

Sexual Assault Investigation

Classroom Hours: 4 hrs.

Instructional Goals:

The focus of this course is to familiarize both returning officers and officers who have been certified in states other than Oregon with:

1. The elements of a sexual assault investigation.
2. Common characteristics of sexual assault offenders.

Learning Outcomes:

Upon completion of this course, students will be able to:

1. Recognize the procedures involved in a sexual assault investigation.
2. Identify the common characteristics of sexual assault offenders.

Applicable Job Task Analysis Tasks (From 2009 Police JTA)

55 – Administrative Rules

56 – Civil Violations

58 – Criminal Law

59 – Federal Statutes

64 – Legal Updates/Evolving Law

70 – Stops, Detentions and Arrests

100 – Complete ongoing training

There are 12 test questions involving Sexual Assault Investigation.

Drug Facilitated Sexual Assault (DFSA)

DFSA is the use of a chemical agent that allows nonconsensual sexual contact.

DFSA may be caused Involuntarily by the (V):

Ingestion of substance is completed in a surreptitious fashion, even though the (V) engaged in voluntary activity (intentionally consuming a beverage later to be spiked by a substance)

Common elements to DFSA:

1. Occurs in a social setting
2. Associated with another form of consumption

Common Symptoms of DFSA:

1. (V) Suffers a break in memory/recollection
2. (V) Expresses uncertainty of sexual activity or clarity of other details
3. (V) Reports being “more intoxicated than normal” for amount of alcohol consumption
4. (V) Experiences an excessive hangover

Substances used in DFSA

Ethanol – alcohol is most commonly abused substance

*Benzodiazepines- sedating effects, used for sleep disorders, anti-anxiety treatment. Side effects include amnesia.

Diazepam (Valium)

Flunitrazepam (Rohypnol) – not available in USA

Triazolam (Halcion)

Alprazolam (Xanax)

Temazepam (Restoril)

Benzodiazepines are rapidly absorbed in the system; exert desired effect with 30 minutes

*Zolpidem

Ambien

*Opioids – Very sedating readily available (V) may ingest voluntarily

Percocet

Vicodan

Demeral

*GHB – Not available in USA legally, used by bodybuilders Rapidly eliminated from body, fast acting

*Ketamine –creates “out of body” feeling sedative nature, hallucinogenic and creates amnesia/dreamlike recollection

Used in veterinarian medications

*Antihistamines

*Antidepressants

*Antipsychotic

*Muscle relaxants

*Hypnotics

All have sedative qualities, readily mix with and increase effect with alcohol

*Tetrahydrozoline – (most eye drops) sedative quality, amnesia like effects when mixed with alcohol

Suspected DFSA substances dissipate at a rapid rate from body

Passage of Time	Positive test result
w/in 12 hrs	80%
13-24 hrs	60%
25-36 hrs	45%
37-48 hrs	35%
49-60 hrs	15%

Source: M.A. ElSohly, S.J. Solomon. Journal of Analytical Toxicology May/June 1999

Substances dissipate at different rates from blood and urine, collect both. Collect blood in (Grey) stopper top tube

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Prevalence

Rape in Oregon: One in Six from the National Violence Against Women Prevention Research Center, reports that "...**one out of every six adult women, or about 230,000 adult women in Oregon, has been the victim of forcible rape sometime in her lifetime.**"

We know that this estimate of the magnitude of Oregon's rape problem is conservative, because it does not include women who have never experienced attempted rapes, alcohol or drug facilitated rapes, incapacitation rapes, or statutory rapes (i.e., rapes in which no force or threat of force was used but the perpetrator had sex with an underage child or young adolescent). Nor does the estimate include male rape victims of any age.

Dynamics of Sexual Assaultⁱ

While most of society agrees that sexual assault is a threat to public safety, debate continues over what constitutes rape and sexual violence. The dynamics of sexual assault are influenced by the context in which sexual assault occurs and how that has been and continues to be shaped by history, culture and popular culture, religion and individual beliefs. An examination of sexual assault dynamics is paramount to understanding our individual, systemic, and societal responses to sexual assault; it is how we come to define what does and does not constitute rape and sexual assault as well as how we respond to it.

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. Questions may reasonably be raised concerning the validity of rape charges in which none or only a few of the above manifestations exist.

You might be surprised to learn that the excerpt above was written in 1995, published by the International Association for Chiefs of Police.ⁱⁱ Much of the thinking about sexual assault has not changed in the last 20-30 years, as this quote demonstrates. However, because this thinking continues to reflect a number of myths and misconceptions about rape, rape victims, and rape perpetrators, it has an impact on law enforcement response.

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Common misconceptions about sexual assault include the belief that sexual assault:

- 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

Defining Sexual Assault

Sexual Assault: Any nonconsensual sexual act. A sexual act is nonconsensual if it is inflicted upon a person unable to grant consent OR is unwanted and compelled through the use of physical force, manipulation, coercion, threats, or intimidation.

Sexual Assault vs. Healthy Sexuality

It is important to understand how the behaviors that are part of sexual assault and healthy sexuality can compare and contrast. The behaviors that may be part of a sexual assault may be some of the same behaviors that are part of healthy sexuality, such as touching, kissing, fondling, and sexual intercourse. We have to remember that sexual assault is *not* "sex gone bad" but that it is different from healthy sexuality *altogether*. The difference is simply one of mutuality and consent. Consent is the presence of a "yes" when "no" is a viable option. In a sexual assault, there is no consent and no care or concern for the other person. On the other hand, healthy sexuality is defined by consent and care and concern for the other person.

It may be confusing to victims, as well as to people to whom victims disclose, when some of the sexual behaviors that occurred prior to the assault were consensual and mutual. Our culture often supports the belief that once consent is given or any level of consensual intimacy is initiated consent has then been given for future or further sexual activity. In particular, a common misconception is that once you get a person excited, he/she cannot stop. However, it is important to keep in mind that healthy sexuality is usually not "all or nothing." For most individuals who are sexually active, sexual intimacy includes a range of mutual behaviors that sometimes leads to intercourse and other times may not.

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In addition to the differences in mutuality and consent noted above, sexual assault begins with victim selection. Once we come to understand that victims are chosen because they are perceived as vulnerable, accessible and/or lacking in credibility, we also know that victim selection is intentional and purposeful.

