

Sex Crimes Investigations

Facilitator Guide

Session Overview

Introduction & Learning Objectives	05m
Discussion – Quote “Whoever Fights Monsters”	05m
MEDIA – SPD Rape Lecture	20m
Discussion – E.I. & Sex Crime Investigations	05m
Discussion – Victim Impact	05m
GROUP EXERCISE – Restoring a Sense of Control	10m
Break	10m
Discussion – Victim Interview, Building Rapport	20m
Discussion – Interviewing Guidelines	15m
OPTIONAL GROUP EXERCISE – Questions	15m
Break	10m
Discussion – Investigative Techniques/Evidence	25m
Discussion – Suspect Exam & Interview	10m
Discussion – Drug Facilitated Sexual Assault	05m
Discussion – S.A.N.E. & S.A.R.T. Programs	05m
Review	05m
End of Session / Break	10m

Learning Objectives:

- Explain the dynamics of power and control as they relate to sex crimes
- Recognize the time-critical elements of evidence collection when it comes to drug-facilitated sexual assaults
- Identify the best practices for communicating with a victim during a sexual assault investigation
- Articulate reasons why a sexual assault victim may delay or forgo reporting the incident

Total Session Time: 3 hours

Main Topics of Session:

- *Emotional Intelligence Relating to Sex Crime Investigations*
- *Victim Impact*
- *Helping Victims Regain Control*
- *Victim Interview*
- *Building Rapport*
- *Restoring Dignity*
- *Evidence & Crime Scene*
- *Victim & Suspect Examination*
- *S.A.N.E. & S.A.R.T. Programs*

Facilitators Needed: 1 (Outside Instructor – Det. Brad Graham, Tacoma PD)**Location: Classroom**

Materials Needed:

- *PowerPoint - Sex Crimes Investigations*
- *MEDIA (18 min) – SPD Rape Lecture*
- *MEDIA (1 min) – Getting Even*

Students Should Already Have:

- *N/A*



Sex Crimes Investigations

Facilitator Guide

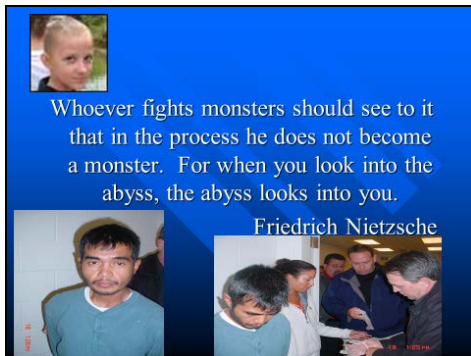


SAY TO CLASS

Although the accusation of a sex offense can be easily made, it can often be difficult to substantiate or disprove. Because of their unique nature, it is important for officers to have a thorough understanding of the process and procedures for investigating sexual assaults.

This session will examine the motivations behind and the elements of various sex crimes. You will gain an understanding of the problems that can be encountered and learn practical investigative techniques for use in handling cases of this nature. You will also learn how to work with the Victim Advocate and conduct effective yet tactful victim interviews

- Accusing is easy - proving & investigating is hard



NOTE TO FACILITATOR

Spend 5 minutes discussing the quote. How is this relevant to the role of an investigator?



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Facilitator Guide



SAY TO CLASS

As with other violent crimes, you will occasionally, but not routinely, encounter incidents where you will be the first investigator at a sex crime. One thing you need to keep in mind is that your experience, personal values and previous exposure to sensitive crimes may affect your effectiveness during the process of gathering initial crime information, ensuring the victim has access to needed resources and then conducting a thorough criminal investigation.

These types of crimes are a result of the Dynamics of Power and Control which was discussed in Module 03. This is **not** an aggressive expression of sex. It **is** aggression that manifests itself in sex. It is an act of violence, not passion. It is an attempt to hurt and humiliate, using sex as the weapon. So remember...The victim is **not** responsible for the crime. No one **asks** to be a victim of sexual violence.

- You will encounter a sex crime investigation on patrol
- It is NOT the victim's fault



DISCUSSION - Sex Crimes Investigations

QTC: What resources and knowledge would assist you to investigate this occurrence?

