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

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Adult Learning

Acknowledgments

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Treating Law Enforcement Officers Like Adults in Training

At one point or another in our careers, most of us have attended a training session that we really enjoyed. If asked how the training was, we might respond that the instructor was knowledgeable, humorous, or entertaining. At best, we might respond that we learned a lot. But how many of us could honestly say that we learned how to apply that knowledge or that skill?

Question and Answer:

The above activity might best be completed as an exercise in which the instructor asks the participants to recall a training session that they really enjoyed. The instructor then asks the participants to give reasons why the training was enjoyable and those are listed on a flip chart. The instructor then directs student attention to those answers that identify the application of knowledge or skills.

The goal of training should be to allow an opportunity for the student to practice knowledge and skills which they need to do their job. As Langevin Learning Services Workshop for Trainers puts it, "Training is the place where employees come to practice their jobs."

Without that practice component, we simply have education. This is not to say that education isn’t important. Education is the basis for training and the two go hand in hand. However in the past several decades, much has changed in the area of adult education. Contemporary theories of how adults learn have added new dimensions to the design of training for specific jobs. Law enforcement training has benefited from these insights, although perhaps only in limited areas.

Although it is common to incorporate techniques such as demonstrations, drill and practice, and simulation to skill areas such as firearms training or field sobriety testing, other areas do not readily lend themselves to the utilization of techniques that enhance the learning process. The investigation of sexual assault is one such area. Although resistance to these techniques exists, the inclusion of them in training is absolutely necessary for effective learning to take place.

Prior to beginning a discussion of how to best implement a training curriculum, a review of contemporary theories of learning is necessary. The current literature on adult learning is expansive and the following will be a brief overview.
How Adults Learn

There is a great difference between how children learn and how adults learn. Adults who have been at a training session in which they felt like they were treated like children understand this concept. Children attend school in order to obtain knowledge and skills they will use throughout their lifetime. In most cases, education is compulsory and the children are led through the learning process. Pedagogy is the term that often refers to the process of teaching children. The term is from the Greek and literally translates as "child leading."

Adults learn in a much different manner. When adults attend a training session, they typically do so in search of knowledge and skills they can utilize in their current job. Andragogy is the term that refers to the art of helping adults learn. It is another Greek term, however it translates as "man leading". The theory of andragogy began to be examined in our country in the early 1970's and has been expanded upon greatly in the past three decades.

Central to the theory of andragogy are several main assumptions that differentiate it from pedagogy, and set the stage for the development of effective training for adults.

1. Adults need to know why they need to learn something.

   Adults need to see the benefit of learning or the consequences of not learning prior to opening themselves to the learning. As Langevin Learning Services puts it, they need to know "what's in it for me?" The first question a law enforcement officer wants answered in any training is how the training will benefit him or her. Will it make the job easier? Will it increase arrest rates? Will it increase prosecution rates? Will it increase victim cooperation? Will it decrease the chances of successful lawsuits against the officers? Will it simply make the officer feel better about his or her job? Given the importance of "the need to know," it is critical to communicate how training will benefit them in their personal or professional lives.

2. Adults learn best if allowed to direct the learning themselves.

   Adults have a distinct self-concept that is lacking in children. Adults know who they are and what they want, and they want to be in control of the learning process. If treated like children or made to feel that someone else is "shoving training down their throats," they will most likely resist the training and fail to learn. The profession of law enforcement tends to attract personality types who are clearly self-directing. One way to guarantee failure when training police is to treat them like children. The utilization of techniques such as discussion groups and case studies allow the learners to assist in the direction of training.

3. Adults have a myriad of prior experiences that affect their learning.

   Because adults have experienced more of life than children have, they enter a training situation with a larger knowledge base. Techniques that allow them to expand upon this base will work more effectively with adults. The range of experiences among law enforcement officers is wide and varied. If their prior experiences are ignored or rejected by the trainer, learning will most likely not occur. If a police investigator enters a training session and indicates that she or he has
worked quite a few unfounded cases of sexual assault, the trainer needs to acknowledge this and utilize training techniques that allow the investigator to examine these past experiences in more detail.

4. Adults must be ready to learn.

Adults must be ready to learn in order to do so. Their readiness is often determined by the whether they see value in the learning as it relates to their lives and jobs. The veteran investigator who has handled a number of sexual assault cases will see value in different training topics than a patrol officer who has never responded to a sexual assault case. When designing the training, efforts must be made to encourage readiness for all learners by including varying topics and establishing the importance of the interrelationships between all levels of the investigation.

5. The adult orientation to learning is grounded in life.

For adults, learning must be oriented toward the here and now and should be task oriented or problem oriented, rather than generalized as it often is with children. In other words, when training a law enforcement officer to effectively conduct an interview, the officer may learn best by utilizing case examples which he or she might likely encounter on the job.

6. Adults often are motivated to learn by internal factors.

For many children, identifying the motive for learning is easy ? parental pressure, grades, etc. Identifying the motivation for adult learners is less obvious and more difficult. Although external motivators do exist, the most powerful motivation appears to come from within the adult learner instead of from the outside. In the case of law enforcement, the officer who attends training because he or she wants to be more satisfied with the job is more likely to learn than the officer who attends simply because it is a condition of employment.

**Buzz Groups:**

The above information may be presented in the form of a group exercise. The class should be divided into 6 groups. After a brief explanation of each of the six assumptions, each group is assigned one of the assumptions. As a group, they are to identify ways or examples of how the assumption affects the manner in which law enforcement officers in particular are trained. Each group will list their responses on a flip chart and then present to the group as a whole.

Although the above assumptions about adult learners are very important, they are not all encompassing. As Knowles admits, "there are many individual differences among learners that interact with the core adult learning principles to shape adults' learning behaviors." Therefore it is necessary to design training that takes into account individual learning differences in style and ability.

**The Principles of Learning**

In order to develop training that takes into account individual learning differences, a review of the some additional principles of learning is helpful. These principles have been adapted from a variety
of fields, including individual learner difference research, learning how to learn interventions, and cognitive development theories.

1. Adults use all of their senses when receiving and understanding information, but they do so to varying degrees. Training design should encompass visual, auditory and physical activities in order to affect as many learners as possible. Examples of visual activities include overheads, white boards, videotapes and handouts. Auditory activities include lectures, discussions, and audiotapes. Physical activities include anything in which the learner must play an active hands-on role in the training, such as a role-play.

2. Adults differ in the rate at which they learn. Training should be designed to allow learners to process information at different points in time by conducting periodic reviews. Too often trainers do not conduct reviews at frequent enough intervals, preferring instead to wait until the end of a course. Reviews are an excellent way to refresh learners after a break, at the end of a day, or at the beginning of a new day of training.

3. The average adult learner can process only a small amount of information at a time. Chunk information into groups of 7 items (plus or minus 3 depending on the difficulty level) at a time. Most of us can easily remember a 7 digit phone number, and even include the 3 digit area code, but have difficulty remembering longer strings of numbers. Memory retention is also best for those things covered at the beginning and the end of a session, therefore cover the key items early and review them again at the end.

4. Adults are used to being active and should be actively involved in the learning process. The utilization of practical exercises allows adults to participate in an active manner rather than simply be passive receivers of information. If passive activities cannot be avoided, make sure they are not scheduled during the low points of the day (just before lunch break, just after lunch break, and just before the end of the day). At those times of the training day, practical exercises that require active participation are best utilized.

5. Learning is affected by the environment in which it takes place. Trainers should strive to create an environment which is comfortable, free from distractions, and conducive to group work. If possible, avoid setting up the room in the typical classroom style with rows of seats facing the front or the learners will assume that they are simply going to be passive observers. Utilize smaller round tables of 4-6 people. The trainer should move around the room during training and avoid standing behind a podium. The trainer should also always remain aware of comfort levels within the training room.

6. Adults want to be successful, especially in the learning environment. When designing practical exercises, care should be given to ensure that the learners see progress being made. Feedback should be given consistently throughout the learning process, especially after practical exercises. The trainer may give the feedback or the learners may give feedback to each other.

7. Learning is a social activity. The majority of learning actually takes place out side of training in an informal setting. During training, this learning may actually occur during short breaks or
meal times. If possible, training should be set up to encourage learning that occurs in the informal setting.

**Listening Teams:**

The additional principles of learning may be presented using the technique of listening teams. Each group is assigned one of the seven principles and asked to listen closely, take notes and prepare questions. At the end of a discussion of all the principles, each group is asked to summarize their principle to the group as a whole, concentrating on those aspects of the principle that might affect the design of training for law enforcement officers.

**The Design of Training**

As a result of much of the research into how adults learn, training formulas have been developed which differ from those used in educating children. The three key ingredients of successful adult training are presentation, application and feedback. Most trainers are very familiar with the first ingredient, presentation, and mistakenly equate it with training. However, if we accept the assumptions and principles of adult learning, we realize that training should consist of much more.

Presentation is the delivery of content to the learners in a training session. Although many forms of presentation methods exist, the most common method is lecture. However, recognizing that adults learn in ways that are different from children, additional methods should be utilized. Behavior modeling, buzz groups, demonstrations, discussions, listening teams, interviews, neighbor discussions, question and answer, skits, and slip writing are examples of presentation methods that are often just as successful, if not more so, than lectures.

The application phase of training is when the learners are given an opportunity to practice the knowledge and skills gained in the presentation phase of training. Often the learner is not presented with this opportunity until he or she is back on the job. Knowing that adults want to take an active role in their learning, the benefit of application during training is obvious. Some examples of application methods that may be used during training are case studies, critical incidents, critiques, games, mini case studies, practice exercises and role-plays. Remember training should be the place where people practice their jobs.

The feedback phase of training should occur directly in conjunction with the application phase. When a learner is attempting to practice knowledge and skills, or apply concepts learned in the training, he or she should be given immediate feedback as to performance. In many training sessions, feedback is confused with evaluation. The learners are given a test at the end of training in an attempt to evaluate whether they have successfully grasped the concepts of the course. Although this form of evaluation is widely utilized, most trainers recognize that it does not accurately test whether learning occurred. The true test of learning is whether or not the learners can actually apply what they learned. Through a combination of application and feedback, trainers can get a much better grasp of whether this is occurring.

Now, think about much of the training that you have ever attended. How much time was spent on presentation versus application and feedback? In an ideal training session, one third of the time
should be spent on presentation and two thirds of the time should be spent on application and feedback.

Critique:

At this point, ask the learner groups to analyze the strengths and weaknesses of the above proposal. Propose the following questions to the groups:

• Is it possible to meet this goal in all training?
• Will this ratio differ from one type of training to another?
• Would a certain type of training (e.g. Skill based) lend itself to more application and feedback?
• Why does most training concentrate on presentation?

Allow the groups about five minutes to discuss the above questions, then report back to the group as a whole.

Perhaps one reason why most training does not come anywhere near this ideal ratio is because most trainers are much more comfortable with their role as presenter. Recently I spoke with someone who had just attended a one-day training session. I asked him how the session was and he replied "It was great." I then asked him why, and he indicated that the trainer was a good presenter. I finally asked him if what he had learned. After contemplating the question for a few minutes, he responded "No, I guess I was just entertained."

Trainers often believe that their success is measured by course evaluations. If we entertain the audience, we tend to receive higher evaluations. However the true test of the success of a trainer is whether learning occurred and whether that learning can be applied in the workplace. Given his knowledge of how adults learn, Malcolm Knowles suggests that we can best accomplish this if we reject our role as teacher and instead become "facilitators of learning."

The Trainer as Facilitator

The first step to recognizing our role as facilitator of learning requires us to break out of our traditional role as instructor or educator. As such, let's begin with one premise:

The learner should work harder than the trainer.

Anyone who has conducted training with law enforcement students can tell you that this is not always the case. Often times, the instructor is more depleted upon conclusion of the course than the students. If that is the case, then the students probably have not been effectively trained in other words they probably have not had the opportunity to practice the knowledge and skills that they learned during the training.
This curriculum is designed to allow opportunities for practice. Given the nature of this training topic, some creativity in that practice is necessary. Creativity on the part of the instructors is also necessary. We have shown some examples of activities that may be conducted and a complete listing will be found in Appendix 1.

So, how do we become facilitators of learning? Simply put, we apply our knowledge of adult learning principles to the training. As trainers it is our responsibility to set up our training so that our learners can be successful. When developing a lesson plan for a particular topic, utilize the following format:

**Introduce the lesson**
- State the objective
- Give a brief overview of the lesson
- Explain the benefits of learning the subject

**Present the content**
- Utilize different methods of presentation
- Remember to chunk information into groups of 7
- Utilize visual, auditory and physical activities

**Conduct application exercise**
- Give clear instructions for the exercise
- Make time restrictions to encourage efficiency
- Monitor performance during the exercise

**Provide feedback**
- Utilize trainer and learner feedback
- Focus on performance

**Summarize**
- Review the lesson
- Emphasize how the lesson relates to entire subject

**Practice Exercise:**

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Ask each trainee to pick a curriculum topic (e.g. Forensic examination) and prepare an introduction for the topic. Include the objective, an overview of the lesson, and the benefits of learning about the subject. Each introduction should only be a few minutes in length. Ask for volunteers to provide their introduction to the class. Provide assistance as needed and feedback at the end of each introduction.

**Dealing with Training Problems**

As any trainer is aware, problems associated with training are inevitable. Whether you are a novice trainer or an "expert" who has conducted thousands of training sessions, problems will arise which challenge your ability to facilitate learning. The key to being a successful trainer is to prepare for potential problems and to be flexible in your approach to them.