Healthy Sexuality

Healthy sexuality is fundamentally based on all sexual intimacy being both mutual and consensual. That is, the persons who are involved want to participate (the intimacy is mutual) and are actively participating (the intimacy is consensual). In fact, within the context of healthy sexuality, sexual arousal is derived from the participation, interest, excitement and pleasure of each other. Of course, there are many other sexually intimate behaviors and activities that individuals can engage in on the continuum of healthy sexuality. Whatever the behavior or activity, all involved parties are actively consenting, and the intimacy is mutual. The moment that one person decides he or she is no longer willing or interested in continuing or engaging in more sexual intimacy, the sexual intimacy stops. It stops because the involved parties have concern and respect for one another and are not engaging in sexual intimacy solely for their own needs and interests.

Sexual Assault

Sexual assault is by definition any nonconsensual sexual act where one person is acting upon his or her own interests, wants, and needs without care or concern for the other person. That is, consent is not being enthusiastically given and the non-verbal and/or verbal cues denying consent are ignored and a choice is made to continue the progression of sexual activity or sexual behaviors without the participation of the other person. Thinking errors based on entitlement, gender roles, and a host of other socio-cultural factors are routinely used to justify the choice of sexual assault and to create doubt regarding the issue of consent.

Context in which sexual assault occurs

Roots of Sexual Violence

Oppression is a systematic social phenomenon that involves ideological domination, institutional control, and the infiltration of the oppressing group's ideology and culture on the oppressed group. The result is the exploitation of one social group by another for its own benefit, real or imagined. We see oppression affect people through racism, classism, ableism, heterosexism, and more. In each case, a group with more social power receives privileges and acceptance that a group with less social power does not. This phenomenon results in real, lasting, and harmful consequences. Sexual violence is one such consequence. Not only can sexual violence be used as a tool to oppress, but it also is a visual representation of the consequences of oppression. Oppression relies on and fuels an acceptance that it is okay to use power to get what one wants – if one can. In essence, it creates a “power-over” mentality in which those who hold more social power based on their perceived identities are essentially given permission,

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or feel they are given permission, to exert power over those who hold less social power based on their perceived identities. Oppression creates cultures in which sexual violence can occur.

Historical

Much money and time have been spent on the question of why sexual assault occurs and why it is so prevalent. To begin to understand the causes of sexual assault, it is important to have a sense of the historical context. Rape has only been a crime against the state for a few generations. Rape was originally a property crime in the U.S. and Europe; if a woman was raped and an assailant identified, the assailant would have to pay restitution to the father, husband or eldest male relative of the victim for damaging their property. Although in the U.S. women are no longer considered property in the current socio-cultural framework, the impact of this early law can be seen in our current laws and socio-cultural values. For instance, it was not until 1993 that all fifty U.S. States eliminated their marital rape exemption laws. Prior to 1979 all U.S. States had an exemption for marital rape, arguably a legal reflection of the socio-cultural value that marriage is a property contract and thereby eliminates individual autonomy and the need for consent. Similar to domestic violence and child abuse, sexual assault and rape have largely been viewed as a private issue that should not be talked about or made public. As a society, we are still in the beginning phases of figuring out these distinctions and their ramifications.

Societal

What has remained consistent for many decades is the focus on the behavior, actions and choices of victims of sexual assault, rather than those of offenders or the broader context in which sexual assault occurs. A focus on the victim is arguably rooted in the belief that if the victim had not made a particular choice, engaged in a particular activity or acted in a particular way, she or he would not have been sexually assaulted. In short, this is a belief that the victim is responsible, even in part, for the sexual assault. The message is clear: we can avoid being assaulted ourselves if we avoid making the same bad choices that victims have.

Meanwhile, offenders continue committing acts of sexual assault with little fear of consequence. For some offenders, there is no afterthought at all; for others, sexual assault feeds their sexual fantasies. Many offenders never experience consequences of any kind. Victims, on the other hand, will always suffer the consequences of sexual assault. Victims experience financial consequences in the form of low work productivity or missed time, health consequences in the form of substance abuse or depression, and social consequences in the form of broken relationships, fear, trauma and a changed worldview.

An important part of the dynamic is the way society views, relates and reacts to the issue of sexual assault. Historically, while attention has gone to the behavior of the victim, resources have been allocated to the incarceration of the small percentage of offenders who become part of the corrections system. This is changing. In the past 20

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years, there have been significant strides in the funding of agencies and groups who support victims of crime, including victims of sexual assault. At this time, there is recognition of the need to support victims and an emerging understanding that accountability for offenders is essential for a successful societal response.

Norms that Support Sexual Violence

The environment in which we are socialized, and its norms shape our beliefs and behaviors. Norms, our habits, beliefs, and standards, which are grounded in our culture, provide us with a pattern after which to model our after and signals for proper behavior. When violence is typical, expected, and reinforced by media, family community, peers, or schools, violence will occur more often. If norms reinforced healthy, safe relationships, we would see a change in the level of violence in our society. Five norms are identified that contribute to violence. Traditional male roles promote domination, exploitation, objectification, oppression, risk-taking behaviors in men and boys, often glorifying victimizing women and girls. Limited female roles sexualize women from a very young age, blurring the morality of age and ability to give consent, sending the message that women are objects for the pleasure of men, and allowing men/boys to see themselves as the takers and users of the “commodity” of women. Images of power support violent norms that allow men to hold control over women. Violence as an acceptable option being tolerated as normal behavior is also problematic. Lastly, the norm of privacy encourages silence around violence fosters stigmatization and lack of intervening. This promotes a shame-based culture perpetuating abuse.

Who are the Victims?

Victims of sexual assault can be anyone. However, victims are most often selected by offenders based on the offender’s perception that they will be able to successfully sexually assault the other person and that person will not report or if they do, they will not be believed. Offenders most often select individuals who they perceive as VULNERABLE, or can be made so, ACCESSIBLE, or can be made so, and LACKING IN CREDIBILITY, or can be made to seem so.

VULNERABLE: (or can be made to be so)

For our purposes, vulnerability can be any way in which someone may not have the full force or volition of their mind or body as well as perceived or tangible limitations in personal/individual options and choices. For example, an elderly woman in a retirement home may be accessible to all of the staff who work at the retirement home as well as vulnerable because she has limited strength and mobility — she may not have the ability to fight off an attack, call out for help, or find other housing. She may be considered vulnerable by a predator because of her age and her need for long-term and permanent care.

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ACCESSIBLE: (or can be made to be so)

A victim is accessible when an offender perceives her or him as attainable by proximity and/or as easily approached, coerced or influenced. In each of our lives we are accessible to any number of people whether it is at work, school, home, or social events. Accessibility can also be created. For example, someone who is an offender of adolescents might choose to become a volunteer coach, a tutor, a youth group leader at church or work in an outreach program for homeless teens, which will provide a tremendous amount of access to adolescents and will likely grant a certain amount of trust and respect.

