Successfully Investigating Acquaintance Sexual Assault
A National Training Manual for Law Enforcement

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Meeting the Needs of Special Communities

Acknowledgments

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• Police Response to Crimes of Sexual Assault: A Training Curriculum." Written by Sharon M. Hunter, Bonnie R. Bentley Crewe, and Jamie L. Mills. Produced by the Connecticut Sexual Assault Crisis Services, Inc. Funded by Police Officer Standards and Training Council and STOP Violence Against Women Grant #VAW9606

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Special Communities

The word community has a variety of meanings. It can refer to a geographic location or it may refer to an identifiable population of individuals who share a common culture or geographic area. Communities can be based on religious beliefs, sexual orientation, ethnicity, occupation, physical disability and economic status. Most people belong to multiple communities and these affiliations can strongly influence the sexual assault victim's reaction to victimization and the special needs law enforcement must consider.

When investigating crimes of sexual assault, the best source of evidence available to the investigator is usually the victim. In addition, the most important opportunity to gather this evidence from the victim occurs during the victim interview. Thus, it is essential for law enforcement to have a strong understanding of the community they serve and the diverse populations within that community in order to assess the victim's needs.

Crimes of sexual assault can happen to anyone and is traumatic, regardless of the community the victim is a member. This chapter is not meant to be an exhaustive list of every community and culture police officers should be aware of when investigating sexual assault. In fact, there is no lesson that could possibly teach law enforcement about all the many diverse communities of our country. Instead the purpose of this chapter is to provide practical information and strategies that law enforcement can build upon and adapt to the communities they serve.

The information provided is meant to supplement the techniques discussed throughout this curriculum. Therefore this information serves to expand the investigator's understanding of victimology and prepare law enforcement for additional challenges to sexual assault investigation.

This section will be divided into two chapters. The purpose of the first chapter is to discuss the unique challenges commonly faced by law enforcement when serving specific geographic communities/settings. Characteristics and practical tips for dealing with the following communities are discussed:

- Urban communities
- Rural communities
- Communities with limited access to the public (i.e. American Indian Reservations, university campuses, & military bases)
The second chapter will discuss the needs of different communities within communities, more specifically we will focus on populations who are frequently "underserved" by the criminal justice system. It is the goal of this chapter to provide law enforcement with practical guidelines on how to better serve these communities and any member who becomes the victim of a sexual assault crime. The following populations will be addressed:

- Women of Color, Foreign-Born, and Non-English Speaking
- Gay and lesbian sexual assault victims
- Homeless victims of sexual assault
- Male victims of sexual assault
- Domestic Violence victims
- Elderly victims
- Sexual assault victims with disabilities, including the hearing and or visually impaired

This chapter will not address cases that involve sexual assault victims with developmental disabilities. These cases present unique challenges to the victim, the investigator and the criminal justice system. It is highly recommended that law enforcement agencies take the time to conduct an in-depth training for all officers on the many idiosyncrasies involved in investigating these cases.

For extensive materials on how to interview sexual assault victims with developmental disabilities and investigate these crimes, we suggest that you contact the following organization:

Spectrum Institute: Disability, Abuse and Personal Rights Project (DAPR) P.O. Box "T" Culver City, CA 90230-0490 ATTN: Nora J. Baladerian, Ph.D. 310-391-2420

**Chapter 1**

There are several aspects of a sexual assault victim’s experience that are of particular importance. Many of these aspects such as fear of doubt and blame contribute to a victim’s reluctance to share information with the police officer. (Refer to Victim Impact section for a complete discussion of victimology).

The purpose of this chapter is to discuss the different techniques law enforcement officers can utilize to alleviate some of the unique challenges faced by law enforcement who serve in specific geographic settings. These techniques will be helpful to law enforcement in developing and implementing appropriate policies and procedure that address supporting the sexual assault victims in their community. Some common examples of useful techniques include the following:

- Address any needs the victim may have concerning her safety and accommodations.
- Take the time to build a strong rapport with the victim.
• Allow the victim to communicate in terms that she understands. Let her tell her story from beginning to end.

• Always be respectful of the victim's cultural identity.

• Take the time to explain to the victim the entire process of the investigation and allow her to be a part of the decision making whenever possible.

• Establish a support network for the victim.

The techniques addressed above should not be new to the investigator and have been discussed throughout this curriculum as critical to both a successful investigation and to the recovery of victims of sexual assault. However, it is particularly important for investigators to address how these techniques should be applied according to the specific challenges a geographic setting may present to both the victim and the investigator.

The following is a discussion of some of the specific issues and considerations the investigator should take into account when serving in specific geographic settings. Again, this list is not exhaustive and should be developed by every law enforcement agency in order to meet the particular needs of their communities.

**Urban Communities**

Responding to the challenges of sexual assault within urban jurisdictions is reminiscent of "good news-bad news" stories. The "good news" is that there are usually more resources that may be brought to bear on the problems; the "bad news" is that there are almost always more problems than the resources available to address them. The main issue is planning a more efficient use of existing resources to create a victim-centered system.

**The Challenges**

• The magnitude of the sexual assault problem in urban areas, and the bureaucracies created to address sexual assault, result in a more complicated system. The system is more complicated not only for criminal justice system personnel assigned to sexual assault cases; it is also more complicated for the victim of sexual assault who often feels like she is more a case number than a person.

• In many cases a victim of a sexual assault is just another of perhaps hundreds or even thousands of cases. However, for many victims, it represents the single most traumatic event in their life. It is essential to a successful victim interview and investigation that the victim be reassured that her individual case is important.

**Overcoming the Challenges**

• The investigator should provide a quiet environment for the interview, away from crowded areas common at large police headquarters. For example, the officer may want to speak with the victim...
at her place of residence if possible, or simply find a quiet office space. Ask the victim where she would be most comfortable or for a location which is convenient for her.

• Explain to the victim in detail the process of the investigation and take time to answer her questions.

• Be honest with the victim! The investigator should inform the victim that although you handle other cases and may not be accessible at all times, her case is a priority and she will be updated throughout the investigation.

• The investigator can increase the level of service to these sexual assault victims by involving them in the decisions affecting their sexual assault cases whenever possible. Victims often claim they feel they have no control over the progress of their case.

• Many jurisdictions have victim advocates or legal advocates within the law enforcement agency to address some of the victim's concerns. This cooperation is extremely helpful in helping the victim through the investigation and her recovery process.

Rural Communities

Large geographic, sparsely populated areas in which certain communities serve as hubs for agriculture and commerce characterize rural jurisdictions. Populations are generally smaller and often the system developed to address sexual assault are less formal and lack resources available to their urban counterparts. Rural areas present their own unique challenges to both law enforcement and victims of sexual assault, especially in the case of non-stranger sexual assault.

It is no longer possible to believe that rural areas are safe from rape and even non-stranger sexual assault. In fact, violent crime in rural counties increased 53% in the fourteen years from 1983-1997 and in particular, forcible rape rose 7.4%. In addition, because we know that most sexual assault crimes are never reported to law enforcement, it should not be surprising that the most common type of sexual assault (i.e. non-stranger sexual assault) is also occurring in rural America and in fact remains a hidden and unidentified epidemic.

Unfortunately, rural settings may be considered conducive to sexual assault and non-stranger sexual assault especially. There are limited social opportunities, limited social partners, and limited transportation options. This puts rural women in situations that under other circumstances they might be able to avoid. It also gives them a false sense of security since they know almost everyone in a rurally unique way, sharing many commonalities.

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1This section is based on materials provided by Betty Royse of the Ending Violence Against Women Project, Colorado.
The Challenges

Rural victims of sexual assault face many obstacles, especially when reporting non-stranger sexual assault to law enforcement. This is reflected in the fact that the rural crime in general is reported at one-half the rate of reported urban crimes.\(^4\)

- In many rural areas, conservative cultural attitudes may make it difficult for a woman to recognize sexual abuse as a crime, let alone discuss it with someone. This challenge often results in delayed reporting by the victim, and inconsistent statements by the victim as she experiences fear of doubt or blame by both law enforcement and her community.

