

***Investigating and Prosecuting Sexual Assault:
Beyond the Basics***

Lesson Plan

February 11, 2010

8:15-10:15

***Sexual Assault Dynamics
Effectively Recognizing & Responding to Sexual Assault***

At the conclusion of the session, participants will understand:

- The role of the dispatcher
- The unique challenges officers and detectives face when investigating crimes of sexual assault
- The importance of cultural myths and misconceptions regarding sexual assault
- Realistic characteristics of sexual assault and highlight the contrast with cultural stereotypes of “real rape”
- Proper law enforcement responses to crimes of sexual violence
- Research in the area of sexual assault must be collaborative and solicit the input of many different professionals including those from the fields of law enforcement, public health, physical health, mental health, victim advocacy, and education.
- The victim’s age group (adolescent vs. adult) and the victim’s relationship to the suspect (stranger, brief encounter, non-stranger) have important implications when investigating sexual assault. There are significant differences in the character and context of the sexual assaults, and the law enforcement outcomes of cases based on these two factors.
- 70-75% or more of sexual assaults reported to law enforcement involve non-strangers (two people who know one another). The majority of non-stranger sexual assault is NOT date rape.
- The average age difference between an adolescent sexual assault victim and her assailant is 10 years. These are predatory, not peer relationships.

10:30-12:00 ***Developing Skills to Interview Sexual Assault Survivors***

At the conclusion of the session, participants will be able to:

- Understand how by overcoming challenges to the victim’s credibility and corroborating every possible aspect of her story, police can make the case “prosecutable” and at the same time facilitate rapport and cooperation
- Recognize inappropriate police responses and potential barriers to effective victim interviews
- Determine an appropriate interview location and who should be present
- Prepare for a successful victim interview
- Identify ways to build trust and cooperation with the victim
- Conduct an effective preliminary interview with a victim of sexual assault by
 - Using techniques to encourage the victim to tell her story in an uninterrupted narrative
 - Understanding the use of cognitive interviewing techniques

- Effectively using follow-up questions to elicit additional information
- Learning procedures for concluding the interview

1:00-2:30 ***Documenting Sexual Assault - Effective Report Writing Using the Language of Non-Consensual Sex***

At the conclusion of the session, participants will be able to:

- Improve report writing skills
- Successfully document suspect, witness and victim interviews
- Anticipate potential defense strategies and provide written information to counter them
- Have a better understanding of how to recreate and document a victim's reality of a sexual assault
- Evaluate common sexual assault scenarios and the way they are often inappropriately interpreted and documented
- Identify the difference between the language of consensual versus non-consensual sex

2:45-5:00 ***Investigating Sexual Assault: A Multi-Disciplinary Collaborative Approach***

Sexual Assault Response Teams and Sexual Assault Forensic Examiners (SAFE's) have significantly improved the evidence collection process as well as the medical care for victims following a sexual assault. For optimal impact on the criminal case, it is essential that all first responders; advocates, health professionals and law enforcement officers work together to provide the best services possible. In addition, professionals must understand how to explain the different components of the forensic examination and the sexual assault investigation to victims.

Upon completion of the course, participants will have an understanding of the:

- Various patrol responses to sexual assault and successful investigative strategies
- Responsibilities of the first responding officer
- Benefits of a multi-disciplinary response and promising practices
- Role of the advocate
- Ways Sexual Assault Response Teams have significantly improved evidence collection
- Dual purpose of a medical forensic examination
- Guidelines for obtaining forensic sexual assault examinations for both victims and suspects
- Conclusions that may and may not be provided by forensic examiners
- Value and limitations of the forensic exam and possible evidence
- Challenges and barriers to the criminal justice system and victim services collaboration
- Traits of collaborating teams
- Role of the prosecuting attorney
- Need to redefine a "successful" investigation

February 12, 2010

8:00-10:00

Investigating Difficult Cases and Drug Facilitated Sexual Assault

At the conclusion of the session, participants will be able to:

