

Executive Guidebook:

Practical Approaches for Strengthening Law Enforcement's Response to Sexual Assault



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and conference calls to provide information on the implementation of the updated definition of rape and the overall status of sexual assault reporting.

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Foreword

By Chuck Wexler

Few issues in policing have been receiving more attention in recent years than the police response to sexual assault. And this attention is long overdue, because few issues were neglected for *decades* in the way sexual assault crimes have been discounted.

In fact, a key problem is that most sexual assaults never even come to the attention of police. As recently as 2014, the federal Bureau of Justice Statistics found that only one-third of rapes and sexual assaults were being reported to police.¹ There are many reasons for this. Rape is an extremely intimate crime, and victims suffer physical as well as emotional harms that can be devastating. As victims try to cope with the trauma of the crime itself, they often suffer additional harm when they are subtly, or not so subtly, blamed for being victimized, in ways that victims of robbery or theft or any other crime are never blamed. Finally, sexual assault victims who summon the courage to report the crime to the police are often subjected to a criminal justice system that seems insensitive, uncaring, or even hostile to victims.

The Police Executive Research Forum (PERF) began to research these issues in 2011, when we convened a national meeting of police chiefs and leaders of women's and crime victims' organizations to discuss problems and solutions. We addressed the unwarranted "unfounding" of sexual assault allegations by police agencies, backlogs in the testing of DNA evidence in sexual assault cases, the special considerations regarding sexual assaults on university and college campuses, and the extremely outdated definition of rape that the FBI was using to gather national statistics on rates of rape.² In fact, that meeting brought attention to the outdated definition, and two years later, the FBI updated the definition to be more inclusive. We also discussed solutions, including Philadelphia's model program for external review of police case files on sexual assault investigations by victim advocacy leaders, in order to identify weaknesses in the investigations that can be corrected.

In 2012, PERF and the Women's Law Project of Philadelphia were awarded funding from the U.S. Justice Department's Office on Violence Against Women to help police agencies improve their handling of sexual assault cases. In this project, we provided direct assistance to four police agencies that had experienced challenges and wanted to upgrade their policies and systems (Scottsdale, AZ; Salt Lake City, UT; Fayetteville, NC; and Chattanooga, TN).

Our larger goal was to identify best practices that *all* law enforcement agencies can adopt in order to provide sexual assault victims with the help and the respect they need while improving investigations and bringing more perpetrators to justice. The report you are holding is the result of that work.

1. National Crime Victimization Survey: Criminal Victimization, 2014. Table 6. <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=5366>

2. Goode, Erica. "Rape Definition Too Narrow in Federal Statistics, Critics Say." *The New York Times*. September 28, 2011. Accessed February 09, 2018. <https://mobile.nytimes.com/2011/09/29/us/federal-rules-on-rape-statistics-criticized.html>.

One key recommendation is that police departments should adopt a “victim-centered” approach in all interactions with crime victims, particularly victims of sexual assault. A victim-centered approach involves a focus on the needs of the victim, to ensure that services are delivered to the victim in a compassionate and nonjudgmental manner. A victim-centered approach can help prevent re-traumatization of the victim, and can empower the victim to actively participate in the criminal justice process.

Another key concept is that law enforcement agencies should incorporate “trauma-informed” practices into their response to sexual assault. This involves recognizing the symptoms of trauma and its prevalence, and understanding how those symptoms can affect an individual who has experienced trauma. The trauma of sexual assault can affect a victim’s memory and behavior in unique ways, both during and after the crime occurs. Police officers must understand these dynamics in order to respond appropriately to sexual assault victims.

This report also provides guidance on how to conduct interviews with sexual assault victims, working to build rapport and expressing empathy and belief in their credibility. Detectives should use open-ended questions and allow the victim to speak uninterrupted, rather than ticking off questions from a checklist.

We also call on law enforcement agencies to be very careful about how they classify cases, and we recommend using nationally recognized categories and definitions when coding cases, in order to prevent improper unfounding and other inappropriate case classifications. The term “unfounded” should be used only when a thorough investigation demonstrates that a sexual assault allegation was false or baseless. This is important in order to restore public trust in the police handling of sexual assault cases.