AR:

- Information on sex crimes
- Partnerships with other agencies
- Interviewing techniques for sexual assault victims
- Community and victim services



MEDIA (18 min) - SPD RAPE LECTURE VIDEO

Instructions: Play the full length video without any introduction. When done, ask the class the following questions:

- How was the victim selected?
- Why didn't he fight back?"
- Did his friends believe him?
- Why did he go back to work so quickly?



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Facilitator Guide



DISCUSSION - Emotional Intelligence Relating to Sex Crime Investigations

QTC: If an officer responded to your house to handle the call of a relative who was the victim of a sex crime, how would you want the call handled?

AR: Recruit's response should achieve consensus regarding the three most important traits an officer should possess in this setting.

QTC: What are the three most important traits an officer needs in order to succeed in this type of interview?

AR:

- Professionalism
- Empathy
- Trust

QTC: How can officers balance their need for empathy to victims to their obligation to ensure the validity of the reported crime's account and the gathering of facts necessary to investigate the crime?

AR: Recruit's response

QTC: Provide the recruits with a couple of examples where you or another officer was not emotionally intelligent related to a sex crime investigation.

One example provided by Detective Brad Graham, Tacoma Police Department, was when he had just entered the FTO Program. He and his FTO, a 20 year veteran, were dispatched to the local hospital to take a report of a sexual assault. The waiting room was full of people, and instead of going to the nurse's counter to request the victim's name, he shouted out, "*Who's the one that wanted to report a sexual assault?*"

Did this veteran officer possess the Emotional Intelligence Social Competencies of "Empathy" (Social Awareness) and "Effective Relationships" (Social Skill)?

AR: Not at all. Empathy (Social Awareness) is understanding the emotional makeup of others and to recognize the importance of being customer service oriented. The Competency of Effective Relationships (Social Skill) – is the ability to find common ground, build rapport, and network with others.



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SAY TO CLASS

Although the accusation of a sex offense can be easily made, from a law enforcement perspective, we want to quickly arrest the perpetrator using investigative techniques that ensure a conviction and a process that causes the least amount of psychological trauma to the victim. More likely than not, this will begin one of three ways:

- A call from the victim at the scene
- A call from the hospital
- A visit from the victim to the police station (days later)

- Sex crime investigations can begin in a number of ways



DISCUSSION - Victim Impact

QTC: What do you think the impact is on the victim?

AR: Each victim is different, but there are some common feelings that are reported:

- Feeling victimized twice – by perpetrator & again by the physical exam
- Feelings of guilt, worthlessness and responsibility
- Relationships deteriorate
- Medical problems/concerns
- Altered sense of personal safety

It is important to remember that you can't judge the validity of a victim's statement based on their demeanor/emotional state.

QTC: Why does rape go unreported?

AR: In *Criminal Investigation* (McGraw Hill, 2006), the authors cite a series of studies indicating why women do not report being raped:

- Worries of unsympathetic treatment from police and discomforting procedures;
- Lack of belief in the police's ability to apprehend the suspect;
- Fear of further victimization by court proceedings (a result of television programs or newspaper reports);
- Embarrassment about publicity, however limited; and
- Fear of reprisal by the rapist.



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GROUP EXERCISE - Class Brainstorm - Restoring a Sense of Control

Time: 10 min

Materials: • Easel or Whiteboard

NTF: When working with this type of victim it is so important to restore a sense of control in their lives.

These questions were taken from the Office from Victims of Crime, U.S. Department of Justice's, "Listen to My Story: Communicating with Victims of Crime Video Discussion Guide".

Pose the following questions and lead a class brainstorm, writing their responses on the easel or whiteboard.

What interventions can help victims restore a sense of control over their lives?

- Letting victims decide when and where they want to talk
- Listening to victims' stories with patience and respect
- Listening actively and being aware of victims' state of mind and the message behind the words they use to describe their situations
- Expressing confidence in victims' abilities to tell their stories
- Having a list of mental health and trauma referrals readily accessible (It would be helpful to have brochures with this information)
- Being prepared for the fact that victims may have little sense of the workings of the criminal justice system and may be intimidated and/or confused by it
- Providing as much information as possible to victims about how an investigation will proceed
- Trying to give victims the appropriate information to help them make their own decision; if making decisions is an important part of reclaiming their lives



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What kinds of behaviors might inhibit effective communications with the victim and their ability to regain a sense of control over their lives?