Most of the research in the area of adult learning and training has centered around the learner, however a recent study has taken a detailed look at trainers in order to determine the most common training delivery problems (Swanson and Falkman, 1997). Along with developing a list of the twelve most common problems, they also provided expert solutions for each problem. The following is a summary of their information:

**Fear**
- Be well prepared
- Use ice breakers
- Acknowledge the fear

**Credibility**
- Don't apologize
- Have an attitude of an expert
- Share personal background

**Personal experiences**
- Report personal experiences
- Report experiences of others
- Use analogies, movies, or famous people

**Difficult learners**
- Confront problem learners
- Circumvent dominating behavior
• Small groups for timid behavior

**Participation**

• Ask open-ended questions
• Plan small group activities
• Invite participation

**Timing**

• Plan well
• Practice, practice, practice

**Adjust instruction**

• Know the group needs
• Request feedback
• Redesign during breaks

**Questions**

• Anticipate possible learner questions
• Paraphrase learner questions
• "I don't know" is okay
• Ask concise questions

**Feedback**

• Solicit informal feedback
• Do summative evaluations

**Media, materials, facilities**

• Know your equipment
• Have back-up equipment
• Enlist assistance from the group
• Have participant material ready ahead of time

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• Visit the facility beforehand

• Arrive early

**Openings and Closings**

• Develop an "openings file" containing icebreakers and other successful opening ideas

• Memorize the opening

• Relax the trainees

• Summarize concisely

• Thank the participants

**Dependence on Notes**

• Notes are necessary

• Use note cards

• Use visuals

• Practice, practice, practice

**Mini Case Study:**

Divide the class into their groups and then present each group with a different training delivery problem (See appendix 2). Ask each group to prepare recommendations for how to handle the situation and list them on their flipchart. Each group should then present their situation and recommendations to the class as a whole.

**Appendix 1 - Instructional Methodology**

1. **Behavior Modeling (Presentation & Application)**

   A technique in which desirable behavior is shown to the trainees, either by the trainer or through video or other means. The behavior is then analyzed and studied. The trainees then have an opportunity to practice the behavior themselves with guidance and feedback. Commonly used for interpersonal skills and communication training.

2. **Buzz Group (Presentation)**

   The trainees are divided into smaller groups for a quick discussion (5 minutes or so). They are instructed to react to a topic, question, or an issue and then report back to the group as a whole.

3. **Case Study (Application)**
The trainees are given a sample situation, either orally or in writing, and asked to respond to it either individually or in groups. They are instructed to analyze the situation and present their recommendations as to how to proceed or solve it.

4. Critical Incident (Application)

A variation of the case study in which the trainees are given incomplete information and then asked to analyze the situation and ask correct questions in order to receive additional information needed to proceed or solve a problem.

5. Critique (Application)

The trainees are asked to analyze the strengths and weaknesses of a subject. They are then asked to provide suggestions for improvement.

6. Demonstration (Presentation)

Performance is demonstrated to the trainees either live or on video or audiotape.

7. Discussion (Discussion)

An exchange of ideas on topics of mutual concern. The trainer may lead the discussion or allow the class to monitor it themselves. Often used spontaneously.

8. Game (Application)

An exercise in which competition and cooperation are used to practice or review principles previously discussed. Should be fun, but not too difficult.

9. Interview (Presentation)

Trainees are given an opportunity to interview and question a resource person. Sometimes someone else conducts the interview, and the learners simply observe.

10. Listening Team (Presentation)

A group of trainees is asked to listen to a speaker, take notes, prepare questions and then summarize a session. Several listening teams can focus on different aspects of the presentation and report back to the group as a whole.

11. Mini Case Study (Application)

A brief variation of a case study utilizing only a few facts. Often used when different approaches are available to a situation.

12. Neighbor Discussions (Presentation)
A quick method to increase participation by trainees. They are asked to turn to a neighbor and briefly discuss a topic or answer a question. Often used spontaneously when participation is low.

13. Practice Exercise (Application)

The learners are given an assignment to practice performing a task.

14. Question and Answer (Presentation)

The trainer covers course content by asking a series of questions to the group. The trainees volunteer the answers and are also encouraged to ask further questions.

15. Role Play (Application)

The trainees are assigned to act out a situation in order to apply new knowledge or skills. Often used for interpersonal or communication skills. Numerous variations may be tried including:

- Monodrama - only one role and the player gives a monologue while others observe.
- Multiple - a number of separate role-plays occur at the same time in various parts of the room.
- Role rotation - during the role-play, the play is stopped briefly to allow participants to trade roles before continuing.
- Soliloquy - the role-play is stopped briefly to allow a participant to react to what is happening or asks questions about how to proceed.

16. Slip Writing (Presentation)

The trainer asks the attendees to write their main question on a slip of paper and pass it to the instructor. The instructor then reads the questions and responds or asks the group to respond. A quick method of generating questions from a group in an anonymous manner.

17. Skit (Presentation)

A short, dramatic presentation that is prepared ahead of time and rehearsed to illustrate points or to generate discussion.

Appendix 2 - Managing Difficult Training Situations

Situation 1: The group won't respond.

You have opened the session, made everyone feel welcome and stated the purpose of the session as clearly as you can. Then you ask a general question and the group just sits there. What's the trouble and what can you do about it?
**Situation 2: Getting silent individuals to participate.**

You are conducting a classroom discussion in which it is important for everyone to participate, but two or three trainees are remaining silent. How do you get them to participate?

**Situation 3: Dealing with an individual who monopolizes the discussion.**

You are conducting a classroom discussion in which it is important for everyone to participate, but one individual talks so much that no one else has a chance. What do you do?

**Situation 4: Working with a group with mixed experience and knowledge.**

You have been assigned to teach a course to a group of fifteen trainees who have a wide variety of experience and knowledge on the subject. Some of them know quite a bit about the subject (or at least they think they do because they have a great deal of experience with it) while for the others they subject is new. How do you keep everyone interested?

**Situation 5: Dealing with individuals whose conversations disrupt the session.**

While you are teaching, two trainees are having a conversation that can be heard by others and is disrupting the class. What should you do about it?

**Situation 6: Dealing with technical difficulties.**

You arrive to begin the training. Your overhead projector bulb is burned out and the PowerPoint presentation will not boot up. What do you do?

**Situation 7: Dealing with inappropriate remarks.**

You are facilitating a training session. During a break jokes are told that are racist in nature. Some learners appear to be offended. What do you do?

**Situation 8: Dealing with a learner who is confrontational.**

You are facilitating a training during which one learner argues about various points, both with you and other learners. What do you do?

**Communications**

**Acknowledgments**

Supplemental materials were written by Rachael D. Berger, Project Associate, National Center for Women & Policing

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Introduction

Communications personnel are usually the first contact that crime victims have with law enforcement and the quality of the interaction can set the tone for the entire investigation. Clearly, one of the top priorities for law enforcement, including communications, is to protect human life, yet this duty also includes reducing any further unnecessary trauma to victims of crime. Communications staff must be mindful of this duty at all times.

Despite the critical role that communications personnel play in responding to victims of sexual assault, they have traditionally been excluded from training in this area. Thus, communications personnel typically do not attend the kind of ongoing training that is needed to understand the complex dynamics of sexual assault crimes. For all of these reasons, we strongly recommend that all communications personnel—but especially those in supervisory positions—attend this type of training that has often been considered appropriate only for sworn personnel.

In general, communications personnel should address three primary goals: collecting information, dispatching assistance, and informing the victim. In addition, there are a number of special considerations to be taken into account when handling the sexual assault call.

Collect Information

Standard communication procedures generally include collecting the following minimal information:

- The caller’s identity (name, address, a telephone number where the victim can be called back, and necessary identifying information including cross streets and apartment number).
- The exact location of the caller (i.e. what room she is in, and where she is located in the building).
- The extent of the victim's injuries and whether emergency medical assistance is needed.
- Whether the suspect is still at the scene.

Communications personnel go by a number of names, including 911 Operators, call takers, dispatchers etc. We use these various terms interchangeably for the purposes of this module.
• If the suspect is still at the scene, a description of any weapons used in the assault or any weapons accessible to the suspect should be obtained.

• If the suspect fled, his direction of travel and mode of travel.

• The identity or description of the suspect.

• Whether the victim requires a translator or other specialized assistance. In most cases, communications staff should not ask specific details about the sexual assault. The first responding officer will address this information in order to determine the specific acts/charges involved.

• If the victim states that she was raped, the communications personnel should NEVER ask if she consented or resisted because the victim might perceive these questions as disbelieving and/or judgmental. Rather, the responding officer will address this information after establishing a rapport with the victim.

In addition to these standard procedures for collecting information, we also recommend that communications personnel should address the following with sexual assault victims.

• If the incident just occurred, make every attempt to remain on the line with the victim. This can be very reassuring to the victim and allow additional information to be obtained. However, you need to be sensitive to the fact that the suspect may still be present and the victim might not be able to answer your questions or she may attempt to disguise the intent of her call.

• If the victim is unable to engage in dialogue, ask if she can at least put the phone down without disconnecting it to leave the line open. This allows the 911 operator to then continue monitoring the scene for signs of violence and other information that can be relayed to the responding officer.

• Keeping the victim on the line may also protect evidence from contamination or destruction, as it is unlikely that the victim will bathe or change clothes while talking on the phone.

• When questioning the victim, determine whether there is a second crime scene in order to appropriately dispatch police officers. For example, she might be calling from her home, but the sexual assault took place at a friend's house.

• If the victim disconnects from the phone line, the operator should follow standard procedures for a 911 hang up.

Special Considerations for the Sexual Assault Call

• It is extremely important not to judge what you hear from a sexual assault victim. Experienced law enforcement personnel know that anything and everything is possible. For the safety of the community and police officers, it is therefore crucial for the operator to suspend judgment and follow proper procedures for collecting information.

    For example, you might receive a call from a woman who states she has been sexually assaulted. However, you hear loud music in the background, indicating
that there might be a party going on. Although this is possible, it is also possible the music was turned up by the suspect to prevent neighbors from hearing the victim’s screams for help. Remember when taking a call from a sexual assault victim to collect all of the necessary information, suspending any disbelief or judgment you might be feeling. Sexual assault victims are often extremely sensitive to any doubt or blame, and if the operator communicates these to the victim, the consequences can be devastating.

- Depending on the circumstances of the assault, it is not uncommon for some victims to speak as if the assault is still occurring even though the suspect has already fled. In the victim’s mind, the assault is often experienced as being in progress until she feels safe. Idiosyncrasies such as this should be expected among sexual assault victims who are experiencing severe trauma and they should never be considered an indication of a false allegation.

- It is also not uncommon for a victim to report that she does not know where she is or whether she is injured. The victim may state that she has been "attacked" instead of identifying the assault as a rape. In addition, in cases where the suspect threatened to harm the victim if she called the police, the victim may be unsure whether to proceed with the call or to provide identifying information about the suspect. Patient, nonjudgmental responses from the operator can help the victim feel safe enough to disclose further information.

- Victims of sexual assault will display a wide range of reactions. Some victims might cry while others might appear angry or talk in a monotone. Operators must realize that there is no universal response to sexual assault and therefore that the type of behavior exhibited by the victim should never be used to judge the validity of her claim.

Crime victims are often unclear about what happened and how the incident would be classified criminally. This is especially true in cases of sexual assault. Many sexual assault victims believe an assault isn't rape if the offender was a husband, friend or acquaintance. Citizens are not usually instructed on the elements of criminal law and they hold the same misconceptions and stereotypical views of what constitutes "real rape" as the rest of society. For all of these reasons, it is critical that communications personnel use a patient, nonjudgmental tone to elicit information from sexual assault victims. It is not important at this point whether the victim labels her experience as sexual assault, but it is crucial that the operator collects the necessary information to relay to the responding officer.

Always remember: All calls should be handled following proper procedures regardless of your "gut" feelings about the validity of the call.

Dispatch Assistance

The first responsibilities of the 911 operator are to evaluate incoming phone calls, obtain the necessary information to determine the type of response needed, and then assign the priority of the call.
• As with any other call, any evidence of an assault in progress or an assailant still at the scene (such as screams, whispering, or an interrupted or incomplete phone call) should result in the call being assigned an immediate priority for responding officers.

• With these hot calls, the operator should promptly dispatch a responding officer to the victim’s location and to the crime scene (if different).

• Medical assistance should be also dispatched immediately if necessary.

Because the majority of sexual assaults are only reported to police after a delay of days or weeks, they will generally not be handled as a first priority radio call. At this point, the incident is usually no longer a life threatening emergency, however, the call should nonetheless be handled with the same professionalism and compassion as a "hot call."

Inform the Victim

Following departmental policies and procedures, it is critically important that the 911 operators keep the victim informed of every stage during the police response. Victims want to hear that the police are en route because they will not feel safe until a police officer has arrived at the scene.

Many victims feel panic and/or frustration when a series of questions are asked by a 911 operator who does not allow them to tell their complete story. Most people do not understand that the information they provide to communications personnel will be relayed to responding patrol units. Take a few seconds to explain that the series of questions being asked will not delay responding officers and that it will only help them to find the victim and respond in a safe manner.

• If suspect information and direction of travel has been broadcast to responding units, communications staff must ensure that the officer closest to the victim's location makes contact with her before checking the area for the suspect. Although locating the suspect is important, the first priority in a sexual assault call needs to be the safety and well being of the victim.