As with many other areas of police practice, strong policies and protocols on sexual assault investigations will be undermined if officers do not receive *training* in how to implement the reforms. So our report provides guidance on how to change the training and the culture of a department to ensure that reform measures “stick.”

As we learned many years ago when the Philadelphia Model was implemented by the late John Timoney, then Police Commissioner, and the Women’s Law Project, community partnerships are essential to implementing reforms, building accountability into the system, and restoring public confidence. This report describes several approaches that police departments have taken to working with other government agencies and private organizations that can help improve the response to sexual assault crimes.

Finally, it is important to acknowledge that police officers in Special Victims Units and others who work with sexual assault victims often take their work personally, work around the clock, and may experience “burnout” at a higher rate, because the cases are so traumatic. We make a number of recommendations for ensuring officers’ wellness while maintaining high standards for investigating these cases.

I hope this report will provide police and sheriffs’ departments with valuable guidance from the field about how to improve their policies, practices, training, accountability, and overall approach to this critically important function of policing. Sexual assault is one of the worst types of crimes, so it requires the best efforts of law enforcement agencies to investigate it thoroughly, prevent new crimes, and treat victims with respect and compassion.

Introduction

Over the last two decades, media reports, congressional hearings, research, the change in the FBI definition of rape, rape kit backlogs, high-profile cases of sexual assault on college campuses, and Justice Department consent decrees with police agencies highlighting gender bias have placed a renewed focus on sexual assault and the justice system. These events have brought attention to the importance of the role of law enforcement in the response to sexual assault, the need for high-quality sexual assault investigations, and the impact that police can have on sexual assault victims' experience with the criminal justice system. This guidebook presents recommendations and promising practices from the field, to help law enforcement agencies assess and improve their response to sexual assault victims through better policies, procedures, training, and investigations. It also includes the lessons learned and recommendations from four police departments that participated in a unique assessment and review process led by the Office on Violence Against Women (OVW), Police Executive Research Forum (PERF), Women's Law Project (WLP), and a diverse team of subject matter experts.

Sexual assault reporting to police. Police are well aware that sexual assaults³ are severely underreported by victims, compared to other crimes. The Bureau of Justice Statistics found that only 33.6% of rapes and sexual assaults were reported to police in 2014.⁴ Victims of sexual assault must cope with the physical, mental, and emotional aftermath of an intimate crime, and often are faced with the additional challenge of combating rape myths and gender bias that perpetuate victim-blaming.

Additionally, the justice system itself can deter victims from reporting. Improper or inadequate police practices and procedures (e.g., exhibiting disbelief, improperly dismissing a victim's report as "unfounded," incorrectly categorizing the nature of the crime reported, incompletely or inadequately investigating the crime), the anticipation of a long and difficult trial, and the uncertainty of the final outcome, can influence a victim's decision to even report a sexual assault to police.

Furthermore, these issues have been compounded by a definition of rape used for the FBI's Uniform Crime Report (UCR) system since 1929 that was so narrow as to only include rape involving penile-vaginal penetration and physical force by the assailant. That definition was expanded in 2012 to count other forms of rape, including rape of a male victim, rape with a foreign object, and rape of an incapacitated person. Prior to this change, many reports of rape were not counted in the nation's most relied upon crime statistics, thus creating an incomplete picture of the prevalence of reported rape in America. The revised UCR definition provides a more accurate reflection of the scope and volume of rapes reported to police.⁵

Untested rape kits. News media stories of police agencies discovering large numbers of untested rape kits, and the struggle to reduce backlogs at crime laboratories, have made headlines over the last

3. The term "sexual assault" is defined by the Violence Against Women Act (VAWA) as "any nonconsensual sexual act proscribed by federal, tribal, or state law, including when the victim lacks capacity to consent." Falling under the definition of sexual assault are sexual activities as forced sexual intercourse, forcible sodomy, child molestation, incest, fondling, and attempted rape. See <https://www.justice.gov/ovw/sexual-assault> for more information.

