Mr. Saucier.

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

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

These investigators, in fact, were sort of hand picked. The reason that they were picked is because we felt that their personalities were good for that particular job. We felt they could be
empathetic to the inmates and, ultimately, they could produce a good final report of one is needed.

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

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

Additionally, they would also contact the Office for Investigative Services and let us know
if they need any assistance. And normally that
assistance comes in the form of notifying the Mass.
State Police who are assigned to the District
Attorney's Office who assist us graciously. And
they actually do an outstanding job for us. We
normally will use them for crime scene photography
as well as crime scene analysis. That's their
expertise and that's who we go to to utilize them
for.

Obviously, the physical and mental health of
the victim, alleged victim, is very important to
us. And we have established an arrangement with
Beth Israel Hospital in Boston to take these
inmates after they've been initially triaged from
our Health Service Unit to Beth Israel to be
further analyzed, whether it be physical or mental
assessment. And in that time span, during the
transport, it's very important that we make sure
one of our investigators goes along with the
inmates. Reasons being, obviously statements that
might be made, physical evidence that has to be
collected, et cetera. Beth Israel Hospital is a
facility that does the sexual assault rape kit for
us, which is taken by the investigator back to the
institution, properly stored and refrigerated until
they're allowed to get to the Sugbury Lab, which is
the state police lab, that does our analysis for
any DNA evidence. And that's an issue I'll discuss
with you in a few moments because it had been a
problem for us in the past.

In regards to other investigative measures,
interviews are extremely important. And it is a
very, very tedious job; however, it is very
important for the investigators at the institution
to get involved. And they will interview -- if the
incident occurs in a block, they will interview
every inmate who is in that particular area. They
will receive a statement from them. Whether or not
they want to speak to us, every inmate is taken
into a room and at least they will stay in that
room for a set amount of time, a couple of minutes.
And whether or not they want to speak to us, it
doesn't matter; however, they're all treated the
same. Hopefully, they make statements that can be
Also, all the staff members who were assigned to that unit, staff members that have contact with the inmate, could be counselors, could be mental health staff, could be health service staff, the officers that work the block that might have noticed a behavioral change in the particular victim, they're interviewed as well. We even may reach out to family members.

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

I am the polygraph examiner for the department. We have probably underutilized polygraph in regards to our investigations; however, we have used it to determine the credibility of, sometimes, the victim.
We all know that victims do fabricate information; however, it's up to the investigator to determine why and to make sure that the inmate understands that that may not be the way to get exactly what he's looking for, whether it be a transfer or a change in housing unit.

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

I would say that in regards to the cooperation of outside law enforcement, the State Police have been extremely helpful to us. The District Attorneys, we have to deal with different counties because we do have 18 different facilities. It's been a very difficult situation at times. The
district that I deal with is primarily Plymouth County. I've had a 16-year relationship with them. That has been a very good relationship to the point where they will do anything for us. Other than that, some other counties probably aren't as helpful to us in providing us assistance. And that's something that hopefully can be looked at any, maybe, this Commission can address that issue.

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

Bringing an inmate in to an arbitration hearing or to a civil service hearing is difficult. It's difficult for the inmate at the last minute because they know that they're going to be there by themselves and have to go back to the institution. They're not very cooperative in coming to these hearings. In court it's a different story because we can more less make sure that they get to court.
As far as our success, one of the more serious incidents that have occurred, occurred in MCI Framingham back in 1998 where a correctional officer, in fact, sexually assaulted two female inmates. That incident happened in 1998. He was successfully prosecuted and was committed in 2001. He was sentenced to three years and a day.

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

Other issues that we have aggressively, aggressively gone after, our staff on staff sexual abuse as well. And this past year, we actually have convicted two staff members in regards to that. All sexual assaults are treated the same. Unions, I have not had any issues primarily with the unions; however, I do think that they impede some of our investigations that we conduct. And by
that I mean as soon as they walk out of the room, even though we warn them and we order them not to discuss any of the questions or the subject matter of the investigation, there's no guarantee. In my opinion, they do talk about it. So by the time the next witness comes in the room, he's already been briefed on the situation and making our job much more difficult.

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

I strongly believe that the concerted effort, the team effort that we've taken in Massachusetts, has improved our investigative process in regards to sexual assaults. I will tell you that since the incident with John Gaygan and the transformation of the investigative unit, we have complaints coming in all the time about everything. Inmates are not
afraid to tell us what's going on, which I notice is a large difference.

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

Thank you.

THE CHAIRMAN: Thank you also very much.

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

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

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