• The 911 operator should ask the victim if she has showered, douched, gone to the bathroom or changed clothes since the assault. Immediately advising sexual assault victims about what they should not do can create additional distress for victims who may have already engaged in one or more of these behaviors. Some victims might also feel embarrassed that they did not "know any better" and thus hesitate to reveal further information to the 911 operator. After asking the victim about these behaviors, the 911 operator should then advise her about the importance of maintaining fragile forensic evidence. This includes instructing the victim to not wash her hands, change or wash clothes, and not to clean up the scene where the sexual assault occurred.

• Even in the case of a delayed report, it is important to instruct the victim not to clean up the residence if it was the location of the assault. For example, the victim should be cautioned not to wash any sheets, mattresses, clothes, or even clean windows that might have latent prints.
• It is not uncommon for sex offenders to take insignificant items from the victim's residence to help him relive the assault at a later time. Therefore, the 911 operator may ask sexual assault victims whether any of her possessions are missing.

• If a drug facilitated sexual assault is suspected, and the victim states that she must urinate, the 911 operator should instruct the victim to collect her urine in a clean jar with a lid (or a secure container) and not to wipe her genitalia afterwards.

Policies and Procedures

All law enforcement agencies should have a mechanism to record and retain incoming telephone calls, for a specified period of time. (A minimum of six months is recommended). These recordings frequently play an integral part in the investigation of a sexual assault because they contain spontaneous statements or excited utterances that may be used later as corroborative evidence.

In addition, it is important to recognize that patrol officers juggle a variety of tasks when responding to a call. They must be able to listen to their radio, note the address they have been dispatched to, and record all pertinent information regarding the suspect(s), victim, and crime scene. Consequently, much of the information obtained by the 911 operator is reduced to the absolute basics to relay to the responding officer. For this reason, it is strongly recommended that officers conducting a follow-up investigation of sexual assault obtain copies of communication tapes to include in their file for the prosecuting agency.

Communications personnel must keep in mind that their contact with a sexual assault victim is only the first step in a long and painful process with the criminal justice system. Communications personnel should thus be trained to ask only those question that are relevant to a proper police response, and to do so in a patient and nonjudgmental way. Specialized training is recommended for those critically important members of the sexual assault response team, in order to develop the skills necessary to successfully balance the demand of proper police procedures and victim safety and well being.

Report Writing

Summary

This section was written by Dr. Kimberly A. Lonsway, Research Director, National Center for Women & Policing

Most of the content of this module was contributed by Detective Scott Keenan of the Chicago Police Department.

Other material was adapted from:

• "Criminal sexual assault investigation for first responders and investigators." Course outline handout (10/98). Developed by Commander Joseph Kocek, Tinley Park (IL) Police Department.
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Introduction

This entire manual has focused on preparing law enforcement to investigate sexual assault cases with an eye toward successful prosecution. Yet we know that many cases nonetheless result in acquittal. Why? In television dramas, the prosecution loses its case because the defense produces evidence or a witness that was missed by the police investigation. In real life, however, defense attorneys rarely uncover evidence or witnesses that police miss. Rather, defense attorneys win cases because they attack the credibility of the investigation with ammunition that comes from the investigator's own reports.

Clearly, report writing is not the most interesting or glamorous part of the investigation, but it is arguably the most important. The written report serves a number of key purposes, including:

- recording and transmitting information regarding the case
- providing a written narrative of the facts and findings from an investigation
- providing the foundation upon which a prosecutor will build a case, and
- becoming the official memory of the department for use in trials, appeals, and civil suits.

No matter how good an investigation is -- how thoroughly the scene was processed, how well the victim was interviewed, or what kind of statement was given by the suspect - the case will be lost at trial if the reports summarizing the investigation are poorly written.

After a few trials, investigators learn that a good report is more than an accurate summary of the facts. Instead, a good report anticipates potential defense strategies and provides the information necessary to undermine them. For example, one of the most common defense trial tactics is to try to impeach witness testimony. There are two types of impeachment, impeachment by omission and impeachment by contradiction.

Defense Strategy #1: Impeachment by Omission

Every rookie police officer knows that writing the wrong information in a report will have a negative effect on the outcome of the case. It takes a while for officers to understand, however, that what they don't record in a report can also hurt the case at trial. Impeachment by omission is achieved when the defense can undermine the credibility of the prosecution by pointing out that some fact was provided in witness testimony but not documented in a report.

How damaging is impeachment by omission? In some ways it is not at all damaging, because omissions are committed in every single report. That is, virtually every trial will involve testimony by the investigator to some facts not included in a report. This is because it is impossible to anticipate every question that both the prosecutor and the defense attorney may ask, and the investigator's
testimony will therefore likely include some information not included in the report. Judges and juries generally understand this and are willing to overlook the occasional fact that has not been written in an investigative report. However there are two situations in which impeachment by omission can be damaging.

- The first is when the fact to which an investigator is testifying is central to the prosecution's case, and
- the second is when the investigator's testimony includes numerous undocumented facts.

For example, investigators have actually testified that they forgot to write in their report that the offender admitted to committing the crime. It is easy to imagine that these investigators are seen by the judge or jury as less credible than if this important information had been documented. As a general rule, testimony to facts that are not documented in a report is viewed as less reliable than testimony to facts that are substantiated by a report.

Other key information to include in a report is conclusions regarding all other investigative leads. If any other suspects or leads are mentioned in the report, it will also need to include information about how and why they were eliminated from consideration. This prevents the defense from placing blame on the police for inappropriately targeting the defendant, and it reduces the likelihood that any other leads will be used to raise doubt in the minds of jurors.

Investigators also sometimes write short, vague reports and then provide detailed testimony in court about a complex investigation. Defense attorneys are likely to attack this kind of testimony by showing the investigator the report and asking him or her to locate the information to which they have testified. When the investigator admits that the information is not included in the report, the defense can then depict the investigator as untruthful or incompetent. While a single occasion of impeachment by omission may not be fatal to a case, repeated occurrences will undermine prosecution.

**How to undermine this strategy**

How can you avoid the problem of impeachment by omission? Ask yourself the following questions.

- First, what are the elements of the offense that you are trying to prove?
- Second, which defense will likely be raised at trial?

Then make sure that your reports include all of the facts and evidence that are required to prove the elements and refute the likely defenses. However, this does not mean that your reports should always be long and include every minute detail -- because long, detailed reports increase the risk of impeachment by contradiction.
Defense Strategy #2: Impeachment by Contradiction

Impeachment by contradiction occurs when a witness testifies to facts at the trial that are different than those recorded in their witness statement or in the case reports. This kind of impeachment is generally more damaging than impeachment by omission, because it gives the defense attorney an opportunity to characterize the testimony as a lie.

Sometimes a contradiction between testimony and recorded facts can be excused due to a memory problem. Judges and juries typically understand that very few people relate their account of an event in exactly the same way every time. Nonetheless, investigators must do what they can to avoid the problem.

How to undermine this strategy

The most important thing that an investigator can do to prevent this type of impeachment is to listen carefully during all interviews and accurately record the statement of any witnesses. There are, however, other techniques that investigators can use to minimize the risk of contradiction. If more than one person conducts an interview, only one report should be written to record the witness statement. Of course, there are times when task forces or multidisciplinary teams are created to investigate crimes. In these cases, the team should produce one report that is used by all of the agencies, rather than having each member of the group produce a report.

Another strategy for reducing the risk of contradiction is to avoid repeated detailed recording of a witness statement. Many times witnesses need to be interviewed more than once because they have remembered additional facts or because the investigator has additional questions. Rather than recording the witness statement completely every time, however, the investigator should broadly summarize the repeated facts then record in detail the new information. For example:

On 15 Jan the reporting investigator re-interviewed Mr. John Dayton, the witness in the listed homicide. Mr. Dayton repeated the account of the incident that has been previously recorded in the report dated 7 Jan. He then provided the following new information.

In addition, it is important to record any changes that the witnesses make in their account of the event. This technique is used to prevent errors in recording the witness? account, not to conceal unfavorable information.

Finally, avoid writing a detailed report for any witness who has provided his or her own detailed summary of events. Instead get a copy of the written statement provided by the witness and make it part of your file. Then summarize the statement broadly in your report. This situation is most frequently encountered with medical witnesses. For example, an investigator may interview a doctor about the results of a forensic examination and then write a detailed report summarizing what the doctor said. However, the doctor will also write his/her own report and any differences between the two will likely be used by the defense attorney to impeach the testimony of the doctor, investigator, or both.
Defense Strategy #3: Motions to Suppress

Besides impeachment, the reports produced by an investigator must also be prepared to refute other defense strategies such as motions to suppress. Motion hearings set the stage for the trial and many cases are lost because an arrest or a confession was suppressed. Therefore it is important that reports be written with preparation for potential motion hearings.

While motion procedures differ from state to state, the motions themselves are the same. This section will discuss the two most common motions heard: motions to suppress an arrest and motions to suppress a confession.

Motions to suppress an arrest

To win a motion to suppress an arrest, an investigator must show that there was probable cause to make the arrest and that the defendant's constitutional rights were not violated in the process. Investigators must ensure that the exact basis for probable cause is spelled out in the report.

There are several possible attacks to probable cause, but the most common is questioning what led the police to believe that the defendant committed the crime. In anticipation of this challenge, investigators should clearly state what factors were considered. For example: Was the defendant identified by witnesses? Is there physical evidence that links him to the scene (fingerprints/DNA)? Did the defendant admit committing the crime?

The second issue is whether the defendant's constitutional rights were violated. For example, if the defendant was arrested at 3:00am in his home the investigator will have to explain at trial why this was lawful. Was there a warrant for his arrest? If not, the arrest may still be legal if the investigator can explain the exigent circumstances that made an arrest necessary. To illustrate, the investigator should answer questions such as the following: Was the arrest made to prevent flight? Was it done to prevent further violence? Was the arrest accomplished without violence? What was the seriousness of the offense? Whatever factors were used to make the decision to arrest should be carefully detailed in a report.

Motions to suppress a confession

The two issues that are most commonly raised in a motion to suppress a confession involve the defendant's Miranda rights and the voluntariness of his confession. Each of these issues is very complex, and it is impossible to describe all of the potential problems. In general, however, investigators should address the Miranda issue by stating the following:

- who gave the defendant his rights
- the date and time the rights were given
- whether they were read aloud or dictated from memory, and
- the location of the interview.
Just giving the defendant his rights is not enough, however, if he didn't understand them. If there is a potential problem with the defendant's ability to understand his rights, due to language, mental capacity, or intoxication the report should explain how the investigator knew that the defendant understood his rights.

What kind of information would help the prosecutor to defend against an attack that a statement was not given voluntarily? Besides physical intimidation, the most commonly raised issue regarding voluntariness is the length of interview. When interviews are short, people tend to view them as less coerced. However, defendants will sometimes do things to slow the interview process, like giving a false alibi that needs to be checked out. In this case, the investigator should record that the defendant said he was somewhere else when the crime occurred, and that it was necessary to spend three hours checking out the alibi only to discover that it was untrue. By recording these details, the prosecutor is able to argue at trial that it was not the police but rather the defendant who prolonged the interview.

Other questions to be answered in the investigator's report are: Was the defendant fed? Was he allowed to make a phone call? Was he allowed to sleep? Was he handcuffed during the interview? These are just some of the details that can show that the interview was not coercive and any resulting statement was voluntary.

**Conclusion**

Experienced investigators know how important reports are in obtaining a conviction for sexual assault. In addition, investigators must always keep in mind how many people will be reviewing the report and for what possible purposes. For example, police reports might be used:

- by prosecutors to determine which charges to file,
- by defense attorneys to strategize a defense
- by victims, defendants, or other parties in civil proceedings,
- by attorneys handling an appeal, perhaps as far as the Supreme Court.

The report should therefore be written with the idea in mind that it may end up being used by any of these people for any of these purposes.

In order to be successful at trial, an investigator's reports need to be more than just an accurate summary of the investigation. The reports need to be carefully written to prepare for the issues likely to be raised at trial. As one experienced prosecutor summarized, "a well-written report can make a jury trial into a bench trial and a bench trial into a guilty plea."
Meeting the Needs of Special Communities

Acknowledgments

This section was written by Rachael D. Berger, Project Associate, National Center for Women & Policing

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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 tech-
niques 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 ruraly unique way, sharing many commonalities.

**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.

• 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.

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2This section is based on materials provided by Betty Royse of the Ending Violence Against Women Project, Colorado.


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 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 com-
munity, 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.

- 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.
• 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.

• 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.

• 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.

• 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.\textsuperscript{6} It is essential for law enforcement 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.

\textbf{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.\(^7\)

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 comfortable 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

\(^7\)For example, the military can prosecute military personnel who commit a sexual assault in another country, while civilian law enforcement agencies have no legal jurisdiction.
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 offshore, 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 reporting 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 undocu-
mented 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 justice system and may need the process explained in greater detail. Law enforcement officers should follow the policies and procedures of their jurisdiction when using an interpreter.

**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.

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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.\(^9\)
- 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.
- 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.

\(^9\) "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.
• 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.10

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 dis-
turbances 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.\textsuperscript{11} (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.

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.)

\textsuperscript{11}\textsuperscript{11}National Victim Center and Crime Victims Research and Treatment Center, 1992, p. 4.
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

12 For the purposes of this curriculum we use the words "hard of hearing" and "hearing impaired" interchangeably. We recognize that some service agencies prefer the use of one to the other.
• 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. 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 Sign 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.