LACKING IN CREDIBILITY: (or can be made to seem so)

In our society there are individuals who are considered trustworthy and credible, along with individuals who we are more likely to distrust and not consider credible. The pastor of a church is likely to have credibility by virtue of her/his profession. A prostitute, on the other hand, is someone who may be inherently distrusted by virtue of her or his profession. People with a criminal history or history of substance abuse are likely to be considered as lacking in credibility. Individuals who have communication impairments or poor grammar and speech may also be perceived as lacking in credibility.

It is therefore those individuals who are perceived as vulnerable, accessible and having the least credibility that are most often sexually assaulted in our society. This is because offenders use vulnerability and accessibility to successfully carry out their crimes and *count on* the victim's lack of credibility to ensure that they will get away with their actions.

Who are some of the most vulnerable, accessible and perceived as lacking in credibility in our society?

- Women, especially women of color
- Children
- Adolescents
- People with developmental disabilities
- People with communication impairments
- People who have a mental illness
- ANY dependent person
- ANY institutionalized or incarcerated person
- Non-English speaking people
- People who are undocumented
- People who are poor, especially the homeless
- People on the fringe of crime
- People with physical disabilities
- People who are drunk or on drugs
- Sexual minorities
- People with non-dominant gender identity and/or expression

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Victims may experience at any given time several of the identities listed above; some identities may be permanent while others can change throughout one's lifetime.

To really understand the dynamics of sexual assault is to understand that **it is offenders and their behaviors** (not victims OR their behaviors) **that cause sexual assault to exist**. It is the lack of understanding or acceptance of this fact by our society that allows sexual assault to flourish.

WHAT CAUSES TRAUMA?

A life-shattering event shocks the body and mind and leaves a person changed. The feelings and impact in the aftermath of such an event are known as "trauma." Trauma experienced after a sexual assault is directly related to the individual's unique life experience and the circumstances of the sexual assault(s) itself. In cases of sexual assault, there is a myth that the level of trauma is due to whether penetration occurred, whether a weapon is used, or how many times a person is victimized. But penetration, use of weapons, or number of times a person was victimized is not the primary cause of trauma. Rather, trauma is primarily caused by the dynamics of the assault as much as the response to the assault.

BETRAYAL. There is an expectation that people, especially those who we trust and love will not hurt us. When people violate those expectations by harming us, it generates feelings of betrayal. Betrayal by sexual assault impacts victims and can be seen by the survivor's decreased feeling of trust for certain people, groups of people or all people.

EXTREME FEAR or TERROR. Post Traumatic Stress Disorder (PTSD) lists symptoms and behavioral changes that are the result of terror. Terror imprints on the mind and body moments of extreme fear and the inability to stop or control the event that caused such fear. This imprint can be for life; the terror may be re-experienced when survivors are "triggered" into reliving the assault or feelings of the time of the assault. Reliving the trauma is called a "flashback."

BLITZ or SURPRISE ATTACKS. Imagine walking down the street and a piano falls out of a building and crashes onto you. There is no way to expect such an event; you feel incredulous that such a thing happened. You feel bewildered. Since such an event happened, out of the blue, you now feel afraid to walk down a street and avoid tall buildings. At the same time, you realize that since one impossible incident already happened to you, you know that it can happen again, at any time. Your belief that you

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are safe walking down the street or anywhere has been damaged. This is how many sexual assault survivors feel. They feel unsafe and not safe anywhere. These feelings of fear may lead to increased alertness and anxiety and many survivors make elaborate safety plans everywhere they go to try and decrease unexpected harm from occurring.

We often only consider stranger assaults to be blitz or surprise attacks, the stranger jumping out of the bushes. However, Patti Powers, a national trainer for prosecutors, talks about when the non-stranger becomes the stranger; when someone the victim knows and trusts betrays her/his sense of safety, they are, in a sense, becoming the stranger. The person who was trusted by the victim-who they thought they knew as safe-is not the person who assaulted them.

SELF-BLAME. Often, nobody is harder on you than you are to yourself. If this is true in general, it will remain true in the aftermath of a sexual assault. Unfortunately, self-blame or beating up on oneself takes away one of the biggest possible avenues of support for a survivor: her or himself. It also imprints the message that survivors did something wrong or that there is something wrong with them. Re-framing or changing this message can lessen the trauma.

BLAME. In the same way that self-blame causes trauma, a lack of support or blame from others – especially loved ones or those in the system perceived as “protectors” (law enforcement, medical professionals, prosecutors) – can greatly add to the trauma already being experienced by the survivor. Survivors will often take cues from loved ones or from those in authority and may trust their judgment on what occurred much more so than their own.

INVALIDATION. If you minimize what happened to you, or others do, it gives a confusing message to yourself. Your body, mind and spirit know that you have experienced a great pain and trauma. Being told that it is “no big deal” leads to the confusion of hearing one thing but feeling another. Minimizing or invalidating the pain or experience can give yourself the message that you don’t deserve support. Survivors may also use it as permission not to process the pain or to nurture or take care of themselves.

Common Reactions to Sexual Violence

Just as there is an expansive continuum of human character and personality, there is a continuum of reactions to sexual assault. Victims may react at different times with different expressions – past experiences, coping strategies, changing feelings/understanding about their experience, perceptions of support and other influences impact reactions as much as the assault itself.ⁱⁱⁱ

Humiliation

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Many sexual assault survivors feel ashamed, embarrassed, and humiliated. This sense may be heightened by the misinformation that abounds in society that women should somehow be able to protect themselves against rape or that women "ask for it" or want to be raped. Law enforcement may specifically see this if a victim is reluctant to disclose or discuss specific sex acts they were forced to do or any other aspects of the assault. Law enforcement may have to meet with the victim multiple times in order to build rapport and create a safe space to facilitate disclosure.

Shame and Self-Blame

Again, many victims blame themselves for the assault. They blame themselves for something they did or didn't do, for what they wore, that they fought back or that they didn't fight back. They may also feel ashamed and blame themselves if they were engaging in illegal or risky behavior prior to the assault.

Guilt

Guilt comes from a person's sense that she could have and should have done something to protect herself or prevent the sexual abuse. Also, a survivor may have guilt if they are disclosing against a friend or family member. This often is connected to victim blaming attitudes from the people close to them.

