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

The National Center for Women and Policing
http://www.womenandpolicing.org/publications.asp

Publication Date: May 2001
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Introduction Curriculum

Summary
Instructor: Law Enforcement
Time needed: 45 minutes
Resources needed: Overhead projector
Flip charts/pens

Task 1
Learn about the instructor and other participants attending this training workshop.
Presentation method: Introduction exercise.
Time: 10 minutes
Materials: None

Begin the training by introducing yourself as the instructor. Give them your name and agency/ background. Tell participants that they will be asked to introduce themselves by name and agency/division, and to indicate that they are glad to be at the training by sharing with the group what they would be doing if they were at work that they are glad to not be doing.

This type of exercise serves as a good warm-up exercise and prepares participants for their active participation in the training. The instructor should feel free to develop his or her own variation of an introduction exercise that accomplishes the purpose of this task.

Task 2
Discuss the unique challenges that officers face when they investigate sexual assault.
Presentation method: Open discussion exercise.
Time: 15 minutes
Materials: Flip chart/Trainer worksheet

Ask participants to think back to some of the sexual assault cases that they have handled or that have been handled by other officers they know. Then ask them to consider the following questions:

- What do they believe are the unique challenges that officers face when they investigate rape cases?
- What problems do officers have with sexual assault crimes that they do not have with other kinds of cases?

Inform participants that they have a few moments to reflect on these questions before they will reconvene as a class to discuss their responses. Count to 20 before prompting them. Ask participants to share their responses with the class, and record these on a flipchart. If officers raise an issue that will be addressed in the curriculum, briefly mention this to get participants interested in the upcoming material. This discussion should be open and informal, more like a conversation that a lecture.
In order to return to these themes throughout the curriculum, record the issues raised by participants on your Trainer Worksheet, along with the training unit it will be addressed. Use your notes as a reminder for later modules to incorporate the relevant personal concerns and challenges discussed by the participants. This will help to facilitate learning and motivate participants. For example, if officers suggest that one of the main problems with sexual assault investigation is that victims don't cooperate with police, this challenge can be used to guide discussion on victim interviewing. Training can therefore be oriented toward answering how victim interviewing can be conducted in a way that maximizes the likelihood of victim cooperation.

**Task 3**

Recognize that new strategies are needed for sexual assault investigation.

Presentation method: Lecture  
Time: 10 minutes  
Materials: None

**Task 4**

Recognize that a teamwork approach to sexual assault response is essential to an effective investigation.

**Subtask 4.1**

Discuss a the importance of a victim-centered approach to sexual assault investigation.

Presentation method: Lecture  
Time: 2 minutes  
Materials: None

**Subtask 4.2**

Discuss the role of law enforcement in the sexual assault investigation.

Presentation method: Lecture  
Time: 2 Minutes  
Materials: None

**Subtask 4.3**

Discuss the role of medical personnel.

Presentation method: Lecture  
Time: 2 minutes  
Materials: None

**Subtask 4.4**

Discuss the role of the victim advocate.

Presentation method: Lecture  
Time: 2 minutes  
Materials: None
Subtask 4.5
Discuss the role of the prosecutor
Presentation method: Lecture
Time: 2 minutes
Materials: None

Trainer Worksheet

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DNA Evidence and Issues

Summary
Instructor: Law Enforcement
Time Needed: 3 hours (with one 20-minute break)
Resources Needed: Self-test on DNA evidence
Cotton swabs (several for each participant)
Preliminary Rape Case Information (Handout)
Lab Service Request (Handout)

Task 1
Explain the general nature and purpose of DNA evidence in a sexual assault investigation, including discussion of CODIS or other databases.

Presentation: Brainstorming exercise
Time: 15 minutes

After a brief introduction of the general nature of DNA evidence, ask participants to think of different ways that it might be used in a sexual assault investigation. Call on volunteers and write the responses on an overhead or flip chart.
Possible answers include: (1) confirming the identify of a known suspect; (2) identifying an unknown suspect based on a match with evidence collected in another case; (3) excluding a suspect from consideration; and (4) exonerating an individual who has been wrongly convicted. In some jurisdictions, it may be used to issue a warrant for a suspect whose identity (i.e., name) is not currently known. The instructor can suggest any of these ideas not raised by participants. Participants may also generate additional ideas which can be recorded.

Allow time for discussion, and highlight the fact that DNA evidence is primarily useful in sexual assault cases where identification is the issue. Note that this will most likely be in cases of stranger assault, and that this is therefore the one unit in this training curriculum that does not focus on cases of acquaintance rape where the issue is likely to be consent. Also make sure to discuss the use of DNA databanks such as CODIS.

**Task 2**

Identify possible sources of DNA evidence.

Presentation: Learning pairs
Time: 20 minutes

Ask participants to pair up with someone sitting near them. If the number of participants is uneven, make a single group of three. Then ask the learning pairs to generate a list of possible sources for DNA evidence. For example, semen is the source of DNA evidence most commonly thought of in the context of sexual assault investigation. However, there are several other biological sources of DNA evidence to consider. Have each member of the learning pair record the list in their notes, titled "Sources of DNA evidence." Give the pairs a few minutes to generate their lists. Then put up the list on the overhead, and ask participants to add to their list any items that they might have missed. Finally, ask if any pairs came up with ideas not included on the overhead. Have participants add these new ideas to their lists. Highlight the vast promise of DNA evidence given these many potential sources.

**Task 3**

Recognize various barriers to realizing the potential of DNA evidence, and ways of overcoming these barriers.

**Subtask 3.1**

Discuss the various barriers to realizing the potential of DNA evidence.

Presentation: Brief lecture
Time: 15 minutes

**Subtask 3.2**

Discuss ways to overcome these barriers.

Presentation: Brief lecture
Time: 15 minutes
Handouts: Preliminary Rape Case Information
Lab Service Request
Task 4
Review proper procedures for collecting, packaging, and storing DNA evidence.
Presentation: Brief introduction
Time: minutes

Subtask 4.1
Recognize correct procedures for collecting, packaging, and storing DNA evidence.
Presentation: Self-test with review
Time: 60 minutes

Provide participants with the DNA evidence self-test and ask them to complete it to the best of their ability. Encourage guessing for those questions to which they do not have an answer. Assure participants that no one will see their responses, but they can score their test during the discussion to follow. Give participants time to complete the self-test and then walk through the correct answers with discussion and additional information on each topic. Recognize variation in the policies and practices of different jurisdictions, but reinforce proper procedure in cases where local practice can be improved.

Subtask 4.2
Collect DNA evidence properly using mouth (buccal) swabs.
Presentation: Skill practice
Time: 30 minutes

First, explain the proper procedures for collecting DNA evidence using mouth (buccal) swabs. Then, distribute regular cotton swabs and ask participants to practice by collecting evidence from a classmate. Monitor their performance, and allow time for discussion.

Self-Test: Collecting, Packaging, and Storing DNA Evidence
1. Mark all correct answers. DNA analysis conducted by the crime laboratory can be assisted by law enforcement by:
   _____ Collecting all items with potential evidentiary value.
   _____ Obtaining extensive information about the case from the victim.
   _____ Summarizing details of the case for crime lab personnel to guide screening of crime scene evidence.
   _____ Writing very general requests for lab service to avoid limiting the potential analyses to be conducted.

2. Mark all correct answers. If blood evidence is collected, it is necessary to determine:
   _____ Whether the victim or suspect bled during the assault.
   _____ Which specific areas of the victim's or suspect's body produced blood.
   _____ Whether the victim was menstruating at the time of the assault.
Whether the victim or suspect recently received a blood transfusion (i.e., in the last 90 days).

3. Circle the correct answer. If the victim’s clothing was removed during a sexual assault, it is not likely to have any evidentiary value.
   True
   False

4. Mark all correct answers. In which of the following situations is bedding likely to have evidentiary value?
   _____ The suspect’s seminal fluid is found in his own bed, where the assault is alleged to have occurred. The suspect denies having sex with the victim.
   _____ The victim’s epithelial cells are found in the suspect’s bed, where the assault is alleged to have occurred. The suspect denies having sex with the victim.
   _____ The suspect’s seminal fluid is found in the victim’s bed, where the assault is alleged to have occurred. The suspect denies having sex with the victim.
   _____ The suspect’s seminal fluid is found in the victim’s bed, where the assault is alleged to have occurred. Both suspect and victim acknowledge having recently had consensual sex in the same bed.

5. Mark all correct answers. The victim reports a sexual assault that took place in her bed, and there is seminal fluid evidence found in the bed. The victim also reports that she recently had consensual sex with her boyfriend (who is not the suspect) in the same bed. In this case, it is important to obtain DNA reference standards from:
   _____ The suspect.
   _____ The victim’s boyfriend.
   _____ The victim.

6. Circle the correct answer. Even when done correctly, mouth (buccal) swabs are generally considered to be inferior to blood samples as a means of collecting DNA reference standards.
   True
   False

7. Mark all correct answers. When submitting a lab request:
   _____ It is not necessary for the investigator to prioritize items of evidence to be analyzed because crime lab personnel are better prepared to make this determination.
   _____ It is better to make general requests for lab service, to avoid limiting the potential analyses to be conducted. For example, it is better to request that the victim’s "rape kit" be analyzed rather than the "vaginal swabs."
It is desirable to have all lab service requests reviewed by a supervisor to monitor the requests that are being submitted to the crime laboratory.

8. Choose one. Clean latex gloves should be worn when collecting items of evidence. It is recommended to change gloves between the handling of different items of evidence.
   1. Only the first statement is true.
   2. Both statements are true.

9. Choose one. Each item of evidence:
   1. can be packaged together if they come from the same source (e.g., victim or suspect).
   2. must be packaged separately.

10. Choose the one incorrect statement. Blood, semen, and other types of stains:
    1. must be thoroughly air-dried before packaging.
    2. must be packaged in sealed paper envelopes or paper bags.
    3. can be dried using a fan.
    4. can be dried using a hairdryer on a regular, warm setting.

11. Choose one. Used condoms should be:
    1. placed in a paper bag.
    2. placed in a sterile tube and frozen.
    3. placed in a clean, air-tight container and refrigerated.

12. List the information that must be marked on packages for proper chain of custody documentation.

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13. Choose one. If stains must be transferred from an unmovable surface (such as a window or sidewalk), sterile cotton swabs can be used. If the stain is dried, the swab can be moistened with:
    1. saline solution.
    2. regular tap water.
    3. distilled water.

14. Which one of the following statements is incorrect regarding stains on unmovable surfaces (such as a window or sidewalk)?
    1. The stain should be photographed with a ruler before swabbing.
2. Only one control swab should be collected for comparison purposes, from an unstained area adjacent to the stain.
3. Swabs should be air-dried, without permitting them to touch each other.
4. Swabs should be stored in separate, properly marked envelopes or paper containers.

15. Choose one. Evidence which is incapable of drying (e.g., pieces of tissue, organ, bone, liquid urine, vomit, or other biological material) should be:
   1. packaged in a paper container if possible, and refrigerated.
   2. packaged in an air-tight container and frozen.
   3. preserved in formalin or formaldehyde for DNA analysis.

16. Mark all correct answers. Known standard blood samples should be:
   _____ Stored in a purple top tube.
   _____ Placed (in the tube) in a paper container.
   _____ Sealed with evidence tape (in the paper container).
   _____ Marked if taken from an individual diagnosed with HIV or hepatitis.
   _____ Frozen.

17. Circle the correct answer. For biological evidence other than known standard blood samples, the rule of thumb for storage is "the colder the better."
   True
   False

18. Which one of the following is **not** a proper way to ship DNA evidence?
   1. Hand carried on any day of the week.
   2. Shipped by overnight courier service on a business day.
   3. Shipped by courier service on a weekend or holiday.

19. Which one of the following types of biological evidence should **not** be shipped on dry ice?
   1. Liquid blood.
   2. Liquid urine.
   3. Tissue samples.
   4. Bone samples.

20. Mark all correct answers. Blood standards from persons diagnosed with HIV or hepatitis should be shipped:
   _____ Using a specialized container such as a SAF-T-PAK.
   _____ With a shipping tag for dangerous goods.
   _____ At room temperature.
21. Circle the correct answer. When collecting fetal tissue evidence, it is important to immediately alert the medical facility not to add any fixative or preservative such as formalin, formaldehyde, or other liquid.

True
False

Self-Test: Collecting, Packaging, and Storing DNA Evidence (Answers)

1. Mark all correct answers. DNA analysis conducted by the crime laboratory can be assisted by law enforcement by:

   __X__ Collecting all items with potential evidentiary value.
   __X__ Obtaining extensive information about the case from the victim.
   __X__ Summarizing details of the case for crime lab personnel to guide screening of crime scene evidence.
   _____ Writing very general requests for lab service to avoid limiting the potential analyses to be conducted.

2. Mark all correct answers. If blood evidence is collected, it is necessary to determine:

   __X__ Whether the victim or suspect bled during the assault.
   __X__ Which specific areas of the victim's or suspect's body produced blood.
   __X__ Whether the victim was menstruating at the time of the assault.
   __X__ Whether the victim or suspect recently received a blood transfusion (i.e., in the last 90 days).

3. Circle the correct answer. If the victim's clothing was removed during a sexual assault, it is not likely to have any evidentiary value.

   True
   False

4. Mark all correct answers. In which of the following situations is bedding likely to have evidentiary value?

   _____ The suspect's seminal fluid is found in his own bed, where the assault is alleged to have occurred. The suspect denies having sex with the victim.
   __X__ The victim's epithelial cells are found in the suspect's bed, where the assault is alleged to have occurred. The suspect denies having sex with the victim.
   __X__ The suspect's seminal fluid is found in the victim's bed, where the assault is alleged to have occurred. The suspect denies having sex with the victim.
The suspect's seminal fluid is found in the victim's bed, where the assault is alleged to have occurred. Both suspect and victim acknowledge having recently had consensual sex in the same bed.

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- [x] The suspect.
- [x] The victim's boyfriend.
- [x] The victim.

6. Circle the correct answer. Even when done correctly, mouth (buccal) swabs are generally considered to be inferior to blood samples as a means of collecting DNA reference standards.

   True
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    2. must be packaged in sealed paper envelopes or paper bags.
    3. can be dried using a fan.
    4. can be dried using a hairdryer on a regular, warm setting.
11. Choose one. Used condoms should be:
   1. placed in a paper bag.
   2. placed in a sterile tube and frozen.
   3. placed in a clean, air-tight container and refrigerated.

12. List the information that must be marked on packages for proper chain of custody documentation.

   ________CASE NUMBER______________________________
   ________ITEM NUMBER______________________________
   ________DATE______________________________
   ________INITIALS ACROSS THE SEALS OF THE PACKAGE________________

13. Choose one. If stains must be transferred from an unmovable surface (such as a window or sidewalk), sterile cotton swabs can be used. If the stain is dried, the swab can be moistened with:
   1. saline solution.
   2. regular tap water.
   3. distilled water.

14. Which one of the following statements is incorrect regarding stains on unmovable surfaces (such as a window or sidewalk)?
   1. The stain should be photographed with a ruler before swabbing.
   2. Only one control swab should be collected for comparison purposes, from an unstained area adjacent to the stain.
   3. Swabs should be air-dried, without permitting them to touch each other.
   4. Swabs should be stored in separate, properly marked envelopes or paper containers.

15. Choose one. Evidence which is incapable of drying (e.g., pieces of tissue, organ, bone, liquid urine, vomit, or other biological material) should be:
   1. packaged in a paper container if possible, and refrigerated.
   2. packaged in an air-tight container and frozen.
   3. preserved in formalin or formaldehyde for DNA analysis.

16. Mark all correct answers. Known standard blood samples should be:
   ___ X ___ Stored in a purple top tube.
   ___ X ___ Placed (in the tube) in a paper container.
   ___ X ___ Sealed with evidence tape (in the paper container).
   ___ X ___ Marked if taken from an individual diagnosed with HIV or hepatitis.
   _____ Frozen.
17. Circle the correct answer. For biological evidence other than known standard blood samples, the rule of thumb for storage is “the colder the better.”

True
False

18. Which one of the following is not a proper way to ship DNA evidence?
   1. Hand carried on any day of the week.
   2. Shipped by overnight courier service on a business day.
   3. **Shipped by courier service on a weekend or holiday.**

19. Which one of the following types of biological evidence should not be shipped on dry ice?
   1. **Liquid blood.**
   2. Liquid urine.
   3. Tissue samples.
   4. Bone samples.

20. Mark all correct answers. Blood standards from persons diagnosed with HIV or hepatitis should be shipped:

   ___ X ___ Using a specialized container such as a SAF-T-PAK.
   ___ X ___ With a shipping tag for dangerous goods.
   ___ X ___ At room temperature.
   _____ By priority overnight courier service.

21. Circle the correct answer. When collecting fetal tissue evidence, it is important to immediately alert the medical facility not to add any fixative or preservative such as formalin, formaldehyde, or other liquid.

True
False

**Drug-Facilitated Sexual Assault**

**Summary**

Instructor: Law Enforcement Officer
Time needed: 5 hours for full investigations module. This time includes one hour for lunch and two 20-minute breaks.

When delivering this module to patrol officers, the instructor has the option of cutting the tasks and subtasks indicated with an asterisk (*). The time needed should then be reduced to approximately 2 hours including two 20-minute breaks.
Task 1

Discuss the role of alcohol in facilitating sexual assault.

Subtask 1.1

Identify the drug most commonly used to facilitate sexual assault.

Presentation method: Brief listing exercise
Time: 10 minutes

To begin exploring the role of alcohol in facilitating sexual assault, ask participants to take a brief moment and write down what they believe is the drug most commonly used to facilitate sexual assault. Encourage the participants to guess.

Give the participants approximately 30 seconds to write down their answer. Inform the participants that they will not be asked to read their answer out loud. This technique encourages participants to answer the question because they can keep their answers confidential.

After the allotted time, give a brief lecture in which you present the correct answer (alcohol). Use the remaining time to answer any questions regarding the results of this exercise.

Subtask 1.2

Recognize that the effects of alcohol can be similar to the new drugs being used to facilitate sexual assault.

Presentation method: Brief lecture
Time: 10 minutes

Subtask 1.3

Identify challenges in investigating the use of alcohol to facilitate sexual assault.

Presentation method: Read transcript of interview with sex offender
Time: 45 minutes

In order to highlight the challenges in investigating the use of alcohol to facilitate a sexual assault conduct a staged reading of the transcript provided in the content manual between an interviewer and an admitted sex offender (Frank Transcript).

