist in any shape or form. And they will also
10 respond to the institution if the Interperimeter
11 Security Team needs them there.

12 When a complaint is generated, whether it be
13 written or verbal, the initial responder is going
14 to be the IPS officer. A lead investigator is
15 assigned to the case. His primary responsibility
16 is to make sure that the crime scene is taken care
17 of and that the alleged victim is also escorted to
18 the Health Services Unit for proper treatment,
19 whether it be physical or mental health if that's
20 needed.

21 Additionally, they would also contact the
22 Office for Investigative Services and let us know

1 if they need any assistance. And normally that
2 assistance comes in the form of notifying the Mass.
3 State Police who are assigned to the District
4 Attorney's Office who assist us graciously. And
5 they actually do an outstanding job for us. We
6 normally will use them for crime scene photography
7 as well as crime scene analysis. That's their
8 expertise and that's who we go to to utilize them
9 for.

10 Obviously, the physical and mental health of
11 the victim, alleged victim, is very important to
12 us. And we have established an arrangement with
13 Beth Israel Hospital in Boston to take these
14 inmates after they've been initially triaged from
15 our Health Service Unit to Beth Israel to be
16 further analyzed, whether it be physical or mental
17 assessment. And in that time span, during the
18 transport, it's very important that we make sure
19 one of our investigators goes along with the
20 inmates. Reasons being, obviously statements that
21 might be made, physical evidence that has to be
22 collected, et cetera. Beth Israel Hospital is a

1 facility that does the sexual assault rape kit for
2 us, which is taken by the investigator back to the
3 institution, properly stored and refrigerated until
4 they're allowed to get to the Sugbury Lab, which is
5 the state police lab, that does our analysis for
6 any DNA evidence. And that's an issue I'll discuss
7 with you in a few moments because it had been a
8 problem for us in the past.

9 In regards to other investigative measures,
10 interviews are extremely important. And it is a
11 very, very tedious job; however, it is very
12 important for the investigators at the institution
13 to get involved. And they will interview -- if the
14 incident occurs in a block, they will interview
15 every inmate who is in that particular area. They
16 will receive a statement from them. Whether or not
17 they want to speak to us, every inmate is taken
18 into a room and at least they will stay in that
19 room for a set amount of time, a couple of minutes.
20 And whether or not they want to speak to us, it
21 doesn't matter; however, they're all treated the
22 same. Hopefully, they make statements that can be

1 utilized later on.

2 Also, all the staff members who were assigned
3 to that unit, staff members that have contact with
4 the inmate, could be counselors, could be mental
5 health staff, could be health service staff, the
6 officers that work the block that might have
7 noticed a behavioral change in the particular
8 victim, they're interviewed as well. We even may
9 reach out to family members.

10 Other issues that we are looking into
11 obviously are going to be the telephone calls that
12 are monitored. We would, obviously, be interested
13 in what the alleged victim, as well as the alleged
14 perpetrator, is saying on the telephone. We will
15 monitor mail of the both the alleged victim, as
16 well as the alleged perpetrator. We will also look
17 at whatever video we have.

18 I am the polygraph examiner for the
19 department. We have probably underutilized
20 polygraph in regards to our investigations;
21 however, we have used it to determine the
22 credibility of, sometimes, the victim.

1 We all know that victims do fabricate
2 information; however, it's up to the investigator
3 to determine why and to make sure that the inmate
4 understands that that may not be the way to get
5 exactly what he's looking for, whether it be a
6 transfer or a change in housing unit.

7 During the investigative process, a District
8 Attorney is usually assigned via the Mass. State
9 Police who are assisting us in the case. And we
10 would like to always keep him abreast of what's
11 going on during the investigation. For the most
12 part, they utilize our reports; however, there have
13 been occasions where the State Police do join us in
14 the interview process and the entire investigative
15 process. That decision is usually made at some
16 point during the investigation.