Fear of People

When much of society tells us to fear strangers but someone is then assaulted by a non-stranger, the victim can feel that they do not know who to trust or who is safe anymore and have a general fear of people.

It is also important to remember that most sexual assault victims thought they were going to lose their lives during the attack, whether it is was a stranger or non-stranger attack. The victim may still be in the presence of or in close proximity to her/his rapist. Over time, the victim experiences flashbacks that make her/him feel intensely afraid or s/he may experience a less intense, more prolonged sense of being afraid.

Feeling of Loss of Control over Life

The experience of having been assaulted is one of ultimate loss of control. Something very private was forcefully stolen from the victim. It may create or reinforce the perception for women or other marginalized people that they are unable to protect themselves.

Concern for the Rapist

In some cases, a survivor may express concern about what will happen to the rapist if s/he is reported to the police. The survivor may know, care about, and/or be dependent upon the offender (as in the case of a husband), or s/he may have an aversion to involvement in the criminal justice system. This concern may affect a victim's participation in the system.

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Grief

An assault is a profound loss and is characterized by intense sadness. A victim may feel their life has been shattered to such an extent that they will never recover. The victim may also be grieving the loss of the life they had before the assault.

Depression

A deep feeling of emptiness, remorse and unhappiness may set in following a sexual assault. This reaction may result in survivors feeling hopeless, immobilized and unable to make decisions.

Denial

Some survivors respond to the trauma of an assault by minimizing it, avoiding talking about the experience or by blocking it out of their consciousness altogether.

Anger and Irritability

Being sexually assaulted may result in tremendous rage. While anger is a natural and healthy response, it may be misdirected towards the advocate, the law enforcement official, the prosecutor, or others who may be trying to offer assistance. It may also be the result of the victim's perceptions that responders do not believe her or are not trying to help.

Preoccupation with Disease, Pregnancy, or Death

Survivors may focus on the worst-case physical outcomes that may accompany the sexual assault. HIV infection is a common concern and survivors may react to the assault by focusing on their potential mortality.

Risk of Suicide

Some survivors of sexual assault may respond by contemplating and/or threatening suicide. It is important to be aware of this risk and to take any signs of suicide seriously. If a person is in immediate danger, s/he should not be left alone.

Post-Traumatic Stress Disorder (PTSD)^{iv}

Post-Traumatic Stress Disorder (PTSD) involves a pattern of symptoms that some individuals develop after experiencing a traumatic event such as sexual assault. Symptoms of PTSD include repeated thoughts of the assault; memories and nightmares; avoidance of thoughts, feelings, and situations related to the assault; and hyperarousal (e.g., difficulty sleeping and concentrating, jumpiness, irritability).

One study that examined PTSD symptoms among women who were raped found that 94% of women experienced these symptoms during the two weeks immediately following the rape. Nine months later, about 30% of the women were still reporting this pattern of symptoms. The National Women's Study reported that almost 1/3 of all rape

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victims develop PTSD sometime during their lives and 11% of rape victims currently suffer from the disorder.^v

PTSD is the most common diagnostic category used to describe symptoms arising from emotionally traumatic experiences. This disorder presumes that the person experienced a traumatic event involving actual or threatened death or injury to oneself or others where s/he felt fear, helplessness or horror. Three symptom clusters, if they persist for more than a month after the traumatic event and cause clinically significant distress or impairment, make up the diagnostic criteria for PTSD.

The three main symptom clusters of PTSD are:

- **Intrusions**, such as flashbacks or nightmares, where the traumatic event is re-experienced.
- **Avoidance**, when the person tries to reduce exposure to people or things that might bring on the intrusive symptoms.
- **Hyperarousal**, meaning physiologic signs of increased arousal, such as hyper vigilance or increased startle response.

Prevalence rates of PTSD^{vi}

Adult Americans (lifetime)	7.8%
Men (lifetime)	5%
Gulf War Veterans	10%
Women (lifetime)	10.4%
Iraqi War Veterans	12-20%
American Vietnam Veterans	30.9%
Female rape victims	60%
Bosnian refugees	75%

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Victim Blaming

Victim blaming is believing that victims are responsible for their assault because of their choices, actions, and/or behaviors. When the crime of sexual assault occurs in our culture, the victim's behavior is typically examined and criticized, rather than the offender's. There are a few contributing reasons as to why we blame the victim. As discussed above, our culture sets forth rigid gender roles that values men who are dominant and violent, and women who are submissive and objectified for men's desires. Because of this, there is a sense of male entitlement to women's bodies. Also, in order to maintain a sense of safety, we blame the victim and attribute her sexual assault to her choices rather than acknowledge that we are all vulnerable. The victim is never at fault for her assault and is never responsible for what happened to her. There is no action, behavior, or choice that a victim can make that leads to sexual assault, only the choice of a perpetrator deciding to harm someone. No matter how many vulnerable situations someone is in, the only way they become a victim is if a perpetrator chooses to assault them.

The wide-spread victim-blaming influence in our culture results in many negative outcomes for victims. Victims are often unsure that what happened to them was sexual assault, whether it was a crime, or even whether it was wrong. Often times, they will not come forward to access services or report to police because they fear being blamed. The primary reason that victims choose to not report is fear of not being believed. It can also result in delayed reporting or even recantations when they experience victim blaming. Only disclosing certain parts of the history of the assault is also common because victims fear if they discuss certain elements, they will be blamed. Lastly, a sense of shame and self-blame burdens victim, leaving them even more traumatized.

Sexual Assault is the most under-reported crime in the United States.^{vii} Offenders who select victims based on perceived vulnerability, accessibility and lack of credibility are selecting victims that they not only believe they will be able to sexually assault but also victims who they believe will not report. Between 1992 and 2000, an average of 31 percent of attempted and completed rapes were reported. When victims of rape, attempted rape, and sexual assault did not report the crime to the police, the most often cited reason was that the victimization was a personal matter (personal matter, 23.3%; fear of reprisal, 16.3%; police biased, 5.8%). The belief that sexual assault is a personal matter is deeply rooted in our socio-cultural beliefs about sexual assault and can be used to further silence victims.^{viii}

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The likelihood of a prior relationship between victim and offender can also misconstrue sexual assault as a “personal matter.” The closer the relationship is between the victim and the offender, the greater the likelihood that the police will not be notified about the sexual assault. One study by the Department of Justice indicates that when the offender is a current or former husband or boyfriend, 75% of sexual assaults are not reported. When the offender is a friend or acquaintance, 82% of sexual assaults are not reported. However, when the offender was a stranger, only 34% of sexual assaults were not reported to the police.^{ix}