- Rendering judgments or implying that victims were in some way to blame for a crime
- Second-guessing victims' feelings or responses to a crime
- Comparing their experiences of crime with that of other victims of similar crimes
- Arguing with victims or becoming flustered by victims' anxieties
- Treating them as evidence
- Dismissing their fears and anxieties as unrealistic or obsessive
- Treating them as if they are helpless



BREAK



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DISCUSSION - The Victim Interview

QTC: When interviewing a sexual assault and/or rape victim you need to use good communication skills and be conscious of the kinds of messages - both verbal and nonverbal-you are conveying. What kinds of body language convey openness and compassion?

AR:

- Maintaining eye contact to show interest, unless it is culturally inappropriate
- Using appropriate posture that conveys a relaxed but alert attitude
- Leaning slightly forward to show interest

QTC: What conversational skills convey a willingness to understand and show compassion?

AR:

- Speaking in a measured, kind voice
- Paraphrasing to convey compassionate interest in victims' stories and assurance that they are being heard
- Paraphrasing victims' stories to confirm that they have been accurately understood. Asking open-ended questions that do not require a "yes" or "no" answer (e.g., instead of asking "Has this been going on for a long time?" ask "How long has this been going on?")

QTC: What are some of the immediate effects of the trauma associated with a sexual assault/rape?

AR:

- Shock, surprise, and terror
- Feelings of unreality, such as, "This can't be happening to me."
- Extremely high rates of physiological anxiety (e.g., rapid heart rate, hyperventilation, stomach distress)
- Helplessness



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QTC: What are some of the short-term effects of the trauma?

AR:

- Preoccupation with crime (e.g., “I can’t get it out of my mind”)
- Flashbacks and bad dreams
- Heightened concern for their personal safety
- Heightened concern for the safety of their loved ones
- Fear that they are at fault
- Fear that they will not be believe
- Fear that they will be blamed
- Fear of law enforcement if they belong to a culture that in general has a difficult relationship with law enforcement
- Inability to trust anyone or any situation
- Fear of the next attack among victims of repeat abuse

QTC: How might these “immediate” and “short-term” effects affect your interview?

AR: Recruit’s response



IMPORTANT POINT

Victims of sex crimes may behave and act strangely. You can’t judge the validity of a victim’s statement based on their demeanor and/or emotional state. Every victim is different and you will see a varied range of responses. Someone may appear very matter of fact when they are in shock. They may not cry or show any type of emotion.

- Every victim will act differently



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DISCUSSION - Building Rapport

QTC: What are some of the reasons that it may be difficult to establish rapport with crime victims?

AR:

- They may belong to a different culture
- They may speak a different language
- Victims of hate & bias crimes may feel persecuted & expect repeat victimizations
- Previous experience with the criminal justice system may have been unsatisfactory
- They may have concerns about their right to confidentiality
- They may be angry
- They may feel guilty

QTC: What can you do to help build rapport/trust?

AR:

- Express sorrow for what has happened to them
- Be clear in communicating that it was not the victims' fault that they were victimized
- Explain your specific role and how you can help them
- Explain the purpose behind the questions that are being asked
- Explain to victims what their options are with regard to reporting a crime and participating in the process
- If victims feel alienated as a result of their age, culture, race, religion, gender, or sexual preference, partner with a victim advocate, bring in another officer; let the victim have a friend or family member present during the interview

QTC: What are the cultural barriers that might impede good communication with a sexual assault victim?

AR:

- The role of family (e.g., sharing intimate information about a crime generally may be frowned on in certain cultures)
- Cultural mores that emphasize loyalty to a group over an individual
- Cultural indications of shame with respect to victims
- Variations among cultures in the grieving process
- Prejudice, either conscious or unconscious, on the part of helping individuals
- Fear of deportation
- Culture of gender-based passivity
- Fear of law enforcement
- Religious beliefs



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SAY TO CLASS

Sex crime investigations typically include both a preliminary and subsequent follow-up interview with the victim. The preliminary interview is intended to establish whether a crime has occurred and identify a possible suspect. A detailed follow-up interview will be conducted later in a setting most comfortable to the victim.

Complete your face sheet (report) before you ever get to your victim. This will prevent the victim from having to give you the same information he/she has had to give two or three times already to medical personnel or victim advocates.