Before the activity begins recruit two participants during break to read the transcript out loud to the class. Allow the readers to review a copy of the transcript during the break period, and assign them one of the two roles (interviewer vs. Frank). Choose two participants who have
actively participated throughout the training and who you feel can communicate well. Set-up two chairs for the readers in the front of the classroom, and allow 5 minutes for the reading.

When the readers have finished, have the participants break-up into groups of 4-6. Give a copy of the transcript to each group. Tell the groups that Frank's victim has reported the sexual assault described in the transcript to their police department. The case has been assigned to them as the investigators.

Ask each group to take 15 minutes to compose a list of three challenges they would likely face during this investigation process and ways to overcome these challenges. For example, participants may discuss that the victim participated in "risky behavior" by consuming alcohol and this may challenge her credibility. This challenge may be overcome by establishing the victim's vulnerability and lack of consent while under the influence of alcohol.

After the groups appear to have generated ideas, call on each group to share their examples. Continue calling on each group, asking them to add an idea only if it has not already been mentioned. Indicate to the participants that the challenges associated with alcohol are similar to the challenges faced in most drug-facilitated sexual assault cases. In addition, the strategies used to overcome these challenges can be applied to the more recent cases involving more advanced drugs used to facilitate sexual assault.

**Task 2**

Discuss the most recent drugs being used to facilitate sexual assault and how to identify them.

Presentation method: Option 1. Lecture
Option 2. APRI Video Presentation (5:40--17:59) and a brief Lecture
Time: 30 minutes

**Option 1**

In addition to introducing the participants to the most recent drugs being used to facilitate sexual assault, the instructor will also want to tailor his or her lecture to address the specific drugs most commonly observed in the jurisdiction of the participants.

In order to have an accurate picture of the drugs used within the community you are conducting this training, contact the local emergency medical center for information on the incidence of drug overdose. This information will provide participants with a vivid understanding of the drug problem in their community.

**Option 2**

The instructor may choose to supplement lecture with a brief video excerpt from, "The Prosecution of Rohypnol and GHB Related Sexual Assaults," by the American Prosecutors Research Institute. Show the video excerpt from APRI to the participants. Allow approximately 12 minutes for this presentation.

When the video clip is complete, allow the participants to ask questions. Then use the remaining time to present information on the drugs most commonly available in the jurisdiction that you are training.
Task 3
Recognize the indicators of a drug-facilitated sexual assault
Presentation method: Brief lecture
Time: 5 minutes

Task 4
Discuss the scope of the evidence collection process.
Presentation method: Option 1. Brief lecture
Option 2. APRI Video Presentation (21:10?29:20)
Time: 15 minutes

Option 1
In order to discuss the scope of the evidence collection process the instructor should focus his or her presentation on the types of evidence that is specific to drug-facilitated sexual assault. (Standard evidence collection procedures should not be presented in this lecture.)

The instructor should also present a brief outline on how to conduct a "controlled buy." This technique can be very effective when trying to identify the drug that was used to facilitate a sexual assault. The instructor should also tell the participants that a pretext phone call can be very effective when investigating these crimes, however a discussion of the pretext phone call will be addressed during the class on "Suspect Interviewing Techniques."

Option 2
The instructor may choose to subsidize lecture with a brief video excerpt from, "The Prosecution of Rohypnol and GHB Related Sexual Assaults," by the American Prosecutors Research Institute. Allow approximately 8 minutes for this video presentation.

When the video clip is complete, allow the participants to ask questions. Then use the remaining time to present any additional information on the scope of evidence collection in a drug-facilitated sexual assault crime.

Subtask 4.1
Explain the advantages and disadvantages of conducting a full drug screen on the victim.
Presentation method: Brief lecture
Time: 15 minutes

There are many different ways the instructor can present this material. One way is to have a law enforcement officer briefly discuss the advantages to conducting a full drug screen and then have a victim advocate convey the concerns of the sexual assault advocacy community.

For example, law enforcement will usually convey that one advantage to conducting a full-drug screen is to corroborate the victim’s account of her own drug use. A second advantage to this testing is to help law enforcement identify a drug that may have been surreptitiously given to the victim to facilitate a sexual assault.
The victim advocate will then discuss the disadvantages associated with conducting a full-drug screen. For example, one concern of the sexual assault advocacy community is that any documentation of illegal drug use, whether voluntarily disclosed by the victim or not, could be used against the victim during the trial and possibly harm her chances of a successful prosecution. A second concern relates to the limited ability of many laboratories to test for low doses of specific drugs that are used to facilitate sexual assault, such as GHB and Rohypnol.

A second way to conduct this lecture is to have the law enforcement officer and the advocate switch roles. Thus, the officer will discuss the concerns of the sexual assault advocacy community, and the advocate will talk about the advantages to this testing. The advantage to this approach is that it increases the legitimacy of advocacy concerns in the eyes of law enforcement audiences and it models mutual respect between the two professions.

The purpose of this lecture is to create a cohesive environment to present all the important issues related to conducting a full-drug screen. It is also designed to generate practical suggestion about how to handle this issue, while taking into account the valid concerns of both law enforcement and advocates. This discussion should not turn into an adversarial debate between the officer and the advocate.

Subtask 4.2
Discuss how to request toxicology testing and how to choose the appropriate laboratory.

Presentation method: Open-ended discussion
Time: 10 minutes

To encourage participation, the instructor could ask participants to provide their own experience(s) with toxicology testing and the challenges they faced in regards to laboratory resources and victim credibility.

Task 5
Collect the appropriate evidence in a drug-facilitated sexual assault

Presentation method: Case examples
Time: 60 minutes
Material: Handouts (Case examples), flip chart and pens

Return the participants into their groups of 4-6. Explain to the groups that they will each receive different case examples of drug-facilitated sexual assault. These cases will include the following scenarios:

- Case #1: Alcohol intoxicated victim scenario
- Case #2: Covert drug facilitated rape scenario
- Case #3: Voluntarily use of an illegal drug scenario

Each group will then be given 30 minutes to compose a list of evidence including the interview statements that must be collected from the following:

- The victim
- The suspect
• The witness
• The crime scene

Each group should elect a spokesperson and recorder for this exercise. The instructor should rotate around the room to help address each individual group's questions and concerns.

After 30 minutes have the class reconvene. Call on a group who reviewed Case #1 to discuss the evidence they collected. Continue to call on the groups who reviewed this same case scenario to add any ideas that were not previously mentioned. Give the each of these groups feedback on their analysis. Conduct this same process with groups who review Case #2 and Case #3. Use a flip chart to record all the responses.

This process should be limited to 30 minutes.

**Case #1**

**Alcohol Intoxicated Victim Scenario**

Susan is a 26-year-old recently divorced woman.

The last year in Susan’s life had been a very difficult one. She had been married for three years and while their marriage had always been filled with turmoil, Susan and her husband decided it was time to have a child. Two months after the baby was born and while Susan was still on maternity leave, her husband announced that he was leaving her because he was in love with someone else. Susan returned to work immediately and took a second job on the weekends to make ends meet. Susan's ex-husband has never made any alimony or child support payments to Susan and their child.

Susan has not had any kind of social life since her divorce a year earlier. Her friends finally talked her into a "night out with the girls" to celebrate her birthday. Susan and her friends went to a bar. They had some drinks and listened to music. Susan remembers that for the first time in a long time she started to relax and actually enjoy herself.

Susan's friends started buying her drinks and since she had not been out in such a long time, it didn't take a lot to make her feel "tipsy." A group of three guys had approached the women and began talking to them. One of them, Kyle, especially seemed to like Susan. She was thrilled with the attention. Because of the awful events surrounding the divorce, her self-esteem had plummeted. Kyle bought her a shot. At first she said no, but he said it was very light. She took it. It was sweet and like he said, very light. She accepted a second. Then he asked her to dance.

After they returned from the dance floor, Kyle said he would like to get to know her better. He said he knew the bar owner and that they could go to the owner's office in the back and have a quiet place to talk and get to know each other. Susan really liked this guy and he seemed really nice. He had been a complete gentleman up to this point, not like some other guys who are all over you from the beginning. Susan trusted him and went with him to the back office. Susan had had about five drinks and two shots by this point.

Once they got to the back office, Kyle's demeanor changed, he immediately began to kiss her. Susan was surprised at the change, but she had not kissed anyone besides her ex-husband in such a long time and she enjoyed the kissing. After a few minutes, Kyle began to try to undress her. At this point Susan became really uncomfortable and started to gently guide his hands
away from her clothes. He persisted. She tried to push him away. At this point, he pushed her to the floor removed her underwear, and raped her. Susan was in shock. She couldn't believe what was happening to her. She panicked and didn't know what to do. It was happening so fast. Then he stopped, got up and helped her up. He told her to get dressed and he walked her back to her friends. Susan was horrified. She couldn't believe what had just happened. She was starting to sober up and her head was spinning. When they got back to her friends, he leaned over and whispered "thank you" in her ear and kissed her good bye.

As soon as he left, her friends began to ask her if she liked Kyle and where they had gone. She told them what happened. Her friends went to find a bouncer and asked him to call the police. They tried to look for Kyle, but by this point, he was gone. The police arrived and made a report in which they noted that Susan "had a strong odor of alcohol on her breath." Susan was taken to a hospital ER for a rape exam, but the SANE nurse did not document any signs of "force."

**Case #2**

**Covert Drug Facilitated Rape Scenario**

Anna is a sophomore student at a large university.

She returned to campus after her summer vacation. As she unpacked her bags, her friends came to her room and invited her to go to a fraternity party. Anna thought that this was an opportunity to see friends that she had not seen all summer and it seemed like a great way to begin the school year. She knew that drinking was part of the campus party scene. However, she felt safe at the party because she was with people she knew. She had a few drinks with her friends. The last thing she remembers is being given a drink by a young man. She got half way through this drink and then lost consciousness.

The next thing she remembers is awakening the next morning on a couch in the living room of the fraternity house. Her pants were unzipped. Her head was bruised in several places. And, someone had urinated all over her. She felt sore in her vaginal area and there were stains on her pants. She was horrified. She returned to her apartment and her friends told her that she had vomited in the bathroom that night. She immediately went to the university's Student Health Center. Campus security officers were called. The doctor at the Student Health Center did a pelvic examination prior to the decision to send Anna to a hospital ER for a rape exam. She was eventually transported to an ER and a police report was made. A urine sample was collected.

**Case #3**

**The Victim Voluntarily Used an Illegal Drug**

Roxanne is a prostitute.

Roxanne left drug rehab to score some heroin. After she bought some heroin from a dealer, she began walking trying to figure out how she was going to get home. A man drove up beside her and asked if she needed a ride. Roxanna accepted the ride. His name was Bobby.

During the ride, Bobby offered Roxanna some cocaine that he had at home and she agreed to go to his house. After arriving at his house and both of them using cocaine, Bobby reached out and grabbed Roxanna's breasts. She told him that she was ready to leave. Bobby flashed a wad of money at her, but Roxanna did not understand why he was doing this. He went to the
front door, locked it and stated, "We didn't come down here for nothing." Bobby then proceeded to rape Roxanna. After the act, Roxanna left, went home, washed her clothes, showered, used heroin, and then called her drug counselor. Her counselor convinced Roxanna to report the incident. A rape exam was conducted and revealed minor abrasions to the vaginal area.

When questioned by the police, Bobby said that Roxanna agreed to engage in intercourse with him for $25.00. He then agreed to pay more because he didn't have a condom. After the consensual act, he not only refused to pay more, but he also took back the original $25.00. Bobby claimed that Roxanna was just mad about the nonpayment.

**Dynamics of Sexual Assault**

**Summary**

Instructor: Law Enforcement or Advocate
Time Needed: 2 hours and 30 minutes with one 10-minute break
Resources Needed: Handouts for volunteers #1 and #2
Self-test on sexual assault dynamics (optional)
Flip chart for front of classroom
Flip charts or notepads for groups of 4-6

**Task 1**

Recognize the importance of cultural myths and misconceptions regarding sexual assault.

Presentation: Brief lecture
Time: 10 minutes
Materials: Handouts for volunteer #1 and #2

During a class break get two volunteers from the class to read the quotes presented on the overhead (handouts are provided for the volunteers only). Give the volunteers their assigned quote ahead of time so they can familiarize themselves with it before reading it in front of the group. Use an overhead projector to allow all participants to follow along with the two quotes.

First, have one volunteer read the first quote and ask participants to think to themselves when it was likely written. Take guesses from participants on the year this quote was written, and after generating guesses, inform them that it appeared in 1970 in O'Hara's classic book entitled Fundamentals of Criminal Investigation.

Have the second volunteer read the second quote and again ask participants to think to themselves when it was likely written. After generating guesses on the year this second quote was written, inform participants that it appeared in an IACP publication as recently as 1995 (insert citation).

Clearly, "the more things change the more they stay the same." Much of the thinking about sexual assault has not changed in the last 20-30 years, because this thinking continues to reflect a number of myths and misconceptions.

**Subtask 1.1**

Discuss some of the cultural stereotypes regarding "real rape."
Some of the popular myths and misconceptions about sexual assault are reflected in the two quotes read by the volunteers. These assumptions express characteristics that are commonly thought to differentiate "real rape" from cases that are somehow suspected of being false. In other words, "real rape" is the stereotype that our culture has for what constitutes a legitimate sexual assault.

"Real rape," in the minds of many people, is perpetrated by a stranger who jumps from the bushes with a knife in his hand and attacks a woman who is seen by everyone as being completely innocent. Have participants come up with some of the other myths and misconceptions surrounding this topic. Have the group volunteer other characteristics of "real rape," and write these on a flip chart at the front of the room. Possible responses include the ideas that real rape:

...is perpetrated by a stranger
...involves a great deal of physical violence.
...leaves obvious signs of physical injury.
...involves the use of a weapon
...causes the victim to be hysterical.
...is reported immediately to police.
...is committed at night, in a dark alley, etc.
...takes place "on the bad side of town."
...is more likely to be committed by Black men.
...is more likely to involve White victims.
...cannot be perpetrated against a prostitute.
...involves only penile-vaginal penetration.

Offer suggestions if participants do not come up with these primary examples.

**Subtask 1.2**

Determine whether the stereotype of "real rape" resembles most cases handled by law enforcement.

**Presentation: Classroom polling**
**Time: 10 minutes**
**Materials: Flip chart responses from previous exercise**

Now, find out from participants how well the stereotype of "real rape" fits with the types of cases that they typically handle. First, ask participants to think of the most recent case of adult sexual assault that they handled. Give them a moment to think of the case and its characteristics. Then, read back each of the characteristics of stereotypic "real rape" generated by the group, and ask participants to raise their hand if this characteristic was true in their most recent case.

Chances are only a minority of participants will raise their hand for each characteristic. In this case, note that the stereotypic rape does not reflect a majority of sexual assault cases handled by participants. If, however, a large number of participants do raise their hands for the characteristics, discuss how victims are more likely to report their assault if it resembles the
stereotypic "real rape." The cases reported to police would thus not be representative of the assaults that actually occurred.

**Subtask 1.3**

Explore reasons for the widespread acceptance of myths and misconceptions regarding sexual assault.

Presentation: Group discussion  
Time: 15 minutes

Ask participants why police and the rest of society tend to hold these myths and misconceptions regarding sexual assault. Possible responses include:

- Because the stereotype used to more accurately reflect the characteristics of reported rape.
- Because the media portrays stereotypic cases.
- Because we prefer to keep the issues "black and white."
- Because we want to feel safe from threat of rape.

Allow time to discuss these ideas and others generated by the class. If the instructor can compile examples of stereotypic presentations in the media, this would be a great addition to classroom discussion.

**Subtask 1.4**

Identify potential consequences of the myths and misconceptions.

Presentation: Brief lecture  
Time: 15 minutes

**Task 2**

Recognize the actual characteristics of sexual assault, and highlight the contrast with cultural stereotypes of "real rape."

Presentation: Brief lecture  
Optional self-test exercise  
Time: 45 minutes

Optional self-test exercise (probably best for patrol):

Administer the self-test on sexual assault dynamics to participants and ask them to take it silently. Inform participants that although the correct answers will be discussed, no one will see their individual responses. Once they have completed the self-test, ask them to correct themselves as you walk through the lecture on actual characteristics of sexual assault as reported in recent research. This exercise may be especially useful for instructors who do not have access to local statistics and are basing their presentation on the national research described in the training manual.

Alternatively, if the instructor is presenting local statistics compiled personally, it may be useful to develop a similar self-test to correspond with the information to be presented.
Task 3
Discuss the ways in which law enforcement can effectively investigate sexual assault cases, given their actual dynamics.

Presentation: Small group discussion
Time: 30 minutes
Materials: Notepads or flip charts for each group

Assign participants to groups of 4-6 and inform them that they will have 15 minutes in which to generate 3 ways that police can effectively address the actual dynamics of sexual assault cases. Make sure that participants first state the actual characteristic of sexual assault cases, and then discuss ways in which law enforcement might address this issue.

For example, one characteristic of most sexual assaults is that the victim and suspect know each other. Police can effectively investigate these cases by anticipating a consent defense and focusing on identifying and collecting evidence to establish force or threat, rather than identification.

After 15 minutes, ask a volunteer for each group to report their group’s responses, adding an idea only if it has not already been mentioned. This discussion should take approximately 15 minutes.

Handout for Volunteer #1
Thank you for your willingness to read this quote in front of the class. Take a moment to familiarize yourself with the quote, and you will be asked to read this first.

Where a vigorous woman alleges ravishment it is to be expected that signs of violence such as wounds, bruises and scratches will be present and their absence should induce a moderate degree of skepticism unless the girl avers that she fainted from fear, became panic stricken or was otherwise rendered incapable of physical resistance. The acts and demeanor of the female immediately after the alleged commission should be subjected to very critical investigation in these cases.

Handout for Volunteer #2
Thank you for your willingness to read this quote in front of the class. Take a moment to familiarize yourself with the quote, and you will be asked to read this second.

Generally, the actions and the appearance of a legitimate rape victim leave little doubt that a crime has been committed. Under such circumstances, the victim is highly agitated, emotionally distraught, often in a state of hysteria and may have sustained injuries, cuts, bruises or wounds. The victim's clothing is often ripped or torn off as evidence that it was forcibly removed and if the rape occurred outdoors, the victim is generally thrown to the ground and her outer garments stained or soiled.