Victims who do decide to report may be blamed by responders (law enforcement, prosecutors, medical professionals, etc.), the community, the media, and their family or support system. In particular, with court cases that have media attention, victim blaming has a stifling affect on a victim’s willingness to ask for assistance or to report the assault. In the Kobe Bryant case, for example, the victim was accused of mental illness, promiscuity, and “gold digging” in both the media and in the court room. Robert Laurino, the Essex County, NJ prosecutor who prosecuted the rape of a mentally-impaired 17-year old Glen Ridge girl by a group of popular high school athletes, has said that the airing of this information and accusations “... has a chilling effect on rape victims coming forth.”^x

Mitigating Trauma

As a law enforcement officer, you will often be the first responder to assist a victim. You have the opportunity to mitigate that trauma and help her on her way to recover, rather than re-traumatization. With every victim you encounter can listen to them, and let them know you believe them. You can validate their feelings by saying, “no one deserves to be sexually assaulted.” If the victim is blaming herself and exhibiting untruths and misconceptions, you can gently tell her that no matter what it wasn’t her fault. Often times victims will apologize for their reactions. By normalizing common reactions to sexual assault, you can mitigate their trauma. A victim who has been through a sexual assault has had all of their control and semblance of safety and security taken away from them. You can help by creating a safe environment. You can also empower them and let them make as many choices as possible. Do not give recommendations or give advice, but offer options and allow them to make the choice. This can often be difficult with victims of trauma, but it is important to help them process, or have an advocate who is trained in informing victims of their options and processing what is right for each individual victim based on their choice.

¹ Dr. Dean G. Kilpatrick, Christine N. Edmunds, and Anne Seymour. *Rape in America: A Report to the Nation*. Arlington, VA: National Center for Victims of Crime, 1992.

¹ National Crime Victimization Survey, 1992–2000, Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics, 2001, available at webapp.icpsr.umich.edu/cocoon/ICPSR-STUDY/03140.xml.

¹ Callie Marie Rennison, Ph.D., “Rape and Sexual Assault: Reporting to Police and Medical Attention, 1992-2000.” Washington, DC: Bureau of Justice Statistics, Department of Justice, August 2002.

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¹ Elaine D'Aurizio. "Kobe Bryant rape case seen having a chilling effect -- Some fear fewer women will report assaults." *The Record* (Bergen County, NJ), June 15, 2004.

Sexual Assault Response Teams

A Sexual Assault Response team (SART) is a multi-disciplinary, inter-agency collaboration that unites its members in a coordinated, victim-centered, and offender-focused approach to the intervention and care for sexual assault survivors. SARTs are considered best practices in community response to sexual assault. They bring together responders under the desire to create the best possible response prioritizing a victim's choices and need while balancing the goal prosecuting perpetrators and creating a safer community. It is important that all of the members have a common understanding and goal that they collaborate towards. Some examples of goals of SARTs include: A victim-centered and offender-focused response, to mitigate the effects of sexual assault on victims and their loved ones, and to increase victim, and community safety and to prevent future victimization.

The core members of a SART include law enforcement, advocacy (usually community based and prosecutor based), prosecution, and SANE/medical personnel. Secondary members can include offender management, social services, public health, culturally specific services, campuses, tribal leaders, elder services, etc. By bringing together the main responders to sexual assault can create a seamless, consistent, comprehensive system, which mitigate trauma for victims. An essential task of SARTs is to create protocol that all responders should be trained on and follow. Protocols should be reviewed regularly through discussion, updates in best practice, case review, and protocol review. Research has shown that successful SARTs can increase access to services and reporting to law enforcement and victim satisfaction and mitigation of trauma.

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Who are offenders?

Most people picture a rapist as looking and acting a certain way, and, if questioned, would give some version of the following description:

He's mean looking, and he carries some type of weapon. He stalks his victims like a predator, attacking women at night in parks and dark streets or breaking into their homes. He leaves them physically brutalized and emotionally scarred.

This is a compelling description of what most people fear. It is also an accurate description of the stereotypical rapist. However, in most cases, it is absolutely false.

Although the actions of all rapists are hideous, they do not necessarily "look mean" any more than Ted Bundy or Jeffrey Dahmer did. As discussed in the section on dynamics, most rapists do not carry or use a weapon. Most rapists do not stalk darkened streets and parks nor do they break into homes, and they leave few, if any, physical marks on their victims. The only true statement in the description above is that the rapist's victim is indeed left emotionally scarred. The psychological trauma of rape can last a lifetime.

What do we know about Sex Offenders?^{xi}

- First, the vast majority of rapes are not reported to the police or to any other branch of our criminal justice system.
- Second, the vast majority of rapes are perpetrated by men who do not use weapons and who do not resort to extreme brutality. Rather, the majority of rapes involve cunning, manipulation, intimidation, threats, and just enough *instrumental violence* to overcome the victim's resistance.
- Third, the vast majority of rapists are never arrested, never prosecuted, and therefore never sent to jail, prison, or a sex offender treatment program.
- Fourth, the vast majority of research on rapists, which has focused on prison and sex offender populations, is only partially relevant to helping us understand the motivations and criminal behaviors of the typical rapist.

This last point has had an insidious and enduring impact on how we understand rape, how we respond to it, and how we treat victims and perpetrators. For decades we have studied the men who have been caught and imprisoned, and we have assumed that we were studying the spectrum of rapists. The images and stereotypes that emerged from these decades of research have contributed to enduring misconceptions about who commits rape and how. The image of the violent, brutal attacker who inflicts grievous injury on his victim continues to pervade our national consciousness. While such cases certainly occur, they do not represent the majority of assaults.

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Research on “undetected rapists” was captured for over a decade using the following process:

- First, we give out to large numbers of men a questionnaire which asks, among other things, very detailed, behaviorally explicit questions about a variety of sexual experiences, including those which meet legal definitions of rape, attempted rape and sexual assault. However, nowhere do we ever label these acts as such. Here’s an example of such a question: “Have you ever had sexual intercourse with an adult when they didn’t want to because you used physical force (twisting their arm; holding them down, etc.) if they didn’t cooperate?”
- Second, at the end of each questionnaire, we offer the men a chance to earn more money by signing up for further research. Typically 20 to 90% sign up. We then interview the men in detail about the sexual acts they listed on their questionnaires and are able to verify whether the act they referred to did indeed meet the legal definition of rape or some other form of sexual assault.