- Lack of anonymity and lack of confidentiality creates additional obstacles for the victim of a sexual assault to report the crime. Every individual involved in the case, from the dispatcher, to the officer, and court personnel may be personally acquainted with either the victim or the accused perpetrator. This fact makes it especially difficult for the victim to overcome individual and societal prejudices.

- Special resources that are taken for granted in urban areas, either do not exist or are not readily available in rural communities. For example, local medical facilities may not have the capability to perform a sexual assault forensic exam. Either a local facility will have to do the best they can, or a victim must travel to a facility that can do the exam. This can result in additional trauma and frustration for the victim.

- Often there is a lack of understanding on the part of law enforcement in rural communities about the role of a victim advocate. Often victim advocates are not used immediately, or in many cases they are not used at all. Even when victim advocates are contacted by law enforcement, the distance they travel might prevent them from arriving quickly enough to be of assistance. In addition, lack of telephone services, or toll charges, may make it difficult for a victim to connect and stay connected with an advocate.

- Law enforcement officers in rural areas are also not immune to societal misconceptions about rape and the rape victim. Often times where there are small incorporated towns, the county sheriffs office is contracted to provide patrol coverage when the smaller jurisdictions can't afford to maintain their own force. Since county Sheriffs are usually elected officials, this makes rural law enforcement very sensitive to the power of public opinion. Thus, the act of balancing fair progressive law enforcement against the prevailing community beliefs and expectations is a delicate exercise in human relations. This becomes especially difficult when dealing with non-stranger sexual assault because prevailing community attitudes ultimately influence law enforcement.

- In addition to political realities, smaller agencies simply have fewer officers. Officers are called upon to be general practitioners of their profession and consequently, are expected to handle all

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aspects of their calls and subsequent investigations. Therefore, officers are neither specialists, nor greatly experienced in investigating these crimes.

• Additional challenges facing the investigation of these cases may include: the safety of the victim, especially if the sexual assault involves domestic violence, the impartiality of the officers responding, holding the perpetrator accountable, and the ability to seat a fair and open-minded jury.

Overcoming the Challenges

The top priorities for law enforcement in these cases should always remain victim safety and anonymity. The stumbling blocks of rural perspective on non-stranger sexual assault, and sexual assault in general, can be daunting and difficult to overcome. However, these challenges can be overcome using a step by step approach, creativity, and a lot of patience and perseverance.

• Delayed reporting and inconsistent statements by the sexual assault victim from a rural community should be handled in the same way they are handled with all other victims (refer to the Victim Interview section). In fact, due to a lack of anonymity the victim will face within the rural community, law enforcement should actually expect and be prepared to overcome the challenges associated with delayed reporting and inconsistent statements.

• Be patient with the victim and make any accommodations necessary to help the victim feel she can disclose her story in a safe and private environment. The same technique must be applied during the sexual assault examination.

• Always assure the victim that she is not being blamed for the assault and that everything possible will be done to keep her case confidential. In order to gain the victim's trust, confidentiality issues must be effectively handled.

• It will be helpful for the victim to utilize a trained victim advocate, and law enforcement must make it a priority to contact a victim advocate immediately if possible. In many rural communities this support person may be a local clergy member, an emergency medical volunteer, or a trusted friend.

• Law enforcement officers in rural areas should be aware of the services available to the victim in her community. In order to allow the victim to locate an advocate independently of law enforcement and to maintain confidentiality, it may be helpful to simply place a marker in the window of the advocate’s residence. This will allow the victim to approach the advocate in confidence and seek the support necessary to recover.

• In order to address the lack of resources available to rural communities, it may be helpful for law enforcement to form resource teams on a regional level to provide technical assistance to an agency whenever needed. For example, a resource group may include volunteer advocates, medical practitioners, and counselors, from around the region who are willing to support both the victim and law enforcement during a sexual assault investigation while maintaining complete confidentiality.
Closed Communities (Communities with Limited Public Access)

Closed communities are those to which public access is limited. Often these communities have established their own internal mechanisms for dealing with crimes. American Indian reservations, school campuses and military bases are examples of closed communities. Law enforcement officers must examine the dynamics of sexual assault crimes involving members of these communities in order to meet the needs of the sexual assault victims. The following is a discussion of these communities and recommendations for overcoming some of the many challenges to law enforcement.

American Indian Reservations

American Indian reservations present not only a specific set of cultural perspectives on the issues related to sexual assault, but they also represent unique jurisdictional concerns related to the following:

- The location of the assault and whether it was on or off the reservation.
- Whether or not the victim is Native American.
- Whether or not the perpetrator is Native American.
- The jurisdictional rights of tribal law enforcement and judicial branches.

The resolution of these questions results in either tribal, Bureau of Indian Affairs (BIA), Federal Bureau of Investigation (FBI), or state law enforcement investigating the sexual assault crime. In addition, these questions will also determine whether it will be prosecuted in tribal, Federal or state court.

The Challenges

- While many of the challenges mentioned above appear to be systems issues, they also have an impact on the victims. For example, when victims of sexual assaults are Native American in non-Indian jurisdictions bordering reservations, communities may not feel responsible for addressing the victim's needs. There may be an expectation that the tribes will assist the victims. Unfortunately, tribes may believe that since the assaults took place off the reservations, the victim's needs should be addressed by the jurisdiction in which they occurred; consequently, victims "fall through the cracks."

- An additional challenge to law enforcement is maintaining communication between the victim and law enforcement when the victim lives on a reservation. Telephone communications has improved considerably on most reservations, however many Native Americans living on reservations still reside in remote areas with no direct telephone communications. This presents two additional challenges:

  - First, law enforcement may have difficulty in notifying the victim on the status of her case, or when her presence is required at the police agency or the prosecutor's office.
Second, because of the distances that may be necessary for victims to travel between her home and the police agency, minimizing inconveniences and expenses associated with case-related appearances are essential.

Cultural differences also provide unique challenges in these cases. Many Native American victims may not want to cooperate with law enforcement agencies outside of their community or may be experiencing pressure from within their community to remain silent. (Refer to Chapter Two for a more complete discussion on Women of Color who are victims of sexual assault).

**Overcoming the Challenges**

- The investigator should first and foremost be sensitive and respectful of the victim's cultural needs and customs. Each Native American tribe has their own language and tradition; it is essential that law enforcement understand the specific native cultures within the community they serve.

- Allow the victim to tell her story in her own words, using the language that is most comfortable for her. Be patient and make all the accommodations possible to address the victim's needs.

- Inform the victim of the procedures for the investigation and allow her to provide input on how she can help in the investigative process.

- In order to address the problem of contacting a victim living on a reservation, law enforcement agencies should establish a liaison with law enforcement agencies on reservations for the purpose of relaying communications to victims.

- In fact, it is essential that jurisdictions with Native American populations consider including a Native American representative from within the appropriate tribal agencies to help develop appropriate procedures for investigating sexual assault crimes that occur both on and off the reservation. This will help the victim in recovery, and also provide the teamwork essential in investigating these cases.

- In order to minimize the inconveniences associated with a victim having to travel great distances when their presence is needed off the reservation, the investigator should make specific plans for such appearances ahead of time, and provide transportation, meals and housing for the victim.

The bottom line is that law enforcement officers who serve Native American communities must understand basic issues about the nature of the sexual assault problem in this specific community and thus the needs of the victims. Some of these issues include the following:

- What services are available to Native American sexual assault victims in the community?

- What services are available on the reservation?

- How are linkages achieved between reservation-based services and their law enforcement, the criminal justice system and victim services outside the reservation?
What are the unique cultural and religious beliefs of the Native American peoples residing on the reservation?