Self-Test: Sexual Assault Dynamics
Please take the following quiz silently and by yourself. Although we will discuss the correct answers in class, no one will score? or even see -- your responses.
1. About how many American women experience rape or attempted rape during their lifetime?
   a. 1 out of 2
   b. 1 out of 6
   c. 1 out of 10
   d. 1 out of 25

2. About how many American men experience rape or attempted rape during their lifetime?
   a. 1 out of 7
   b. 1 out of 21
   c. 1 out of 33
   d. 1 out of 57

3. Approximately what percentage of female rape victims are assaulted by a stranger?
   a. 17%
   b. 28%
   c. 60%
   d. 86%

4. Approximately what percentage of female rape victims are assaulted by a male perpetrator?
   a. 42%
   b. 67%
   c. 86%
   d. 100%

5. Most rapes result in physical injury.
   a. True
   b. False

6. Women are almost never raped more than once during their lifetime.
   a. True
   b. False

7. Over one-third of rape victims report fearing serious injury or death as a result of the assault.
   a. True
   b. False

8. Most sexual assault victims report the crime to police.
   a. True
   b. False
9. Most sexual assaults involve alcohol or drug use.
   a. True
   b. False

**Self-Test: Sexual Assault Dynamics (Answers)**

Please take the following quiz silently and by yourself. Although we will discuss the correct answers in class, no one will score or even see -- your responses.

1. About how many American women experience rape or attempted rape during their lifetime?
   a. 1 out of 2
   b. **1 out of 6**
   c. 1 out of 10
   d. 1 out of 25

2. About how many American men experience rape or attempted rape during their lifetime?
   a. 1 out of 7
   b. 1 out of 21
   c. **1 out of 33**
   d. 1 out of 57

3. Approximately what percentage of female rape victims are assaulted by a stranger?
   a. **17%**
   b. 28%
   c. 60%
   d. 86%

4. Approximately what percentage of female rape victims are assaulted by a male perpetrator?
   a. 42%
   b. 67%
   c. 86%
   d. **100%**

5. Most rapes result in physical injury.
   a. True
   b. **False**

6. Women are almost never raped more than once during their lifetime.
   a. True
   b. **False**
7. Over one-third of rape victims report fearing serious injury or death as a result of the assault.
   a. True
   b. False

8. Most sexual assault victims report the crime to police.
   a. True
   b. False

9. Most sexual assaults involve alcohol or drug use.
   a. True
   b. False

Forensic Examination

Summary

Instructor: Forensic examiner (physician, SANE, or other nurse examiner)
If not available, law enforcement or rape crisis advocate

Time Needed: 7 hours (with six 10-minute breaks)
Resources Needed: Self-test handout (when to obtain a forensic exam)
Flip chart
Case materials

Task 1
Discuss the importance of physical evidence and the unique nature of the forensic examination.

Presentation: Brief introduction
Time: 5 minutes

Subtask 1.1
Identify the four primary purposes of forensic evidence.

Presentation: Brief lecture
Time: 5 minutes

Subtask 1.2
Generate examples for the type of evidence that might serve each purpose.

Presentation: Brainstorming activity
Time: 15 minutes

First, have participants write down the following title, "The purpose of forensic evidence." Then ask them to list the 4 purposes with several lines of space between them. These 4 purposes are: identifying a suspect, confirming recent sexual contact, establishing force or threat, and corroborating the victim's story. Now, ask participants to take a moment and think of 3 types of
evidence collected during the forensic examination of a sexual assault victim that will serve the first purpose (i.e., identification). An example might be DNA evidence such as the suspect's blood or saliva recovered from the victim's body. Give participants a few moments to generate the examples. Afterward, go around the room and ask participants and ask them to provide 1 of their 3 examples. Request that participants only report a type of evidence that has not been previously mentioned for this purpose. Continue in the same fashion with the remaining 3 purposes.

**Subtask 1.3**

Explain how forensic evidence can only be interpreted in the context of a comprehensive victim interview.

Presentation: Brief lecture
Time: 5 minutes

**Task 2**

Determine when to obtain a forensic sexual assault examination.

Presentation: Self-test with review
Time: 30 minutes
Materials: Self-test handout

Provide a handout to participants with brief scenarios of sexual assault cases reported to police. For each scenario, ask participants to decide whether to obtain a forensic examination of the victim and suspect. Ask participants to complete the test, but indicate that no one will review the answers but themselves. Give participants several minutes to complete the self-test, then review the correct answers and discuss the underlying guidelines. Allow time to discuss variations in local protocol, then conclude by summarizing the guidelines from the overhead.

**Task 3**

Prepare the victim for a forensic examination.

Presentation: Brief lecture
Time: 5 minutes

**Subtask 3.1**

Explain the examination process to victims.

Presentation: Listing exercise
Time: 10 minutes

Ask participants to write down the things they would explain to a sexual assault victim about the process of undergoing a forensic examination. First, have them write down the title of the exercise in their notes "Things to explain to a victim about the forensic exam." Then have them briefly write down the various things that they would explain to a victim. Inform participants that do not need to write down everything they would say to the victim, just to indicate which things they would address. For example, participants might indicate that they would explain that the costs of the exam will be covered and explain the process for billing and reimbursement. After
several minutes, put up the overhead and briefly review the items listed on it. Tell participants to add any items that they missed to their list. Finally, ask if participants have any items to add to the overhead, and allow time for discussion.

**Subtask 3.2**
Address the victim's reluctance to cooperate with police investigation.
Presentation: Brief lecture
Time: 5 minutes

**Subtask 3.3**
Identify the components of a forensic examination.
Presentation: Brief lecture
Time: 10 minutes

**Task 4**
Discuss the various types of evidence collected in a forensic exam.
Presentation: Brief introduction
Time: 5 minutes

For each of the following types of forensic evidence, ask participants to think of a purpose (of the 4 previously described) that it might serve. Inform participants that they should be prepared to briefly describe to the class how this type of evidence would be used to meet this purpose. Use the overhead to remind participants of the 4 purposes for forensic evidence collected from the victim. Call on a few participants to provide examples, and make sure that all of the purposes listed in the training manual are mentioned. Only a few examples are needed for each.

**Subtask 4.1**
Discuss the nature and purpose of DNA evidence.
Presentation: Brief lecture
Class examples (from above)
Time: 10 minutes

**Subtask 4.2**
Discuss the nature and purpose of hair evidence.
Presentation: Brief lecture
Class examples (from above)
Time: 10 minutes

**Subtask 4.3**
Discuss the nature and purpose of seminal fluid evidence.
Presentation: Brief lecture
Class examples (from above)
Time: 10 minutes
Subtask 4.4
Discuss the nature and purpose of clothing evidence.
Presentation: Brief lecture
Class examples (from above)
Time: 10 minutes

Subtask 4.5
Discuss the nature and purpose of saliva evidence.
Presentation: Brief lecture
Class examples (from above)
Time: 10 minutes

Subtask 4.6
Discuss the nature and purpose of blood evidence.
Presentation: Brief lecture
Class examples (from above)
Time: 10 minutes

Subtask 4.7
Discuss the nature and purpose of urine evidence.
Presentation: Brief lecture
Class examples (from above)
Time: 10 minutes

Subtask 4.8
Discuss the nature and purpose of non-biological evidence.
Presentation: Brief lecture
Class examples (from above)
Time: 10 minutes

Task 5
Discuss the nature and purpose of non-genital injury evidence.
Presentation: Brief introduction
Time: 5 minutes

Subtask 5.1
Describe the purpose of non-genital injury evidence.
Presentation: Finger vote and review
Time: 5 minutes

Use the overhead to remind participants of the 4 purposes for forensic evidence collected from the victim. When discussing the purpose of non-genital injury evidence, acknowledge that
"establishing force or threat" is the most obvious. However, note that there is also a second purpose that can be met with evidence of non-genital injuries. Have participants vote with their fingers whether this secondary purpose is (1) identifying a suspect, (2) confirming sexual contact, or (3) corroborating the victim's story. State that the correct answer is (3) corroboration, since the injuries will either be consistent or inconsistent with what the victim described happening.

**Subtask 5.2**

Recognize that non-genital injury is rare among sexual assault victims, and that an absence of injury should not be interpreted as consent.

Presentation: Brief lecture  
Time: 5 minutes

**Subtask 5.3**

Discuss recommended procedure for photographing non-genital injuries.

Presentation: Brief lecture  
Time: 5 minutes

**Subtask 5.4**

Identify injuries that are common among sexual assault victims.

Presentation: Shout-out exercise  
Time: 10 minutes

Ask participants to think of the injuries that they most commonly see among sexual assault victims. Have them shout out examples without any discussion, and then when they have exhausted their ideas put up the overhead with the most common injuries. Discuss the list and comment on similarities or differences with the list generated verbally by the class.

**Subtask 5.5**

Define "patterned injury."

Presentation: Brief lecture  
Time: 5 minutes

**Subtask 5.6**

Discuss issues in the interpretation of bruising.

Presentation: Brief lecture  
Time: 5 minutes

**Task 6**

Discuss the nature and purpose of genital trauma evidence.

Presentation: Brief introduction  
Time: 5 minutes
Subtask 6.1
Describe the purpose of genital trauma evidence.
Presentation: Finger vote and review
Time: 5 minutes
Use the overhead to remind participants of the 4 purposes for forensic evidence collected from the victim. When discussing the purpose of genital trauma evidence, acknowledge that "confirming sexual contact" is the most obvious. However, note that there is also a second purpose that can be met with evidence of non-genital injuries. Have participants vote with their fingers whether this secondary purpose is (1) identifying a suspect, (2) proving force or threat, or (3) corroborating the victim's story. State that the correct answer is (2) proving force or threat, because there is some evidence to suggest that genital trauma is more common among victims of sexual assault than women who have engaged in consensual intercourse.

Subtask 6.2
Identify the most common sites of injury among sexual assault victims.
Presentation: Self-test
Time: 10 minutes
Put up the overhead with the possible sites of genital injury. Ask participants to write down the two most common sites of genital injury among sexual assault victims. Then put up the overhead with the percent of injury that is found at each site. Discuss that the sites are actually listed in order of decreasing frequency, from the most frequent site of genital injury (posterior fourchette) to least frequent site (rectum). Allow time for discussion.

Subtask 6.3
Recognize that genital and non-genital injuries often co-occur among sexual assault victims.
Presentation: Brief lecture
Time: 5 minutes

Subtask 6.4
Discuss the role of the colposcope in identifying and documenting genital trauma evidence.
Presentation: Brief lecture
Time: 5 minutes

Subtask 6.5
Discuss the role of toluidine blue dye in identifying and documenting genital trauma evidence.
Presentation: Brief lecture
Time: 5 minutes

Subtask 6.6
Discuss the role of human sexual response in determining genital trauma.
Presentation: Listing exercise
Time: 15 minutes
Explain to participants that a lack of human sexual response by victim and/or suspect can increase the likelihood of genital trauma in a sexual assault. Ask participants to list at least 3 reasons for this. For example, a lack of pelvic tilt among victims can increase the likelihood of "acute mounting injury," which is caused by the forceful contact of the penis against the posterior fourchette. This results not only from a lack of human sexual response among the victim, but also a lack of communication and cooperation with the suspect. First, have participants title in their notes, "Reasons why genital trauma is common after sexual assault." Then ask them to list at least 3 other reasons why genital trauma is more likely among victims of sexual assault than individuals who have consented to sexual intercourse. Reassure participants that no one will see their responses. After giving them a few minutes to generate their list, put up the overhead and go over the reasons. Ask participants if they came up with any additional reasons they would like to share (do not call on anyone, but wait to see if there are volunteers).

Subtask 6.7
Explain why follow-up examination is important for sexual assault victims.
Presentation: Brief lecture
Time: 5 minutes

Task 7
Discuss non-evidentiary components of the sexual assault examination.
Presentation: Brief lecture
Time: 10 minutes

Task 8
Discuss the importance of forensic examination with the suspect.
Presentation: Brief introduction
Time: 5 minutes

Subtask 8.1
Identify the types of evidence to be collected from the suspect.
Presentation: Brief lecture
Time: 5 minutes

Subtask 8.2
Explain the policies and procedures for conducting a suspect exam.
Presentation: Brief lecture
Time: 5 minutes

Task 9
Discuss the importance of clarifying any discrepancies in documentation between police and medical professionals.
Presentation: Brief lecture
Task 10
Discuss what can and cannot be concluded on the basis of the forensic examination.
Presentation: Brief lecture
Time: 10 minutes

Subtask 10.1
Make appropriate conclusions on the basis of an initial forensic examination.
Presentation: Case studies
Time: 45 minutes

Assign participants to groups of 4-6. Provide each group with the type of medical reports typically produced by a forensic examiner. Explain to each group that they are to familiarize themselves with the materials and write down any conclusions about the case that they feel are justified. In doing so, they are to follow the general guidelines that have already been discussed about what is and is not appropriate to conclude on the basis of an initial forensic examination. Groups will have approximately 15 minutes to generate their conclusions and 30 minutes to discuss their conclusions as a group. Only 3 different case studies will be provided to each of the groups, so all the groups discussing one case study should present their conclusions first—before moving on to the groups who have analyzed the second and third case studies. For each case study, a flip chart can be used to summarize the appropriate conclusions.

Self-Test: When to Obtain a Forensic Sexual Assault Examination?

1. The victim reports to police that a stranger vaginally raped her last night. When interviewed by the reporting officer, she indicates that she has showered and taken special care to wash her genital area. While doing so, she noticed soreness "down there."
   - Should a forensic examination be conducted with this victim?
     - Yes
     - No
   - If the suspect is identified, would a suspect exam be valuable?
     - Yes
     - No

2. The victim reports to police that a friend of her boyfriend?s raped her around midnight on Friday night. It is now Monday morning. The victim indicates that she just wanted to forget about the incident at first, but after several sleepless nights she realizes that this won't happen. She indicates that her assailant forced her to have intercourse and give him a blowjob. He did not, however, use any physical force and the victim sustained no serious injuries.
   - Should a forensic examination be conducted with this victim?
     - Yes
• No
• If the suspect is identified, would a suspect exam be valuable?
  • Yes
  • No

3. A 16-year old victim reports that she was "finger fucked" by a classmate at a party last night. He was an older student that she liked, but he surprised her outside the bathroom by suddenly holding her against the wall and slipping his hand down her pants. When he stuck several fingers in her vagina, she yelled in surprise and he removed his hand. He laughed and asked her if she let all the boys do that?
  • Should a forensic examination be conducted with this victim?
    • Yes
    • No
  • Do the victim's parents need to provide consent for the exam?
    • Yes
    • No
  • If the suspect is identified, would a suspect exam be valuable?
    • Yes
    • No

4. A male victim reports that a co-worker sexually assaulted him one week ago. He indicates that he was rectally penetrated and forced to perform fellatio on his assailant. The victim was reluctant to report because he feared that he wouldn't be believed, but he is still experiencing pain in his rectum. In addition, he is afraid of contracting the HIV virus, and this concern brought him into the hospital where the nurse contacted police.
  • Should a forensic examination be conducted with this victim?
    • Yes
    • No
  • If the suspect is identified, would a suspect exam be valuable?
    • Yes
    • No

5. The victim reports that her husband vaginally raped her a week ago. They have since had consensual intercourse. Although her husband is occasionally violent, he did not use any physical force to perpetrate the sexual assault. The victim therefore sustained no injuries as a result; she complied out of fear for what he might do.
  • Should a forensic examination be conducted with this victim?
    • Yes
6. The victim reports that she was almost raped the day before yesterday. She was studying with a young man from her college class, when he turned aggressive and pinned her down. First, he pushed her shirt up and sucked on her breasts before attempting to vaginally penetrate her. Although his penis did not make contact with her vagina, it did rub against her thighs before a noise distracted him and allowed the victim to escape.

   - Should a forensic examination be conducted with this victim?
     - Yes
     - No

   - If the suspect is identified, would a suspect exam be valuable?
     - Yes
     - No

7. A 19-year old victim reports that she thinks she was raped sometime between midnight and 5:00am. She was at a rave party where a man she didn't know offered her a pill that he said would make her feel great. After taking the pill at around midnight, the victim says that she started to feel weird and then cannot remember anything until she woke up in the bathroom around 5:00am. Although she can't say with certainty that she was raped, her clothes were disheveled and her vagina was sore. She doesn't know who the man was who offered her the pill, but she thinks her friends might.

   - Should a forensic examination be conducted with this victim?
     - Yes
     - No

   - Should a drug screen be conducted with this victim?
     - Yes
     - No

   - If the suspect is identified, would a suspect exam be valuable?
     - Yes
     - No

8. The victim reports that she was vaginally raped Tuesday night by a man that she was dating casually. It is now Friday afternoon. The two had been on several dates, but on this occasion he turned aggressive in his car and forced her to have intercourse. The assailant used his body weight to pin her down, and the victim was afraid to try to escape because they were
parked in an isolated campground. She sustained no injuries. Prior to the rape, the two had been drinking beer and smoking crack together.

- Should a forensic examination be conducted with this victim?
  - Yes
  - No

- Should a drug screen be conducted with this victim?
  - Yes
  - No

- If the suspect is identified, would a suspect exam be valuable?
  - Yes
  - No

**Law and Investigative Strategy**

**Summary**

Instructor: Law Enforcement  
Time Needed: 4 hours, with three 10-minute breaks  
Resources Needed: Conceptual Chart Handouts  
Statute Slide Handouts  
Numbered Case Scenario Handouts  
Case Scenario Analysis Handouts

**Task 1**

For each of the various "types" of sexual assault offenses, formulate the elements of the offense, the likely defense, and the evidence required in an investigative strategy.

Presentation: Brief lecture  
Time: 15 minutes  
Handouts: Conceptual charts  
Statute slides

**Subtask 1.1**

Determine whether the incident constitutes sexual penetration versus sexual contact.

Presentation: Brief lecture  
Time: 10 minutes  
OH's pertaining to sexual penetration, contact and related concepts

**Subtask 1.2**

Discuss the types of evidence needed to overcome a denial defense.

Presentation: Brief lecture
**Subtask 1.3**
Determine whether the assault was committed using force or threat versus a situation in which no force is required.

Presentation: Brief lecture
Time: 10 minutes

**Subtask 1.4**
Identify the specific sexual assault offenses based on force or threat.

Presentation: Brief lecture
Time: 10 minutes
OH's pertaining to the definition of force and offenses based on force.

**Subtask 1.5**
Anticipate a defense strategy based on identity versus consent.

Presentation: Brief lecture
Time: 10 minutes

**Subtask 1.6**
Discuss the types of evidence needed to overcome an identity defense.

Presentation: Brief lecture
Time: 10 minutes

**Subtask 1.7**
Discuss the types of evidence needed to overcome a consent defense.

Presentation: Brief lecture
Time: 10 minutes

**Subtask 1.8**
Recognize that a consent defense is precluded in offenses that are based on a situation in which no force is required.