- My be several interviews
 - Prelim
 - Follow-up(s)
- Get the basic report completed ASAP



QTC: Is it okay to allow another person in the interview?

AR: Yes. The victim can have anyone he/she wants. Many times a victim advocate will be provided.



IMPORTANT POINT

If another person does sit through the interview it's important for you to maintain control of the interview. Tell the loved one that you will ask the questions. They are there only for support.

- Every victim will act differently



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SAY TO CLASS

Greeting of the Victim

- Start with a “knock” at the door. Knock and announce. Be invited in. Identify yourself and give professional background. It’s okay to gloss over your experience if you are a new officer.
- Use a confident and respectful tone.
- Look at the victim when you talk to them. It’s not going to embarrass them if you look at them.

Explain and Ask

Use the Explain and Ask Method when beginning your interview. This means...explain what you want to do and ask for permission to do it. This method gives a sense of control back to the victim.

- Explain your specific role and how you can help the victim.
- Explain the nature of the preliminary interview and the need for follow-up contacts.
- Explain the need to tape record or video tape the interview and request the victim’s consent
- Provide as much information as possible about how the investigation will proceed.

Posture for the Interview

- Pick a position (the interviewer) comfortable for the victim.
- Be at eye level or below with the victim.
- Remove gun from focal point (opposite of what you have been taught here at the academy).

- Greeting the Victim

- Explain & Ask

- Posture



Sex Crimes Investigations

Facilitator Guide



SAY TO CLASS

General Guidelines for Questioning

Keep in mind that a victim of violent crime has experienced significant psychological trauma and they need time to recover. Typically the individual feels like they have been victimized twice; once through the act and then the investigation process. The nature of the interview process challenges victims of sex crimes by the questions we ask. Therefore, your tone and ability to demonstrate compassion during questioning is critical.

Allow victim to talk without interruptions.

First allow the victim to describe what occurred without interruption. Initially, don't take notes. When they see they can get through the story without interruptions they will become more relaxed. It will give the victim the impression that you care about what happened to them because you will be actively listening.

Ask simple questions.

Don't use compound questions. Remember the victim is probably traumatized and they will not be able to think critically.

Be specific.

You need explicit details so you can determine what elements of the crime were present. If you haven't been establishing rapport up to this point, the interview will turn really bad. They may shut down at this point. You have elements to meet. You need to sell the need for this information.

Use terms comfortable to the victim.

Use simple terminology appropriate to the victims' age, sophistication and intelligence. Avoid using jargon or police, medical, or legal terms.

Don't ask questions about sexual history.

Will there be times that you may need to ask this? Yes, but only as a follow-up question. For instance, where a victim had consensual sex at 2300 and then was sexually assaulted at 0100.

- Victims feel victimized again by retelling it

- Don't interrupt

- Simple Questions

- Specific

- Plain language

- Careful about sexual history



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(OPTIONAL) GROUP EXERCISE - Brainstorm - Interview Questions

Time: 15 min (5 work / 10 discussion)

Materials: • Easels & Pens

Instructions: Spend 5 minutes with your squad brainstorming on questions you would ask the victim of a sexual assault.

NTF: After the time allotment, bring the class back together and discuss for 10 minutes. As the facilitator, critique their line of questioning and provide feedback.

Examples:

What did the suspect say and do?

What did the suspect make the victim do?

Questions related to times and locations.

****USED ONLY IF TIME ALLOWS****



BREAK



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SAY TO CLASS

Although most sex crime cases are legitimate and investigators should proceed under that assumption, investigators do have a responsibility to those falsely accused. We can best fulfill this responsibility by conducting a thorough investigation.

The crime scene encompasses all areas in which people connected with a crime were located shortly before and after the crime. Both the suspect and victim moved through physical locations in order for crime to be committed, while the crime was committed and after the crime was committed. In searching a crime scene, we operate under the premise that whenever human beings interact with any inanimate or animate object, something is either taken away or left behind.

The objectives of the search of a crime scene in a sexual assault or rape case are the same as in any other major case:

1. Reconstruct what happened and establish that a crime occurred,
2. Identify, document and collect evidence of what occurred,
3. Link the victim and the suspect to the scene of the crime,
4. Identify and locate any witnesses, and
5. Identify and apprehend the person(s) who committed the crime.