The answers to each of these questions will vary depending on each Native American reservation, the particular resources and laws of the region, and the specifics of the individual crime.

University Campuses

Another community with limited access to the public is the university campus. One of the issues associated with sexual assaults on school campuses is the hesitancy on the part of college administrators and community residents to recognize the crime occurred. The issue of sexual assault is one that affects both the university and the local community, and thus must be addressed through cooperation between local law enforcement agencies and campus security services.

Challenges

- The first challenge with campus sexual assault crimes is the lack of cooperation and coordination that often occurs between campus law enforcement and local law enforcement agencies. This challenge can result in the loss of, or improper collection of evidence and/or a lack of communication between law enforcement and the victim.

- In addition, campus authorities often lack the resources and/or the legal authority to conduct parts of the sexual assault investigation. If strong procedures are not in place to maintain cooperation between campus authorities and local law enforcement, a lack of communication can often impede the success of the case.

- Victims of campus sexual assault crimes often confront pressure from campus authorities to not report the crime or to report the crime as a lesser offense. This not only causes emotional trauma to the victim, but also increases the likelihood that law enforcement will be faced with the challenge of a delayed report.

- Victims of these crimes almost always know their attacker; in fact the offender is often a fellow student. This creates unique challenges in protecting the victim who may fear seeing the offender around campus, in the classroom or at student housing.

- Because university campuses are small compared to more open communities, law enforcement faces the challenge of protecting the confidentiality of throughout the investigation. This can be extremely difficult with small campuses.

- In addition, university campuses have their own internal disciplinary proceedings to address student complaints. Many victims prefer student discipline proceedings for both their recovery process and as an effective alternative to the criminal court system. However, other victims may feel this system is inadequate. The different processes between campus law enforcement and local law enforcement can be both confusing and frustrating for victims, especially when victims do not understand their options.
Overcoming the Challenges

In 1991, the United States Congress enacted the Campus Sexual Assault victim's Bill of Rights Act to provide for increased protection to victims of sexual assaults on campuses. These rights were enacted to overcome many of the challenges faced by victims of these crimes. Both campus authorities and law enforcement agencies that serve these communities must adopt standard policies and procedures that address these rights. The following is a discussion of the Campus Sexual Assault victim's Bill of Rights Act and how the elements of this act are essential to both the victim's recovery and a successful investigation.

1. Victims of a campus sexual assault have the right to have their crime investigated by criminal and civil authorities and have the right to be free of pressure from campus authorities to refrain from reporting crimes, or to report crimes as lesser offenses. A victim should always be given the option to report a sexual assault crime to both local law enforcement and campus authorities in full. The victim should be made aware that she has the right to file a complaint with the campus disciplinary system as well as filing a criminal report. Providing the victim with her options will both empower the victim and create positive communication between the victim and the authorities involved.

2. The victim has the right to the same representation as the accused at any campus disciplinary proceeding, and to be notified of the outcome. It is essential to the victim's recovery that she remain informed on the status of her case throughout the investigation. Because the victim may be dealing with both campus disciplinary proceedings and criminal charges, the amount of information can be overwhelming at times. This challenge can be lessened when campus authorities and local law enforcement work together throughout the investigation process.

3. The victim has the right to have full and prompt cooperation and assistance in obtaining evidence necessary for proof of criminal sexual assault, including a medical examination. It is essential that campus/local authorities collect all evidence necessary for prosecution when conducting their investigation, this includes providing the victim with the opportunity to have a sexual assault examination. If campus medical facilities are not equipped to conduct a sexual assault examination, the victim should be transported to the nearest medical facility capable of this examination.

4. The victim has the right to existing campus mental health and victim support services. As with any sexual assault victim, the victim advocate is essential to providing support at all points during the investigation. Many campuses have their own victim advocates, however if a campus does not provide this service it is the responsibility of the responding law enforcement agency to provide the victim with information regarding victim services in their community. Providing this information to the victim will help law enforcement build trust with the victim and create an open dialogue for addressing her specific needs.

5. The victim has the right to be provided housing that guarantees no unwanted contact with the alleged sexual assault assailant(s) and to live in campus housing free of sexually intimidating circumstances with the option to move out of such circumstances. It is essential for law enforce-

ment to be patient and make all necessary accommodations to address the victim's needs. Her safety and security should be the first priority, this includes providing the victim with safe housing away from the suspect. Law enforcement should try to work very closely with campus officials to create a safe and supportive environment for the victim.

In conclusion, it is essential to the recovery of the victim and to the success of the investigation that campus authorities and local law enforcement work together to strengthen communication and cooperation in the development of a victim centered approach.

Military Bases

Military bases present a unique set of conditions that may present both challenges and advantages to law enforcement when investigating sexual assault. Just as with American Indian Reservations, military bases present unique jurisdictional concerns related to the following:

• The location of the assault and whether it occurred on or off the military base.
• Whether or not the victim is military personnel or a dependent of military personnel
• Whether or not the suspect is military personnel or a dependent of military personnel
• The jurisdictional rights of the authorities involved. All military service bases have their justice system under the Uniform Code Military Justice (UCMJ) which comprise the laws, procedures and survivor rights of the military services. These laws differ from the civilian justice system.6

Depending on the specific jurisdictional elements of the sexual assault, either local law enforcement or military authorities will investigate the crime. The following is a list of the challenges that law enforcement agencies serving communities with military service bases may encounter during a sexual assault investigation.

Challenges

• Some commanding officers may attempt to protect their personnel from outside authorities and thus create obstacles for investigating law enforcement agencies.
• In addition, warrants are often necessary to arrest a military person from a ship or base, and often the suspect is stationed off shore. This obstacle can be frustrating to both law enforcement and the victim as it can delay the investigation.
• A lack of victim confidentiality within the military service can hinder the victim's decision to fully cooperate with the investigation. For example, most military bases have a variety of services available to members of the military and their dependents who are victims of sexual assault, including medical care and counseling. However, some sexual assault victims may not feel com-

6For example, the military can prosecute military personnel who commit a sexual assault in another country, while civilian law enforcement agencies have no legal jurisdiction.
fortable using these services, due to concerns about privacy and confidentiality. Within the armed services, the only guarantee of confidentiality is with the chaplain.

• In cases involving spousal rape, the victim may fear losing her housing, medical and pension benefits if she discloses the assault and as a result her husband is court martialed or discharged from the military.

• In addition, because public access to any military base is limited, challenges to communication between local law enforcement and the victim/suspect may become complicated. For example, investigators cannot enter a military base to conduct a suspect interview without the permission of military authorities, or the appropriate warrant. Telephone contact with the suspect or the victim may also be difficult, especially if he/she is stationed off shore on a military ship or submarine. This therefore creates challenges when the victim or suspect is required to be present at the police agency or prosecutor's office.

Overcoming the Challenges

• The investigator should always be sensitive and respectful of the military culture when working with military authorities, the victim, and the suspect. The cooperation of military authorities may provide essential services to the success of the investigation. For example, many of the challenges discussed above can be overcome with the assistance of Naval Criminal Investigative Services agents. These agents are stationed all over the world and will assist with any law enforcement investigation by interviewing suspects, obtaining witness statements and scheduling polygraphs for suspects when appropriate.

• The lack of confidentiality in military culture can be an advantage to the law enforcement investigation. For example, the military will often provide information that would otherwise be difficult or impossible to obtain (e.g. medical records, personnel information, and access to e-mail accounts).

• In addition military personnel can usually live in the barracks or on the ship during the course of an investigation when there is a protective issue (i.e. child molestation or domestic violence).

• In order to address the challenge of contacting the suspect serving on a ship or off shore, law enforcement officers should establish a liaison on the military base in order to help improve the flow of communication and the cooperation of both authorities. This is critical to establishing the teamwork necessary to successfully investigate these cases.