Presentation: Brief lecture
Time: 10 minutes

**Subtask 1.9**
Discuss the elements, likely defense(s), and evidence needed in a case based on the victim's unconscious state.

Presentation: Brief lecture
Time: 10 minutes
OH's pertaining to offenses with an unconscious victim.
Subtask 1.10
Discuss the elements, likely defense(s), and evidence needed in a case based on the victim's incapacitated state.

Presentation: Brief lecture
Time: 10 minutes
OH's pertaining to offenses with an incapacitated victim.

Subtask 1.11
Discuss the elements, likely defense(s), and evidence needed in a case based on the victim's disability.

Presentation: Brief lecture
Time: 10 minutes
OH's pertaining to offenses based on victim disability.

Subtask 1.12
Discuss the elements, likely defense(s), and evidence needed in a case based on the victim's age or status.

Presentation: Brief lecture
Time: 10 minutes
OH's pertaining to offenses based on the victim's age or status.

Subtask 1.13
Discuss the elements, likely defense(s), and evidence needed in a case based on other situations.

Presentation: Brief lecture
Time: 10 minutes
OH's pertaining to offenses based on other situational factors.

Task 2
Recognize the four general purposes for evidence in a sexual assault case.

Presentation: Brief lecture
Time: 5 minutes

Task 3
Analyze case scenarios for the "type" of offense committed, relevant citation, elements to be proven, likely defense(s) types of evidence needed, and the purpose for each type of evidence.

Presentation: Case scenario analysis
Time: 60 minutes
Handouts: Numbered case scenarios
Case scenario analysis
Have participants randomly select 6 numbers between 1 and 23. Then ask them to circle one of these randomly selected numbers. Once participants have selected their numbers, provide them with the list of case scenarios and the handout for a case scenario analysis.

First, inform participants that they are to identify the correct citation for each of the offenses in the 6 numbered scenarios that they have chosen. Second, ask them to complete the case analysis for the scenario that corresponds to the number they circled.

Walk through the case scenario handout and briefly describe the tasks to be completed, to ensure that participants understand the directions. Ask if participants have any questions before providing time to work quietly on their own. As they work, circulate around the room to be available for participant questions.

Of course, depending on time the instructor can vary the number of cases for which participants are to identify the citation and/or conduct a full analysis. The instructor can also vary whether participants report back in learning pairs, small groups, or to the entire class. In final discussions, make sure to highlight the importance of basing an investigative strategy on the appropriate "type" of sexual assault case and the consequences of misclassifying the case and misdirecting the investigation.

**Case Scenarios: Law and Investigative Strategy**

1. A stranger approaches Jane as she is getting into her car. He shoves her into the car and pistol-whips her face until several bones are broken. He then pulls down her pants and removes his penis from his own. At this point, another car pulls up next to Jane’s, and the stranger flees.

2. Jane answers her doorbell and a stranger shows her a knife and tells her he will cut her if she doesn’t perform fellatio. She complies.

3. Jane answers her doorbell and her co-worker John shows her a knife and tells her he will kill her four-year-old son who is sleeping in the next room, if she doesn’t perform fellatio. She complies.

4. Jane is 18 and knows that John is twelve. She has vaginal intercourse with John.

5. Jane is at a party and drinks until she passes out. John sees her, and takes the opportunity while Jane is passed out to move his penis in and out of her mouth.

6. Jane is at a party and drinks until she passes out. John takes the opportunity to touch her inner thighs and buttocks for the purpose of sexual gratification.


8. Jane is severely mentally retarded and John knows this. He intentionally touches Jane's breast and thighs for the purpose of sexual gratification.

9. Jane is severely mentally retarded and John knows this. He performs cunnilingus on Jane at his apartment.

10. John and Jane are at a party, and both are drinking. Although John has only two beers throughout the night, he brings Jane seven or eight and she is so intoxicated that she is barely able to walk or communicate. John coaxes Jane to lean on him while he assists her into the bedroom, where he has anal intercourse with her.
11. John and Jane live together as cohabitators. The two are drinking together and John convinces her to try GHB for "a great high." Jane takes the drug and is barely able to walk or communicate. John then carries Jane into the bedroom and has vaginal intercourse with her. Jane has very little recollection of events after taking the drug.

12. John and two male friends go over to Jane's house. The two friends hold Jane down while John pulls down her pants and moves a bottle toward her vagina, saying that he is going to shove it inside of her. Before the bottle makes contact with Jane's genital area, her husband comes home and John and his two friends flee.

13. John has filed for divorce and is separated from his wife Jane. John climbs in through Jane's bedroom window while she's sleeping, holds her down and has just touched his penis to her genital area when a noise startles Jane awake and causes John to flee.

14. John invites Jane over for dinner. John gives Jane a couple of drinks and convinces her to take a strong painkiller. Jane is unable to respond when John asks her to touch him. He knows she is unable to respond and he intentionally rubs his penis against her for the purpose of sexual gratification.

15. John is 17 years old and knows Jane is 14. He inserts his fingers in her vagina.

16. John is a college student who works as a lifeguard. Jane is 15 and enrolled in his water safety class. John intentionally touches Jane's breast whenever he demonstrates a lifesaving technique on her during class.

17. John is at a party and drinks until he passes out. Dave and two other men at the party take John to a bedroom and while they are all in the room Dave and one of the other men have anal intercourse with John.

18. John is being detained in a residential program. A supervisor in the program has intercourse with John.

19. John is being detained in a residential program. A supervisor in the program intentionally touches John's penis for the purpose of sexual gratification.

20. John is Jane's neighbor. He agrees to drive her to and from outpatient surgery. When she gets home, she takes a strong painkiller and is unable to respond when John asks her to have sex with him. He knows she is unable to respond and has vaginal intercourse with her.

21. John points a pistol at Jane and tells her not to move. John fondles her breast, inner thigh, and genital area and is sexually gratified by this action.

22. John pushes Jane up against the wall and fondles her breast for the purpose of sexual gratification.

23. John regularly beats his wife Jane. He tells Jane if she doesn't perform fellatio and submit to vaginal intercourse he will beat her up worse than usual. She complies.

Case Scenario Analysis: Law and Investigative Strategy

Type of offense: (select one from each pair)

Sexual Penetration vs. Sexual Contact

Force or Threat vs. No Force Required
Completed Offense vs. Attempted Offense

Known Offender(s) vs. Unknown Offender(s)

If the offense is based on a situation in which no force is required, please identify the basis of the offense (select one).

- The victim's unconscious state
- The victim's disability
- The victim's incapacitated state
- The victim's age or status
- Another situation, please specify: _______________________________________

Likely defense: (please circle)

- Denial
- Identity
- Consent
- Suspect did not know or could not have known about the victim's state
- Suspect did not know or could not have known about the victim's age or status.
- Other, please specify: _______________________________________________

The following is a description of the elements to be proven in each of the various "types" of sexual assault cases. Based on the "type" of case and likely defense you selected above, please describe the kinds of evidence you would need. For example, if your case involved a completed act of penetration, committed by a known offender, using force or threat, you would describe the kinds of evidence needed to establish the primary elements of (1) sexual activity (penetration) and (2) force or threat. You would also want to describe secondary evidence that you would want to confirm (3) identity. From the scenario, guess what kinds of evidence you might find in this case to establish each of these elements.

Elements to be proven---------------------Types of evidence used to prove this element

____________________________________
Sexual activity (penetration or contact)

____________________________________
Identity of the suspect

____________________________________
Force or threat

____________________________________
Victim's state (e.g., unconscious or incapacitated)
Instructor Preparation: Preparing Slides to Teach State Statutes

Because it can be difficult to provide instruction for law enforcement audiences in the specific details of sex crime statutes, the following material is provided as a guide. Specific steps are provided for trainers to prepare a curriculum pertaining to state statutes.

Step 1: Prepare slides with the terminology, definitions, and citations for the following concepts. Definitions can be very brief and conceptual, rather than including the full text of the statute. Put one definition on each slide for ease of presentation.

- Sexual penetration/intercourse
- Sexual contact (other than penetration)
- Force, threat, or fear
- Disability affecting cognition or communication
- Unconsciousness or other incapacitation
- Other statutory definitions required to understand the various sexual assault offenses

Of course, the specific terminology in each state will vary, but you will need to have a slide representing each of the statutory definitions that are required for participants to fully comprehend the sexual assault offenses to follow.

Step 2: Prepare slides with the various offenses categorized according to the conceptual charts provided at the beginning of the module. Offenses should thus be categorized into the following conceptual groupings and provided with the citation, classification, and sentence. Again, the elements of the offense can be presented briefly and conceptually rather than in the full text of the statute. This will facilitate presentation and comprehension by participants.

Sexual penetration committed with:

- The use of force, threat, or fear (including weapons)
- An unconscious or incapacitated victim
• A victim with a disability
• Various age/status combinations between victim and suspect
• Any other conditions that constitute criminal behavior

Sexual contact committed with:
• The use of force, threat, or fear (including weapons)
• An unconscious or incapacitated victim
• A victim with a disability
• Various age/status combinations between victim and suspect
• Any other conditions that constitute criminal behavior

Although the penal code in your state might not be organized in this way, this kind of conceptual structure greatly facilitates teaching this difficult material. Most state penal codes are organized by degree of offenses (sexual assault in the first degree, second degree, etc.), including a mix of various types of behavior within each offense.

Unfortunately, this kind of offense structure is very difficult for participants to learn and retain. By organizing the various offenses in a coherent conceptual structure, they are vastly easier to teach and - more importantly - to learn.

Step 3: Prepare slides with aggravating factors, the statute of limitations, and requirements to constitute an attempt offense. Again, make sure to include the elements and citation, along with the classification and sentence for aggravated and attempt offenses.

Step 4: Prepare slides for any other statutes that you think are critical for officers or investigators to know in your state. These could include statutes pertaining to:
• Stalking
• Public indecency
• Obscenity
• Specific defenses available
• Protective/restraining orders
• Sex offender registration
• Conditions of bail

Step 5: Integrate the slides with instructional content, so they are presented in the order that corresponds to the tasks and subtasks outlined in the curriculum.

Step 6: Prepare a handout for participants with 6 slides to a page, to use when identifying the citation for selected case scenarios.

Step 7: Prepare briefly described scenarios to use as quiz material for participants. Feel free to use any or all of the examples provided with the NCWP curriculum, or develop your own to correspond to the state penal code. Make sure that instructional time is structured to allow participants to work with these scenarios and identify the appropriate penal code citation.
Sex Offenders

Summary
Instructor: Law Enforcement Officer
Time needed: 7 hours for full investigations module. This time includes one hour for lunch and two 20-minute breaks.
Resources needed: Overhead projector
Handouts
Flip charts/pens
TV/VCR

Task 1
Discuss sex offender dynamics.

Subtask 1.1
Distinguish between the stereotypes and the truth about the sex offender.

Presentation method:
• Option 1. Video presentation of sex offender.
• Option 2. Transcript reading of interview with sex offender.

Time: 30 minutes
Materials: TV/VCR/Frank Transcript Handout

Option 1:
View the videotape production of Anna C. Salter, Ph.D. in an interview with a convicted sex offender referred to as, "Al". The purpose of this presentation is to highlight the stereotypes associated with the sex offender. The instructor should allow approximately 10 minutes for the video presentation.

After the vignette is complete, stop the tape and address the following questions in an open discussion format. Allow 10 minutes for discussion.

Sex offenders often play on societal myths about sexual assault to create a defense.

• What societal myths about the sex offender does Al use in his defense.
• What societal myths about "real rape" does Al use to discredit his victims?

Option 2
Instead of a video presentation the instructor has the option of using a written transcript of an interview with a sex offender in order to illustrate the stereotypes associated with the sex offender. It is recommended that the instructor use the "Frank Transcript" from the Drug-facilitated sexual assault module for this purpose.
Before class begins recruit two participants to read the transcript out loud to the class. Allow the readers to review a copy of the transcript, and assign them one of the two roles (interviewer vs. Frank).

Choose two participants who have actively participated throughout the training and who you feel can communicate well. Set-up two chairs for the readers in the front of the class and have them read their assigned parts. When the reading is complete, ask participants to address the following questions.

- Does Frank believe he is a sex offender? Why or why not?
- If you were investigating Frank for the sexual assault discussed in the transcript, what challenges would you face during the suspect interview?

Note to Instructor: Feel free to use a video or transcript from your own resources that would successfully highlight the goals of this task.

**Subtask 1.2**
Discuss how stereotypes allow sex offenders to remain undetected.

Presentation method: Open discussion

Time: 15 minutes

**Task 2**
Compare the characteristics of the undetected vs. detected sex offender.

**Subtask 2.1**
Describe the characteristics of the undetected sex offender.

Presentation method: Lecture

Time: 10 minutes

**Subtask 2.2**
Describe the characteristics of the detected sex offender.

Presentation method: Lecture

Time: 10 minutes

**Task 3**
Discuss the preparation for the suspect interview.

**Subtask 3.1**
Choose an appropriate time and place for the interview.

Presentation method: Brief lecture

Time: 5 minutes
**Subtask 3.2**
Obtain all necessary background information.

Presentation method: Listing exercise

Time: 5 minutes

Materials: Flip Chart

Ask participants to take a brief moment and write down what they believe is the most crucial background information necessary to prepare for the suspect interview.

Give the participants approximately 30 seconds to write down their answers. After the participants appear to have completed their list, call on a participant to share three examples. Continue calling on participants, asking them to add ideas only if it has not already been mentioned. Use a blank overhead or flip chart to record the list the participants have developed. Allow an additional 2-3 minutes for this process.

After the allotted time, give a brief lecture to present any information that the participants may have missed.

**Task 4**
Generate ideas on techniques used to interview suspects with different personality disorders.

**Subtask 4.1**
Discuss the characteristics of a suspect with a psychopathic personality disorder and relevant interview techniques.

Presentation method: Brief lecture

Time: 10 minutes

**Subtask 4.2**
Discuss the characteristics of a suspect who is narcissistic.

Presentation method: Brief lecture

Time: 10 minutes

**Subtask 4.3**
Discuss the characteristics of a suspect with paranoia.

Presentation method: Brief lecture

Time: 10 minutes

**Subtask 4.4**
Discuss the characteristics of a suspect with a paraphilic condition (i.e. fetishism, transvestitism, or voyeurism).

Presentation method: Brief lecture
Time: 10 minutes

**Subtask 4.5**

Recognize the importance of developing themes during the suspect interview.

Presentation method: Lecture

Time: 20 minutes

**Subtask 4.6**

Practice suspect interview.

Presentation method: Role-Play

Time: 60 minutes

Conduct a *sequential role-play* in order to give participants practical experience in conducting an interview with the suspect in a sexual assault case. The instructor should play the role of the suspect. Choose the first participant to begin the role-play.

Inform the class of the structure of this role-play and indicate that you will attempt to involve as many students as possible. Each investigator will interview for no longer than five minutes and will then turn the interview over to another investigator. At the end of each role-play allow the investigator to make comments and ask questions. The instructor should then briefly give feedback to the investigator and the class.

Set up two chairs in the front of the class. Briefly explain to the participants their instructions as the detective in this case.

The following are the instructions for this role-play scenario:

**The Suspect**

Your name is John Smith. You are the suspect in the acquaintance rape involving Donna Anderson. You are not sure why you have been called to the police station and are extremely nervous. You think that it probably has something to do with Donna Anderson, but the detective who called you would not be more specific.

You did have sex with Donna Anderson, but do not consider it "rape." She was asking for it anyway. You never thought she would call the police, and are very surprised that she did.

During the interview, you should deny raping her, but admit to having sex with her. You have rationalized your behavior in your mind, because she was asking for it by leading you on.

During the course of the interview you should display behaviors associated with a narcissistic personality disorder. In addition you should exhibit deceptive behaviors in both body language and verbal responses. Your response to questions is dependent upon the ability of the interviewer.

**Investigator**

You are the investigator in a reported acquaintance rape case. The victim's name is Donna Anderson. The suspect's name is John Smith. You have already reviewed the preliminary investigation report and have interviewed the victim. You find the victim's story very credible.
You have called John and requested to speak with him regarding "a case" you are working on. You invited him to come to the police station and he has agreed. This is a non-custodial interview.

**Task 5:**
Assess a suspect statement for use in prosecution.

**Subtask 5.1**
Distinguish between exoneration & confession.
Presentation method: Lecture
Time: 10 minutes

**Subtask 5.2**
Distinguish between an exculpatory vs. incriminating statement.
Presentation method: Self-test exercise
Time: 15 minutes

Use an overhead to display the following questions on the overhead.
- The suspect denies being with the victim when she claims she was sexually assaulted.
- The suspect admits to having sex with the victim and to hitting her.

Ask the participant to write down which of these statements is exculpatory and which is incriminating. Give the participants approximately 30 seconds to write down their answers. Inform the participants that they will not be asked to read their answer out loud. This will encourage the participants to answer the question because they can keep their answers confidential.

After the allotted time, give a brief lecture in which you discuss how no statement "stands alone" and must be viewed in the context of all the evidence. The bottom line is for participants to realize that they did not have enough information to determine whether the statements above are exculpatory or incriminating.

Use the remaining time to answer any questions regarding the results of this exercise.

**Subtask 5.3**
Distinguish between provable lies, implausible accounts of an incident, and partial admissions.
Presentation method: Class evaluation exercise
Time: 10 minutes

In order to highlight the difference between lies, implausible accounts of an incident and partial admissions take a few moments to ask the participants if the following statements are examples of provable lies, implausible accounts of an incident, or partial admissions.

Ask the participants to hold up one finger if they believe the statement is a provable lie, two fingers if it is an implausible account of an incident, and three fingers if it is a partial admission.
This will allow the instructor to gage the knowledge level of the participants. Use overheads to display the following statements.

- The suspect states, "I never had sex with that woman," and then this is shown to be untrue with a DNA test
- The suspect states that he could not have sexually assaulted the victim because he was visiting his family on the planet Neptune
- The suspect states that the victim said "no" and struggled to get away when he initially requested sex, but then explains that she later changed her mind and consented to have sex

The instructor can thus gauge how well the participants understand this material and therefore how much time to spend lecturing.

**Task 6**
Discuss techniques to encourage additional details from the suspect (i.e. using the suspect's own rationalizations etc.)

Presentation method: Lecture

Time: 15 minutes

**Task 7**
Discuss strategies for using pretext phone calls in sexual assault investigation.

Note to Instructor: The discussion on the use of pretext phone calls will be different according to each jurisdiction. For example, it is illegal in many states to conduct a pretext phone call and this evidence is therefore not admissible in court. Policies and procedures will also vary between region and agency.