4. National Crime Victimization Survey: Criminal Victimization, 2014. Table 6. <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=5366>

5. See sidebar on page 15 for more information on the expanded UCR rape definition.

several years and continue today. In 2009, 11,000 untested rape kits were found in an abandoned Detroit Police storage unit.⁶ The Houston Police Department had a backlog of 6,700 untested rape kits until 2013, when the city mayor began pushing for the kits to be analyzed.⁷ And in 2014, the Memphis Police Department was criticized for its extensive backlog of about 12,000 untested rape kits.⁸ In March 2017, Wisconsin legislators and its attorney general were criticized for not expediting efforts to test its 6,000 rape kits three years after their discovery.⁹

DNA evidence changed how crimes are investigated and how assailants are brought to justice. While the technology used to analyze DNA continues to rapidly improve and expand the amount of data collected, it has also led to the rise of evidence backlogs.¹⁰ DNA samples collected from decades-old cases or even from several years ago, which previously could not be tested due to technology or sampling limitations, can now be submitted for analysis. The combination of a dramatic increase in DNA samples submitted for analysis and understaffed labs leaves many jurisdictions waiting months for test results.¹¹

The issue of DNA testing in sexual assault cases has implications for police case management and evidence policies, lab processes and staffing, victim rights and consent, and offender databases. Police agencies must decide whether to test all rape kits or to prioritize certain classes of cases or items in a rape kit; and to determine the criteria for prioritizing cases if not all rape kits can be processed promptly.¹²

Campus sexual assault. In the last several years, numerous media outlets have reported on sexual assault on college campuses throughout the country and efforts, largely led by students, to address failures of some colleges and universities to protect students from sexual violence and hold accountable those students who commit sexual assault. A 2007 report for the National Institute of Justice reported that one in five women at two large universities were victims of sexual assault while in college.¹³ More recently, the Bureau of Justice Statistics released a report on the Campus Climate Survey Validation Study, which found that rates of sexual assault victimization can vary greatly across institutions of higher education, and that freshman students are especially vulnerable to sexual assault.¹⁴ The police response to sex crimes may overlap with school responsibilities to respond to sexual harassment under

6. "Advocates Join Fight to Eliminate Detroit's Rape Kit Backlog." *NPR*, February 10, 2015. <http://www.npr.org/2015/02/10/384129985/advocates-join-fight-to-eliminate-detroit-s-rape-kit-backlog>

7. "Rapists Go Free While Rape Kits Go Untested." *The Atlantic*, February 24, 2015. <https://www.theatlantic.com/national/archive/2015/02/how-many-crimes-could-clearing-the-rape-kit-backlog-stop/385943/>

8. "Memphis police discover 200 unprocessed rape kits adding to backlog." *The Guardian*, September 16, 2014. <https://www.theguardian.com/world/2014/sep/16/memphis-police-200-rape-kits-backlog>

9. "Wisconsin slow to reduce rape kit backlog." *USA Today*, March 30, 2017. <https://www.usatoday.com/story/news/nation-now/2017/03/30/wisconsin-slow-reduce-rape-kit-backlog/99856756/>

10. New legislation also has increased the number of offenders required to submit DNA samples for criminal justice databases.

11. Police Executive Research Forum. *It's More Complex Than You Think: A Chief's Guide to DNA*. (2010). http://www.policeforum.org/assets/docs/Free_Online_Documents/DNA_Forensics/its%20more%20complex%20than%20you%20think%20-%20a%20chiefs%20guide%20to%20dna%202010.pdf

12. See page 42 for more information on untested rape kits and a discussion of considerations for kit testing.

13. Christopher P. Krebs et al., "The Campus Sexual Assault Study." *National Criminal Justice Reference Service*, (2007). <http://www.ncjrs.gov/pdffiles1/nij/grants/221153.pdf>.

14. Krebs, C., Lindquist, C., Berzofsky, M., Shook-Sa, B., Peterson, K., Planty, M., Stroop, J. *Campus Climate Survey validation study: Final technical report* (NCJ 249545). (Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, 2016). Retrieved from <https://www.bjs.gov/content/pub/pdf/ccsvfr.pdf>

Title IX. The Department of Education has issued guidance to schools regarding their obligations, some of which is in flux at this moment. Some issues relevant to this overlap are discussed at page 65.