• If the victim is a civilian and unfamiliar with military policies and procedures the investigator must take the time to inform the victim of the possible challenges that may occur during the investigation. Information is a powerful tool in helping the victim recover. Because these cases involve specific jurisdictional differences, it is essential that the victim be aware of her rights and the rights of the suspect.

• Military justice procedures can be an advantage to the victim when a civilian prosecuting agency declines prosecution. The military will often prosecute for UCMJ violations when a civilian
prosecuting agency declined to prosecute. This can be a very effective process for many victims in both their recovery process and as an alternative to the civilian criminal court system.

Federal Properties

Federal properties include Federal buildings, national parks and monuments, and national forests. Some of the challenges associated with these federal jurisdictions are similar to American Indian reservations, but there are significant differences. Victims of sexual assaults in national parks, monuments or forests may be transient vacationers whose residence is thousands of miles away from the crime scene. For those responsible for investigation, prosecution and adjudication, these distances become management issues, however for the victim these distances may create barriers to finding treatment at a rape crisis center or other victim support services. Consequently, victims often do not receive the proper support or counseling. It is essential that law enforcement involved in these cases ensure that victims receive referrals for services in their home communities. Law enforcement will also need to make special arrangements to interview the victim given that her place of residence may be a great distance from the scene of the crime. In addition, law enforcement should consult representatives from the Federal properties. A team effort in these cases is essential to a successful investigation.

Conclusion

In this chapter we have addressed some of the many challenges geographic settings can create for both the victim of sexual assault and the investigator. The bottom line to overcoming these challenges is to utilize or create a victim centered approach throughout the investigation and to create resources that allow teamwork to support the entire investigation process.

Additional challenges faced by the victim and law enforcement during a sexual assault investigation may stem from the population which the victim is a member. For example, a victim's reluctance to report the crime may be attributable to the victim's cultural background, lack of understanding and knowledge of legal procedures, or fear of retribution due to their particular vulnerability or lack of anonymity within their community. The following chapter will discuss many of these challenges unique to specific populations that are often mishandled by society and the criminal justice system and will provide guidelines to effectively address these issues.

Chapter 2

"Underserved" Communities

What do we mean by "underserved" communities? The best example is a population or community of individuals who have traditionally been mishandled by the criminal justice system due to misconceptions about their individual characteristics. These individuals are twice victimized, first as sexual assault victims and again because society and the criminal justice system fails to consider them victims of "real rape."
For example, victims of acquaintance sexual assault have long been mishandled and misunderstood by society and the criminal justice system because of circumstances surrounding their assault. We have been addressing the specific challenges associated with these cases throughout this curriculum. Unfortunately, society often forgets to adequately address the needs of many other victims of sexual assault who are from specific cultural, religious, and ethnic communities because they do not appear to be the victims of "real rape." For example, we have all heard a version of one or more of the following statements:

- Black women are not "real" victims of rape because everyone knows they are promiscuous and always "want it."

- Prostitutes cannot be "real" victims of rape because they get paid to have sex; if they report a rape it is probably just another "failure to pay" situation.

- Men cannot be "real" victims of rape because they have the physical strength to defend themselves from these crimes.

Whatever the specific belief, the bottom line is the same—the victim is not believed or is somehow held responsible for the sexual assault. These are the most common themes expressed by all victims of sexual assault. In many ways it is the thread that links victims of rape from every culture, religion, and sexual orientation.

**Other common themes?**

In addition to not being believed, sexual assault victims from underserved communities often find that they face extensive barriers to fair treatment by both society and the criminal justice system. Many of these barriers stem from a simple lack of understanding regarding the customs and beliefs of specific communities.

Still other barriers result from personal bias, racism and a history of oppression. These are ugly issues, but until we make an effort to face these facts and learn the common barriers expressed by victims of underserved communities, the crime of sexual assault will continue undeterred. The following is a list of common barriers faced by sexual assault victims from undeserved communities:

- English may not be a victim's primary language and she may find it difficult to explain her story in her own words.

- Victims may be reluctant to report sexual assault because they assume they will be met with insensitive comments or unfair treatment from criminal justice personnel and from their own community.

- Victims may fear that disclosure will jeopardize their position in their community, their jobs, housing, or custody of their children.
• Victims may also experience fear and anger about past injustices of the criminal justice system upon their community. This can contribute to a reluctance to report a sexual assault and "turning-in" one of their own.

• Victim blaming is common among many different communities, especially for those victims who may be perceived as participating in "risky" behavior. (E.g., prostitution or the use of drugs.) Victims who participate in "risky" behavior often fear arrest if they report a sexual assault.

• A victim may come from a community where sex is not spoken about openly and thus is reluctant to report the crime due to embarrassment and shame.

One important point worth addressing is that many of these themes contribute to delayed reporting and inconsistent or untrue statements, two of the most difficult challenges faced by law enforcement investigating sexual assault crimes. (Refer to Victim Interview section for a detailed discussion on how to overcome these challenges.)

Thus, an additional factor in overcoming these common challenges is for law enforcement to learn the specific needs of each individual victim and how membership in a particular community can affect the victim's recovery and the success of the investigation.

In addition to these common themes, there are unique aspects of each community that contributes to both the victim's recovery and to the success of the investigation. For example, to the extent that the victim sees her community as supportive and accepting, membership in that community may be therapeutic.

However, if the victim sees the community as resistant or judgmental this may complicate the victim's recovery and the police investigation. For example, if a woman comes from a cultural group that restricts women from discussing sex with any man but her husband, she may find it difficult to explain her assault in detail to an investigator, especially if the investigator is a male.

**Chapter outline**

This chapter will discuss some of the considerations that investigators must take into account when working with victims who are members of underserved communities. Suggestions will then be presented on how investigators can best address the needs of victims from these various communities and thus more effectively investigate all sexual assault crimes.

**Women of Color, Foreign-Born, and Non-English Speaking Victims**

**Considerations**

Many different cultures and ethnicities are represented in communities across the country. Persons from many ethnic backgrounds including African American, Asian, Hispanic, Native American, and Pacific Islanders and others, may become victims of sexual assault. Women of color, foreign born and non-English speaking victims of sexual assault often face additional challenges when re-
porting their crime to law enforcement. These challenges stem from many of the following issues law enforcement should consider when investigating sexual assault crimes.

- There is a history of mistrust between many ethnic communities and law enforcement. This fact often results in a victim's lack of cooperation with the investigator. For example, many women who have been raped by men from their own ethnic group are faced with intense conflicting feelings of wanting to hold the assailant accountable, yet not wanting to send another man from her community to jail. Law enforcement should be aware of this issue and sensitive to these dynamics.

- In some communities, the stigma attached to sexual assault may be overwhelming, particularly for women. Because the consequences of sexual assault within their own community may be so grave, women of color who have been sexually assaulted may not report the crime immediately following a rape. They may in fact wait until an injury, pregnancy, or sexually transmitted disease forces them to seek medical attention. (Refer to Victim Impact and Victim Interview sections for a complete discussion on delayed reporting.)

- In addition, many victims from certain cultures may find it difficult to discuss the sexual assault with the opposite gender. This could present challenges to the interview process if a female investigator is unavailable.

- Law enforcement must be familiar with the challenges facing refugee and immigrant communities. Refugees are people who were forced to leave their native country because it was too politically or physically dangerous to stay in their homeland and are seeking asylum in the United States. Immigrants are people who have chosen to come to the United States. Refugees and new immigrants are especially vulnerable to victimization. Assailants assume that people who are undocumented will not report an assault to legal authorities for fear of being deported. Refugees and new immigrants are also often unaware of their legal rights and the American criminal justice system. Law enforcement should be aware of the protocols and procedures for helping immigrants and refugees who are victims of sexual assault.

- In addition, refugees and immigrants often fear or distrust law enforcement due to poor experiences they had with police in their country of origin.