**Subtask 7.1**
Define what a pretext phone call is.

Presentation method: Brief introduction

Time: 5 minutes

**Subtask 7.2**
Discuss jurisdictional issues/policies and procedures regarding the pretext phone call.

Presentation method: Lecture

Time: 10 minutes

**Subtask 7.3**
Discuss how to determine when it is appropriate to use a pretext phone call (e.g. victim concerns.)

Presentation method: Lecture

Time: 10 minutes
Subtask 7.4
List all necessary equipment.
Presentation method: Listing exercise
Time: 5 minutes
To introduce the equipment necessary to conduct a pretext phone call, ask participants to take a moment and write down at least 3 pieces of equipment that they believe is necessary to complete this investigative technique. Make sure to give participants at least 30 seconds in which to write down their answers.

After participants appear to have completed their lists, call on individuals to share one of their responses. Give positive feedback on correct answers and gently correct any that are not quite on the mark.

Continue calling on individuals, asking them to add anything only if it has not already been mentioned. When the group list appears to be complete, use the overhead to generate additional responses.

Subtask 7.5
Decide what is the best time and place to make the pretext phone call.
Presentation method: Lecture
Time: 5 minutes

Subtask 7.6
Preparing for the pretext phone call.
Presentation method: Lecture
Time: 10 minutes

Subtask 7.7
Discuss how to make the pretext phone call.
Presentation method: Lecture
Time: 10 minutes

Subtask 7.8
Discuss how a pretext phone call can further the investigation process.
Presentation method: Transcript review (or Lecture)
Time: 20 minutes

Optional Exercise
Provide participants with transcripts from two separate pretext phone calls. (Trainers are encouraged to use transcripts from cases they have personally investigated. Note: All transcripts
should be changed so that all personal identification information of those involved in the case remains confidential.)

Briefly explain to the participants the content of each of the transcripts. Direct them to take a few minutes and read Transcript #1. When participants appear to be finished ask them to discuss the following question:

- Will this transcript further your investigation? Why or why not?

Provide the participants with feedback on their analysis and then ask them to read Transcript #2 and address the same question. Use the remaining time to discuss with the participants how to successfully frame a pretext phone call to support the investigation.

The Preliminary Investigation Curriculum

Summary

Instructor: Law Enforcement
Time Needed: 8 hours for full preliminary investigations module. This time includes one hour for lunch and two 20-minute breaks.
Resources Needed: Overhead projector
Flip Chart/pens
TV/VCR

Task 1

Recognize common reactions and experiences of women who have been sexually assaulted and avoid making judgments.

Presentation: Option 1: Video and discussion
Option 2: Presentation by survivor
Time: 60 minutes
Materials: Video Impact Handout

Option 1

Show excerpts from the video "Rape By Any Name," produced by Discover Films Video. This film depicts the reactions of several women to rape victimization by a nonstranger. To order a copy call, 1-888-649-6453.

Briefly describe the film to participants and ask them to think about the various reactions and experiences before, during, and after the assault. After the video is completed, provide the Victim Impact Handout to participants and ask them to take a few minutes to jot down any reactions that they recall the victims describing before, during and after the assault. Give participants a few minutes to write their responses, and then ask for ideas for each category.

First, ask participants to describe the reactions of victims to any significant behavior of the perpetrator before the assault. Ask for volunteers to report one of their responses that have not already been mentioned by the group. Generate responses until the group appears to have exhausted their list, and then move on to the victim reactions described during and after the assault. Finally, allow a few minutes for open-ended discussion.
The point should be made that while there are many common experiences among those victimized by rape, there is also diversity in their reactions. Ultimately, no two victims will ever respond identically to rape. Police must therefore be cognizant of victim reactions that are common, but they must also maintain flexibility to handle whatever demeanor is presented.

Option 2

Have a survivor come in to tell her story of rape victimization by a nonstranger. Of course, this should only be done if the survivor can communicate clearly and powerfully with law enforcement audiences. The survivor should be advised to describe basic events of the assault (before, during, and after) and then talk about the impact of this event on his/her life. After the survivor has completed telling her story, the advocate can then talk about how these experiences are common among those victimized by rape.

The point should be made that while there are many common experiences among those victimized by rape, there is also diversity in their reactions. Ultimately, no two victims will ever respond identically to rape. Police must therefore be cognizant of victim reactions that are common, but they must also maintain flexibility to handle whatever demeanor is presented.

Task 2

Recognize the unique factors of responding to a hot call vs. a delayed report.

Subtask 2.1

Explain the unique elements involved in responding to a hot call.

Presentation method: Brief Lecture
Time: 5 minutes

Subtask 2.2

Explain the unique elements involved in responding to a delayed report.

Presentation method: Brief Lecture
Time: 10 minutes

Task 3

Analyze the elements of the preliminary investigation.

Subtask 3.1

Discuss safety issues and the initial contact with the victim.

Presentation method: Lecture
Time: 10 minutes

Subtask 3.2

Establish that a crime has occurred.

Presentation method: Lecture
Time: 5 minutes
Subtask 3.3
Evaluate procedures when the suspect is present at crime scene.
Presentation method: Lecture
Time: 5 minutes

Subtask 3.4
Analyze case scenarios for the "type" of offense committed, relevant citation, elements to be proven, likely defense(s) types of evidence needed, and the purpose for each type of evidence.
Presentation: Case scenario analysis
Time: 60 minutes
Handouts: Numbered case scenarios
Case scenario analysis

Have participants randomly select 6 numbers between 1 and 23. Then ask them to circle one of these randomly selected numbers. Once participants have selected their numbers, provide them with the list of case scenarios and the handout for a case scenario analysis. First, inform participants that they are to identify the correct citation for each of the offenses in the 6 numbered scenarios that they have chosen.

Second, ask them to complete the case analysis for the scenario that corresponds to the number they circled. Ask if participants have any questions before providing time to work quietly on their own. As they work, circulate around the room to be available for participant questions. Of course, depending on time the instructor can vary the number of cases for which participants are to identify the citation and/or conduct a full analysis.

Task 4
Discuss the role of the advocate.
Presentation method: Lecture (This lecture should be delivered by an advocate.)
Time: 45 minutes

Task 5
Discuss the scope of the evidence collection process.

Subtask 5.1
Understand how to identify and secure the crime scene.
Presentation method: Lecture
Time: 5 minutes

Subtask 5.2
Evaluate the need for a search warrant.
Presentation method: Lecture
Time: 5 minutes
Subtask 5.3
Identify and collect potential evidence.

Presentation method: Option 1. Video Presentation
(The Accused--The instructor is encouraged to rent this film to conduct the exercise below.)

Option 2. Group listing exercise
Time: 60 minutes

Option 1:
View the film clip specified above from the movie, "The Accused." In this scene, a woman named Sarah is gang raped by several men she knows in the back room of a bar, while a number of other men cheer. Briefly explain to the participants the content of the video presentation.

After the scene is complete, stop the videotape and ask participants to describe the types of evidence that they would need to either collect or secure as first responding officers. Allow 15 minutes for participants to call out ideas. Record them on a flip chart or overhead.

Once participants have exhausted their list of ideas, ask them to identify whether the evidence that they have described would be used to challenge a consent defense or an identification defense. The participants will probably admit that most of the evidence discussed is used to identify a suspect. In this case however—as in the majority of sexual assault cases—the victim already knows who the suspects are.

Next, assign participants to groups of 4-6 and ask them to take 15 minutes to generate creative suggestions regarding evidence that would establish the level of force and threat that was used to perpetrate the assault depicted in the movie. After participants appear to have completed their discussion, call on a group to share their ideas. Continue calling on each group to add ideas only if they have not already been mentioned.

Allow 15 minutes to discuss the ideas generated by the groups and offer any additional suggestions. Use this opportunity to highlight the scope of the evidence collection process when the anticipated defense will be consent.

Note to Instructor: This exercise is also applicable when training sexual assault investigators (detectives) on processing evidence when the anticipated defense is consent.

Option 2:
Assign participants to groups of 4-6 and ask them to take 15 minutes to write down what evidence they would collect at the crime scene when the anticipated defense is identification.

After the groups appear to have completed their discussion, call on groups to share their ideas. Continue calling on each group to add ideas only if they have not already been mentioned. This process should take approximately 15 minutes.

Next ask each group to write down what evidence they would collect at the crime scene of a sexual assault when the anticipated defense is consent. Allow them 15 minutes to generate ideas. Ask participants to think about what would be different in this evidence collection process.

Again, after the groups appear to have completed their list call on each group to share their ideas. Use the remaining time to lecture and answer any questions.
Task 6
Evaluate the role of patrol in responding to the victim.

Subtask 6.1
Discuss the information needed from the victim in a preliminary investigation.
Presentation method: Lecture
Time: 10 minutes

Subtask 6.2
Consider the victim's physical and emotional well-being.
Presentation method: Lecture
Time: 10 minutes

Subtask 6.3
Determine when to obtain a forensic sexual assault examination.
Presentation method: Self-test with review
Time: 30 minutes
Materials: Self-test handout

Provide a handout to participants with brief scenarios of sexual assault cases reported to police. For each scenario, ask participants to decide whether to obtain a forensic examination of the victim. Ask participants to complete the test, but indicate that no one will review the answers but themselves. Give participants several minutes to complete the self-test, then review the correct answers and discuss the underlying guidelines. Allow time to discuss variations in local protocol, then conclude by summarizing the guidelines from the overhead.

Subtask 6.4
Practice a preliminary interview with the victim.
Presentation method: Role-play
Time: 45 minutes

Conduct a sequential role-play in order to give participants practical experience in conducting an initial interview with the victim of a sexual assault. A female instructor or participant should play the role of the victim. (If a female participant is going to play the role of the victim, provide her with the instructions for her role-play during a break and allow her to become familiar with the victim.) The instructor should choose the first participant to play the role of the responding officer.

Inform the class of the structure of this role-play and inform them that you will attempt to involve as many students as possible. The first officer will interview for no longer than five minutes and will then turn the interview over to another officer. The role-play should follow the normal steps of an initial interview of a victim. As the instructor, you should inform the participants of what each step would be and what they should be concerned about in the sequence of the role-play. At the end of each role-play allow the interviewer and the victim to make comments. The instructor should then briefly give feedback to the officer and the class.
Set up two chairs in the front of the class. Briefly explain to the participant their instructions as the responding officer in this case.

The following are the instructions for the role-play scenario:

**The Victim**

Your name is Donna Anderson. You are your own age. Last night you went to a party at a friend's apartment in the same building in which you live (404 Main Street). While at the party, you met a man named John Smith whom you have seen at several other parties. You thought he was rather attractive and began a conversation with him. Due to the large number of people at the party and the volume of the music, you and he were having difficulty hearing each other. He asked if you would like to go somewhere quieter and you suggested that you walk over to your apartment. He agreed.

When you arrived at your apartment, your roommate was gone. You went into the living room and sat on the sofa next to each other. You offered him a beer, and both of you drank one. While at the party, you had two beers but did not consider yourself intoxicated. As you were sitting on the couch next to each other, you began to kiss. You voluntarily took off your blouse. At one point, John moved on top of you, pushing you down on the couch, and he began to try to remove your skirt. You stopped him, pushing him away gently and said, "No, Not yet." John pushed your hands away and said, "I know you really want it, quit being a tease." Again you said no and began to get up from the couch. John pulled your arm to stop you and you tried to pull away from him. He then slapped you in the face and began to pull your skirt off.

John then forcibly held you down and pulled your underwear off. He then had vaginal sexual intercourse with you. During the offense, you began crying. You were afraid that he was going to hit you again and didn't know how to stop him. Since no one was home in the apartment, you did not think anyone would hear you if you yelled out. After John ejaculated, he got up from the couch and left the apartment, saying he was going back to the party. Before he left, he told you to stop crying because it really wasn’t such a big deal. After he left, you went into your bedroom and cried.

Your roommate came home at about 2:00 this morning and when you heard her come in, you got up and told her what happened. She tried to talk you into calling the police, but you felt like no one would believe you anyway. By the morning, she had convinced you to go to the hospital to be examined. After you arrived at the hospital, you told a nurse what had happened. She recommended that the police are notified and you finally agree. You feel uncomfortable talking about the incident, and are not quite sure what to do.

**Officer Dispatch**

You have been dispatched to respond to your local hospital's emergency room to speak with the victim of a sexual assault. The victim's name is Donna Anderson. The assault occurred last night at 404 Main, your jurisdiction. The suspect is an acquaintance of the victim. The reporting person is a nurse at the emergency room. The victim knows that the police have been notified. Upon your arrival at the hospital, you are unable to speak with the nurse who reported the incident. She is very busy and it will be a while before the doctor or nurse can get to the victim. You are told that the victim is waiting in an examination room. A doctor has not yet examined her.
**Task 7**
Evaluate the role of the responding officer in investigating the suspect.

**Subtask 7.1**
Discuss the process for identifying and locating the suspect.
Presentation method: Lecture
Time: 10 minutes

**Subtask 7.2**
Determine whether an immediate arrest should be made.
Presentation method: Lecture
Time: 10 minutes

**Subtask 7.3**
Discuss the purpose of a preliminary suspect interview.
Presentation method: Lecture
Time: 5 minutes

**Subtask 7.4**
Determine the need for a forensic examination of the suspect.
Presentation method: Self-test with review
Time: 10 minutes
Materials: Self-test handout

Tell participants to review the "Self Test" they completed to determine the need for a victim forensic examination. This time, ask them to decide whether to obtain a forensic examination of the suspect. Give participants several minutes to complete the self-test, then review the correct answers and discuss the underlying guidelines.

**Victim Impact Handout**
Now that you have seen the video on victim impact, please take a moment to describe the reactions and experiences of these women before, during, and after the assault.

**Before the Assault**
(reactions to the pre-assault behaviors and warning signs of the perpetrator)

**During the Assault**
(reactions of the victim during the assault)

**After the Assault**
(reactions of the victim both in the immediate and long-term aftermath of the assault)
Case Scenarios: Law and Investigative Strategy

1. A stranger approaches Jane as she is getting into her car. He shoves her into the car and pistol-whips her face until several bones are broken. He then pulls down her pants and removes his penis from his own. At this point, another car pulls up next to Jane's, and the stranger flees.

2. Jane answers her doorbell and a stranger shows her a knife and tells her he will cut her if she doesn't perform fellatio. She complies.

3. Jane answers her doorbell and her co-worker John shows her a knife and tells her he will kill her four-year-old son who is sleeping in the next room, if she doesn't perform fellatio. She complies.

4. Jane is 18 and knows that John is twelve. She has vaginal intercourse with John.

5. Jane is at a party and drinks until she passes out. John sees her, and takes the opportunity while Jane is passed out to move his penis in and out of her mouth.

6. Jane is at a party and drinks until she passes out. John takes the opportunity to touch her inner thighs and buttocks for the purpose of sexual gratification.


8. Jane is severely mentally retarded and John knows this. He intentionally touches Jane's breast and thighs for the purpose of sexual gratification.

9. Jane is severely mentally retarded and John knows this. He performs cunnilingus on Jane at his apartment.

10. John and Jane are at a party, and both are drinking. Although John has only two beers throughout the night, he brings Jane seven or eight and she is so intoxicated that she is barely able to walk or communicate. John coaxes Jane to lean on him while he assist her into the bedroom, where he has anal intercourse with her.

11. John and Jane live together as cohabiters. The two are drinking together and John convinces her to try GHB for "a great high." Jane takes the drug and is barely able to walk or communicate. John then carries Jane into the bedroom and has vaginal intercourse with her. Jane has very little recollection of events after taking the drug.

12. John and two male friends go over to Jane's house. The two friends hold Jane down while John pulls down her pants and moves a bottle toward her vagina, saying that he is going to shove it inside of her. Before the bottle makes contact with Jane's genital area, her husband comes home and John and his two friends flee.

13. John has filled for divorce and is separated from his wife Jane. John climbs in through Jane's bedroom window while she's sleeping, holds her down and has just touched his penis to her genital area when a noise startles Jane awake and causes John to flee.

14. John invites Jane over for dinner. John gives Jane a couple of drinks and convinces her to take a strong painkiller. Jane is unable to respond when John asks her to touch him. He knows she is unable to respond and he intentionally rubs his penis against her for the purpose of sexual gratification.

15. John is 17 years old and knows Jane is 14. He inserts his fingers in her vagina.
16. John is a college student who works as a lifeguard. Jane is 15 and enrolled in his water safety class. John intentionally touches Jane’s breast whenever he demonstrates a lifesaving technique on her during class.

17. John is at a party and drinks until he passes out. Dave and two other men at the party take John to a bedroom and while they are all in the room Dave and one of the other men have anal intercourse with John.

18. John is being detained in a residential program. A supervisor in the program has intercourse with John.

19. John is being detained in a residential program. A supervisor in the program intentionally touches John's penis for the purpose of sexual gratification.

20. John is Jane’s neighbor. He agrees to drive to and from outpatient surgery. When she gets home, she takes a strong painkiller and is unable to respond when John asks her to have sex with him. He knows she is unable to respond and has vaginal intercourse with her.

21. John points a pistol at Jane and tells her not to move. John fondles her breast, inner thigh, and genital area and is sexually gratified by this action.

22. John pushes Jane up against the wall and fondles her breast for the purpose of sexual gratification.

23. John regularly beats his wife Jane. He tells Jane if she doesn’t perform fellatio and submit to vaginal intercourse he will beat her up worse than usual. She complies.

Case Scenario Analysis: Law and Investigative Strategy

Type of offense:(select one from each pair)

Sexual Penetration vs. Sexual Contact
Force or Threat vs. No Force Required
Completed Offense vs. Attempted Offense

If the offense is based on a situation in which no force is required, please identify the basis of the offense:(select one)

The victim’s unconscious state
The victim’s disability
The victim’s incapacitated state
The victim’s age or status

Another situation, please specify:

__________________________________________________________________________________

Citation for the specific offense committed:

__________________________________________________________________________________

Any aggravating factors:

__________________________________________________________________________________

Corresponding sentence:
Likely defense(s):
Denial
Identity
Consent
Suspect did not know or could not have known about the victim’s state
Suspect did not know or could not have known about the victim’s age or status.
Other, please specify: ____________________________________________________________

Elements to be proven----------------------Types of evidence to prove this element

Sexual activity (penetration or contact)

Identity of the suspect

Force or threat

Victim’s state (e.g., unconscious or incapacitated)

Suspect’s knowledge of the victim’s state

Victim’s disability

Suspect’s knowledge of the victim’s disability

Victim’s age or status

Suspect’s knowledge of the victim’s age or status

Other, please specify:
Self-Test: When to Obtain a Forensic Sexual Assault Examination?