17 I would say that in regards to the cooperation
18 of outside law enforcement, the State Police have
19 been extremely helpful to us. The District
20 Attorneys, we have to deal with different counties
21 because we do have 18 different facilities. It's
22 been a very difficult situation at times. The

1 district that I deal with is primarily Plymouth
2 County. I've had a 16-year relationship with them.
3 That has been a very good relationship to the point
4 where they will do anything for us. Other than
5 that, some other counties probably aren't as
6 helpful to us in providing us assistance. And
7 that's something that hopefully can be looked at
8 any, maybe, this Commission can address that issue.

9 As far as the hearings that are taking place,
10 arbitration, civil service, I end up testifying at
11 those hearings. And I will tell you that it is a
12 beyond a reasonable doubt standard. It's not just
13 a preponderance of evidence any more. I am
14 convinced of that.

15 Bringing an inmate in to an arbitration
16 hearing or to a civil service hearing is difficult.
17 It's difficult for the inmate at the last minute
18 because they know that they're going to be there by
19 themselves and have to go back to the institution.
20 They're not very cooperative in coming to these
21 hearings. In court it's a different story because
22 we can more less make sure that they get to court.

1 As far as our success, one of the more serious
2 incidents that have occurred, occurred in MCI
3 Framingham back in 1998 where a correctional
4 officer, in fact, sexually assaulted two female
5 inmates. That incident happened in 1998. He was
6 successfully prosecuted and was committed in 2001.
7 He was sentenced to three years and a day.

8 We just had another case from MCI Garden.
9 That incident occurred in 222 -- 2004. This
10 individual was found not guilty. My opinion is
11 there was plenty of evidence available to find the
12 officer guilty; however, based on the testimony the
13 inmate gave, I think the jury decided that they
14 didn't have enough.

15 Other issues that we have aggressively,
16 aggressively gone after, our staff on staff sexual
17 abuse as well. And this past year, we actually
18 have convicted two staff members in regards to
19 that. All sexual assaults are treated the same.
20 Unions, I have not had any issues primarily with
21 the unions; however, I do think that they impede
22 some of our investigations that we conduct. And by

1 that I mean as soon as they walk out of the room,
2 even though we warn them and we order them not to
3 discuss any of the questions or the subject matter
4 of the investigation, there's no guarantee. In my
5 opinion, they do talk about it. So by the time the
6 next witness comes in the room, he's already been
7 briefed on the situation and making our job much
8 more difficult.

9 Normally, when the State Police assist us in
10 those cases, they have an option and their option
11 is not to even have a union representative present
12 because it's a criminal investigation and I notice
13 a big difference when the State Police are involved
14 in the interview process, but we can't have that
15 all the time. We have to do it ourselves.

16 I strongly believe that the concerted effort,
17 the team effort that we've taken in Massachusetts,
18 has improved our investigative process in regards
19 to sexual assaults. I will tell you that since the
20 incident with John Gaygan and the transformation of
21 the investigative unit, we have complaints coming
22 in all the time about everything. Inmates are not

1 afraid to tell us what's going on, which I notice
2 is a large difference.

3 The code of silence in Massachusetts, it's
4 taking a long time. I think that is improving. In
5 the cases that I was involved with, we were forced
6 to have some of the staff members testify. They
7 did. They did willingly. And I would say that ten
8 years ago when I first started doing internal
9 investigations that would not have occurred.

10 Thank you.

11 THE CHAIRMAN: Thank you also very much.

12 You mentioned the code of silence. Do you
13 think that internal investigative bodies can be
14 adversely affected in that same regard?

15 MR. SAUCIER: I would say they could be,
16 yes.

17 THE CHAIRMAN: Well, I'm going to briefly
18 interrupt the questioning of you since we are
19 fortunate to have Congressman Conyers here. This
20 is his district and we, obviously, welcome his
21 presence. He's a long-term member of Congress.
22 And, Congressman, would you like to come forward