- It is important for law enforcement officers to consider that many women who have been displaced from their countries due to war, politics and even famine may have experienced sexual abuse and even torture in resettlement camps or refugee camps. When these individuals are victimized again, they not only experience the trauma of the "new" assault, but are also vulnerable to a traumatic reexperiencing of the sexual abuse they experienced in their homeland. This may contribute to inconsistent statements during the victim interview as the victim confuses past sexual torture with fact surrounding the assault they are currently reporting. (Refer to Victim Interview section for a more complete discussion on the challenges of inconsistent and untrue statements.)

- Finally, when working with victims from other countries or non-English speaking victims, law enforcement must be aware that the victim may have little knowledge of the American criminal
Suggestions

This section will focus on techniques the investigator can use to provide culturally congruent services. It is important for law enforcement officers to know the potential differences and similarities between his/her culture and the culture(s) of the people they serve. There are important techniques all law enforcement officials can follow to respond more effectively to all victims of sexual assault in their community. The following considerations are recommended:

• Law enforcement investigators should analyze their own cultural beliefs and values. The first step in providing culturally congruent care is to understand that your own set of personal beliefs and values are unique and affect how you view sexual assault. We all have biases and misconceptions about other cultures and addressing these issues is the most important technique in helping all victims of sexual assault.

• Investigators must understand that a victim's culture and community membership will affect her reaction to the sexual assault and how she discloses the crime. For example, direct eye contact with an elder or person of authority may be considered disrespectful in some ethnic communities. Law enforcement officers should not interpret characteristics that may be cultural as a sign the victim is lying.

• Law enforcement should get to know the different ethnic groups in the jurisdiction they serve. Listen to members of those groups and ask about their experiences and beliefs surrounding sexual assault, reporting and recovery. As law enforcement you have the unique opportunity of addressing many different cultures on a daily basis. Simply taking the time to understand the dynamics of the many different people you serve is extremely effective in preparing you to work with all victims of sexual assault.

• Become proficient in conducting culturalogical assessments. This involves assessing where each victim is at in terms of their own unique set of values, beliefs, and lifestyle. An important technique in addressing the victims needs during the interview is to ask her, "How will the people who are important to you react to this assault?" This will help the investigator understand the specific needs of the victim, build positive rapport, and enable them to obtain all the necessary information for a complete investigation.

• Be aware of culturally appropriate referral sources for the victim's recovery process. It is essential for law enforcement to create partnerships with these support groups because they will be extremely helpful to the victim and the investigator throughout the criminal justice process.

• When the victim comes from a culture that blames the victim for sexual assault she may fear disclosure or discussing the details of the sexual assault. In these cases, the investigator can help facilitate a complete and truthful disclosure by interviewing the victim in privacy and working at building a trusting relationship. In addition, it may be important to help the victim find safe
living accommodations if she is uncomfortable returning to her community. (Refer to Victim Impact and Victim Interview sections.)

• In addition, it may be helpful in some cases for a female officer to interview the victim during the initial stages of intervention.

• Law enforcement must also adhere to strict confidentiality from other family members and in some cases from staff that may belong to the same community as the victim. For example, careful consideration should be used when using an interpreter or a bicultural staff member to facilitate the interview process because this person may be a member of the victim's community and thus seen as a threat to the victim's confidentiality. The bottom line is to allow the victim to have as much control as possible over whether a specific interpreter or support person will be utilized during the interview, especially if this person is from the victim's community.

The challenges discussed in this section can be exacerbated by actions of the criminal justice system and society when it is insensitive to the needs of the victims. However, simply by making an effort to understand the special circumstances surrounding the sexual assault will help both the victim's recovery and ensure a comprehensive investigation.

**Gay and Lesbian sexual assault victims**

All cultural differences are not based upon religious or ethnic origins. Gay men and lesbians constitute a significant percentage of the population and they represent a distinctly difficult culture. As we have addressed throughout this section the main reason gay and lesbian victims may be reluctant to report a sexual assault is because they fear they will be met with insensitive comments or unfair treatment from the criminal justice system. However, there are additional issues that are more specific to this community.

**Considerations**

• Many gay or lesbian victims whose sexual orientation has been previously unrevealed are concerned that their assaults may generate publicity that would "out" them.

• In addition, many gay or lesbian victims fear that disclosure of their sexual orientation will jeopardize their jobs, housing or the custody of their children.

• The gay and lesbian communities also hold many of the same stereotypes and misconceptions about what "real rape" is as the rest of society. Just as with heterosexual victims, gay and lesbian victims of sexual assault may not label their experience as rape, they may blame themselves for the assault, or fear being ostracized by their family and friends.

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7Mollica & Son: 1989
8"Out" as used here describes the revelation that a person is gay or lesbian. It refers to the expression "out of the closet". Within the gay and lesbian community the discussion to real one's sexual orientation is very personal.
As with other populations, sexual assault crimes against gay and lesbian victims can involve different types of assault crimes. The following are three factors that may be involved in the sexual assault of a gay or lesbian person:

**Hate Crimes** Hate motivated crimes tend to be physically and mentally brutal and violent. Derogatory name-calling or graffiti often accompanies sexual assaults motivated by bias and hatred.

**Spousal/Partner Sexual Assault** Just as with heterosexual couples, gays and lesbians may force or attempt to force their partners to submit to sexual activity.

**Acquaintance Sexual Assault** Gays and lesbians may be sexually assaulted by another gay or lesbian they know or with whom they are involved as part of a social relationship.

**Suggestions**

- Law enforcement must consider any non-consensual sex as a crime, irrespective of the sexual orientation of the victim or the perpetrator. When the characteristics of sexual assault victims become more important than the sexual assault, the victim is being blamed for who he or she is and, therefore, made more vulnerable to further victimization. (Refer to the Victim Dynamics for a more in-depth discussion on victim blaming.)

- The key for law enforcement working with gay and lesbian sexual assault victims is to remain unbiased and supportive throughout the investigation. As discussed, all victims of sexual assault should be treated with respect regardless of the community in which they have membership.

- In addition, gay or lesbian sexual assault victims may not volunteer information about their sexual orientation and criminal justice personnel should not assume a victim's sexual orientation based upon stereotypical physical or behavioral characteristics.

- If the victim does not choose to share their sexual orientation with the investigator until a later point in the investigation this should not be viewed as an indication of a false allegation, or a sign that the victim is withholding important information from the investigator.

- The investigator should maintain the victim's confidentiality throughout the investigation. This confidentiality is essential in building trust between the investigator and the victim and will allow the victim to provide all information necessary for a comprehensive investigation.

- The investigator should also provide referrals for the victim to support services that address their specific issues. Some criminal justice agencies have appointed liaison officers to gay and lesbian communities in an attempt to improve the delivery of services to this population.

**Homeless victims of sexual assault**

Homeless persons present some difficult challenges to communities and law enforcement, not only because of their economic status and needs, but because they are frequent and vulnerable targets.
of crime and sexual assault. In an informal survey conducted by the Chicago Police Department, more than 88% of their homeless population reported having been victims of sexual assault.9

Considerations

• One of the key issues facing law enforcement working with homeless victims of sexual assault is that follow-up will be a challenge. Since most homeless victims are unable to give law enforcement or other support agencies a phone number or address.

• Law enforcement should be aware that some homeless people may also suffer from a psychiatric illness and therefore it is important to note that at times it may be necessary to consult with a local mental health agency or hospital to determine the victim's needs.

• In addition, many homeless victims of sexual assault may have feelings of mistrust with law enforcement, or may fear arrest, and thus these victims could be hesitant to fully cooperate.

Suggestions

• A report of sexual assault against a homeless person should be treated with the same respect and dignity that any other victim would receive.

• Law enforcement should give homeless victims of sexual assault specific times, places and telephone numbers to call in order to discuss further details of the case, obtain support services, or obtain assistance.

• If victims are staying in a shelter, assistance can be sought from shelter administrators (with victim's consent) to allow victims to make or receive calls related to the assault.