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13 National Association of the Deaf (NAD), 1984, p. 84
• 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. 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.

• 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:

• 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.

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14 Goddard p. 2
15 These 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).
• 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.

• 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.\(^\text{16}\)

- 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.

\(^{16}\)Baldarian and Waxman, 1985. This is an unpublished manuscript available through the National Criminal Justice Reference Service at (1800) 732-3277. Reference accession No. 113494.
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. 17 In fact, Ninety-nine percent of offenders who sexually assault people with disabilities are known to their victims. 18 When the offender is someone who is supposed to be in a helping 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.

18 Seattle Rape Relief: 1997
• 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.

References

Baladarian and Waxman, 1995. This is an unpublished manuscript available through the National Criminal Justice Reference Service at (1 800) 732-3277. Reference accession No. 113494.

Chicago Police Department. Detective Division Protocol for Sex Crimes Investigation, Chicago Crime Victims Digest. 1991, 8(5)


National Association for the Deaf. Basic Sign Communication: Student Materials. Silver Spring, MD. 1984


Uniform Crime Reports for the United States 1997; Crime Offenses known to the Police, Population Group (Federal Bureau of Investigation 1996-1997), Table 12


Suspect Materials

Typology

Acknowledgments

This section was written by Rachael D. Berger, Project Associate, National Center for Women & Policing

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Suspect Typology

In 1979, Dr. Nicholas Groth and H. Jean Birnbaum developed a profile of several types of assault, drawn from their work with people who had been arrested, convicted and incarcerated for crimes of sexual violence.19 The following section is an adaptation of this work to assist law enforcement officers in developing appropriate investigative questions and to determine patterns of offenders in a given community.

It is important to recognize the limitations of the following typology as it is based on research with incarcerated sex offenders; moreover it is usually applied when investigating an unknown rapist. In addition, investigators must recognize that a sex offender may not fit neatly into one typology, but instead may exhibit characteristics from multiple typologies or none at all.

Investigators should review all available information to assess an offender's typology, including: victim/witness statements, any suspect statements made to the responding officer, evidence, modus operandi, reports of previous offenses, and the suspect's criminal history. This assessment will help you organize your investigation, prioritize your leads, support a search warrant and determine how best to investigate a particular offender. However, experienced investigators know that a suspect should never be eliminated solely because he doesn't fit a typology.

**Power Rapist**

There are two types of Power Rapists, the Power Reassurance Rapist and the Power Assertive Rapist. These men are convinced of their sexual prowess. Power rapists show less aggression in both sexual and non-sexual situations than other kinds of rapists. They do not use unnecessary force beyond what is necessary to achieve the rape. They exhibit anger only in response to victim resistance, but will use any amount of force necessary to accomplish their goal. This may include verbal intimidation, use of a weapon, or actual physical force. However, they will sometimes run away if the victim screams or fights back. They do not want to harm the victim physically, but rather to own her sexually and achieve sexual submission. In cases where such power rapists know their victims, they use the relationship to satisfy their immediate needs, without caring how this will affect the victim.

Opportunistic Rapists often fall under this category of Power Rapist. (e.g. Burglars who sexually assault a victim during a robbery. This rapist usually does not intend to physically harm the victim.)

Additional characteristics of the two types of power rapists may include the following:

**Power Reassurance Rapist (Gentleman Rapist)**

**Style of Attack**

- The assault is premeditated and preceded by persistent rape fantasies. His fantasy is that the victim wants him and he may instruct her to tell him this during the assault. These suspects often give the victim information about them such as a pager or phone number to contact them to arrange for another "consensual" sexual encounter.

- The offender's language is instructional and inquisitive: giving orders, asking personal questions, and inquiring as to the victim's response.

- The offender uses limited force/threats necessary to gain control and overcome resistance of the victim. The victims may be unharmed and any bodily injury would most likely be inadvertent rather than intentional.
• He will rely on the threat of a weapon but often times will not have one. Weapons frequently employed and brought to the scene are for the purpose of threat or intimidation more than injury. If the offender uses a weapon, it is often unintentional.

• He will sometimes advise the victim he has an accomplice.

• This type of offender is referred to as a "gentleman" rapist. He generally spends a short time with his victims since he does not have the confidence or social skills to interact with a woman for any length of time. However, if the victim is "compliant," he may spend a considerable amount of time during which he might act out his fantasies by attempting to engage the victim in "pillow talk" after the assault. Possibly he will tell her his life story or to caution her about locking her doors to prevent anyone from harming her after he leaves.

Investigating officers need to be sensitive when interviewing victims of a suspect with this profile. Victims may feel guilty about not "fighting" their "gentleman" attacker. Investigators should use techniques to validate what a victim did to resist such as saying, "You survived the incident. You did the best you could do considering the circumstances."

• He will be complimentary to the victim and attempt to sexually satisfy her.

• He will normally commit his crimes in close proximity to where he lives or works. This is the area where he is most comfortable.

• The offender's victim selection will be made in advance of the attack, normally through surveillance or peeping. Victim selection is determined by vulnerability. He will target persons of the same age or younger.

• He will likely select many targets and if one is unsuccessful, he will move on to the next one on the list. This explains why you might have an attempted rape, followed by another attack in the same neighborhood. The victim will usually be alone or in the company of small children.

• The offender will usually have the victim undress herself and may have the victim undress him. To do so fuels his fantasy of a consensual relationship.

• His mood is one of anxiety. An insufficient erection and premature ejaculation are signs of performance anxiety.

• The offender may take a souvenir from the victim or scene to use at a later time to relive his fantasy.

• He may keep records in the form of a diary, charts, or computer records.

• The offender may reconnect with his victim to relive the fantasy. For example he may attempt to contact the victim to apologize, or to attempt a second assault.

• These offenses are repetitive and may show an increase in aggression over time.
• The offender's prior criminal record may include crimes of exploitation such as theft, breaking and entering, robbery and/or prior sex offenses.

Profile

• This offender has low self-esteem that permeates his life. He is probably seen as an underachiever.

• Employed in menial work.

• Described by those who know him as gentle, quiet, and passive.

• Non-athletic.

• This offender is considered a loner. His solitary pastimes include, reading, watching television, and surfing the Internet. He may be a member of several online chat rooms.

• He has little or no social contact.

• He is nocturnal and is more comfortable in hours of darkness.

• This offender is usually single. If he is dating, he is usually involved with significantly younger girls. He lives alone or with a parent.

• He takes little pride in his personal appearance.

• Prior arrests may include nuisance sexual offenses, such as indecent exposure, or peeping.

**Power Rapist (Power Assertive)**

Style of Attack

• This category of Power Rapist focuses his anger to prove his virility and his power over women. He sees himself as a macho man.

• The assault is more impulsive, spontaneous and unplanned. He often meets his victim on the same evening as the assault at bars, clubs, and parties, etc. Many offenders of acquaintance rape fall under this category.

• His language is abusive. He uses a lot of obscenities.

• Level of force is moderate. The offender feels no need to harm his victims but he will use enough force to get what he wants.

• He relies on his fist for a weapon. Because there is no pre-planning he will not have a weapon unless he usually carries one.

• The assault is of relatively short duration.
• The offender will attack away from his work and residence since he has the confidence to leave his immediate area.

• The victim tends to be of the same age or older than the offender.

• The offender may commit multiple assaults during the same evening to prove his masculinity.

• The offender's mood is one of anger and depression. The most often experienced sexual dysfunction is retarded ejaculation due to hostility and anger.

• The offenses are episodic.

• The offender's prior criminal record may include crimes of aggression such as reckless driving, assault and battery, and breach of peace.

Profile

• This offender has a macho image and the most important thing to him is to have others see him as a "man."

• He is very self-centered and does not like to be under the control of others, even in the workplace.

• He dresses according to his macho image, drives a macho car and has a macho job (e.g. heavy equipment operator, police officer, or construction worker.

• He drinks a masculine drink, no fruit drinks or umbrellas, and he hangs out at clubs, bars, and locations where he finds his victim.

• This offender is athletic with an athletic build (body builder). He exercises regularly and takes pride in his appearance.

• He may have been married more than once. It is very difficult for a woman to stay with him but his ego dictates that he remarries.

• There is a history of conflict with women because of his selfish behavior.

Anger Rapist

Anger rapists focus their anger exclusively at women or can be aggressive with men as well. This type of rapist is unpredictable: the rage displayed in these assaults range from verbal abuse to murder. Although relative to other types of assault these attacks tend to be brief, the amount of force and violence used by anger rapists is excessive in cases where the victim does not resist. Should the victim resist, this will probably further intensify the level of aggression. Anger rapists often cause significant physical injury in addition to the rape itself.

Anger rapists want to humiliate and degrade the women they assault, and insults and abusive, derogatory language will usually accompany the attack. The anger rapist typically thinks that women
are dirty and cannot be trusted. There is no evidence with this type of rapist that their aggression is erotisized or that they are preoccupied with sadistic fantasies.

In many cases, this type of rapist is displaying misplaced anger at a randomly chosen woman because another woman has, in his mind, wronged him. Often the rapist has had a fight with his girlfriend or wife not long before, and this triggers the assault.

Style of Attack

• The attack is unplanned and there is no set timing. The attack is precipitated by events in the offender's life. He attacks spontaneously and out of anger.

• His language is abusive. He uses a lot of obscenities.

• The force used by this offender is excessive and will exceed that necessary to control the victim. The victim will be battered.

• Since the attack is spontaneous, the use of a weapon will depend on the offender's access and opportunity. If a weapon is employed, it is used to hurt and not to threaten the victim.

• The offender spends a short period of time with the victim.

• His sexual behavior is selfish since his purpose is to punish.

• His approach is a "blitz" attack. This offender attacks anytime, day or night.

• The victims chosen are often symbolic of an individual with whom the offender wants to get even.

• Victims tend to be in the same age range or older (not elderly) as the offender.

• The victim's clothing may be torn.

• The offender's mood is one of anger. The most common experienced sexual dysfunction is retarded ejaculation due to anger.

• These offenses are episodic.

• The offender often drinks alcohol to release his inhibitions.

• The offender's prior criminal record may include crimes of aggression such as reckless driving, assault and battery, and breach of peace.

Profile

• His personality is explosive. This may have resulted in prior arrests for assault.

• He acts impulsively.
• This offender has an action-oriented job allowing him to work off some of his aggression.

• Personal acquaintances often report a "dark side" to the offender's personality or lifestyle.

• The offender may be a high school drop out.

• Capable of socializing but prefers to be alone and is considered a lone wolf.

• Does not use pornography (no fantasy).

• His relationships are often superficial, and he may abuse alcohol.

• May have been married more than once. There is a history of physical conflicts with his wife, possibly including emergency calls to the police reporting domestic violence.

Sadistic Rapist/Ritualistic Rape

Sadistic rapists, an extreme and rare category, display sexual aggression fueled by erotic, destructive fantasies. For them, sexuality and aggression are totally merged. Aggression itself becomes eroticized. Their motive is to achieve sexual gratification through causing mental and physical pain and suffering. They increase the violence to achieve further arousal. Sexual areas of the victim's body become a specific focus of injury and abuse. Object rape and anal rape are common with sadistic rapists, as are bizarre acts (e.g., giving victims an enema). Dismemberment, postmortem coitus, and other such acts occur in extreme cases.20

Sadistic rapists are opportunistic, attacking suddenly and often kidnapping their victims. This group shows low social competence. Other sadistic rapists act out their fantasies symbolically (bondage, shaving) or having sadistic fantasies that they do not act out. This group has a high social competence.

All sadistic rapists inadequately distinguish between sexual and aggressive urges. Additional characteristics of the sadistic rapist may include the following.

Style of Attack

• The assault is calculated and preplanned. This is the most premeditated sexual crime, practiced over and over in his mind before it is attempted. The approach to the attack is confident. His voice is non-emotional and practiced. The victim suffers physical trauma to sexual areas of her body. In extreme cases she is murdered and mutilated.

• His language is commanding and degrading, alternately reassuring and threatening.

• Physical force and aggression are eroticized. The favorite weapon is a knife.

20A. Nicholas Groth & William F. Hobson, The Dynamics of Sexual Assault, in Sexual Dynamics of Anti-Social Behavior 161 at 14 (Louis B. Schlesinger & Eugene Revitch, eds. 1963)
• Weapons are generally employed to capture the victim. In addition, instruments for restraint and/or torture may be used.

• The assault may be for an extended duration in which the victim is abducted, held hostage, assaulted and disposed of.

• The offender's sexual behavior is selfish. He is fixated on anal sex because it is seen as degrading.

• Victim selection is determined by specific characteristics or symbolic representation; and are usually complete strangers. The age of the victim does not matter.

• The victim's clothing may be torn or cut off.

• The offender's mood is one of intense excitement. Retarded ejaculation is a common result of his heightened anxiety.

• The offense is ritualistic, typically involving bondage, torture or bizarre acts and is interspersed with other, non-sadistic acts.

• There is no pattern to the attacks. He attacks when he wants to.

• There is usually no prior criminal record, but if he has a criminal record it may include bizarre ritualistic or violent offenses.

• Dynamics: Symbolic destruction and elimination

Profile

• He is usually a white male, outgoing, and well liked.

• Above average IQ, at least some college education.

• White-collar job

• No history of mental health care.

• Compulsive.

• The offender may subscribe to bondage pornography, Soldier of Fortune or various detective publications.

• He is an outdoorsman, a survivalist and would do well in the military.

• This offender does not abuse drugs. He might use some drugs in moderation, but losing control is avoided.