Results of the Research

Research on undetected rapists suggests that they share many of the characteristics of incarcerated rapists. They tend to harbor intense anger at women and have a profound need to dominate and overpower women. They view women as objects to be conquered. They also tend to view violence as an acceptable and normal part of relationships. They endorse many of the rape myths, which is typically part of a kind of personal ideology constellated around hyper-masculine attitudes and beliefs.

Undetected rapists do not use weapons and do not inflict gratuitous injuries on their victims. Their violence is instrumental, typically escalating only as far as is necessary to intimidate their victims and complete the assault. These rapists have plenty of access to consensual sex, are not mentally ill, and come from every racial, socioeconomic, and ethnic group.

Undetected rapists tend to use a lot of premeditation. These are not impulsive acts. Offenders typically use forethought and cunning to maneuver their victim into a position of vulnerability, using alcohol deliberately to render their victim more vulnerable.

- Out of 1,881 men, 122 self-reported to committing at least one completed forcible rape.
- Of these 122, 54 (44%) were multiple rapists – they reported having committed at least two rapes. In fact, these 122 men reported committing a total of 386 rapes, for an average of just over 3 rapes per individual.
- 13.9% also committed 20 acts of sexual assaults against peers.
- 18% also committed 365 acts of sexual abuse against children.
- 10.7% also committed 91 acts of physical abuse against children.

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- 5% also committed 264 acts of battery of an adult intimate partner.

In fact, a majority of these 122 rapists – 58% -- also perpetrated some other form of interpersonal violence.

Sex Offenders can be “Any Man”

The truth about the rapist is that he can and does look like “any man.” He is a doctor, a lawyer, a corporate executive, a college athlete, the “good” Samaritan who offers help to the stranded woman, the handsome guy she meets at a friend’s house, and the former boyfriend who still has a key to the victim’s apartment.

Characteristics of Offenders: Incarcerated vs. Unincarcerated

The majority of existing research on offenders has been focused on incarcerated rapists, a population of rapists whose offenses are more likely to be reported and prosecuted – stranger rape, gang rape, object rape, rape with excessive violence, rape with the use of a deadly weapon, and so on. This has almost certainly played a role in society’s understanding of sex offenders as violent, dirty criminals preying on women who are walking by themselves.

However, the research we have on incarcerated rapists clearly demonstrates offenders’ inclination to justify and defend their criminal actions using many of the same misconceptions about rape, sexual assault and women’s sexual autonomy that we already discussed in “Dynamics of Sexual Assault.” In a study of 114 incarcerated sex offenders, Sociologist Diana Scully found that the men who denied wrongdoing believe^{xii}:

- Women are seductresses
- Women mean yes when they say no
- Women eventually relax and enjoy it
- Nice girls don’t get raped
- Rape is a minor wrong-doing, if wrong at all
- Macho sentiment – men are entitled to sex

What is interesting is that studies from researchers like Dr. David Lisak and Timothy Beneke illustrate that un-incarcerated (or undetected) sex offenders echo the beliefs held by incarcerated offenders. These values are demonstrated in the following quotes from Timothy Beneke’s interviews with men on college campuses compiled in *Men on Rape (1982)*:

Joe, 19 year old college freshman:

I think I could be provoked enough to rape a girl. But it would be her fault for provoking it...If I were to rape it would be out of lust but it would also be because I was angry.

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There has to be some point in every rape where the woman relaxes and enjoys it. I'm not saying that ladies want to be raped because they enjoy it, because it's enjoyable. [But] sex is enjoyable.

Sam, 18 year old college freshman:

I used a little bit of force once where I overpowered a woman. She didn't mind it after it was all over...If you're put in a situation where you can get away with rape, you don't know what you'd do. You just have to be in that situation to find out.

The Truth about Sex Offenders

Premeditation

Offenders and victims are often known to each other. Sex offenders who attack women they know are sometimes tagged with the misnomer, "date rapist." Often, there is the implication that the man and the woman went out on a date, started having sex, and then "somehow things got out of hand." Actually, these sex offenders typically premeditate the sexual assault with great detail and cunning, which makes this term, "date rape," and inappropriate one to use.

These rapists typically manipulate their victims into positions of vulnerability by getting them alone in a room, a car, or in a secluded area. They are likely to ply their victims with alcohol and drugs.

Instrumental Violence

A common characteristic of the sex offender is that they tend to use only as much violence as is necessary to intimidate their victim and complete the assault. They use verbal threats and often in a more sophisticated manner than simply threatening physical harm. For example, they may tell their victims, "You're drunk, no one will believe you," or "If you tell anyone, it's your reputation that will suffer." These offenders will escalate their level of threat and violence as needed, typically using their body weight and arms to pin down their victims and terrify them into submission.

Use of Alcohol

Alcohol is an extremely common ingredient in sexual assaults, often consumed by both the victim and the perpetrator. Many rapists use alcohol to render their victim more vulnerable. Many rapes occur when the victim has been rendered either semi-conscious or entirely unconscious from the effects of alcohol.

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Normal Social Settings

Sexual assault most commonly takes place in the victim's home or someplace known to them. Offenders often use normal social settings--dates, parties, or other social events—to target their victims.

Attitudes and Beliefs

Sexually aggressive behavior is typically part of a belief system that views women as sexual objects to be conquered, coerced and used for self-gratification. Undetected rapists are much more likely to hold stereotyped beliefs about the "proper" roles for women and men in society and to rigidly adhere to those beliefs. They adhere to rape myths that both justify their aggressive acts and foster them. Their adherence to rape myths and rigid stereotypes frequently allows them to distort their perceptions of their victims' behavior. For example, because they tell themselves "women say no to sex even when they really want it," they can disregard their victims' obvious signs of terror and resistance.

Underlying Motivations

Undetected rapists have repeatedly been found to harbor chronic, underlying feelings of anger and hostility toward women. They typically feel easily slighted by women and carry grudges against them. This underlying hostility is easily evoked and colors their distorted perceptions of women as "teasers" who either "secretly" wants to be coerced into sex or "deserve" rape. These men have also consistently been shown to have strong needs to dominate and to be in control of women and tend to be particularly fearful of being controlled by women. This characteristic leads them to view sexual relations as "conquests," and all women as potential "targets" of conquests. Consistent with their very stereotyped beliefs about sex roles, undetected rapists are shown to be more emotionally constricted than nonaggressive men. They are less able to label their own emotional experience and much less emotionally expressive. As a consequence, they are also less capable of resonating with the emotional experience of other people and are less empathic than nonaggressive men.