• Third parties can often be identified by victims to serve as information links (a friend, clerk at a transient hotel, or a relative). These third parties may be helpful in encouraging the victim to come into the police department whenever they are needed.

• Law enforcement officers can also specify locations such as soup kitchens and shelter facilities to use as meeting points for follow-up interviews.

Male victims of sexual assault

As with the sexual assault of a woman, the sexual assault of a man is often not sexually motivated, but rather is a crime of aggression. Sexual assault treatment centers report that males comprise approximately 6 percent to 10 percent of their clientele. In addition, sexual assault of males may be the most under-reported crime in the country.

Male victims of sexual assault are even less likely to report than women because of the extreme embarrassment that they typically experience and because many men fear being misunderstood as homosexual. Most male rape victims have not considered the fact that men are also raped, and this

contributes to the devastation and stigmatization that they experience. This trauma is similar to that experienced by a female victim who, while aware that rape does occur, never considered that she could become a victim of rape.

Considerations

• Male sexual assault victimization may result during a hospitalization, imprisonment, or other institutionalization. These crimes may be a result of a crime of hate directed toward a homosexual or an act of gang violence. Sexual assault often perpetrated by and against men who are heterosexual. Law enforcement should understand that any man could be a victim of sexual assault, regardless of his culture or sexual orientation.

• Lipscomb, Muram, Speck, and Mercer (1992) reviewed the cases of 99 male rape victims seen at their rape crisis center. Of these, 80 of the male victims were incarcerated at the time of the assault and 19 were assaulted from within the community. They found that all of the men were raped by other men, except for one who was raped by two women during a robbery and extortion attempt. None of the victims were injured to the point of needing medical attention. As with women, threat of physical force alone was sufficient to subdue them. (Refer to Victim Impact section).

• Another study conducted by Kaufman et al (1979) comparing 14 male victims with 100 female victims, found that the males were more often injured. Nine males (64%) were beaten severely, compared with 23 percent of the women. The male victims in this study were also more likely to be victims of multiple assaults by multiple assailants and were more likely to be held captive.

• Male victims of sexual assault experience post traumatic stress reactions similar to those observed among female victims with anxiety being the most commonly reported symptom, followed by depression, suicidal behavior or ideation, anger, somatic problems, sexual dysfunction, and disturbances in peer relationships. (Refer to Victim Impact section for a complete review of Rape-Trauma Syndrome.)

• As discussed in the Victim Impact section, sexual arousal is not an unusual experience with victims of sexual assault. Donnelly and Kenyon (1996) point out that when a man is rectally penetrated, the pressure on the prostate can produce erection and even orgasm, which may be confusing to male victims. Law enforcement officers must understand this is a common physical reaction and not an indication of a false report.

• Male victims of sexual assault may face tremendous personal doubt and confusion about the crime. Heterosexual men may struggle with issues surrounding sexual orientation. In addition, they may question their ability to have resisted the assault and delay in reporting the crime.

• Male victims may also be ashamed and embarrassed by the assault, and often feel very much alone in their efforts to find assistance and support. Men who have been sexually assaulted by women suffer the same feelings of helplessness, fear, and anxiety as do women who are sexually assaulted by men. Many men will react to a man who tells them a woman has sexually assaulted him by laughing and saying, "Why doesn't that ever happen to me?" The victim is left with his
intense fear and anxiety invalidated which can lead to feelings of self-doubt, isolation, and depression. Law enforcement must keep an open mind at all times when investigating these crimes.

**Suggestions**

- Investigators of male sexual assault should be cautioned not to make any assumptions about the victim’s sexual orientation. As discussed throughout this chapter, male victims must be treated with the same respect that all victims of sexual assault should be given.

- Investigators can expect that male victims of sexual assault will not report their crime immediately. This is due to fears about the type of reception that they may encounter from the criminal justice system and society, in addition to personal doubts and denial about the assault. (Refer to section on Victim Interview for a complete discussion on the challenges related to delayed reporting.)

- The investigator must recognize that men are susceptible to the same techniques by which sex offenders gain control over female victims, including the use of weapons, entrapment, intimidation, threats, and coercion. Therefore, the investigator must recognize that the same strategies used to investigate the forced sexual assault of a woman should be used with a male victim.

- It may be especially important for male investigators to sort through their feelings about male rape and homosexuality in order to work effectively with male victims.

- The use of a female investigator may be helpful in the early intervention stages of these crimes. It is essential to the investigation that the victim feels he can disclose all necessary information to the investigator without judgement and the victim may feel more comfortable sharing the details of the assault with a female officer.

- In addition, many men worry that they appear too effeminate and that this caused the assault. Therefore it is important for the investigator to reassure the victim that they are in no way to blame for what happened.

- It is recommended that investigators become familiar with the local sexual assault/rape crisis programs that provide support for male victims. Rape crisis centers can often provide male advocates to support the victim throughout the investigation.

**Domestic Violence Victims**

Sexual assault is common in relationships where there is domestic violence. In fact, according to Rape In America: A Report to the Nation, a research report conducted by the National Victim Center and the Crime Victims Research and Treatment Center, 9% of rape victims were assaulted by their husbands.\(^\text{10}\) (Refer to Victim Dynamics section for a complete discussion on Rape In America: A Report to the Nation.)

Despite the pervasiveness of these crimes, the criminal justice system and society often find marital sexual assault a difficult issue to address because of misperception and biases.

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\(^{10}\)National Victim Center and Crime Victims Research and Treatment Center, 1992, p. 4.
**Considerations**

Because of the intimate and often dependent relationship between these perpetrators and victims, concerns unrelated to the sexual assault may affect the response by both the victim and criminal justice system. For example, many victims who have been sexually assaulted by an intimate partner refuse to cooperate with the investigator due to the following concerns:

- The victim may perceive the criminal justice system as unable to protect her from similar future assaults.

- When the husband or partner is the economic provider for the family and/or the father of the children, the decision to confront the perpetrator and report the crime means risking loss of income and economic stability. In addition, the victim may fear not having an appropriate living arrangement for herself and her family after she has reported the crime to law enforcement.

- Victims also fear the well being of the victim's children will not be addressed sufficiently if they try to leave their spouse or partner.

- Finally, many victims of spousal and partner sexual assault do not report the crime immediately after the assault because they believe the societal misconception that rape cannot occur within the sanctity of marriage or an intimate relationship. Religious and social beliefs may also function to keep women in a relationship where they are being sexually assaulted. (See section above on Women of Color, Foreign-Born, and Non-English Speaking for a more complete discussion on other significant cultural issues.)

**Suggestions**

- The victim’s needs for safety must be assessed and her wishes respected by the investigator at all times. These victims have often been physically and sexually assaulted over a long period of time and may fear severe retaliation by the perpetrator for reporting the crime. In order to complete a comprehensive investigation, the victim must therefore be referred to support services that provide a protective environment and allow the victim to feel safe in divulging all the details of the crime.

- Law enforcement must recognize that sexual assault does not distinguish among victims; spouses, partners and lovers may be either victims or perpetrators of sexual assault. In addition, simply because one may have given consent in the past for sexual intimacy does not mean that the consent is irrevocable.

- In addition, domestic violence and sexual assault are not crimes exclusive to heterosexual relationships. Same gender partnerships also experience domestic violence and sexual assault. It is important for the investigator to sort through his/her feelings about "same sex" relationships so that he/she can treat all victims with dignity, respect, and compassion.
• Victims who are sexually assaulted by spouses or partners often blame themselves for the crime. It is therefore important during the interview process to reassure the victim that the responsibility for the sexual assault lies solely with the perpetrator.

• Law enforcement officers should be familiar with services in their area that address the specific needs of victims who have been assaulted by a spouse or partner, including, temporary shelter, temporary care of children, crisis counseling, and protection from retaliation by the partner for reporting the sexual assault.