• He is often happily married. His wife will be firmly under his control and is often a victim herself.
• If the offender has a girlfriend she will not be under his total control and he will not act out against her.

• May own a family type vehicle (e.g. a Volvo or station wagon.)

Conclusion

Recent efforts to elaborate on these profiles has resulted in the development of additional behavioral measures to apply to rapists. Raymond Knight and Robert Prentky, from Brandeis University and the Massachusetts Treatment Center offer the following criteria to use when developing an offender profile:

• Degree of aggression used to force compliance

• Was the attack sexually or opportunistically motivated?

• Pervasiveness of other antisocial behaviors

As research in this area continues, a clearer profile of offenders may emerge to aid police professionals in responding to crimes of sexual assault.

References


Groth, Nicholas A. & Hobson, William F. The Dynamics of Sexual Assault, in Sexual Dynamics of Anti-Social Behavior 161 at 14 (Louis B. Schlesinger & Eugene Revitch, eds. 1963).


Resources

John E. Reid and Associates 250 S. Wacker Dr. Suite 1100 Chicago, IL. 60606 (312)876-1600

John E. Reid and Associates was established in 1947 to offer detection of deception services to private industry, law enforcement and the legal community. These services included polygraph examinations, behavior analysis interviews and interrogations. Through research, experience and innovations in the field of detection of deception, they produced a procedure that has come to be known internationally as "The Reid Technique."

In 1974 Reid and Associates first offered seminars to teach law enforcement, government and private security investigators the Reid Technique of Interviewing and Interrogation. Since then more than a hundred thousand investigators have attended these seminars and used the techniques

21 Knight and Prentky (1990)
with notable success. The three-day basic course seminar and two-day advanced seminar are offered in various cities across the United States.

In addition to the training seminars, Reid and Associates has produced a variety of products to allow investigators to enhance their interviewing and interrogation skills. The following lists a few of these that would be beneficial in resolving sexual assault crimes:

Criminal Interrogation and Confessions 3rd edition: A textbook written by Fred Inbau, John Reid and Joseph Buckley which offers a detailed description of interviewing and interrogation along with the laws that govern permissible tactics and confession admissibility.

The Investigator Anthology: A book written by Brian Jayne and Joe Buckley that offers advanced training in the use of the Reid Technique. Chapter nine (41 pages) is devoted to sexual assault investigations.

Sexual Assault Interrogations: This 2 hour, 20 minute audio-cassette course offers in-depth training on the interrogation of sexual assault suspects. Following initial instruction in the Reid Nine Steps of Interrogation and on profiling a suspect for interrogation, six scenarios are presented and the investigator hears the interrogation of these suspects.

The Reid Technique: A four-part video tape presenting and illustrating behavior symptom analysis, interviewing and interrogation techniques.

Ordering Information

To learn more about our training seminars or the above mentioned products, John E. Reid and Associates can be contacted by phone (800) 255-5747 or visit our web site at reid.com.

Interviewing and Interrogating Sexual Assault Suspects

Brian C. Jayne

Preparation

Before conducting an interview or interrogation of a sexual assault suspect, there are a number of preliminary issues the investigator should consider. The first involves the completeness and accuracy of the victim's statement. If the victim has offered a vague description of the assault with little detail, it will be difficult to conduct an effective interview of the suspect. Examples of information that needs to be known about the assault include:

1. What the victim did before and after the assault

2. The exact time and location of the assault

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22 Mr. Jayne holds a Masters of science degree in detection of deception and served as the Dean to Reid College from 1983 - 1988. Presently he is director of research and development for John E. Reid and Associates. In this capacity he has published extensively in the field of detection of deception and lectures across the United States.
3. An exact description of all sexual acts of the assault

4. An accurate description of weapons used or threatening statements made

5. The results of any forensic tests conducted

6. Any unusual behaviors the perpetrator engaged in

A victim should be carefully questioned about her activities surrounding the time of the assault. For example, it is not uncommon for a legitimate rape victim to withhold the fact that she engaged in friendly conversation with the suspect in a bar and consensually kissed him prior to the assault. The reason a victim may not initially acknowledge these facts is a fear that people will not believe that she was raped. Yet, withholding this information from the investigator may decrease the chances of eliciting the truth during an interrogation of the suspect.

In addition, it is often beneficial to have some background information about the suspect. Aside from the standard biographical information, it would be useful to know if the suspect has prior arrests or convictions, especially in the area of sexual assault. The suspect’s past experiences with sentencing (prison, probation) will influence his decision to tell the truth in the current investigation. If the suspect has confessed to previous sexual assaults it would be helpful to read those confessions and perhaps talk to the investigator who obtained them. Like many offenders, sexual assault offenders will follow a pattern, not only with respect to their crime but also in their response to certain interrogation techniques.

To effectively interrogate a sexual assault suspect, the investigator must appreciate that every offender will have justified or rationalized his crime in some way. Psychologically, these excuses are called defense mechanisms. Gaining insight to the suspect’s distorted perception of his crime is central to the interrogation process. Some suspects will blame the victim for leading him on in a sexual way, others may blame alcohol for affecting their judgment or a wife may be blamed for not fulfilling the suspect sexually. The circumstances surrounding a sexual assault may suggest possible defense mechanisms the guilty suspect used. In addition, during the interview process a guilty suspect often reveals the defense mechanism he used to justify his assault.

Finally, the proper environment for an interview or interrogation should be considered. The single most important psychological characteristic contributing to a successful interview or interrogation is privacy. The interview room should be located in a relatively quiet area so the suspect is not concerned about an outside party overhearing his statements. In addition, there should only be one investigator conducting the interview or interrogation. Having two or more investigators in the room makes it much more difficult for the suspect to tell the truth. If a third person must be present, he or she should sit in a secluded corner and instructed to serve only as a witness, and not become involved in the questioning process.

Chairs within the room should be positioned directly facing each other, without any barrier (desk, table) between them. The reason for this is that a deceptive suspect will use the barrier as a psychological shield that protects him from the investigator. By removing such a barrier, the deceptive suspect feels much more vulnerable and exposed. Consequently, he will experience more anxiety.
Conducting the Interview

Once a suspect has been identified in a sexual assault investigation, the suspect should be interviewed. If the suspect is in custody he must first be advised of, and waive, his Miranda rights. When there is strong evidence implicating the suspect, it is tempting to immediately conduct an interrogation. However, for a number of reasons, an interrogation will be more likely successful if it is preceded by an interview. The exception to this rule is when a suspect has been caught shortly after the assault and clearly exhibits behavior indicating to the investigator, "Okay you?ve got me."

An interview is a non-accusatory question and answer session with a suspect, witness or victim. It is important that the investigator maintain a non-accusatory and non-judgmental tone throughout the interview. On the other hand, if the interview becomes accusatory the suspect will become guarded and less information will be learned. Similarly, a judgmental attitude toward the suspect inhibits the truth-telling process, e.g., "I deal with skum like you everyday and I'm going to enjoy putting you away!" In addition, it is important for the investigator to keep his answers short and to the point. During an interview the suspect should be talking about 80 percent of the time and the investigator 20%. The investigator should keep in mind that it is his role to learn information from the suspect, not to relay information about the investigation to the suspect.

A golden rule of interviewing is to never tell a suspect what you know about him or the crime about which he is being questioned until you have asked a question about it. For example, if you know that the suspect owns a 1998 Pontiac Transport, which matches the description of the vehicle, described by the victim, the investigator should simply ask, "What vehicles do you drive?" "Do you know anyone who owns a Pontiac Transport?" "Last Friday night did you drive a Pontiac Transport?" In other words, during an interview the suspect should be allowed to freely lie to the investigator, without challenge. These accumulated lies can later be used to discredit the suspect's denials during a subsequent interrogation.
The purpose for conducting an interview is to develop information (not to elicit a confession). A portion of the interview should address specific investigative information such as the following:

1. The suspect's alibi or description of the incident that led up to the allegation
2. The suspect's relationship with the victim /crime scene
3. Whether the suspect has access to a weapon or vehicle used in the assault
4. Whether the suspect did or said any of the things alleged by the victim
5. The suspect's explanation for any incriminating evidence

With respect to developing an alibi it is common for television detectives to ask, "Where were you last Friday night at 9:20?" A guilty suspect is certainly going to provide a ready response to this question. A more productive manner to elicit an alibi is to ask the suspect to relate everything that he did two hours before the assault until two hours after it, e.g., "Please tell me everything you did last Friday night between 7:00 and 11:00." Among other characteristics, the truthful account will have similar detail throughout the time period. The deceptive suspect, on the other hand, not only has to relate his false alibi but create non-incriminating activities prior to and after the assault. This often results in an account that contains sketchy details around the time of the offense.

In addition to these investigative questions, the investigator should ask questions to develop the suspect's propensity to commit an assault. Affirmative answers to any of the following questions suggest that the suspect may possess the psychological make-up to assault women:

"Have you ever just fantasized about forcing a woman to do something sexual with you?"

"Have you ever been accused before this of forcing a woman to have sex, even if the charges were false?"

"Have you ever been questioned before concerning an allegation like this?"

The primary difference between an innocent or guilty suspect during an interview is the suspect's expectations toward the interview. An innocent suspect approaches the interview with an expectation of being believed whereas the guilty suspect experiences fear of having his deception detected. Because of this, the innocent suspect displays attitudes and behaviors that are significantly different from those of a guilty suspect. Specific questions called behavior-provoking questions have been developed to draw out these attitudes. The following lists several of these questions along with the model of a truthful and deceptive response to the question.

Q: "How do you feel about being interviewed concerning this allegation against you?"

TRUTHFUL: Generally express positive feelings and a willingness to fully cooperate, e.g., "This mess has got to be cleared up and I'm willing to do whatever it takes to show that I didn't rape anyone!"
DECEPTIVE: Generally express negative feelings, e.g., "I don't like it - it makes me nervous. I don't know why you're questioning me. It could have been anyone."

Q: "Once we complete our entire investigation how do you think it will come out on you?"

TRUTHFUL: Express confidence in being exonerated, e.g., "It better show I had nothing to do with this because I've never seen that lady before in my life!"

DECEPTIVE: May qualify their confidence in being exonerated or avoid a direct answer, e.g., "How would I know? I don't have any control over your investigation."

Q: "Do you think that Mary was really forced to have sex?"

TRUTHFUL: Will acknowledge that the victim probably was assaulted, e.g., "I can't imagine a woman making up a story like that so I think she was raped - but not by me."

DECEPTIVE: May evade a direct opinion; may suggest that the victim is making up the story, e.g., "It's hard to tell. I mean, you always read stories about women who make things like this up."

Q: "What do you think should happen to the man who did do this to Mary?"

TRUTHFUL: Will offer a harsh judgement against the guilty, e.g., "After what I've gone through I hope the guy gets sent off to prison for a long time."

DECEPTIVE: Will offer a more lenient punishment or evade offering a personal opinion, e.g., "I'm not really sure. Maybe counseling or some sort of reprimand."

Q: "Under any circumstances do you think the person who did this to Mary should be given a second chance or some consideration?"

TRUTHFUL: Will not want the guilty to be given any consideration, e.g., "No. There's no excuse for what he did and I don't think he deserves a second chance - he'll just go out and rape again."

DECEPTIVE: May consider giving the guilty some consideration, e.g., "Well, depending on circumstances I think everyone deserves a second chance - if they're sorry for what they did."

In addition to the previously listed behavior provoking question, an investigator should consider asking a "bait" question during the interview of a sexual assault suspect. This question plays on the fear that all guilty suspects harbor - that they left some type of evidence at the crime scene that will prove their guilt. The bait question implies the possible existence of evidence which could implicate the suspect and is asked to assess the suspect's confidence. Consider a situation where a woman was raped by a stranger in a park and immediately reported the assault to the police. Even though no transfer evidence was actually found, under this circumstance the following question may be presented to the suspect:

Joe, as you may know, after an assault of this nature the victim is given a very thorough medical exam. During this examination various biological evidence is collected such as pubic hairs, DNA
testing of sperm or skin found under the victim's fingernails. In this case male pubic hairs were found and they are in the process of having those typed and analyzed. I expect to get those results back shortly. Hair fibers are as unique as fingerprints and they have ways to classify them to tell exactly whose hair it is. What I'm wondering is whether or not there would be any reason why those pubic hairs would be yours? - I'm not saying that you raped this woman. But if you had consensual intercourse with her that would explain why your pubic hairs turned up in the lab sample. Do you think the lab may find that some of those pubic hairs were from you?"

A truthful suspect will offer an immediate and emphatic denial to the suggestion that evidence might link him to the crime. This verbal response will be reinforced nonverbally with direct eye-contact, and perhaps a forward lean in the chair. However, a bait question presents a dilemma to the deceptive suspect. He must decide whether to feign confidence and reject the investigator's implications or perhaps try to excuse away the incriminating evidence. This process takes time which explains the most frequently observed response to the bait question by a deceptive suspect - a delayed response. This delay may be disguised by various nonverbal behavior, repeating the question or asking for the question to be clarified, but the deceptive suspect generally does not offer an immediate denial to the bait question. The suspect's final response to the question often includes a qualifier of some sort, for example, "I'm pretty sure I've never had sex with that woman." In about 20% of the cases, a deceptive suspect will actually accept the investigator's explanation for the evidence, e.g., having consensual intercourse. However, in the majority of cases the deceptive suspect will deny that the evidence could exist but their lack of confidence will be evident by observing their accompanying behaviors.