Use of Stalking Behaviors

An often over-looked aspect of non-stranger sexual assault is the use of stalking prior to and following an assault. Stalking behaviors in the context of sexual assault may include unwanted phone calls, texts, spreading rumors, following or spying, unwanted emails, showing up, and unwanted presents.

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Why do false stereotypes of sex offenders prevail?

If the stereotype of a rapist is so far from the truth, why does it continue to be held so widely and so persistently in our society?

- One reason is that the stereotype of a rapist is actually comforting to many people. If someone thinks that they can identify rapists by how they look and can avoid them by evading darkened streets and double-locking their doors, then they can give themselves a feeling of safety, even if it is only the *illusion* of safety.
- Another reason for the persistence of false stereotypes is that they are fed by high profile cases of serial rapists, cases that terrorize the public and seem to infatuate the media and the public.

These stereotypes have also been perpetuated by decades of research on the incarcerated/detected rapist. For years, social scientists studied detected rapists and published their findings. Many of these rapists were indeed very violent, many used weapons, and many attacked strangers. What was overlooked was the fact that these very characteristics – the use of violence and weapons – were precisely the factors that put these rapists behind bars.

Dispelling Myths

Sexual assault is not caused by alcohol. Alcohol is actually a disinhibitor for those inclined to commit rape (Saltar, 1989). However, alcohol is very often used by perpetrators to create vulnerability in their victims and make victims appear to lack credibility. Sexual assault is not caused by uncontrollable sexual urges in men. Studies show that a significant percentage of rapes are planned and premeditated (Amir, 1971). Sexual assault is about dominance, power, and control rather than unchecked sexual urges.

What Law Enforcement should know:

- Sex offenders are sophisticated criminals who use multiple strategies in order to commit the sexual assault.
- Most sex offenders have committed multiple offenses by the time they come into contact with law enforcement, if they ever do. Investigate the offender and not the offense in order to uncover additional victims and similar prior offenses.
- Many will possess very smooth personal styles and may, on the surface, appear more credible and likeable than the victims they selected. Keep in mind that is

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the very reason they selected the victim because of their perceived vulnerability, accessibility, and/or lack of credibility.

- Sex offenders may subtly undermine the victim's credibility, laying the foundation for the inevitable "consent" defense.
- Offenders may offer comments about the victim's promiscuity, drug use, or prior "false" accusations to damage their credibility and law enforcement should expect this.

Serial Sex Offender MO

A study by the FBI that rapists plan their attack, use the "con" attack, do not often use physical force, and are not concerned with their identities. They studied of 41 rapists who committed a total of 837 rapes. They found that 55-61% premeditated (each) rape, 82-92% used only physical presence (65-80% verbal threats) to complete the rape, 75-85% used minimal or no physical force, on average, and 74% of the victims offered no physical resistance. (Warren & Hazelwood, 2002). Research also shows us that offenders, who commit sexual assault against adults, often commit other crimes:

- Using a polygraph, 1999 study found:
 - 82% of child offenders admitted to assaulting adults.
 - 50% of adult offenders admitted to assaulting children.
- O'Connell, 1998:
 - 64% of rapists sexually assaulted a child.
 - 69% of intra-familial offenders also offended outside the home.
- Weinrott & Saylor, 1991:
 - 32% of rapists sexually assaulted a child.

120 self-reported rapists also reported committing:

- 95 acts of child physical abuse
- 275 acts of domestic violence – battery

D. Lisak, & P. Miller, "Repeat Rape and Multiple Offending Among Undetected Rapists", *Violence and Victims*, Vol. 17, No.1, 2002.

When investigating the offender, you need to clear the offender, not the offense by identifying similar, looking for previously unreported victim/assault, and identifying the MO of the offender.

Offenders are not identified and prosecuted for a few reasons. Often times, victims and law enforcement fail to recognize incidents such as peeping, frottage, touching, etc, as serious incidents. These incidents can often precede or coincide with sexual assault. Offenders are good at targeting their victims, targeting those who lack credibility. If the offender is someone who is well respected, it poses a barrier for people to believe he could have committed a crime. Also, excuses and acceptances of myths and misconceptions including the offender having a mental illness or being abused as a child can hinder the identification and prosecution of the offender.

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Case Clearance and False Reporting Rates

Why is this important to LE?

- Improperly unounding cases leads to a misperception of the number of false reports of sexual assault
- The misperception of a high rate of false reports in our society contributes to victim blaming and the myths and misperceptions about sexual assault and survivors.
- Perpetuation of myths and misperceptions can impede the LE response and ability to hold offenders accountable by unequally focusing on the victim instead of the offender and what they did to perpetrate the sexual assault.
- According to the FBI, only 2-8% of sexual assaults are false reports.

Methods of Case Clearance

- Arrest – Identity of suspect is known and evidence exists that supports arrest of the individual.
- Exception – Identity of suspect and probable cause exists for arrest, but suspect is “unavailable” (i.e. dead, not extraditable, or DA denies prosecution)
- Unfounded – Complete investigation found that the report was either false or baseless.
 - A reported case that is investigated and found to have never occurred or been attempted is false.
 - A report of sexual assault that does not meet the elements of a crime is baseless.

Case Closure

Administrative case closure can be used when there are **insufficient** leads to prove or disprove a report of sexual assault.

Common terms used by law enforcement agencies to denote administrative closure include:

- Inactivated
- Closed
- Unsolved/Unresolved
- Suspended
- Unsubstantiated

These are cases that have not been cleared and can therefore be re-opened should new investigative leads develop.

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False Allegations/Reports and Unfounded Cases

False Report is a reported crime of sexual assault to a law enforcement agency that an investigation factually proves never occurred.

Identifying a false report of sexual assault requires a thorough investigation that factually proves that a criminal sexual offense neither occurred nor was attempted. While case unbounding is an appropriate method of case clearance when a case has been determined to be false, it is not an appropriate method of case clearance for reported incidents where the investigation was unable to corroborate or substantiate a sex crime. Using case unbounding as a clearance method when there is insufficient corroboration to prove or disprove a report of sexual assault is an improper use of case unbounding.

Moreover, because victim recantation is frequently used by victims as a method to halt criminal justice involvement and participation, it is not in and of itself verification that a sex crime did not occur.^{xiii} Victim statements are often inconsistent and may also include partial truths and omissions. It is the investigators' responsibility to piece together a factual account of the assault, including an explanation of why there may be inconsistencies, partial truths and omissions. Finally, there may be situations in which a motive for falsifying a police report is legitimately identified. However, motive alone is not sufficient proof that a sex crime was not committed or attempted.