1. The victim reports to police that she was vaginally raped last night by a stranger. When interviewed by the reporting officer, she indicates that she has showered and taken special care to wash her genital area. While doing so, she noticed soreness "down there." No suspect has yet been identified.
   - Should a forensic examination be conducted with this victim?
     • Yes
     • No

2. The victim reports to police that she was raped around midnight on Friday night by a friend of her boyfriend's. It is now Monday morning. The victim indicates that she just wanted to forget about the incident at first, but after several sleepless nights she realizes that this won't happen. She indicates that her assailant forced her to have intercourse and give him a blowjob. He did not, however, use any physical force and the victim sustained no serious injuries. Although she doesn't know where the suspect lives, she knows that her boyfriend does.
   - Should a forensic examination be conducted with this victim?
     • Yes
     • No

3. A 16-year old victim reports that she was "finger fucked" by a classmate at a party last night. He was an older student that she liked, but he surprised her outside the bathroom by suddenly holding her against the wall and slipping his hand down her pants. When he stuck several fingers in her vagina, she yelled in surprise and he removed his hand. He laughed and asked her if she let all the boys do that. She knows where this classmate lives, since the party was at his house.
   - Should a forensic examination be conducted with this victim?
     • Yes
     • No
   - Do the victim's parents need to provide consent for the exam?
     • Yes
     • No

4. A male victim reports that a co-worker sexually assaulted him one week ago. He indicates that he was rectally penetrated and forced to perform fellatio on his assailant. The victim was reluctant to report because he feared that he wouldn't be believed, but the injuries he sustained during the assault have been slow to heal. In addition, he is afraid of contracting the HIV virus, and this concern brought him into the hospital where the nurse contacted police. The assault involved physical violence, and bruises and lacerations are still visible on the victim's body.
   - Should a forensic examination be conducted with this victim?
5. The victim reports that she was vaginally raped a week ago by her husband. They have since had consensual intercourse. Although her husband is occasionally violent, he did not use any physical force to perpetrate the sexual assault. The victim therefore sustained no injuries as a result; she complied out of fear for what he might do.
  • Should a forensic examination be conducted with this victim?
    • Yes
    • No

6. The victim reports that she was almost raped the day before yesterday. She was studying with a young man from her college class, when he turned aggressive and pinned her down. First, he pushed her shirt up and sucked on her breasts before attempting to vaginally penetrate her. Although his penis did not make contact with her vagina, it did rub against her thighs before a noise distracted him and allowed the victim to escape. Because they were studying in his dorm room, she knows where this classmate lives.
  • Should a forensic examination be conducted with this victim?
    • Yes
    • No

7. A 19-year old victim reports that she thinks she was raped sometime between midnight and 5:00am. She was at a rave party where a man she didn't know offered her a pill that he said would make her feel great. She asked if it would knock her out, and he said it wouldn't -- that she would be fully conscious but just feel really good. After taking the pill at around midnight, the victim says that she started to feel weird and then cannot remember anything until she woke up in the bathroom around 5:00am. Although she can't say with certainty that she was raped, her clothes were disheveled, her vagina was sore, and there were stains on her underwear. She doesn't know who the man was who offered her the pill, but she thinks her friends might.
  • Should a forensic examination be conducted with this victim?
    • Yes
    • No
  • Should a drug screen be conducted with this victim?
    • Yes
    • No

8. The victim reports that she was vaginally raped Tuesday night by a man that she was dating casually. It is now Friday afternoon. The two had been on several dates, but on this occasion he turned aggressive in his car and forced her to have intercourse. The assailant used his body weight to pin her down, and the victim was afraid to try to escape because they were parked in an isolated campground. She sustained no injuries. Prior to the rape, the two

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had been drinking beer and smoking crack together. She knows where the suspect lives because she picked him up there for a previous date.

- Should a forensic examination be conducted with this victim?
  - Yes
  - No

- Should a drug screen be conducted with this victim?
  - Yes
  - No

The Role of the Victim Advocate

Summary

Instructor: Rape crisis advocate
Time needed: 2 hours for full investigations module (with one 10-minute break)

When delivering this module to patrol officers, the instructor has the option of cutting the tasks and subtasks indicated with an asterisk (*). The time needed should then be reduced to approximately 90 minutes.

Resources needed: Overhead projector
Local services handout
Resource materials from local rape crisis center
Resource materials on state victim compensation program

Task 1

Describe the role of the rape crisis (victim) advocate.

Presentation: Brief introduction (5 minutes)

Subtask 1.1

Describe 5 general aspects of a victim advocate's role across the various phases of the sexual assault investigation.

Activity: Listing exercise (10 minutes)

To begin exploring the role of the victim advocate, ask participants to take a moment and write down at least 5 activities that an advocate will engage in across the various phases of the sexual assault investigation. Make sure to give participants at least 30 seconds in which to write down these 5 activities. After participants appear to have completed their lists, call on individuals to share one of their responses. Give positive feedback on correct answers and gently correct any that are not quite on the mark.

Continue calling on individuals, asking them to add an activity only if it has not already been mentioned. When the group list appears to be complete, use the overhead to generate additional
responses. Note that the list of activities in the overhead are not exhaustive; participants will likely generate responses that are not included on the overhead or are described differently.

**Subtask 1.2**

Explain how this role differs from that of a victim-witness specialist.

Presentation method: Brief lecture (5 minutes)

**Subtask 1.3**

Describe the activities of a victim advocate during the medical procedures.

Presentation method: Brief lecture (5 minutes)

**Subtask 1.4**

Describe the activities of a victim advocate during the police interview.

Presentation method: Brief lecture (5 minutes)

**Subtask 1.5**

Describe the activities of a victim advocate during the investigative procedures.

Presentation method: Brief lecture (5 minutes)

**Subtask 1.6**

Describe the activities of a victim advocate during courtroom proceedings.

Presentation method: Brief lecture (5 minutes)

**Task 2**

Discuss the relationship between law enforcement and victim advocates.

Presentation method: Brief introduction (5 minutes)

**Subtask 2.1**

List 3 benefits to law enforcement of working with a victim advocate during a sexual assault investigation.

Activity: Listing exercise (10 minutes)

To highlight the benefits to law enforcement of working with a rape crisis advocate, ask participants to take a moment and think of at least 3 of these benefits. Make sure to give participants at least 30 seconds in which to write down these 3 benefits. After participants appear to have generated ideas, call on individuals to share one of their examples. Give positive feedback on correct answers and gently correct any that are not quite on the mark.

Continue calling on individuals, asking them to add an idea only if it has not already been mentioned. When the group list appears to be complete, use the overhead to generate additional responses. Note that the list of benefits in the overhead are not exhaustive; participants will likely generate responses that are not included on the overhead or are described differently.
Subtask 2.2

Discuss concerns of law enforcement concerning the role of victim advocates in a sexual assault investigation.

Activity: Open-ended discussion (20 minutes)

To create an environment in which law enforcement participants can comfortably discuss their concerns regarding victim advocacy, ask them if they have any issues they would like to discuss regarding the relationship between officers and advocates. Participants will likely discuss the tension that has traditionally existed between these two professions, given the differences in organizational mission. Instructors must create an environment in which these questions and concerns can be discussed openly and honestly. It is critical that the advocate address these issues without defensiveness as this is a powerful "turnoff" for law enforcement audiences.

For example, officers frequently have a concern that victims tell advocates information that is being withheld from the investigation. Advocates must be honest in their response to this concern, but typically it is the case that advocates have the least information of all the professionals involved in the team response. Unlike police and medical personnel, advocates do not ask the victim to "tell her story" and victims can thus discuss emotional concerns with the advocate without providing such details. However, in the event that the victim does indicate that they have withheld information from law enforcement it is important for advocates to advise victims of the negative consequences of such action.

Officer also often have questions and concerns about the confidentiality that exists between victims and rape crisis advocates. It is imperative that advocates have a clear understanding of the protections that exist for confidentiality in communication with victims, and that this be communicated with officers. It is also helpful to explain the purpose of this protection, in order to allow victims a safe and comfortable environment in which discuss their concerns.

Another concern of law enforcement is often that victims who are lying about the assault could tell the advocate that the claim is fabricated while withholding this information from law enforcement. This concern is perhaps best addressed with a twofold approach. First, it is important to emphasize how unlikely this event truly is. Research suggests that only a small minority of sexual assault claims are fabricated. Moreover, one primary motivation for victims who do fabricate is to gain the attention and support granted to sexual assault victims. It is therefore unlikely that they would jeopardize this supportive response by telling the advocate that they are lying. HOWEVER, in the extremely unlikely event that a victim would tell the advocate that their claim was false, advocates need to be straightforward with police audiences about how they would respond to this situation - and explain why they would behave this way.

Task 3

Identify the services available for sexual assault victims in your jurisdiction.

Activity: Local services assignment (10 minutes)

Materials: Handouts
Preparation: Determine correct local information

Provide participants with the local services handout and ask them to indicate which of the services are currently available in their jurisdiction. Give participants sufficient time to complete
the assignment, and then provide the correct answers for the jurisdiction in which training is provided. If the advocate trainer is from the same jurisdiction as participants, providing the correct responses is relatively straightforward. If the trainers are from another jurisdiction, however, the advocate must call the local rape crisis center to determine the correct answers for services available. This call must be made before training is conducted, to ensure that participants receive information that is current and accurate.

**Task 4**

Discuss the compensation program for crime victims in your state.

Presentation method: Brief introduction (5 minutes)

**Subtask 4.1**

List 5 types of expenses that are reimbursable for crime victims in your state.

Activity: Listing exercise (10 minutes)

Ask participants to write down 5 types of expenses that are reimbursable for crime victims in their state. Allow enough time to generate and write these examples, and then put up the overhead and briefly discuss the correct answers. After discussing the types of expenses that are reimbursable for victims, ask participants if they have any questions or any items on their list that were not covered on the overhead.

**Subtask 4.2**

Describe the process for obtaining victim compensation.

Presentation method: Brief lecture (5 minutes)

**Local Services**

Please indicate which of the following services are available in your community, and any special restrictions or notes on their availability.

<table>
<thead>
<tr>
<th>Available Services</th>
<th>Notes/Restrictions</th>
</tr>
</thead>
<tbody>
<tr>
<td>24-hour hotline with access to certified counselors</td>
<td></td>
</tr>
<tr>
<td>Telephone counseling for significant others</td>
<td>*</td>
</tr>
<tr>
<td>Information and referrals for any interested individuals</td>
<td></td>
</tr>
<tr>
<td>24-hour access to advocates who can respond to calls</td>
<td>*</td>
</tr>
<tr>
<td>Accompaniment/advocacy during the forensic exam</td>
<td>*</td>
</tr>
<tr>
<td>Accompaniment/advocacy during the police investigation</td>
<td></td>
</tr>
</tbody>
</table>

65
<table>
<thead>
<tr>
<th>Available Services</th>
<th>Notes/Restrictions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accompaniment/advocacy during court proceedings</td>
<td>*</td>
</tr>
<tr>
<td>Short-term counseling</td>
<td>*</td>
</tr>
<tr>
<td>Support groups for survivors of sexual assault</td>
<td>*</td>
</tr>
<tr>
<td>Support groups for significant others</td>
<td>*</td>
</tr>
<tr>
<td>Services available in other languages (please list)</td>
<td>*</td>
</tr>
<tr>
<td>Services available for individuals who are physically and/or mentally disabled</td>
<td>*</td>
</tr>
<tr>
<td>Male counselors/advocates available</td>
<td>*</td>
</tr>
<tr>
<td>Community education programs</td>
<td>*</td>
</tr>
<tr>
<td>Professional training available (e.g., for police, prosecutors, medical personnel; please list)</td>
<td>*</td>
</tr>
<tr>
<td>Other services available:</td>
<td>*</td>
</tr>
</tbody>
</table>

**Unfounded Cases and False Allegations**

**Summary**

Instructor: Law Enforcement or Advocate  
Time Needed: 3 hours with two 10-minute breaks  
Resources Needed: Flip chart for the front of the room (with markers)  
Newspaper articles/excerpts from Philadelphia (optional)  
Case study handouts

**Task 1**

Define the term "false allegation."

Presentation: Brief lecture  
Time: 10 minutes

**Task 2**

Discuss the range of estimates for how many sexual assault reports are false.

Presentation: Classroom polling  
Time: 5 minutes

Ask participants to write down their estimate for the percentage of sexual assaults reported to police that actually represent false allegations. Do not ask participants to share their estimate with others, but highlight that this type of exercise typically generates a wide range of responses.
Task 3
Explain how terminology confuses the issue of unfounded sexual assault cases versus false allegations.

Subtask 3.1
Define federal reporting requirements for unfounding.
Presentation: Brief lecture
Time: 5 minutes

Subtask 3.2
Discuss factors that are commonly used as a basis for improperly unfounding cases.
Presentation: Learning pairs
Time: 20 minutes
Materials: Flip chart

Ask participants to pair up with someone near them. Advise learning pairs that they will need to generate 3 factors that are commonly used to improperly unfound sexual assault cases. Remind them of the federal reporting requirements for unfounding, and leave these on the overhead. After the pairs have completed their work, call on volunteers to report one idea. Ask participants to report an idea only if it has not been previously mentioned. Record ideas on a flipchart.

Task 4
Discuss the consequences of improperly unfounding sexual assault cases.
Presentation: Brainstorming exercise
Time: 10 minutes

Ask participants to think for a moment of a potential consequence of improperly unfounding sexual assault cases. Give them a moment to think, and then call on volunteers. If they do not discuss the consequences for victims, police departments, and public perceptions, provide these ideas for discussion.

Task 5
Explain how noncriminal codes are used to make sexual assault cases "disappear," and discuss the consequences of this practice.
Presentation: Lecture
Time: 10 minutes
Materials: Newspaper articles/excerpts from Philadelphia (optional)

Task 6
Explain how police can "create" an unfounded case.
Presentation: Lecture
Time: 5 minutes
Task 7
Describe appropriate procedures for unfounding and administrative closure.
Presentation: Lecture and Discussion
Time: 20 minutes

After describing appropriate procedures for unfounding and administrative closure, allow time for open discussion. Participants will likely have a number of questions and concerns regarding these procedures. This will be of particular concern for participants whose departments do not follow appropriate procedures. The instructor will need to maintain a delicate balance of reinforcing appropriate procedures while not denigrating departments who diverge from this protocol.

Task 8
Discuss how to handle the frustrating reality of false allegations.
Presentation: Lecture and discussion
Time: 15 minutes

Again, after briefly discussing guidelines for handling false allegations, allow time for open discussion. Validate the reality and frustration of these cases, but make sure not to undermine the messages of the previous material.

Task 9
Analyze unfounded cases and discuss the appropriate police response.
Presentation: Mini Case Studies
Time: 60 minutes
Materials: Case study handouts

Assign participants to groups of 4-6. Provide each group with one of the brief descriptions of unfounded cases from the San Diego Police Department. Ask groups to discuss their case, and determine whether or not it should appropriately be unfounded. If not, ask them to indicate what the appropriate response should be to this case. Inform groups that they will have 15 minutes in which to complete the task, before reconvening as a class. A volunteer from each group will then be asked to provide a brief summary of the case and the group conclusions regarding how it should be handled.

Allow groups to discuss their cases for 15 minutes, and then ask a volunteer from each group to provide a summary and conclusions from their group. After each group reports their conclusions, ask other participants to vote with their thumb to indicate whether they agree or disagree with the group's conclusions. "Thumbs up" can be used to indicate agreement and "thumbs down" can be used to suggest that the participant disagrees with the group's assessment of the case.

After allowing the group volunteer to report, and asking the other participants to vote, the instructor should provide a recommendation for how to handle the specific case. However, some time must also be provided for discussion as some participants may disagree with the instructor's assessment.
Unfounded/False Allegations

Exercise #1

CASE # 99-000000-

Crime Classification: 243.4 (d)(1) PC Sexual Battery

Injuries/Evidence: None (no Sart exam)

Victim: W/F 28 years

Relationship: The victim met the suspect the night of the incident

Suspect: W/M 39-40 years

Date of Incident: 6/11/99

Date of report: 6/11/99

Reported by: Victim

Drug/Alcohol Related: Victim states that the suspect drugged her drink with morphine, causing her to feel faint and pass out. The suspect and victim were intoxicated, however, the victim states the suspect had also been drinking morphine the night of the incident.

A 28 year old female reported having been sexually assaulted by a man whom she just met the night of the incident. The victim states the suspect drugged her drink with morphine while they were at a hotel lounge. Later, the suspect asked if he could use the phone in the victim's hotel room. The victim obliged, but as they were in the room, the victim started to feel faint and passed out. When the victim came to, she found the suspect on top of her with his pants on and shirt off. Friends of the victim happened to walk in and saw the suspect on top of the victim. The suspect then became very angry and started to throw things around the room. Later in the investigation, the victim stated that nothing happened. The victim said that the suspect was never on top of her, nor did he do anything to her. She states the suspect was drinking morphine all night. No one at this time has been able to report the whereabouts of the suspect or his true identity.

A friend of the victim and an acquaintance state they saw the suspect on top of the victim when they entered the hotel room with his shirt off. When they saw the suspect on top of the victim, the suspect became upset and started to throw things around the room. The suspect then quickly got dressed and left the room. The argument then ensued in the hallway. Hotel security showed up and escorted the suspect out of the hotel.

According to security personnel from the hotel they tried to detain the suspect, however the suspect left.

Exercise #1: Discussion Guide

According to the victim, nothing occurred on the night of the incident. The victim first reported the suspect was on top of her, then recanted and said nothing ever happened and that the suspect was never on top of her. However, witnesses state they saw the suspect on top of the victim

SUMMARY:
This is a misdemeanor sexual battery at best. The elements of a crime could not be established based on the victim's own statements regardless of what the witnesses believed they saw.

Exercise #2

CASE # 99-000000-

Crime Classification: 261 (a)(3) Rape of Intoxicated Person

Injuries/Evidence: None (no Sart exam)

Victim: W/F 16 years

Suspect: W/M 16 years

Relationship: Victim had been dating the suspect for approximately two weeks before the incident

Date of Incident: 1/1/99

Date of report: 1/13/99

Reported by: Victim

Drug/Alcohol Related: The victim and suspect had been drinking on the day of the incident, and both were heavily intoxicated. The victim drank so much she vomited.