When asking the bait question, the investigator should credibly explain how the evidence was collected and analyzed. The question should always be phrased as a hypothetical question, talking about the future development of the evidence, i.e., "Is there any reason why...; "Do you think that perhaps..." On the other hand, if the investigator specifically states that the evidence does implicate the suspect, the innocent suspect would predictably become very upset at being framed for a crime he did not commit. The guilty suspect may demand to see the lab report which, of course, the investigator will be unable to produce.

The bait question is most effective when the investigator introduces a possible innocent explanation for the evidence existing. In the above example the innocent circumstance was the suggestion that the intercourse was consensual. In this regard, it is important for the investigator to elicit a full denial from the suspect within the area addressed by the bait question before asking it. Assume that a woman was raped in her apartment and a bait question was asked, "Is there any reason we would find your fingerprints inside that lady's apartment?" If the suspect had not previously denied ever being inside the victim's apartment his acknowledgment that his fingerprints would be found inside the apartment because he helped the victim hook up a VCR has little investigative meaning. However, if the suspect had previously denied ever being inside the victim's apartment and, upon being asked the bait question now recalled being inside the apartment, it would certainly support belief in his involvement in the offense. The following table lists possible evidence that could be considered as the basis for a bait question:
To summarize, the investigator should always maintain an objective, non-accusatory tone during an interview. The information developed during an interview, both investigative and behavioral, should assist in the decision as to the suspect's probable involvement in the sexual assault. There are a number of benefits to conducting an interview prior to an accusatory interrogation. These include a period of time during which rapport can be established with the suspect as well as an opportunity for the suspect to explain his side of the story or voice his denials (during an interrogation the investigator does not want the suspect to offer lengthy explanations or denials). Finally, information learned during an interview offers insight to the suspect's personality and perception of the crime that will greatly assist in conducting the interrogation.

**Interrogation**

An interrogation is an accusatory monologue during which the investigator attempts to persuade a suspect to tell the truth concerning the issue under investigation. To ensure that any confession obtained will be legally admissible, the investigator must be cautious not to promise leniency in exchange for a confession, e.g., "If you tell me you did this I will talk to the DA and have him work out a deal for you in court." In addition, the investigator cannot threaten the suspect either with physical injury or with an inevitable consequence, e.g., "With all the evidence we have against you there is no doubt you're going to prison on this thing. The only question is for how long." There are, however, legal techniques that have proven to be effective in eliciting the truth from suspects during an interrogation.

The subsequent discussion will offer an overview of The Reid Nine Steps of Interrogation. This approach to interrogation is divided into steps because the process of persuading a person to tell the truth occurs in stages and the investigator needs to monitor the suspect's progress through these stages, and respond appropriately. The following table lists each of the nine steps. The remainder of this article will offer some of the important parts of this process, with the corresponding step highlighted.

At the conclusion of the previously discussed non-accusatory interview, the investigator should excuse himself from the room under a pretense, perhaps of checking on results from the crime lab or to speak with another investigator on the case. After a few minutes, the investigator should return to the room and start the interrogation **(The direct positive confrontation)**. An interrogation should begin with a confrontation directly accusing the suspect of involvement in the offense. The statement is made while standing directly in front of the suspect, for example, "Mike, after reviewing all of the evidence in this case there is no doubt that you were the person who had sex with Kim." The guilty suspect, anxious to escape consequences for his crime, will carefully monitor the investigator's confidence in this statement. If the investigator displays any uncertainty as to the suspect's guilt, obviously the suspect will not be motivated to clarify that uncertainty by confessing. Thus, a poor confrontation statement is, "Mike, after talking to you and reviewing the evidence I think you may be the person who had sex with Kim."

During the confrontation statement the investigator should avoid using legal or descriptive language such as, "rape", "assault" or "brutally beat" since these terms will only invoke a strong denial from the suspect. In fact, throughout the interrogation the investigator's conduct should serve to reduce
perceived consequences the suspect is facing. These consequences often involve the suspect's fear of how others will perceive him for committing the offense. To this end, the investigator's demeanor should express compassion and sympathy toward the suspect's position as well as a willingness to work with the suspect so that the truth can be told. For legal and psychological reasons, the investigator should not discuss possible punishment for the suspect's crime, but rather focus the suspect's attention on the circumstances that led up to him committing it. Immediately following the previously offered confrontation, the investigator should sit down about three feet in front of the suspect and state something like the following, "Mike, I've got to turn my report in at 5:00 this afternoon but before I do that I wanted to sit down with you to find out the circumstances that led up to this thing happening. Right now all we've got is this woman's version of things and I think I owe it to you to give you a chance to tell your side of the story."

At this point the investigator has set the stage for an interrogation theme (Theme development). A theme is a monologue presented by the investigator in which moral excuses or justifications are offered to allow the suspect to feel more comfortable discussing his crime. As earlier stated, every guilty suspect will utilize defense mechanisms to help reduce feelings of guilt or anxiety associated with his crime. The interrogation theme simply reinforces these underlying mechanisms which already exist in the guilty suspect's mind. In our present case the investigator may continue on by stating:

"When I look at all of the facts in this case I have to admit that I think that Kim is at least partially to blame for what happened. She went out to that singles bar obviously looking for male companionship. She had on a low cut top that exposed her breasts and put on perfume before she went out that night. She didn't do that for her girlfriends - she did that to find a guy. Now you happened to be in that same bar and you did what I would have done, you bought her a drink. When she sat down with you she was probably sending all sorts of nonverbal signals to you that she was interested in going out with you. Things like batting her eyes and sitting close to you. Under that circumstance any normal man will conclude that this woman is interested in some sort of sexual relationship. So the evening continues and you eventually invite her out to your car to give her a ride somewhere and she comes willingly. Once she gets in your car, though, things start to change. Here she led you on all this time and you spent all that money buying her drinks and time talking to her but when you started to take it to the next obvious level, kissing and touching, she started to resist. I'll bet at that point you got angry with her. I know I would have. You got angry and lost control and this thing happened."

Most criminals utilize basically two defense mechanisms to help justify their crime. The first one is projection. The guilty suspect will project blame away from himself and onto other people or things. When appropriate, the victim's attire, behavior or reputation should be blamed for arousing the suspect sexually to the point of no return. Other people in the suspect's life may also be blamed for the rape such as a wife who has failed to provide the suspect with adequate sexual fulfillment, the strict parent who wrongfully restricts the teenager from enjoying a sexual experience, or an accomplice, when the rape involves multiple suspects. Within the category of external influences that are blamed for assault, alcohol or drug use ranks number one. The suspect blames his affected judgment as a result of the intoxicant for causing him to act out of character and doing something he normally would not do. In addition, hormones may be blamed for teenage rapes or drugs like...
viagra may be blamed for rapes committed by some suspects. Not to be excluded from possible projection themes are mental disorders such as attention deficit disorder, obsessive compulsive disorder or hyperactivity.

Another defense mechanism that many rapists utilize is minimization. This thought process allows the suspect to feel better about his crime by comparing it to something worse. For example, it is typical for the rapist to convince himself that the victim was not really injured in any way by his assault. This explains why so many rapists and child molesters accuse the victim of lying. In their mind the sexual activity with the victim did not result in any physical injury and, therefore, no harm was done. Consequently, it is often beneficial during an interrogation to remind the suspect that the victim was not harmed, e.g., "You had normal intercourse with her like she would have with her boyfriend or husband - it's not like you killed her or mutilated her where she could never have sex again." A defense mechanism often tied in with minimization is identification, a false belief that others share our attitudes. Rapists experience moral relief by believing that many other people have done the same thing they did. This distorted thought process can be used effectively during a theme by suggesting that nine out of ten women would never have turned the suspect in because almost every guy has used some force during intercourse and most women accept that. The theme continues by describing a situation in which he was just unlucky that he happened to pick a woman who was overly sensitive.

During theme development most suspects will not passively sit back in the chair and allow the investigator to dominate the interrogation. They may offer a denial or make some other statement in an effort to dissuade the investigator's confidence (Handling denials; Overcoming objections). If the suspect's denials are strong and persistent the investigator may consider stepping down the interrogation and re-assess the suspect's involvement in the assault. However, if the denials are weak or apologetic the investigator should simply re-state his confidence in the suspect's guilt and continue on with theme concepts. The deceptive suspect's denials will eventually stop and often the suspect will attempt to tune out the investigator's theme by psychologically withdrawing.

At this stage of the interrogation the investigator needs to keep the suspect emotionally and intellectually involved in the theme (Procuring the suspect's attention). One way to do this is to move physically closer to the suspect. This should be done in small increments and the investigator should monitor the suspect's response to the closer proxemics. If the suspect appears uncomfortable with the investigator's more intimate position, the investigator should back off and attempt to move closer later during the interrogation. Another tactic that may be effective at this stage of the interrogation is to ask the suspect hypothetical questions. Examples include, "Do you want everyone to believe whatever that woman says without understanding why this thing happened?" or, "When you make decisions about something don't you think it's important to know all of the facts. When you buy a car you don't make that decision just because you like the color, you want to know as much as you can about that car, don't you?"

If the suspect responds to these tactics he may start debating in his mind whether or not to tell the truth. This is called being in a passive mood. Behaviors typical at this stage include little or no eye contact with the investigator, an opening up of the posture sometimes to the point where the suspect assumes a defeated posture where he slumps forward in the chair. Some suspects may start to cry
at this stage. When the investigator identifies the suspect's passive mood an alternative question should be asked (Presenting the alternative question).

An alternative question presents the suspect with two incriminating choices concerning some aspect of his crime. Accepting either choice will result in the first admission of guilt, but the choices are presented in such a way as to make one sound more acceptable than the other. The following dialogue illustrates this stage of the interrogation:

"Mike, what I would like to believe is that this is not something that you planned out long in advance. I don't think you had this carefully calculated out where you spent weeks or even months planning exactly what you were going to do. I think it happened pretty much on the spur of the moment because of the circumstances I talked about. I think once you got out to your car and she had that change of mood you just lost control for a short period of time. Was this something you planned out long in advance or did it just happen on the spur of the moment? It was the spur of the moment wasn't it?"

Once the positive and negative alternative questions are presented and discussed, the investigator would offer one of them (usually the positive) in a leading manner. This allows the suspect to make his first admission by simply nodding his head or responding, "yes." Other alternative questions to consider in sexual assault cases are:

"Have you done this to dozens of women or was this just the first time?"

"Is this typical of you or were you acting out of character because of the alcohol?"

"Was this whole thing your idea or were you just going along with your friends?"

"Were you trying to kill her or did you hit her just because of her attitude?"

"Did you engage in perverted acts with her or just have normal intercourse?"

When offered an alternative question, all suspects have a third option which is to say that neither choice is true. However, the alternative question represents the easiest way for a guilty suspect who has decided to tell the truth to offer his first admission of guilt. Once a suspect agrees with the positive alternative choice, the investigator needs to develop a confession (Developing the verbal confession). This is done by returning to the interview format where the investigator asks questions about the suspect's crime.

If the suspect accepts the alternative question, the investigator should immediately reward his decision to start telling the truth by making a statement such as, "I thought all along that was the case." It should be appreciated, however, that the suspect at this stage will probably not be willing to offer a full confession. Therefore, the first questions asked of a suspect following the acceptance of an alternative question should elicit short answers that are non-threatening. Once the suspect is committed to his admission the confession should be developed by eliciting a narrative account of the crime. It is important at this stage to allow the suspect to talk about his crime at his own pace. If the suspect offers information that is inconsistent with the victim's account or crime scene analysis,
he should nonetheless be allowed to continue to tell his whole story. The investigator can always go back and question the suspect about discrepancies but it is legally important that the suspect offer a free-flowing narrative response of his crime. The following dialogue picks up the previous interrogation:

I: "Was this something you planned out long in advance or did it just happen on the spur of the moment? It was the spur of the moment wasn't it?"

S: "Yeah"

I: "Good. That's what I thought all along. Mike have you told anyone else about this thing?"

S: "No."

I: "That's fine. I really respect you for telling me the truth. I bet you felt bad after this happened."

S: "Yeah, I was scared. I don't know why I did it."

I: "Believe me you're not the first guy whose been in that situation. Let's walk through exactly what happened. Now that night you met Kim at the bar and then what happened?"

S: "Well, I bought her some drinks and we were at a table talking and stuff. She had just broken up with her boyfriend and we were just talking."

I: "Okay."

S: "So eventually I asked her if she would like a ride home and she seemed fine with that so we left the bar."

I: "And then what happened?"

S: "Well, we walked to my car and were talking and kissing and stuff."

I: "Alright, what happened next."

S: "I don't remember."

I: "What is the next thing you do remember?"

S: "She was screaming and her jeans were off and her shirt was ripped and she was just acting crazy. I pushed her out of the car and took off and went straight home and went to bed."

I: "Tell me more about what happened once you were in the car?"

S: "Well, I was kissing her and then I put my hand on her breast and she seemed to accept that. When I put my hand under her jeans she just went crazy and I guess I was aroused because I pushed her back and pulled the jeans down and then it happened."
"Please continue."

The investigator's questions at this stage of the interrogation should simply offer support for the suspect to continue talking about his crime. The statement from a suspect that he cannot remember what happened next is very common. This indicates that the suspect is not yet ready to talk about that portion of his crime. To force a suspect to prematurely reveal this information through threats or a challenge may produce invalid information. The investigator should simply ask the suspect about the next thing he does remember or perhaps ask him what he was feeling at that time.