Case Unbounding

Law enforcement agencies use unbounding, as directed by the Federal Bureau of Investigation (FBI) Uniform Crime Reporting (UCR) guidelines, as a category of case clearance when the report is either baseless (does not meet the elements of a crime) or was determined to be false. Reports in this category offer no further options for investigative follow-up or leads.

Similar to victim recantations, the term unfounded is not synonymous with false report. While false reports may be included within the total number of cases cleared through unbounding, this form of case clearance also includes reports that are found to be baseless.

Improper Use of Unbounding

Case unbounding also includes reported incidents that are baseless or do not meet the elements of a crime, baseless does not include reports where the suspect cannot be identified, the victim is unavailable for follow-up, or there are no investigative leads. These cases are best closed using an administrative case closure method like *unsubstantiated, suspended, closed, or inactivated*.

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Examples of improper use of case unfounding as a clearance method include:

- Cases of “he said, she said” where the victim and suspect both agree that sexual contact occurred but a criminal offense cannot be corroborated or substantiated.
- Reports of sexual assault that are later recanted; a victim recantation alone is not sufficient investigative corroboration to prove that a reported incident of sexual assault did not occur.
- Reported incidents of sexual assault where a motive for falsifying a report is identified (e.g. pregnancy, unfaithfulness, STIs, etc.).
- Victim statements that are inconsistent, partially untrue or omit information.
- Cases where the victim is unavailable for follow-up or refuses to participate in the investigation.
- Cases where the suspect cannot be identified.
- Cases where the victim cannot or does not remember what happened, e.g. drug facilitated sexual assault.

In none of these situations is it assumed that the sexual assault did not occur; yet these cases are often improperly unfounded because they need to be administratively closed and many departments inappropriately use unfounding rather than suspending or inactivating to do so. There are also a variety of other situations that impede or prevent completion of the investigation and in which cases are often improperly classified as “unfounded.”^{xiv}

Considerations for Referring a False Report for Prosecution

While it is often assumed that false reports are made with deliberate deceit by alleged victims who want to exact revenge on an unsuspecting lover or who are attempting to cover up bad behavior (e.g. unfaithfulness), there are actually many other circumstances in which a false report might be made. For instance, a report could be made by an individual, such as someone with a developmental disability, mental illness or dementia, who due to their susceptibility to suggestion, coercion or confusion reports an untrue incident. It may be very clear that no harm was intended and that the reporter was compelled to make a report or subject to influence by others. In cases of cognitive or mental disability (including dementia), an individual may report an incident that occurred years before but is believed to be contemporary.

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It is recommended that the following considerations be used in order to determine whether to pursue a reporter for filing a false report of sexual assault:

Consideration	Analysis
1. Was the reporter compelled to make the report?	If the reporter was compelled or confused do not refer for prosecution.
2. Did the reporter initiate making the report (or was the report made by a family or friend)?	If the report was made by a third party and not at the request of the victim, do not refer for prosecution.
3. Did the report and/or investigation result in harm to another person (e.g. arrest, public shame, etc.)	If the report/investigation was not public and/or no arrest was made, do not refer for prosecution.
4. Did the investigation result in the use of significant agency resources?	If the report/investigation did not use significant resources do not refer for prosecution.

In most cases, there is not an emergent need to arrest or cite an individual for initiating a false report. It is therefore recommended that law enforcement staff discuss the potential false report with the prosecutor's office and any other relevant community partners (or a SART, if appropriate) to ensure a thorough and appropriate response.

Consequences of improperly unounding sexual assault cases?

Unfortunately, the consequences of improperly unounding sexual assault cases are tragic -- for police, victims, and the public.

- For police, high rates of unounding can lead to scrutiny and public pressure to change their procedures. For example, pressure from the media and the public in Oakland, CA led to the police department's re-opening of the 203 rape cases that were "dropped without even minimal investigation...including 37 in which the victim was never interviewed."^{xv}
- For victims whose cases are improperly unounded, this practice creates a sense of betrayal and distrust that can have devastating effects on a victim's recovery. Moreover, the public awareness that sexual assault cases are not taken seriously will inevitably affect the willingness of future victims to report to police.
- For the community, improperly unounding a sexual assault case represents a miscarriage of justice and threat to public safety.
- Finally, improper unounding fuels the myth that there are high rates of false allegations of sexual assault.

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Summary

It is clear that the reported cases of sexual assault from decades past are not indicative of the realities of sexual assault cases now. What we now know is that sexual assault often involves:

- offenders who are known to the victim
- victims who are vulnerable
 - mental or physical disabilities
 - mental health issues
 - adolescents and young people
 - refugee or immigrant
- victims who lack credibility
 - married to the suspect
 - formerly involved with the suspect
 - work in the sex industry
 - fringe of criminal activity (drugs, theft, etc.)
 - homeless
 - drug and alcohol abuse
 - in the system – DHS
- victims who can be made vulnerable/accessible
 - drugs and alcohol
 - isolation/location
 - resources
- offenders who are:
 - attractive
 - educated
 - respected
 - trusted
- offenders who:
 - premeditate sexual assault
 - use or create vulnerabilities in women in order to facilitate sexual assault
 - offend multiple times
 - are undetected
 - commit other acts of person violence
 - use the consent defense

The dynamics of sexual assault are influenced and informed by history, socio-cultural values, and culture and individual beliefs and can vary depending on the setting. Sexual assault does not occur in a vacuum—the thinking errors and justifications of offenders are informed by society, just as the responses and options perceived by victims. Victims may very well embrace the same thinking errors as offenders, such as believing that drinking or using drugs is a risky behavior that can result in rape or that engaging in sexual intimacy gets men so excited that he cannot stop. These responses

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contribute to a victim's self-blame after an assault as well as to victims who do not recognize that what happened to them was rape; both situations are likely to lead the victim to choose not to report or disclose the assault.

It is crucial that we continue the effort of educating the community, law enforcement, prosecutors, medical professionals and families on the reality of sexual assault. Changing current perceptions is imperative in order to improve the response to sexual assault, hold offenders accountable and ultimately, help protect individuals from victimization.

As first responders, law enforcement must take the lead in recognizing the realities of sexual assault. Law enforcement is obligated by their call "to serve and protect" to thoroughly and objectively respond to and investigate all sexual assault cases.