The mother of a 16-year-old female reported her daughter having been raped by a 16-year-old male. The mother reported the crime without knowledge of the true facts. The victim had gone to a party, thrown by the suspect. The victim and suspect were drinking at the party. The victim had vomited in a bathroom and was escorted to a vacant bed where she fell asleep. When the victim awoke, she found the suspect beside her. The victim and suspect then proceeded to have sex. The victim states the sex was consensual between her and the suspect, and was planned. The mother believes otherwise. The victim believes that a former boyfriend might have told her mother about her having sex with the suspect as a way of getting even with her and the suspect. Earlier in the evening, the suspect had gotten into a scuffle with the victim's ex-boyfriend. The victim states that she was upset that the suspect did not use a condom, however, the whole incident was consensual.

The suspect states the whole thing had been planned prior to the party.

Exercise #2: Discussion Guide

The victim and suspect stated that they had consensual sex and that no rape occurred. Both parties knew exactly what they were doing, even though they had been drinking heavily the day of the incident. Furthermore, both the victim and suspect stated that they had planned on having sex.

SUMMARY:

The elements of rape do no exist. There is a violation of statutory rape for both the minors since they both engaged in unlawful sexual intercourse. However, the prosecutor's office will not prosecute. Therefore this crime report would be canceled unfounded.
Exercise #3

CASE # 99-000000-

Crime Classification: 261 PC Rape

Injuries/Evidence: Sart exam revealed that victim suffered anal injuries consistent with anal penetration.

Victim: W/F 15 years

Suspect #1: H/M 21 years

Suspect #2: H/M 21 years

Relationship: Had no prior relationship with suspects before incident.

Date of Incident: 3/21/99

Date of report: 3/23/99

Reported by: Victim

Drug/Alcohol Related: The victim had been drinking malt liquor.

A 15 year old female reported having been raped by two males 21 years of age. The victim had gone to the park with a friend where they drank malt liquor. They then proceeded to a house about 3 blocks away, where there were several Hispanic males. The victim was drinking heavily the day of the incident. The victim said that she had sexual intercourse with two Hispanic males at the house. Furthermore, the victim stated she did not really want to have sexual intercourse, but did nothing to stop the two male suspects. As the victim put it, she just "let it go" when the two male suspects had sex with her. Note: The victim is a recovering methamphetamine addict, and has been in and out of juvenile hall. Also, when shown several pictures of possible suspects the victim failed to identify anyone.

A witness, victim's friend, stated that the victim told her she did not remember anything that happened that night because she was so drunk.

Although coercion is possible, the elements of force or fear could not be established based on the victim's statements. As the victim put it, she just "let it go" when the two suspects proceeded to have sex with her. The victim did not attempt to fight against having sex with the suspects.

Exercise #3: Discussion Guide

The detective investigated the crime as though it was a forcible rape and unfounded it as such. In reality, it is a drug facilitated sexual assault and was investigated improperly.

SUMMARY:

This crime report was improperly canceled as unfounded.

Exercise #4

Crime Classification: 288 (c) PC Lewd Acts with Child, Oral Copulation and Rape

Injuries/Evidence: None (no Sart exam)

Victim: H/M 14 years
Suspect: H/F 29 years

Relationship: The victim used to go over to the suspect's house to hang out

Date of incident: Varies

Date of report: 3/30/99

Reported by: Victim (Victim told mother of the incident)

Drug/Alcohol Related: n/a

A 14-year-old male reported having been molested by a 29-year-old female two years earlier. The victim stated on one occasion the suspect once got on top of him and had sex with him. The victim said that he ejaculated. The suspect warned the victim not to tell anyone of this incident. On another occasion, the victim stated the suspect orally copulated him. When the suspect was questioned about the incident, she stated that none of the incidents ever happened. The suspect said that whenever the victim came over to her house her daughter was around. The suspect took a polygraph and passed with no deception indicated. The victim volunteered to take a polygraph, however test results showed that he was being deceptive about the incidents. After the polygraph results, the victim essentially broke down and stated he lied about the sexual assaults. The victim stated he lied because he did not want to move back with his aunt, who lived near the suspect. He did not want to move back with his aunt because she is always yelling at him and making him and his sister clean the bathroom.

Exercise #4: Discussion Guide

The victim admitted to lying about the sexual assault because he did not want to move back in with his aunt, who happens to live near the suspect.

SUMMARY:

This case was unfounded since the investigation determined the allegation was false.

Exercise #5

Case #99-000000

Crime Classification: 261 PC Rape

Injuries/Evidence: Victim initially called police five days after the incident. Victim was not feeling well and said she would seek medical treatment on her own, refusing SART exam. Victim showed up at hospital on her own. Patrol officers responded and transported to SART hospital for exam due to continuing complaint of pain. Visible findings documented: Several nongenital abrasions and bruises on victim's arms and legs. Swelling between 11 and 1 o'clock of the anus and 5 o'clock in the sinus tract. According to the examiner, findings were not unusual. Victim has chronic fissure swelling caused by constipation.

Tox Report for drugs and alcohol both came back negative.

Victim could not or would not identify suspect in a photo lineup.

No information in report about how or why victim sustained abrasions and bruises on arms and legs.

Victim: W/F 40 years
Suspect: W/M 35 years

Date of Incident: 4/6/99

Date of Report: 4/11/99

Reported by: Victim

Victim taking prescription medication (tranquilizers), drinking Kamikaze shooters and smoking marijuana at time of assault.

V is a topless dancer at adult entertainment club. S is a frequent customer at club, well known by the owner of the club. According to the victim's roommate and club manager, the victim showed up for work intoxicated and continued to drink throughout the evening. The victim was asked to leave the club due to intoxication but she would not. Basically, victim and numerous witnesses attest to the fact that the victim got into a limousine with at least one suspect, the limousine driver and possibly his brother. Victim's boyfriend saw the suspect caressing the victim's breast. Boyfriend tried to get the victim to leave the limo but she would not. Victim and boyfriend got into an argument and boyfriend left. Boyfriend, however, was concerned enough about victim to ask the doorman to keep an eye on her because she didn't trust the suspect. V & S smoked marijuana. V next remembers waking up when the suspect was choking her. V attempted to resist and fought to get away but was unable to. S turned her face down and penetrated her anus with his penis. V believes a second suspect took photographs during the assault. V stated she went back into the bar with the S and he showed photos to other women/dancers in the bar.

When interviewed, boyfriend stated V got in the limo with suspect. He tried to get V to leave but she wouldn't. When S returned home at 0200 hours on 04-07-99, V was at home with a different man who had driven her home. Boyfriend was angry and began moving his furniture and property out of the victim's residence.

Interview with witness who transported V home. W said V was "acting high or intoxicated". W has known V for two years and agreed to drive her home. En route, V "kept holding his hand, making it difficult for him to shift gears." V kept mumbling that she had had rough sex and was bleeding. V said she had never done anything like that before. W assumed V was talking about anal sex, but didn't ask.

W said V never mentioned anything about being raped. V also told W that her boyfriend had been physically abusive towards her and her daughter.

Detective's conclusion states:

Based upon my investigation, I cannot prove a crime was committed. There are no independent witnesses and the victim cannot positively identify a suspect. The victim had plenty of opportunities to report the rape, but decided to wait five days. The victim was also flirtatious with the witness who drove her home and made statements to the witness that she had participated in voluntary sex. Several of the witnesses said the victim refused to get out of the limo. There is no physical evidence to support the victim's claims. This case will be canceled as unfounded.
Exercise #5: Discussion Guide

The original investigation listed the offense as a rape. No subsection is listed, and therefore, the elements have not been addressed. In fact, the report actually has the elements of sodomy of an intoxicated person unable to resist, and strangulation.

The detective's follow-up incorrectly lists the crime classification as the rape of an intoxicated person and a forcible sodomy. There was no rape and the sodomy would be of an intoxicated person, especially since force and consent are in question. All witnesses clearly state that the victim was extremely intoxicated.

There is no indication as to how the victim sustained nongenital injuries that might have been used to corroborate force.

The case detective contacts Vice detectives for assistance. This tactic would obviously make everyone nervous since licensing issues are involved.

The detective does not reinterview the victim about the actual sexual assault. He questions whether she practices anal sex. She admits to having consensual anal sex with her boyfriend approximately five times over the last year, the last time being approximately 3 weeks earlier. The victim stated she couldn't remember much of the incident but stated the day manager knows the suspect and limousine driver.

The detective states he cannot prove a crime was committed and states "there is no physical evidence to support the victim's claims." Detectives cannot unfound an allegation just because they are unable to prove a victim's statement true. Numerous witnesses could identify the person in the car with the victim including the boyfriend. Identification did not seem to be the issue. Neither the suspect nor his friend were interviewed.

The detective makes a conclusion that the victim was flirtatious with the witness who drove her home when his statement actually reflects that she was extremely intoxicated and complaining of pain and bleeding. The detective states the victim told the witness who drove her home that she had participated in voluntary sex. The victim actually told the witness that she "had had rough sex and was bleeding and that she had never done anything like that before." The witness assumed the victim was talking about anal sex. The detective concludes that this statement translates to consent when in fact the issue surrounding this investigation is the victim's level of intoxication.

The detective uses the five day delay in reporting as weight to substantiate an "unfounded" complaint.

SUMMARY:

This crime report was investigated and canceled inappropriately.

Exercise #6

CASE #98-000000

Crime Classification: 261 (a)(3) PC Rape: Victim Drugged
Injuries/Evidence: None (no sart exam)
Victim: W/F 17 years
Suspect: W/M 23 years
Relationship: Victim met the suspect the night of incident
Date of incident: 8/1/98-8/2/98
Date of report: 8/3/98
Reported by: Victim
Drug/Alcohol Related: Victim was drinking beer and became intoxicated.

The victim states that a 23 year old male raped her, while she was intoxicated, at a party. The victim later states that the incident was her fault, and that it just got out of hand. The sex was consensual on her part. The victim admits to having consensual sexual intercourse and oral copulation with the suspect on three different occasions that night. The victim stated she also had sex with another male that night at the party, but could not recall what happened. The victim said she never did tell the second male that she did not want to have sex with him. Furthermore, the victim said she would not cooperate with the investigation and would not testify in court or discuss the incident any further.

The victim reportedly has had sex with over 20 males. The victim states she was recently kicked out of her house and wanted to drink that day.

The victim remembers having three separate incidents of sexual intercourse and oral copulation with one suspect, and then having sex with another male on the night of the reported incident. The victim cannot recall what happened between her and the second male. No crime could be established in this case.

Exercise #6: Discussion Guide

The detective investigated this case as though it was a forcible rape. The investigation was not directed toward a drug-facilitated sexual assault and therefore is incomplete. The investigation should have addressed the victim's level of intoxication versus the "suspect(s)". This is a delayed report so a toxicology test is not possible, however, witnesses could still have been interviewed that might have been able to establish the victim's level of intoxication.

SUMMARY:

Even if the victim refused to cooperate with the investigation, the case should not have been unfounded since the elements of a sexual assault of an intoxicated person are present.

Exercise #7

CASE #98-000000

Crime Classification: 289 (a) PC Rape with a Foreign Object
Injuries/Evidence: Bruises below victim’s chin. No sart exam conducted as the victim was incoherent and unable to give consent.

Victim: H/F 18 years
Suspect: W/M 30 years
Relationship: Stranger she met the night of incident
Date of incident: 1/1/98
Date of report: 1/2/98
Reported by: Victim

Drug/Alcohol Related: The victim admits to drinking heavily and smoking marijuana the night before. Also, she admits to drinking beer and smoking marijuana the night of the incident. The victim had not been taking her prescribed medication which includes: Zyprexa (anti-psychotic), Haldol (anti-psychotic), Depakote (mood stabilizer), and Ativan (anti-anxiety).

An 18 year old female reported having been raped by a 30 year old male she met that night. The victim states she got into a white truck with the suspect. The victim was depressed and wanted to talk about her problems. She states the suspect pulled into a dark alley and pulled her pants down and put his finger into her vagina. She told him to stop or she would call the police. The victim jumped out of the truck and walked down a street. While walking down the street, she met a white guy in his 50's. The victim got into his truck and went to his house. The victim said she talked to the male about her problems and cried for hours. Nothing sexual occurred with this particular male.

Later, the victim stated the guy in the white truck drove her to Mexico. The suspect parked his truck on a street in Tijuana. The suspect proceeded to jump on top of the victim and hit her face twice. The victim screamed. The suspect ended up driving the victim to the border, although the victim states they didn’t drive across the border. According to the victim, there is a way of getting across the border without crossing the gate. The victim said her clothes were still in the suspect's truck.

The victim gave conflicting accounts of the crime. She does not clearly know where the incident took place. The victim’s sister found her at a 7-11 without shoes and her blouse ripped open.

The officer who first took the report states the victim was disoriented and incoherent. The victim admitted to the officer she had been drinking heavily and smoking the night before. When the detective interviewed the victim, she stated that she did not drink or use drugs the night of the incident, but later she admitted she did indeed smoke marijuana and drank beer that night.

According to a nurse at the hospital, the victim is delusional and suffers from severe psychosis. The victim had not been taking her medication. She is currently under psychiatric care at the hospital. The victim does not have a conservator.

Exercise #7: Discussion Guide

The victim gave several accounts of the crime. It is unclear if a crime actually took place, due to the victim's mental state.

SUMMARY:

No crime could be established from the evidence, therefore the crime report was canceled unfounded.

Exercise #8

CASE #98-000000

Crime Classification: 98 1153 ZZ Hold Pending
Injuries/Evidence: None (no sart exam)

Victim: W/F 22 years

Suspect: B/M 27 years

Relationship: The victim and suspect work out at the same gym. During the previous month or so, the suspect began to pay more attention to the victim. The suspect has kissed the victim in the gym. The victim is married.

Date of incident: 10/18/98

Date of report: 10/26/98

Reported by: Victim

Drug/Alcohol Related: Victim had five to six drinks at a bar.

A married 22-year-old female reported eight days later she was raped by a 27-year-old male. The victim first reported the incident three days later to her husband. The victim's husband has since confronted the suspect about the incident. The victim states she went out to a bar with her husband's friend. Her husband stayed home and watched their daughter. The victim paged the suspect. The suspect met up with the victim at the bar. During the night, the victim was told her husband was cheating on her. The victim went to the suspect's house when the bar closed. They then proceeded to get into his truck and went to a motel. They both shared a room in the motel. The victim was sitting on the bed, with the suspect, when he started to kiss her. She states she in turn kissed him back. The suspect began to undo her blouse. The victim does not recall how her clothes were removed. She said it happened fast. The victim says the suspect was laying on her. She then got up and took a shower. When the victim finished showering, she crawled into bed with the suspect and went to sleep for a few hours. The suspect dropped her off at the house at her request.

The victim saw the suspect at the gym the following Monday. They talked about the incident. The suspect got an erection and tried to get the victim to put her hand on his penis. She told him no. The victim stated she never did say "no" or "don't" or anything of that nature before engaging in sex with the suspect. She only told him she wasn't comfortable about the situation and thought that would stop him. The victim states she was afraid of the suspect. She says he yelled at her the previous week at the gym.

Exercise #8: Discussion Guide

The victim actively kissed and fondled the suspect. At the time of the incident, the victim was upset and mad at her husband. She did not stop the suspect's advances. The victim was afraid of the suspect, but no actual force or fear was brought on by the suspect that night. When asked if she was an active participant, the victim states she "was into it a little bit."

SUMMARY:

The elements of rape do not exist in this case. Therefore, the report will remain an officer's statement, for information only.

Exercise #9

CASE #98-000000-
**Crime Classification:** 261 (a)(1) PC Rape: Incapable Because of Mental Disorder

**Injuries/Evidence:** No sart exam, however mother noticed a hickey on the victim. Victim suffers from diminished mental capacity and is on disability.

**Victim:** H/F 24 years

**Suspect:** H/M 42 years

**Relationship:** Both have known each other since 1991. Suspect works as a bus driver, and met the victim while riding the suspect's bus.

**Date of incident:** 6/29/98

**Date of report:** 7/3/98

**Reported by:** Victim

**Drug/Alcohol Related:** N/A

A 24-year-old female, with a diminished mental capacity, states that a 42-year-old male had nonconsensual intercourse with her. The victim has had five previous undocumented sexual encounters with the suspect. These incidents included kissing, oral sex, vaginal intercourse, and attempted anal intercourse. The victim is familiar with terms such as: intercourse, oral sex, penis, and vagina, but didn't know what erection and ejaculation meant. The victim lives with her mother, but does not have a legal conservator.

The victim would meet with the suspect every weekend to ride around with him in his car. There were several sexual intercourse encounters that the victim could recall. On the day of the reported crime, the suspect picked up the victim and took her to motel. The victim states she knew he was taking her there for sex because they discussed it the day before. They both proceeded to a room at the motel and took their clothes off. The victim orally copulated the suspect five times. The suspect then orally copulated the victim and put his fingers in her vagina. The victim said it sort of felt good. The suspect and victim engaged in intercourse but the victim wasn't sure if it was vaginal or anal sex. She said it did hurt, but didn't say anything to the suspect. They stayed in the room for two hours. The victim began to get tired of keeping her legs apart, so she attempted to put them together. The suspect complained that she wrestled too much. The victim states she felt a wetness on her buttocks, when the suspect finished. The victim said she never did tell the suspect she didn't want to have sex with him. The suspect never forced or threatened the victim.

**Exercise #9: Discussion Guide**

The victim knew what she was doing as she consented to sex on previous occasions with the suspect. There was no force or fear present in this case. The victim is capable of consenting to sex, as she has no conservator and has completed high school and taken college classes.

**SUMMARY:**

No crime could be established in this case, therefore the report was canceled unfounded.

**Exercise #10**

**CASE #98-00000-**
Crime Classification: 207 (a) PC Kidnapping/261 (a)(2) PC Forcible Rape

Injuries/Evidence: Sart exam revealed superficial tears of the posterior fourchette and the fossa navicularis along with bruises found between the three and five o'clock positions of the hymen. The injuries are consistent with recent penile/vaginal penetration. The victim admitted that she had sexual intercourse with her boyfriend on the day of the incident.

Victim: B/F 14 years

Suspect: Four B/M's and three H/M's. Ages unknown

Relationship: Strangers

Date of incident: 12/15/98

Date of report: 12/15/98

Reported by: Victim

Drug/Alcohol Related: N/A

The victim reports that while walking to school she was abducted and sexually assaulted by four African American males and three Hispanic males. She states that the suspects felt her breasts and vagina. It was unclear if penetration took place. The victim was distraught and crying when being questioned.

The victim’s father states that on the day of the incident he received a call from his daughter's school, telling him she missed first and second period. When his daughter came home from school, she told him that while walking to school, a male grabbed her arm and pulled her into a car. His daughter told him that the suspects drove her to a park. One of the males in the car started to touch her breasts and vagina, but did not rape her. The victim told her father that there were four black males and three Hispanic males in the car. The father states that his daughter said that she was touched by at least one of the males.