Once a suspect starts making incriminating statements, many investigators are too anxious to elicit a full and complete confession and consequently ask the suspect leading questions in an effort to efficiently elicit "the truth". Unfortunately, the investigator's presumptions about the details of the crime may not be the truth and the resulting confession could be attacked in court as flawed. The following is an example of an improper way to develop a confession:

I: "So you and Kim went to your car?"
S: "Yeah."
I: "And then you kissed her and maybe touched her breasts?"
S: "Yeah."
I: "And at some point you decided you wanted more so you pulled down her jeans?"
S: "I suppose."
I: "And after you had her undressed you penetrated her, isn't that right?"
S: "I must have."
I: "And after raping her you pushed her out of your car and drove home?"
S: "I went straight home after leaving the bar, that's right."

Only after the suspect feels comfortable discussing his crime in full detail should it be documented for court purposes (Converting oral confession to a court admissible document). This may involve the suspect writing out his own confession, signing a confession written out by the investigator or by going through a re-enactment of the confession which is recorded by a stenographer or electronically. The investigator should realize that this is the document a defense attorney will scrutinize and consequently, it should be free-flowing (not responses to leading questions), cover all elements of the crime and include information that only the guilty person would know.

In summary, ninety percent of an interrogation consists of the investigator attempting to persuade the suspect to make his first admission of guilt. This starts with a direct confrontation, where the suspect is told that there is no doubt as to his guilt. The investigator then presents an interrogation theme that reinforces existing defense mechanisms the guilty suspect has used to justify his assault.
To elicit the first admission of guilt, the investigator offers the suspect an alternative question. These techniques are clearly persuasive in nature but would not be apt to cause an innocent person to confess. If the suspect does accept the alternative questions, active persuasion stops and the suspect is encouraged to reveal the details of his crime by asking questions that require a narrative response. The Reid Nine Steps of Interrogation has been used successfully to learn the truth from criminal suspects for more than 50 years. Certainly there are some guilty suspects who will never tell the truth about their crime, but when the techniques presented in this article are used properly many guilty suspects will offer a trustworthy and voluntary confession.

Use of the Internet to Facilitate Sexual Assault of Adolescent and Adult Victims

Acknowledgments

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The National Center for Women & Policing would like to gratefully acknowledge the assistance of these organizations and individuals.

Introduction

Internet usage has grown exponentially over the past few years. In 1997, there were 12 million users worldwide; in 1999 there are over 300 million. By some estimates, by the year 2000, there will be 900 million users. Fifty-nine percent of Web users are in the United States. An estimated 40% of households have Internet access. Of all usage areas, "adult" interests rate second after news and information. The most common complaint concerning Web issues is child pornography (35% of all complaints). No single legal jurisdiction polices the Internet.

The Internet presents an unprecedented opportunity for law-abiding citizens. It also offers an overwhelming arena for criminals to perpetrate various types of crimes such as stalking and exploitation of adolescents in addition to providing opportunities for offenders to develop "relationships" and potentially meet unsuspecting victims.

Traditionally, preferential sex offenders assumed considerable risk in searching out victims and cohorts. On-line, the exploiter has nearly unlimited access to vulnerable prey, and can operate in virtual anonymity to all but the most expert of investigators. The Internet also provides a previously unavailable forum for people who are sexually interested in children, bondage, torture, or rape, to identify and communicate with each other. With encryption techniques, information and graphics can be transported with greatly reduced chance of detection.
On-line sexually explicit publications and photographs provide an ease of transmission and secrecy never before possible. Pornographers may encrypt photos or put them in a code that can only be viewed with special software. Unlike photocopies, the quality of the images is not degraded by multiple Internet transmissions.

To a great extent, persons entering chat-rooms and similar on-line activities are anonymous. Unlike face-to-face contacts, a perpetrator may assume whatever persona will best win the potential victim’s trust. Time is plentiful, with no neighbors, teachers or friends to become suspicious. After hours of on-line conversation, a victim comes to trust the new "friend." Gradually, the perpetrator wears down the victim’s inhibitions and fosters curiosity and intimacy. These contacts often lead to invitations to meet in person, sometimes including long-distance travel. Thus, the predator can even choose the location of the molestation or "consensual" sex. Molesters also trade names of their victims amongst themselves.

Many adolescents are exploited by adults who encourage or force them to prostitute themselves. Some of these adults are pimps, guardians or other acquaintances who take whatever money is earned; others are in it strictly as a "hobby." The Internet provides a perfect venue for adults to meet adolescents whom they may engage in prostitution, to advertise and recruit clients for their business, and to trade victims.

Perpetrators may continue to harass and threaten their victims, either to frighten them away from telling about their sexual contacts, or to coerce further interaction. Offenders may also continue to trade names of their victims with cohorts for years. There have also been situations where drug facilitated sexual assaults have been photographed or video taped and placed on the Internet.

Perpetrators usually assume they are relatively invisible in the commission of their crimes. In fact, in the cyber world of crime, offenders leave more unwitting "fingerprints" and trails to follow than their counterparts in the physical world. In cyber-crime, if someone has touched it anywhere, it's recorded somewhere, and skilled forensic investigators can trace the evidence back to the perpetrator.

The virtual world of on-line interactions tends to obviate jurisdictions, time zones and national boundaries. Nevertheless, when it comes time for an investigation and arrest, the cognizant law enforcement agency still needs to be physically proximate to the offender in order to apprehend the criminal as well as to seize and investigate the involved computer and video equipment, files, information and images. Perpetrators are computer-literate and skilled at evading traditional law enforcement methodologies. This requires unprecedented collaboration and cooperation between government agencies, the Internet industry, schools, corporations, families and others.

The Internet facilitates the adoption of multiple covert "personalities," and renders normal geographic and jurisdictional boundaries meaningless. Rules and methods of evidence recovery and storage, discovery, warrants, seizures and prosecution for computer crimes are complex and changing. It is critical that investigations and operations be collaborative and coordinated amongst the many potential criminal justice agencies. Otherwise, it is possible for investigators to duplicate efforts, interfere with others' investigations, or even inadvertently investigate one another.
Undercover investigators can gain the trust of suspects with the goal of eliciting information and admissions by perpetrators that they took certain photographs. Investigators need to be familiar with Internet pornography to recognize the victims, styles, backgrounds, sources, etc., develop evidence, connect producers, develop series, execute search warrants, seize equipment and materials, and prosecute offenders.

One of the primary functions of law enforcement is to deter crime by establishing a presence in crime-prone areas so that criminals recognize that the risk outweighs the benefits of potential crime, and so that potential victims and witnesses have an immediate source to which to report. The Internet is particularly well adapted to this purpose, as it is by definition a high-speed, long distance information delivery system. Investigators can establish a crime prevention presence though their on-line persona, without compromising covert investigations conducted under other identities.

Some law enforcement agencies have home pages with hot buttons inserted, directly linking to the sites for law enforcement. This is a potential way to implement blind reporting, as described in the chapter on victim interviewing. Victims can provide informational reports via internet without initiating a full investigation.

What follows is briefly described information to help make sense of the terms and concepts involved in internet use. It was adapted from material provided by Special Agent Bruce M. Applin, FBI Los Angeles, Sexual Assault Felony Enforcement Team (SAFE).

**Types of Computer Systems**

- PC - Personal Computers (most common)
- Mac - Macintosh
- Networked System - Terminal connected to a network, common with businesses and colleges

**Bulletin Board Services**

- Old technology
- Person calls another commuter by telephone
- Other commuter is set up to share with other users
- Person can chat with other users in private or as a group
- Exchange e-mail within the BBS
- Upload/download images and files from the BBS Library or another user connected to the BBS

**On-Line Service**

- Special membership
• Gateway to the Internet

• Examples: America On Line, CompuServe, MSN (Microsoft)

**What is Internet Addressing?**

In general, Internet addressing is a systematic way to identify people, computers and Internet resources. On the Internet, the term "address" is used loosely. Address can mean many different things from an electronic mail address to a URL.

**What is an IP Number?**

• A number to identify machines on the Internet

• Unique and global

• An IP address is a unique number that identifies computers on the Internet; every computer directly connected to the Internet has one

• An IP address consists of four numbers separated by periods. Each number must be between 0 and 255.

**What is a protocol?**

• Standard way to communicate

• When computers communicate with one another, they exchange a series of messages

• To understand and act on those messages, computers must agree on what a message means. Examples of messages include establishing a connection to a remote machine; sending or receiving e-mail; and transferring files and data

• There are different protocols for different types of network services. For example, the Internet is based on the TCP/IP

**Some of the protocols used on the Internet are:**

• Simple Mail Transfer Protocol (SMTP) - to send and receive electronic mail

• File Transfer Protocol (FTP) - to transfer files between computers

• Hypertext Transfer Protocol (HTTP) - to transfer information on the World Wide Web

• Network News Transfer Protocol (NNTP) - to transmit network news

**Components of the Internet**

• World Wide Web (WWW)
- News groups (Usenet)
- File Transfer Protocol (FTP)
- Electronic Mail (E-mail)
- Chat Communications - typing, audio, video, paging

**World Wide Web**
- Early 1990's saw the advent of HTML and the World Wide Web was born
- Collection of text, images, video files, and sounds
- Information is displayed on pages that can be read by the user

**Internet Addressing - URL**
- Uniform Resource Locator
- Easier to remember than IP numbers

**Web Browsers**
- Used to view Web pages
- Point and click features

**News Groups**
- Bulletin Board-type system
- Post messages, images, movies
- Over 30,000 topics and growing daily
- News reader needed to read

**FTP Applications**
FTP (File Transfer Protocol) is the ability to send and receive files from other computers
Numerous FTP applications exist with different features

**Electronic Mail (E-mail)**
- E-mail is perhaps the most popular use of the Internet
- Exchange text, images, or programs to other users
• Receive subscription information from special resources like list serves

• E-mail accounts are assigned by the Internet Service or Online service company

• Anonymous e-mail accounts can be accessed by going to a specific Web site or a e-mail client that can download multiple accounts

• An Internet electronic mail, or e-mail address is used to identify a person (or persons) and a computer for purposes of exchanging electronic mail messages

**Chat Communications (Three basic Types)**

• Chat - Type messages between two users or a group

• Voice - Communications between two users or a group, can include type communications

• Video - Communications between two users or a group, can include voice and or type communications

• Pager System - Used on certain programs to notify the user when a specific person is on-line

• IRC (Internet Relay Chat) allows many users on different systems at different locations to converge into one "room" and have a discussion, similar to a conference call or party line

• IRC is used both for entertainment and serious discussion purposes

• Special software is required

**Other Chat Programs**

• Yahoo Chat

• WB

• Java Chat - Inside Web Pages

• Instant Messenger - Chat with other AOL users

**Audio/Video conferencing**

Persons can communicate by audio and/or video to another user or a group. With the simple microphone and sound card that is now installed with most computers a user can communicate by audio to another person. A small video camera attached to the computer can give another person a live video picture. Only one person needs to have a camera.

**ICQ/Instant Messaging/Buddy List**

• Programs broadcasting that you are on line or allow you to see if a specific user is on line
• Instant Messaging - The ability to send private messages to an individual that no one else can read

**What is AOL?**

The largest on line service in the world. It is similar to the Internet with a few exceptions:

• Allows persons to sign up for monthly membership to access the AOL Network

• Within the AOL Network members are allowed outside access to the Internet

• To connect to AOL, the program must be preinstalled on the person’s computer system

• Proprietary software AOL has must be used

• Can stay within the AOL network and visit many service areas that are similar to Internet Web pages

• Access group chat rooms, e-mail (read and send)

• Conduct private message with other AOL members or others that use Instant Messenger

**Personal Profile**

• AOL offers members the ability to have a personal profile

• Give details about hobbies, geographical location, age, etc.

• Only other AOL members can read personal profiles

**AOL E-mail**

• Using AOL is very simple. Attachments of files such as a graphic image are commonly sent to a group of other users

• This is very useful for suspects that want to send an image to several members at one time

• Users are allowed to access the Internet. The user can access the same protocols as if he/she had been connected to a Internet Service Provider

• AOL is popular because it provides easy access and it allows the beginner to access on line services

• The Graphical User Interface is so simple a child can easily log on and access most of the areas of AOL

**How does a person log on to AOL?**
• Dial-up modem into a local POP (point of presence)

• Several of AOL POP's record the phone number that the user was calling from when accessing he POP

• The POP will also give a geographical location as to where the person resides.

Note: It is important to confirm that the account has not been compromised, i.e., the subscriber information belongs to a person living in Florida but the POP's that were being used during the incident were in California.

Why AOL is one of the major sources for meeting unsuspecting adults?