- It's equally important to prove that a sex crime did NOT occur
- Crime Scene

- Crime Scene Search



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SAY TO CLASS

Unlike many other crimes, convictions in assault and/or rape cases may require corroborative evidence in addition to the victim's testimony in court. This makes the proper gathering and documentation of physical evidence absolutely essential.

- Evidence is key!



DISCUSSION - Evidence Identification and Collection

QTC: These types of cases have two crime scenes, what are they?

AR: The location where the assault/rape took place, the victim's physical person

QTC: What type of evidence are you going to want to collect in a sexual assault and/or rape case?

AR:

- Clothing and undergarments worn at the time of assault and immediately afterward by the victim and suspect (if in custody).
- Bedding, towels or any other object on which the assault/rape took place, and send it to the crime lab for analysis.
- Seize car for evidence if used.
- Photographs and videotape of the victim's injuries, the suspect's injuries (if any), and the crime scene prior to processing.
- Fingerprints which may have been left on alcoholic beverage containers, lubricants (i.e. Vaseline).



IMPORTANT POINT

Remember the theory of transfer when collecting clothing evidence. Make sure you don't cross-contaminate evidence.

- Remember Locard's Law



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SAY TO CLASS - Victim Examination

If not already at the hospital, send the victim there for a “rape kit”. A timely, professional forensic examination increases the likelihood that injuries will be documented and evidence collected to aid in the investigation and prosecution of sex offenders. Evidence may normally be collected up to 72 hours after the assault, but evidence can be gathered and injuries documented beyond that time.

The following types of physical evidence should be collected during the medical examination for laboratory analysis:

Hair (*both pubic and head hair*)

- Cannot individually identify a person unless the root is present;
- Does provide strong collaborative evidence individual was at the crime scene;
- Can be distinguished between human and animal;
- May be able to determine race; and
- May be able to establish the part of the body from which the hair came.

Fibers

- Limited value due to mass production of clothing;
- In rare cases, can be used to deduce individual identification with a high degree of certainty.

Blood

- Can be distinguished as to human or animal; and
- DNA analysis can provide individual identification.

Fingernail Scrapings

- Used to collect DNA evidence for individual analysis and identification.

Vaginal, Rectal and Oral Swabs and Smear

- Used to collect DNA evidence for individual analysis and identification.

- Need a Rape Kit immediately

- Types of evidence



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SAY TO CLASS - Suspect Examination

If the suspect is in custody, look for evidence from the suspect: Offensive wounds especially on the hands, or Victim's blood.

Consider getting a search warrant may be needed to collect DNA evidence from the body of the suspect or even his clothing. If the suspect consents to such evidence collection procedures, documentation of voluntary consent shall be provided in the police report.

Make sure you clearly document the suspect's freedom to decline any part of the examination and to leave at any time.

Drug Facilitated Sexual Assault Considerations

If a drug-facilitated sexual assault is suspected, it is critical to obtain a urine sample form the victim as soon as possible. If it has been less than 24 hours since the time of the assault, also obtain a blood sample.

Drug Identification and Effects

- Alcohol – Most popular and easiest to get/use
- Rohypol – Also known as "Date rape pill". Valium x 10
- Gamma Hydroxybutyrate (GHB) – liquid depressant to CNS

Urine is the specimen of choice for drug-induced sexual assaults due to it having the longest window of detection for drugs.

- Suspect probably has evidence on him/her
- Search Warrant?
- Document circumstances of search
- Lock the suspect into one of two choices:
 - Challenge Identity
 - Challenge Consent
- Drugs and Sex Crimes



Sex Crimes Investigations

Facilitator Guide



NOTE TO FACILITATOR

Discuss the Sexual Assault Nurse Examiner (S.A.N.E.) and Sexual Assault Response Team (S.A.R.T.) Programs that are/may be available in your area.

SEE FILE: [FG Supp - What is SANE & SART](#)

Use the remaining time to lead a discussion on how they would investigate this crime.



SAY TO CLASS - Conclusion

In this session, you learned how to properly conduct a sex crime investigation. These investigative techniques will be applied to the different types of sex crimes discussed in Criminal Law.



BREAK/END OF SESSION