- Accept victims as they are: adolescents, runaways, mental illness, prostitution and substance abuse
- Understand how to corroborate sexual assault
- Identify the drug most commonly used to facilitate sexual assault
- Recognize that the effects of alcohol can be similar to the new drugs being used to facilitate sexual assault
- Identify the challenges in investigating drug facilitated sexual assault
- Identify the most recent drugs being used to facilitate sexual assault and how to identify them
- Recognize the indicators of drug facilitated sexual assault
- Understand the scope of the evidence collection process and current limitations of toxicology testing
- Identify evidence that should be collected in a drug facilitated sexual assault
- Demonstrate an understanding of the common problems faced when interviewing victims of drug facilitated sexual assault and other types of incapacitation such as mental retardation, injury or illness
- Understand the value of pretext phone calls and how to do them

10:00 –11:30

How Many Rape Reports are False?

There are huge differences in the estimates given for the rate of false reporting of sexual assault. Studies and surveys range from 0% to 98%. This is not surprising given the differences in definitions and the different ways of determining a complaint to be false and then recording it. Upon completion of this course, participants will be able to recognize:

- The severe limitations regarding the definitions and law enforcement policies and reporting procedures regarding unfounded crime reports
- That data is often cited incorrectly and how this has contributed to the misconceptions about false allegations of sexual assault
- False, versus unfounded, allegations of sexual assault
- Why investigators should not be able to “unfound” a sexual assault allegation without evidence that the crime did not occur
- How unfounding is often used for cases that don’t fit the stereotype of “real” rape
- That many of the victims affected by improper unfounding are women of color, prostitutes, drug addicts or simply acquainted with their assailant
- How improper unfounding fuels the myth of false allegations

11:30-12:00

Sex Offenders – Who Are They?

At the conclusion of the session, participants will be able to:

- Identify the stereotypes of “real” rapists
- Recognize how sex offender definitions vary by jurisdiction and discipline
- Reevaluate the criminal justice response to what has often been considered a public nuisance, i.e., peeping and indecent exposure
- Discuss the consequences for failing to recognize and appropriately hold sex offenders accountable
- Understand that research must include information about undetected sex offenders
- Recognize how sex offender treatment programs and DNA are now providing communities with our first real view of the sex offender

1:00-3:00 ***The Forensic Exam and the Impact of DNA on the Sexual Assault Investigation***

Oprah claimed the DNA backlog is law enforcement’s dirty little secret, noting that if Baltimore PD had just paid \$500.00 to have a rape kit processed, an 1987 sexual homicide would have been solved. It is important to understand the evolution of DNA as well as how forensic evidence may be interpreted and used during the course of the investigation and prosecution.

At the conclusion of the session participants will be able to:

- Understand the evolution of DNA and the current status of DNA in the United States.
- Understand why most rape kits have been stored in crime laboratories and police property rooms untouched.
- Identify CODIS, local, state and national DNA databases
- Realize the full potential of DNA in crimes of sexual assault
- Properly assess all aspects of evidence that might be found in a sexual assault
- Understand the impact specific evidence may have on the disposition of an investigation

Explanation of forensic forms:

- Sexual Assault Evidence Assessment Tip Sheet
- Clothing Documentation Form
- 96-Hour Drug History (SANE)
- Law Enforcement Toxicology Request
- Preliminary Rape Case Information Form
- Lab Service Request

3:15-4:45 ***Conducting a Thorough Sexual Assault Investigation***

An excerpt from the Academy Award winning movie, “The Accused” will be used to allow participants to evaluate a sexual assault with an emphasis on:

- The classification of crimes committed, elements to be proven, likely defenses(s), type of evidence needed, and the purpose of each type of evidence
- Community bias
- Resources needed to investigate sexual assault
- Properly assessing all aspects of evidence that might be found in a sexual assault
- Recognizing the impact specific evidence may have on the disposition of an investigation
- Identifying the differences in evidence needed to corroborate sexual assaults involving consent defenses and those where the assailant's identity is in question and how that evidence may be interpreted