• Easy to use and access chat rooms

• Personal profiles give the suspect detailed information about their victims on-line

AOL Accounts and Compromise

• With social engineering many on-line users compromise their account

• Security check with the user on-line

• AOL accounts are targeted by hackers since most AOL users are relatively new

Reactive Cases

• Law enforcement agencies need to be familiar with AOL

• Prepare to handle or investigate a case

• Look for other resources for assistance

• Call AOL Legal Team for assistance

• AOL has mechanisms in place to cooperate and they are very helpful

• AOL consent forms

Danger Areas: WWW

• Japan

• Russia

• Former Yugoslavia Republics

• GEO Cities
• Free WWW Page hosts
• Hidden text/messages

**Danger Areas: E-mail**

• Communication tool
• Sex acts solicited
• Images can be attached and viewed
• Covert e-mail accounts can be established; many sexual predators may direct the establishment of such accounts

**Danger Areas: FTP**

• Automation of image transfer possible
• Exchanges can be made with trusted partners, thus avoiding Usenet posts and law enforcement activity

**Danger Areas: IRC**

• Others with similar interests can be located
• Behavior is validated
• Major source of illegal picture trading
• Targets are identified, located and pursued

**Danger Areas: Other Chat**

• Same as IRC
• Targets located, pictures traded, harmful matter sent, behavior validated
• Most chat is unmonitored and unregulated

**Danger Areas: Video/Audio Conferencing**

• Real-time sex shows/rape/molestations can take place
• Can be easier for a sexual predator to convince a target to meet
• Harmful matter transmitted
Danger Areas: Pagers/Notify Programs

• Subject has the ability to determine when a target is on-line
• Subject has the ability to know when a favorite trading partner is on-line
• Allows for message delivery like e-mail

Danger Areas: TELNET

• More secure than WWW applications
• Dial-up is directly to remote machine
• Dated technology; not used much today

Danger Areas: Usenet Newsgroups

• Bulletin Board type system
• Virtually any subject matter
• Uncensored newsfeeds available offshore
• Elicit images easily obtained

Legal Issues

Legal issues concerning the Internet are rapidly evolving. Among the most pertinent are:

• The Privacy Protection Act, 42 USC, S 2000aa, applies to certain searches and seizures of computer equipment

• The Stored Wire and Electronic Communications and Transactional Records Access Act, 18 USC, Ss 2701-2711, governs law enforcement?s ability to obtain information from Internet Service Providers (ISP?s) without notice to subscribers.

For those interested in more information on this topic, please contact the International Association of Chiefs of Police for their manual entitled, Best Practices for Seizing Electronic Evidence. This manual was produced in collaboration with the United States Secret Service.

Warrants

Arrest Warrant

I, Detective, I.D. # , declare:
I am a peace officer employed by The City of San Diego Police Department: I am currently assigned as a detective for the San Diego Police Department in the Sex Crimes Division. In the course of my duties I have learned the following from witness interviews and official files and declare the following:

that I allege and state the following:

The defendant is described as .

Wherefore your declarant has probable cause to believe the suspect has committed the following offenses and prays a Warrant be issued for the arrest of said defendant. Upon the specific violation(s) of .

This declaration has been reviewed by Deputy District Attorney.

I declare under the penalty of perjury that the foregoing is true.

Executed in San Diego County, California, on this day of , 200__

Declarant

Declaration read; warrant
to issue:

Prepared by
Judge of the Municipal Court

Business Warrant

IN THE MUNICIPAL COURT, SAN DIEGO JUDICIAL DISTRICT

COUNTY OF SAN DIEGO

SEARCH WARRANT

No.: 

The People of the State of California, to any sheriff, constable, marshal, police officer, or any other peace officer in the County of San Diego:

Proof, by affidavit, having been made this day before me by DETECTIVE NAME, a detective employed by the San Diego Police Department, that there is substantial probable cause for the issuance of the search warrant pursuant to California Penal Code &sect; 1524, you are therefore commanded to make search at any time of the day, good cause being shown therefor, the record storage areas at the business described and known as BUSINESS NAME., located within the office of the
Custodian of Records, BUSINESS ADDRESS: consisting of the following property, to wit: All (e.g. AOL) subscriber information, listed name and address, billing statements, credit information and records of customer service for screen name SCREEN NAME between the dates of NN-NN-NN and NN-NN-NN, and if you find the same, or any part thereof, to bring it forthwith before me at the Municipal Court of the San Diego Judicial District, County of San Diego, State of California, or to any other court in which the offense in respect to which the property or things is triable, or retain such property in your custody, subject to the order of this Court, pursuant to California Penal Code § 1536.

Given under my hand this NNrd(or "th") of MONTH, 19NN

Judge of the Municipal Court

San Diego Judicial District

**Telephone Warrant**

MUNICIPAL COURT OF THE COUNTY OF SAN DIEGO

STATE OF CALIFORNIA

COUNTY OF:

The People of the State of California to any Sheriff, Constable, Marshall, Police Officer, or any peace officer in the County of:

Proof by (oral or written) affidavit having been this day made before me by .

AGENCY NAME that there is probable cause for believing that said property constitutes:

stolen or embezzled property,

property or things in possession with the intent to use to commit public offense or to conceal it from discovery;

property or things that are evidence that tends to show that a felony has been committed or that a particular person has committed it.

You are, therefore, commanded to make a search during the daytime of the premises located at and described as PACIFIC BELL, 2150 Webster Street, Room 735A, Oakland, California 94612 for the following property, to wit:

Provide current telephone subscriber information for the following number(s):

You are therefore commanded to make a search of the premises or person described above for the said articles and property, and if you find the same or any part thereof, to bring it forthwith before me or retain in your custody according to Section 1536 of the California Penal Code.
PACIFIC BELL is not to disclose the existence of this Order unless otherwise ordered by the Court.

Given under my hand and dated this __________ day of ________, 199__.  

Time: _______________.

JUDGE of the Municipal Court

County of

Date and Time of Execution:

On Letterhead

Date

Pacific Bell

2150 Webster Street, Room 735A

Oakland, CA 9462

Pursuant to court order number(s), filed on DATE and expiring on DATE, issued by the United Stated District Court, District, CITY, STATE, please provide telephone subscriber information for the following telephone numbers:

(xxx) xxx-xxxx(xxx) xxx-xxxx(xxx) xxx-xxxx(xxx) xxx-xxxx

(xxx) xxx-xxxx(xxx) xxx-xxxx(xxx) xxx-xxxx(xxx) xxx-xxxx

(please indicate fax or mail)

Please fax the results of your search to (xxx) xxx-xxxx or mail to the following address:

Detective's Name

San Diego Police Department

1401 Broadway, M.S. 744

San Diego, CA 92101

Thank you.

DETECTIVE'S NAME
Order to Seal

GOOD CAUSE appearing therefore, IT IS HEREBY ORDERED that the attached affidavit, search warrant, and all documents in support thereof, be sealed pending further order of the Court.

IT IS SO ORDERED: DATED this XX.

_______________________________
Judge of the Superior Court Central Division

Affidavits

Affidavit to Seal Warrant

I request that this declaration, the affidavit, search warrant and supporting attachments be sealed pending further order of the court. I make the request for the following reasons. Without sealing, the affidavit and supporting documentation and warrant become a matter of public record within ten days. Penal Code section 1534(a).

Also, Penal Code section 293 provides that a victim of a sex offense be advised that his or her name will become a matter of public record unless he or she requests that it not become a matter of public record. The victim in this matter has not yet determined whether or not she wishes her name to become a part of the public record. If the information in these documents is not sealed the victim's name can be revealed to anyone who wishes to examine the court files, and the victim will be denied her rights under Penal Code section 293. For this reason, I believe all information identifying the victim should remain sealed pending further order of the court.

Affadavit for Residence

I, DETECTIVE'S NAME, do on oath make complaint, say and depose the following on this BLANK day of MONTH, 199X: That I have substantial probable cause to believe and I do believe that I have cause to search the premises, including all rooms, safes, storage areas, containers, surrounding grounds, trash areas, garages and outbuildings assigned to or part of the residence located at ADDRESS STREET, San Diego, California, County of San Diego; the residence is contained in a # DESCRIPTION OF EXTERIOR, having the numbers XXXX located WHERE of the residence for the following property, to wit: SPECIFIC DESCRIPTION OF PROPERTY TO BE LOCATED. i.e. one black, cloth, plastic, or paper sack containing human hair. Any cameras; to seize and view photographs, movies, video tapes, negatives, slides and/or undeveloped film depicting nudity and/or sexual activities, whether real or simulated. Additionally, any papers, documents and effects which tend to show dominion and control over said premises, including fingerprints, clothing, and writings, documents and effects which bear a form of identification such as a person's name, photograph social security number or driver's license number; keys; and to intercept incoming phone calls during execution of the warrant.
I am a Peace Officer employed by the San Diego Police Department (hereafter SDPD) and have been so employed for about # years. I am currently assigned to the Sex Crimes Unit and have been so assigned for about # and 1/2 years. During my career, I have investigated at least ### cases involving sexual assault.

During the course of my duties, I have learned the following information based upon my discussions with the named witnesses or by having read the reports of or talked with other SDPD officers who have spoken directly with the named witness. All references to dates refer to the current calendar year unless otherwise stated.

I have read and considered the attached ## page report prepared by SDPD Officer NAME, # NNNN. I hereby request incorporation by reference herein of said report as if fully set forth and identified as ATTACHMENT A.

In synopsis, SYNOPSIS OF CASE

On MONTH #, 199#, I was dispatched to ADDRESS to assist officers with securing a telephonic search warrant and the processing of the crime scene. Upon my arrival, SYNOPSIS.....

During the initial processing of the residence, I recovered

I also learned, through my preliminary investigation,

I learned from my preliminary investigation that

Based on my training and experience, I believe

Furthermore, my training and experience indicated that persons in control of premises leave evidence of their identification such as fingerprints and handwritings, which are subject to expert identification, routinely in the normal course of living within their premises. Also clothing, photographs, canceled mail and the like are routinely maintained in a person’s premises as necessary and incident to maintaining such premises. In addition, by intercepting phone calls at the premises while the search warrant is being executed, I expect to talk with persons who are familiar with the persons in control of the premises and will so testify. Such callers and described dominion and control evidence is vital to providing control over the described property to be seized. Therefore, based on my training, experience, and the above facts, I believe that I have substantial cause to believe the above described property or a portion thereof will be at the described premises when the warrant is served.

Based on the aforementioned information and investigation, I believe that grounds for the issuance of a search warrant exist as set forth in the Penal Code section 1524.

I, the affiant, hereby pray that a search warrant be issued for the seizure of said property, or any part thereof, from said premises or vehicle at any time of the day, good cause being shown therefor, and that the same be brought before this magistrate or retained subject to the order of this Court.

I request that this declaration, the affidavit, search warrant and supporting attachments be sealed pending further order of the court. I make the request for the following reasons. Without sealing,
the affidavit and supporting documentation and warrant become a matter of public record within ten days. Penal Code section 1534(a). Sealing is justified even against discovery by the defendant based on the governmental privilege that allows for the protection of the identity of informants pursuant to Evidence Code section 1041. Swanson v. Superior Court (1989) 211 Cal.App. 3d 332. Also, Penal Code section 293 provides that a victim of a sex offense be advised that his or her name will become a matter of public record unless he or she requests that it not become a matter of public record. I personally advised VICTIM’S NAME of this section, and she stated to me she wished her name not to become a part of the public record. (or Victim has not yet decided whether or not to allow her name to become part of the public record). For this reason, I believe all information identifying VICTIM’S NAME should remain sealed pending further order of the court.

Given under my hand and dated this # day of MONTH, 199#

Subscribed and sworn to before me

this # day of MONTH, 199#

at_________________am/pm.

Judge of the Municipal Court

San Diego Judicial District

**Affidavit by Telephone**

I, ZZ, do on oath make complaint, say and depose the following on this XX: that I have substantial probably cause to believe and I do believe that I have cause to search the following: the record storage areas at the business described and known as Pacific Bell, located within the office of the Custodian of Records, Pacific Bell, 2150 Webster Street, Room 735 A, Oakland, California: consisting of the following property, to wit:

A.All telephone company subscriber information, listed name and address, toll call records, billing statements, credit information and records of customer service for telephone number(s) QQ between the dates of XZ; and,

B.All telephone company subscriber information on phone numbers called by the above described numbers and subscriber information on phone numbers called by any other phone numbers or connections which are located at the address of the above described pones during the time period; and,

C. The phone number and all subscriber information, listed name and address, toll call records, billing statements, credit information and records of customer service related to all phones located on the premises located at -, California, between the dates of XZ; and,

D.All records which tend to identify the phone numbers to which calls are forwarded during the period, between the dates of XZ, from said telephone number, and any other telephone numbers
located at the address of said telephone number, including the listed name and address, billing statements for the current cycle, records of customer service, credit information and dates of connection and/or disconnection of the telephone numbers identified, and any other telephone number in the chain of call forwarding; and

E. All aforementioned records are to include the same records for any new phone number(s) resulting from a number change or new service located at the address of the described phone numbers and any new number(s) resulting from an address change of the subscriber(s) of said phone number(s).

F. Be IT FURTHER ORDERED that Pacific Bell Telephone Company be compensated by the San Diego Police department for reasonable expenses incurred in providing facilities and technical assistance; and,

I am a peace officer employed by the San Diego Police Department (hereafter SDPD) and have been so employed for about ________ years. I am currently assigned to the ________ Division and have been so assigned for about ____ months. During my career, I have investigated at least ________ cases.

During the course of my duties, I have learned the following information based upon my discussions with the named witnesses or by having read the reports of or talked with other SDPD officers who have spoken directly with the named witness. All references to dates refer to the current calendar year unless otherwise stated.

I have read and considered the attached - page report prepared by SDPD Officer -, #. I hereby request incorporation by reference herein of said report as if fully set forth and identified as ATTACHMENT A.

(ADD PROBABLE CAUSE STATEMENT HERE IF MORE THAN THE ATTACHMENT IS NEEDED).

Based on my training and experience, I know that the above described phone company has the information and records requested and will assist me in obtaining said records. I know that by securing subscriber information as requested as to incoming calls, I will learn the identity of persons making incoming calls and I will learn of innocent callers who will be able to establish the identity of persons at the location where the calls are received.