When the detective questioned the victim, she would only shrug her shoulders and bite her lower lip. The victim would not speak to the detective about the incident.

Later in the investigation, the detective received a phone call from the victim’s father who said the story was made up. He explained the victim made up the story so she would not be punished for skipping first and second period at school. The father told the detective his daughter was with her boyfriend during first and second period. His daughter went to her boyfriend's house where they had consensual sexual intercourse.

Exercise #10: Discussion Guide

The victim told her parents that she made up the story to keep from getting in trouble for missing class. The victim was actually with her boyfriend and had consensual sex with him that day which explains the victim’s findings of recent penile/vaginal penetration.

SUMMARY:

The victim admitted to filing a false report. The crime report was canceled unfounded.
Victim Impact

Summary
Instructor: Rape crisis advocate
Time Required: 3 hours with three 10-minute breaks

When delivering this module to patrol officers, the instructor has the option of cutting the tasks and subtasks indicated with an asterisk (*). The first exercise can also be reduced by 20 minutes so the total training time is 2 hours.

Resources material: Overhead Projector
Victim Impact Handout
Self-Test Handout

Task 1
Recognize common reactions and experiences of women raped by someone they know.

Presentation: Video and discussion (Option A)
or

Presentation by survivor (Option B)
Time: 60 minutes
Materials: Video Impact Handout

Option A:
Show excerpts from the video "Rape By Any Name." This film depicts the reactions of several women to rape victimization by a nonstranger. Briefly describe the film to participants and ask them to think about the various reactions and experiences before, during, and after the assault. After the video is completed, provide the Victim Impact Handout to participants and ask them to take a few minutes to jot down any reactions that they recall the victims describing before, during and after the assault. Give participants a few minutes to write their responses, and then ask for ideas for each category.

First, ask participants to describe the reactions of participants to any significant behavior of the perpetrator before the assault. Ask for volunteers to report one of their responses that has not already been mentioned by the group. Generate responses until the group appears to have exhausted their list, and then move on to the victim reactions described during and after the assault. Finally, allow a few minutes for open-ended discussion.

The point should be made that while there are many common experiences among those victimized by rape, there is also diversity in their reactions. Ultimately, no two victims will ever respond identically to rape. Police must therefore be cognizant of victim reactions that are common, but they must also maintain flexibility to handle whatever demeanor is presented.

Option B:
Have a survivor come in to tell her story of rape victimization by a nonstranger. Of course, this should only be done if the survivor can communicate clearly and powerfully with law enforcement audiences. The survivor should be advised to describe basic events of the assault (before,
during, and after) and then talk about the impact of this event on their lives. After the survivor has completed telling her story, the advocate can then talk about how these experiences are common among those victimized by rape.

The point should be made that while there are many common experiences among those victimized by rape, there is also diversity in their reactions. Ultimately, no two victims will ever respond identically to rape. Police must therefore be cognizant of victim reactions that are common, but they must also maintain flexibility to handle whatever demeanor is presented.

**Task 2**

Discuss the general stages and common experiences in response to sexual assault victimization.

**Presentation:** Brief introduction  
**Time:** 10 minutes  

**Subtask 2.1**

Describe common experiences of victims during a sexual assault (e.g., frozen fright, dissociation).

**Presentation:** Brief lecture  
**Time:** 10 minutes  

**Subtask 2.2**

Generate strategies for interviewing victims who experience frozen fright or dissociation during their assault.

**Presentation:** Brainstorming activity  
**Time:** 10 minutes  

Ask participants to take a moment and write down one thing they would say to victims who describe experiencing frozen fright or dissociation during their assault. Ask them to title this, "One thing to say to victims with frozen fright or dissociation." Advise participants to leave room on their paper for ideas from others.

Second, ask participants to generate at least one idea for an investigative strategy to use with these victims. For example, there might be a specific question to ask victims or suspects in these cases, specific evidence to collect, etc. Ask participants to title this, "Investigative strategies for these victims." Again, advise them to leave room on the page for ideas from others.

After participants have generated their ideas, call on a few volunteers to have them share what they would say to these victims. Then, call on participants to report ideas for investigative strategy.

**Subtask 2.3**

Describe common experiences of victims during the acute phase of trauma.

**Presentation:** Brief lecture  
**Time:** 10 minutes
Subtask 2.4
Discuss how these experiences of victims in the acute phase of trauma will affect the police investigation.

Presentation: Group discussion
Time: 15 minutes

Assign participants to groups of 4 to 6. Ask them to discuss in their group how common victim reactions during the acute phase of trauma will affect the police investigation. Also ask them to generate ideas for how police should effectively respond to these issues. Inform groups that they will be given 10 minutes to generate these ideas. After 10 minutes are up, pair each group with another and ask them to share ideas for 5 minutes. Group pairs will not report to the entire class.

Subtask 2.5*
Discuss common experiences of victims during the outward adjustment phase.

Presentation: Brief lecture
Time: 10 minutes

Subtask 2.6*
Discuss common experiences of victims during the integration stage.

Presentation: Brief lecture
Time: 10 minutes

Subtask 2.7
Recognize how the response to sexual assault will be experienced differently by various types of victims.

Presentation: Self-test
Time: 15 minutes

Provide participants with the self-test on special issues with victim response. Tell them to take the test, but assure them that no one will see their responses. When participants have completed the test, go over the correct answers. Allow time for discussion.

Victim Impact Handout
Now that you have seen the video on victim impact, please take a moment to describe the reactions and experiences of these women before, during, and after the assault.

Before the Assault
(reactions to the pre-assault behaviors and warning signs of the perpetrator)

During the Assault
(reactions of the victim during the assault)

After the Assault
(reactions of the victim both in the immediate and long-term aftermath of the assault)
Self-Test: Special Issues with Victim Response

1. Men who are raped experience many of the same symptoms and stages as do women.
   • True
   • False

2. Men who are raped often experience serious confusion over their gender identity (i.e., masculinity) and sexual orientation.
   • True
   • False

3. Some male victims respond to rape victimization by aggressively asserting their masculinity and heterosexuality.
   • True
   • False

4. Some male victims suffer from impotence and sexual anxiety following a rape.
   • True
   • False

5. Rape victims who are severely beaten generally experience worse mental trauma than those assaulted with less physical violence.
   • True
   • False

6. Victims who are raped by a stranger generally experience worse mental trauma than those attacked by someone they know.
   • True
   • False

7. Victims assaulted by an acquaintance often experience more extreme guilt, shame, and difficulties trusting others-in comparison with those raped by a stranger.
   • True
   • False

8. Marital rape can occur with or without battering.
   • True
   • False

9. Being raped a second time is typically less traumatic than the first time.
   • True
   • False
10. Victims who have been raped more than once sometimes describe details from the previous assault when reporting a subsequent assault.
   • True
   • False

11. Victims who have gaps in the memory of their assault (because of drug use, for example) usually experience less mental trauma than those who have more accurate recall.
   • True
   • False

Self-Test: Special Issues with Victim Response(Answers)
1. Men who are raped experience many of the same symptoms and stages as do women.
   • True
   • False

2. Men who are raped often experience serious confusion over their gender identity (i.e., masculinity) and sexual orientation.
   • True
   • False

3. Some male victims respond to rape victimization by aggressively asserting their masculinity and heterosexuality.
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5. Rape victims who are severely beaten generally experience worse mental trauma than those assaulted with less physical violence.
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   • False

7. Victims assaulted by an acquaintance often experience more extreme guilt, shame, and difficulties trusting others-in comparison with those raped by a stranger.
   • True
8. Marital rape can occur with or without battering.
   • True
   • False

9. Being raped a second time is typically less traumatic than the first time.
   • True
   • False

10. Victims who have been raped more than once sometimes describe details from the previous assault when reporting a subsequent assault.
    • True
    • False

11. Victims who have gaps in the memory of their assault (because of drug use, for example) usually experience less mental trauma than those who have more accurate recall.
    • True
    • False

**Victim Interview**

**Summary**

Instructor: Law Enforcement

Time needed: 7 hours for full investigations module. This time includes one hour for lunch and two 20-minute breaks.

Resources needed: Overhead projector
Handouts
Flip charts/pens

**Task 1**

Discuss common challenges to victim credibility and explore how to overcome these challenges.

**Subtask 1.1**

Presentation method: Listing exercise
Time: 20 minutes
Materials: Flip chart

To begin exploring some of the challenges to victim credibility in a sexual assault case, ask participants to take a minute and write down the three most common challenges they have observed when investigating sexual assault.

After participants appear to have generated ideas, call on a participant to share their answers. Continue calling on participants, asking them to add an idea only if it has not already been
mentioned. Use a blank overhead or a flip chart to record the list the class has developed. This process should take 10 minutes.

After the allotted time, give a brief presentation on the challenges that will be reviewed in this class.

- Challenge #1 Lack of Physical Resistance
- Challenge #2 Delayed Reporting
- Challenge #3 Inconsistent or untrue statements

**Subtask 1.2**

Explore strategies to overcome challenge #1: Lack of physical resistance.

Presentation method: Lecture
Time: 15 minutes

**Subtask 1.3**

Explore strategies to overcome challenge #2: Delayed reporting.

Presentation method: Lecture
Time: 15 minutes

**Subtask 1.4**

Explore strategies to overcome challenge #3: Inconsistent or untrue statements.

Presentation method: Lecture
Time: 15 minutes

**Last Consensual Experience Exercise (Optional)**

Ask participants to get into pairs for this exercise. Assign the role of investigator and the role of interviewee within each pair.

When participants are ready, direct the investigator to ask the interviewee about his/her last consensual sexual experience. There will be multiple responses from the participants. Some may laugh while others may refuse to participate. The instructor must maintain a serious demeanor for a short time and then call off the exercise.

Discuss with participants their various responses. Talk with participants about how difficult it is to discuss a good sexual experience with a stranger, and thus how difficult it must be to talk about a totally unpleasant experience with a police officer. Depending on the situation, we might respond but omit certain information or tell partial truths just to make the questioning stop.

Use the remaining time to discuss how to overcome these challenges during the victim interview.

**Subtask 1.5**

Discuss why it is generally inappropriate to ask the victim to take a polygraph examination.

Presentation method: Lecture
Time: 15 minutes
**Subtask 1.6**
Recognize the importance of reducing the number of interviews conducted with the victim.
Presentation method: Lecture
Time: 5 minutes

**Subtask 1.7**
Consider the possibility of audiotaping or videotaping interviews.
Presentation method: Lecture
Time: 5 minutes

**Task 2**
Recognize motivational, structural and other barriers to effective interviewing with the victims.
Presentation method: Open discussion
Time: 15 minutes

Ask participants to discuss any experiences they have had as a police officer that may create individual barriers to conducting an effective interview with a sexual assault victim.

For example, given that officers begin their career patrolling the streets they learn about interviewing in the worst imaginable circumstances, in chaos and confusion. As a result of these experiences, patrol officers learn how to conduct interviews by directing a number of rapid-fire questions at witnesses to establish basic information.

In contrast, detectives need to take more time and have additional resources to conduct a more relaxed interview with a victim, designed to elicit a greater level of detail. The bottom line is that professional and personal experiences may affect how the investigator conducts a victim interview. It is important to examine these issues prior to interviewing a victim of sexual assault.

**Task 3**
Conduct an effective preliminary interview with the victim.
Presentation method: Lecture
Time: 15 minutes

**Task 4**
Prepare for a successful victim interview.

**Subtask 4.1**
Decide whether to postpone the interview.
Presentation method: Lecture
Time: 5 minutes
Subtask 4.2
Review all information already gathered in the case prior to interviewing the victim (e.g. medical information, preliminary victim statement).

Presentation method: Lecture
Time: 5 minutes

Subtask 4.3
Recognize how a victim's demeanor will affect the investigation process.

Presentation method: Lecture
Time: 5 minutes

Subtask 4.4
Anticipate a defense strategy.

Presentation method: Lecture
Time: 5 minutes

Subtask 4.5
Discuss issues pertaining to officer gender.

Presentation method: Slip writing
Time: 15 minutes
Materials: Flip chart

Ask participants to write down on a slip of paper one issue unique to their gender that may create a disadvantage to conducting an effective victim interview. Inform the participants that their response will be anonymous. Have the participants pass their responses to the instructor.

The instructor should then read some of the responses and ask participants to discuss how they would overcome the particular challenges. Record answers on a flipchart.

The instructor can also discuss with participants some of the unique advantages due to their gender that contribute to successful victim interviewing. However, the slip writing exercise should be used only for disadvantages because participants will likely avoid discussing these barriers if given the option. The bottom line is that both male and female officers can conduct effective sexual assault investigations, as long as they address the issues unique to their gender.

Task 5
Begin the victim interview.

Subtask 5.1
Determine an appropriate location for the victim interview.

Presentation method: Lecture
Time: 5 minutes
Subtask 5.2
Discuss who should be present at the victim interview.
Presentation method: Lecture
Time: 5 minutes

Subtask 5.3
Discuss ways to build trust and cooperation with the victim.
Presentation method: Lecture
Time: 15 minutes

Ask participants to take a brief moment and write down three ways that they would build trust and cooperation with the victim. Give the participants about 2 minutes for this process.

After the allotted time, give a brief lecture in which you present the most effective methods. Use the remaining time to answer any questions regarding the results of this exercise.

Task 6
Conduct a successful victim interview.

Subtask 6.1
Use techniques to encourage the victim to tell her story in an uninterrupted narrative.
Presentation method: Lecture
Time: 30 minutes

Subtask 6.2
Effectively use follow-up questions to elicit additional information.
Presentation method: Lecture
Time: 15 minutes

Subtask 6.3
Explore the use of cognitive interviewing techniques.
Presentation methods: Pair discussions
Time: 30 minutes

Ask participants to divide back into pairs. Tell participants to switch roles as the investigator and the interviewee. Instruct the interviewer to find out as much detail as possible about the interviewee's last experience eating ice cream. (Instructors should feel free to choose their own example for this interview exercise.) Give participants 5 minutes to complete this interview.

After the allotted time, ask for the interviewers to recall what they learned about their partner's ice cream eating experience. Most likely participants will give you basic information like the flavor of the ice cream and time of day. Allow 5 minutes for this discussion.

Tell participants to continue the interview process, but this time the interviewee must reconstruct the circumstances surrounding their ice cream eating experience. For example, the interviewer...
should ask them to describe the environment, the location of the furniture, the lighting and objects etc. Remind the interviewer not to interrupt their partner. Give participants 5 minutes. After the allotted time, ask the interviewers to share any new information he/she derived. Allow participants 5 minutes to discuss their new findings.

Next, ask participants to continue the interview, only this time the interviewee should be asked to recall his/her story in reverse order, and then from the perspective of another person at the scene. After 10 minutes, ask the interviewer to again share any additional information they learned.

The remaining time should be used to summarize the basic principles of cognitive interviewing techniques and present additional techniques for eliciting information during the victim interview. The instructor should inform participants to be cautious when using cognitive interviewing techniques. Some have suggested that cognitive interviewing techniques are inappropriate for use with sexual assault victims because they may cause unnecessary trauma. Ultimately, the investigator should decide when this technique is appropriate.

**Subtask 6.4**

Discuss information to obtain during the victim interview.

Presentation method: Lecture
Time: 10 minutes

**Subtask 6.5**

Describe procedures for concluding the interview.

Presentation method: Lecture
Time: 10 minutes

**Subtask 6.6**

Practice the victim interview.

Presentation method: Role-play
Time: 45 minutes

Conduct a **sequential role-play** in order to give participants practical experience in conducting a victim interview. A female instructor or participant should play the role of the victim. (If a female participant is going to play the role of the victim, provide her with the instructions for her role during a break to allow her to become familiar with the victim.) The instructor should choose the first participant to play the role of the investigator.

Inform the class of the structure of this role-play and indicate that you will attempt to involve as many students as possible. Each investigator will interview for no longer than five minutes and will then turn the interview over to another investigator. The role-play should follow the normal steps of a victim interview. At the end of each role-play, allow the investigator and the victim to make comments. The instructor should then briefly give feedback to the investigator and the class.

Set up two chairs in the front of the class. Briefly explain to the participants their instructions as the investigator in this case.
The following are the instructions for the role-play scenario:

**The Victim**

Your name is Donna Anderson. You are your own age. Last night you went to a party at a friend's apartment in the same building in which you live (404 Main Street). While at the party, you met a man named John Smith whom you have seen at several other parties. You thought he was rather attractive and began a conversation with him. Due to the large number of people at the party and the volume of the music, you and he were having difficulty hearing each other. He asked if you would like to go somewhere quieter and you suggested that you walk over to your apartment. He agreed.

When you arrived at your apartment, your roommate was gone. You went into the living room and sat on the sofa next to each other. You offered him a beer, and both of you drank one. While at the party, you had two beers but did not consider yourself intoxicated. As you were sitting on the couch next to each other, you began to kiss. You voluntarily took off your blouse.

At one point, John moved on top of you, pushing you down on the couch, and he began to try to remove your skirt. You stopped him, pushing him away gently and said, "No, not yet." John pushed your hands away and said, "I know you really want it, quit being a tease." Again you said no and began to get up from the couch. John pulled your arm to stop you and you tried to pull away from him. He then slapped you in the face and began to pull your skirt off.

John then forcibly held you down and pulled your underwear off. He then had vaginal sexual intercourse with you. During the offense, you began crying. You were afraid that he was going to hit you again and didn't know how to stop him. Since no one was home in the apartment, you did not think anyone would hear you if you yelled out. After John ejaculated, he got up from the couch and left the apartment, saying he was going back to the party. Before he left, he told you to stop crying because it really wasn't such a big deal. After he left, you went into your bedroom and cried.

Your roommate came home at about 2:00am this morning and when you heard her come in, you got up and told her what happened. She tried to talk you into calling the police, but you felt like no one would believe you anyway. By the morning, she had convinced you to go to the hospital to be examined. After you arrived at the hospital, you told a nurse what had happened. She recommended that the police be notified and you finally agree. Officer Bob met you at the hospital that morning and you gave him an initial report of the incident. You were uncomfortable talking about the sexual assault, and you are not quite sure you want to pursue the case.

**The Investigator**

You are the investigator in a reported acquaintance rape case. The victim's name is Donna Anderson. The suspect's name is John Smith. You have already reviewed the preliminary investigation report and are preparing to interview the victim. You have called Donna and requested to speak with her regarding her case. She has agreed to talk with you.

**Task 7**

Discuss "Blind Reporting" as another option for victims (Optional if time allows).

Presentation method: Lecture
Time: 20 minutes