• Investigators should also be aware of the fact that sexual assault is common in relationships where there is domestic violence and make a point to include questions about sexual assault in all domestic violence investigations. For example, the investigator should ask the victim; "Have you ever been forced to have sex when you didn't want to?"

• Investigators must be aware that the statutes that apply to domestic violence crimes also apply in cases of sexual assault by a family or household member of the victim.

• This type of crime is often the most difficult to investigate because the victim may "recant" out of fear or economic necessity. The investigator may be able to facilitate the cooperation of the victim by building trust with the victim and providing her with all of her options for protection and support services.

**Elderly victims**

Many people do not recognize that the elderly are at risk for sexual assault victimization. Older women with impaired mental functioning are especially vulnerable. Law enforcement response to elderly victims of sexual assault should include all of the components of a response to any other victim of sexual assault.

**Considerations**

It is important to note that caretakers such as spouses, children, home-health nurses and aides often sexually assault elders. It may be extremely embarrassing for elderly victims to be in such a vulnerable position and many come from a generation where they have been taught not to speak of sex and have endured abusive behavior for many years undetected. In addition, many elderly victims will fear being displaced from their living situation if they report the sexual assault.

Furthermore, sexual assault of elderly persons is often accompanied by other crimes, such as robbery. Often times when reporting these other crimes, elderly victims may choose to ignore or conceal the sexual assault. Thus, law enforcement must become educated regarding the symptoms of an elderly victim of sexual assault.

The following are possible symptoms of sexual abuse of elders:

• Presence of sexually transmitted diseases

• Genital or urinary irritation, infection, injury, bleeding, bruising or scarring
• Extreme upset or visible discomfort when being bathed, changed or examined

• Intense reactions of fear

• Nightmares, sleep disturbances or night terrors

• Distrust of others

• Coded disclosure of sexual abuse (hints rather than direct statements)

• Sudden avoidance of people, places or activities

• Self-destructive activity, suicidal ideation or attempts

• Depression

• Regressive behaviors

• Aggressive behaviors

Elderly victims may also have physical disabilities or impairments, such as hearing loss, which may exacerbate their problems or intensify the need for services. Helping elderly victims deal with their emotional and physical well being, as well as issues relating to the sexual assault, are important considerations. Close teamwork between victim service providers and social services agencies and law enforcement may facilitate the delivery of needed services and a successful investigation.

Suggestions

• Always respect the elder's dignity and need for privacy and treat them in an age appropriate manner.

• Ensure confidentiality of the victim's report (including confidentiality from family members and friends unless the victim gives consent).

• Give the victim time to express their fears and concerns regarding the investigation process and what it will mean to their individual care.

• Law enforcement should be aware of support networks in their community that serve elderly victims of sexual assault. These support people may be able to place the elderly victim in a new living arrangement or nursing facility, and will attempt to make sure victims are protected without further limiting their enjoyment in life and sense of autonomy. This support is essential for the successful investigation of these crimes.

• Recognize that anyone who is over the age of 65 is probably living with a set of values (especially about sex) that is quite different than those of people who grew up after the 1950's. Thus, the investigator should allow victims to tell their story using terms that are comfortable to them.
• Determine if the elder has any disabilities and respond accordingly.

Sexual assault is an act of power that is not contingent upon the age of the victim. However, it remains a challenge for law enforcement to dispel the belief held by some that the elderly, because of their age, would not be likely victims of sexual assault.

**Victims who are hearing impaired or deaf**

**Considerations**

The term deaf is defined as a functional hearing loss of such severity that persons rely on visual communications including sign language, writing, lip reading or gestures. Persons who are hard of hearing or hearing impaired can often hear sounds and vibrations with or without the use of hearing or amplification devices. They do not depend entirely upon a visual communication system, however they have a hearing loss of a substantial degree.

It is important for law enforcement agencies to implement a system to communicate with people whose primary means of communication is signing. The following are examples of how hearing-impaired people may communicate:

- Sign language
- Facial expressions and gestures
- Lip-reading
- Mime (acting out the idea)
- Listening
- Speech
- Drawings
- Writing and computers
- A combination of any or all of these

All law enforcement officers should learn how to work with deaf and hard of hearing sexual assault victims and have immediate access to trained referral sources for assistance. At the minimum, law enforcement officers should understand the different aids for communication that individuals who are deaf or hard of hearing most often rely: hearing aids, lip-reading, sign language and writing.

**Hearing aids:** If an individual who wears a hearing aid has difficulty responding to, or participating in a conversation with the investigator, it is possible that the hearing aid is not functioning,
possibly from damage during the assault. (Law enforcement should work with victim service providers if possible to adjust, repair or replace hearing aids damaged due to a sexual assault. Some state Crime victim's Compensation programs will pay for this.)

- **Lip-reading:** In addition to hearing aids, many individuals who are hearing impaired or deaf rely upon lip-reading in order to understand what others are saying.

- **Sign language:** A common sign language is American Sign Language, a manual visual language communicated primarily through the hands and face, in which signwords develop and evolve through natural processes based on sign communicators; needs, culture and manual-visual communication needs.\(^{12}\) Other sign systems include: finger spelling and manual English.

- **Writing:** It may be helpful for the interviewer to write down questions or statements. If the victim responds in writing, both the questions and responses should be preserved as evidence.

**Suggestions**

- Law enforcement officers responding to reports of sexual assault should not make assumptions about how hearing impaired victims communicate. Sexual assault victims who are hearing impaired or deaf can be asked (or written a note asking) how they would like to communicate. For example, would the victim like to use American Sing Language and have an interpreter?

- Make sure the victim feels comfortable. Write down your name and inform the victim that you are there to help her.

- Officers should be prepared to take additional time and be patient during the interview process.

- In order for the investigator to collect necessary information while helping the victim feel comfortable, non-traditional communication methods may be necessary. For example, the use of anatomical dolls may help victims identify the nature, details and circumstances of the sexual assault.\(^ {13}\) It may also be helpful to allow the victim to address your questions by drawing pictures or writing detailed descriptions of incidents on a piece of paper. However, do not treat a deaf or hard of hearing victim as a child or as though their disability also affects their intelligence.

- The investigator should also address the possibility of videotaping these interviews, as there might not be a written transcript. (Refer to the Victim Interview section for a more complete discussion on the advantages and disadvantages of videotaping the victim interview).

- It is never appropriate for the investigator to ask a family member to interpret for a sexual assault victim who is deaf or hard of hearing. This is not an appropriate role. Family members may have also been traumatized by the assault; a family member may even be the perpetrator. More importantly, this assumption does not take into account the victim's needs.

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\(^{12}\)National Association of the Deaf (NAD), 1984, p. 84

\(^{13}\)Goddard p. 2
• Law enforcement agencies must also address the issues of telephonic communication with deaf and hard of hearing sexual assault victims. TDDs (Telecommunication Devices for the Deaf) display words and enable communication with the deaf or hard of hearing individual. While some telephone companies offer a relay service whereby an individual with a TDD equipped telephone can have messages relayed by an operator to an individual without TDD, the confidentiality of the sexual assault victim and the information relayed might be compromised through such a system. Every law enforcement agency should have at least one telephone equipped with TDD and personnel trained to use it.

The following are additional suggestions/guidelines for working with people who are deaf or hard of hearing that will be helpful to the investigator during the interview process.14

• It is important to have the deaf or hard of hearing person’s attention before speaking. Since they cannot hear the usual call for attention, they may need a tap on the shoulder, a wave of the hand, or other visual signals to gain her attention. Do not speak before the victim is ready to listen.

• For victims who are wearing a hearing aid, do not assume that they will or should have good hearing. These victims will still have some difficulty and will benefit from your consideration.

• Whether the victim indicates an ability to read lips or not, body language and gestures will help communication. Write down any words she seems to be having trouble understanding. Be sensitive to the fact that she will be observing closely your body language and will pick up on visual signs of frustration. Try to relax and to help her relax.

• Look directly at the person while speaking. Even a slight turn of the head can obscure the deaf or hard of hearing person’s vision. This can be especially frustrating if the person is lip reading.

• In addition, do not talk to the victim if your back is turned or when you are in the dark or in another room. Do not turn away in the middle of a sentence. Other distracting factors that can affect communication will include mustaches that obscure lips, smoking, pencil chewing, and putting your hands in front of your face.

• Do not speak to a deaf or hard of hearing person with your back to a light, window or mirror. Have the light in YOUR face, not hers.

• Just as each individual has her own style of speaking, grammar usage, vocabulary, and favorite idioms and cliches, Deaf or Hard of Hearing people also have their own individualized manner of speaking in sign language. People who use exact English are probably more able to converse through written means. Often using a sign language interpreter will be your only effective communication method with someone whose native language is American Sign Language.

Call the Commission on Deaf and Hearing Impaired at 1 (800) 708-6796 to request interpreter services.

14These guidelines were compiled by Kathy Schumacher, edited by May Hung Lee and published in the Minnesota Coalition Against Sexual Assault Training Manual (1997, pp. 2-49-2-51).
• Try to maintain eye contact with the deaf person. Eye contact helps convey the feeling of direct communication. If the interpreter is present, continue to talk directly to the deaf person. Do not use phrases such as "Tell her that." Speak directly to her.

• Be flexible in the use of language. English may not be a deaf or hard of hearing person's primary language, and therefore you may need to simplify your sentences.

• Do not shout or use exaggerated lip or facial movements. Use an almost normal rate of speaking, not too fast, but not so slowly that the natural rhythm is lost. The thought should come as a whole. Enunciate clearly and distinctly, keeping the voice as vibrant as possible.

• Use words with the most lip movement, such as "25 cents" instead of "a quarter."

• People with some hearing loss find it is hard to hear in the presence of background noise, so be sure to move away from such noise.

• Ask the victim to let you know what to do better to enable her to understand you; the victim's hearing will vary with rooms, background noise, fatigue, and many other factors.

The bottom line when interviewing a sexual assault victim who is deaf or hard of hearing, is to allow her to communicate in terms and settings that are most comfortable to her. This will allow the investigator to build a successful rapport with the victim and thus complete a comprehensive investigation.

Victims who are visually impaired or blind

Considerations

• As with victims who are hearing impaired or deaf, victims who are visually impaired or blind present some unique considerations for the law enforcement. The term visually impaired indicates that the individual has limited sight, while the term blind is a legal term indicating severe loss of sight.

• The investigator should not make assumptions about a victim's inability to provide details about the sexual assault. For example, in cases where the perpetrator is a stranger, the sexual assault victim who is visually impaired may not be able to identify their assailant by sight; they may however, be able to identify the assailant by voice or even smell.

• The bottom line is to understand that a sexual assault victim who is visually impaired is as capable as any victim in providing extensive information to help the officer in the investigative process.

Suggestions

• Always validate the victim's abilities to use other senses for identifying the assailant and make any special accommodations necessary. Expert witnesses can testify about how individuals who are blind or visually impaired may be able to compensate for their loss of vision by increasing their reliance on other senses.
• Some visually impaired or blind individuals have canes or highly trained dogs that enable them to be more mobile and self-sufficient than would otherwise be possible. A blind or visually impaired sexual assault victim must have complete control over these assistance devices at all times. Guide dogs should be permitted in the courtroom with the victim.15

• If needed, provide documents with large type for visually impaired sexual assault victims. Most word-processing programs allow for scalable fonts. Documents intended to be read by visually impaired victims should be printed in larger size type to facilitate reading.

• If possible, it is also helpful to provide documents printed in Braille for sexual assault victims who are blind and know how to read Braille. These documents may include general information about support services or contacts at the local law enforcement agency. In addition, copies of reports that are given to a blind or visually impaired person should be on audiotape, in large print or in Braille, whichever accommodation is requested by the victim.

• It is important to note that not all victims who are blind read Braille. The investigator should be prepared to read any documents or other important materials to the victim.

• Officers should be prepared to take additional time and be patient during the interview process.

**Sexual assault victims with physical disabilities**

**Considerations**

Individuals with physical disabilities are those who use wheelchairs, braces, crutches and canes to facilitate or assist their movements. Law enforcement personnel who respond to a victim of sexual assault with a physical disability must take into consideration a number of issues.

All law enforcement agencies must make the necessary accommodations to provide complete access for physically disabled persons to their facilities and comply with all requirements of the Americans with Disabilities Act.

The Americans with Disabilities Act (ADA) was signed into law in 1990. The ADA, as it is called, was designed to provide individuals with disabilities equal opportunities in employment, state and local government services travel, telecommunications and places of public accommodation.

Foremost, it is important to consider the victim's mobility and access needs to all facilities including hospital, law enforcement buildings and courthouses. The second issue to consider is the distinctive emotional needs of the victim that may be created by the disability. For example, in some cases the physically disabled victim has been assaulted by a caregiver who the victim trusted to provide essential care.16 In fact, Ninety-nine percent of offenders who sexually assault people with disabilities are known to their victims.17 When the offender is someone who is supposed to be in a helping

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15Baldarian and Waxman, 1985. This is an unpublished manuscript available through the National Criminal Justice Reference Service at (1800) 732-3277. Reference accession No. 113494.
17Seattle Rape Relief: 1997
relationship, concerns about loss of services and independence arise. (Many of these issues are similar to those listed under elder abuse.)

The third issue is the securing of appropriate medical attention. Law enforcement may find that a non-ambulatory victim has experienced injuries that are not typical to sexual assault victims who are more mobile and may have flexible muscle tone. Therefore, law enforcement officers should take special care in making sure that the victim receives all necessary medical attention. In addition, a lack of mobility may increase a sense of vulnerability to further sexual assault, increasing the victim's fear and anxiety.

**Suggestions**

- When responding to a report of sexual assault against a person with physical disabilities, the officer should first take into account mobility, access, and communication: (E.g., Can the victim get around? Is the access to mobility restored after the attack? Is the access to communication tools restored?)

- If possible, make all necessary accommodations for the victim prior to the interview.

- Don't be afraid to ask the victim what assistance she needs. This will build an important positive rapport with the victim and will help her feel she is in a safe and comfortable environment.

- It is essential that the investigator find out the mode of communication the victim is most comfortable with and apply it throughout the interview. (Refer to the list of suggestions on how to communicate with sexual assault victims who are hearing impaired or deaf. Many of these same communication tools can be used with the victim who is physically disabled.)

- After having been sexually assaulted, people with physical disabilities respond emotionally in all the same ways that people who are currently able-bodied respond. However, they may need to talk through how they perceived the role their disability might have played in making them more vulnerable to the assault. The investigator should take the time to listen to the victim's concerns. Indeed, this is key to the investigation and to the establishment of force, threats and coercion used by the perpetrator.

- Law enforcement officers must understand that severity of a physical disability does not necessarily imply mental impairment. Sexual assault victims with physical disabilities should be treated with the same amount of respect as all victims of sexual assault.

- In addition to the more apparent access issues, physically disabled sexual assault victims may have distinctive emotional needs. Law enforcement officials should be aware of all the resources in their communities that can support the specific needs of these victims.

- As stated throughout this section, officers should be prepared to take additional time and be patient during the interview process.
Conclusion

Investigating sexual assault crimes is the central focus of this curriculum. While extensive guidelines have been provided concerning the collection of evidence, interviewing the victim and the suspect, it is important for the investigator to understand that each sexual assault case they work with will likely be different.

It is important to treat all victims with equal respect and dignity throughout the investigation and to not make assumptions about the victim's story based on the community in which he or she is a member. Stereotyping and personal or professional biases have no part or role in the sexual assault investigation. Thus, each investigator must have a strong understanding of the communities they serve so that every sexual assault case can be successfully investigated.

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