Campus police agencies face a unique set of circumstances, as they must work alongside the school's own separate disciplinary process, as well as with local police, on jurisdictional issues and cooperation, adding further complexity to sexual assault cases.¹⁵

Unfounding/Downgrading of Rape Cases. In 1999, the *Philadelphia Inquirer* published a series of articles exposing how the Philadelphia Police Department had downgraded thousands of rapes and other felony sex crimes to a non-criminal category, thereby preventing a full and complete investigation of the crimes, and eliminating the reports from UCR crime statistics.¹⁶ The practice began after an FBI review in the 1980s revealed very high levels of “unfounded” cases¹⁷, meaning cases that were deemed to be false or baseless and were cleared as unfounded, rather than left open, cleared by arrest, or cleared by exceptional means. Coding reports of rape in non-criminal categories and/or high rates of unfounding rape cases are red flags suggesting that sexual assault reports are not being properly investigated by police. Journalists in numerous other cities, including St. Louis, New Orleans, Cleveland, Baltimore, and New York City, published accounts of police downgrading reports of rape to non-criminal categories or “unfounding” high numbers of cases.¹⁸

Gender Bias. According to the federal Bureau of Justice Statistics National Crime Victimization Survey (NCVS), approximately 90% of all rape of sexual assault victimizations between 1995 to 2010 involved female victims.¹⁹ Additionally, lesbian, gay, bisexual, and transgender (LGBT) individuals are disproportionately victimized by sexual assault.²⁰ Police officers may have conscious or unconscious biases toward female, LGBT, or male sexual assault victims that can undermine an effective response to these crimes.²¹ The Civil Rights Division of the Department of Justice (DOJ) has entered into consent decrees with the New Orleans Police Department and the Missoula (MT) Police Department which highlighted the need for preventative measures to mitigate the impact of gender bias during investigations and prosecutions of sexual assault crimes.²² In 2015, the DOJ released a guidance document²³ for law enforcement agencies to help reduce gender bias (including explicit bias as well as implicit, or “unconscious” bias that a person may not be aware that s/he holds), because police

15. See page 65 for a discussion of Title IX and coordinating with campus police departments.

16. Police Executive Research Forum. *Improving the Police Response to Sexual Assault*. (2012). http://www.policeforum.org/assets/docs/Critical_Issues_Series/improving%20the%20police%20response%20to%20sexual%20assault%202012.pdf

17. In December 1983, the FBI's UCR program wrote to the Pennsylvania State Police questioning Philadelphia police's high rate of “unfounding” rape complaints. A copy of the query can be found at: <http://inquirer.philly.com/packages/crime/doc/state1.asp>

18. United States. Congress. Senate. Subcommittee on Crimes and Drugs. *Rape in the United States: The Chronic Failure to Report and Investigate Rape Cases*. 111th Cong. 2nd session. Washington: GPO, 2010. Statement of Carol E. Tracy, Executive Director, Women's Law Project, <https://www.judiciary.senate.gov/imo/media/doc/09-14-10%20Tracy%20Testimony.pdf>

19. U.S. Dept. of Justice, Bureau of Justice Statistics, *Female Victims of Sexual Violence, 1994-2010*, Appendix Table 3, (2013). <http://www.bjs.gov/content/pub/pdf/fvsv9410.pdf>

20. Centers for Disease Control and Prevention, National Center for Injury Prevention and Control, *National Intimate Partner and Sexual Violence Survey: 2010 Findings on Victimization by Sexual Orientation*, 2 (2013), available at http://www.cdc.gov/violenceprevention/pdf/nisvs_sofindings.pdf

21. U.S. Department of Justice. “Identifying and Preventing Gender Bias in Law Enforcement Response to Sexual Assault and Domestic Violence.” <https://www.justice.gov/opa/file/799366/download>.

22. Police Executive Research Forum, *Civil Rights Investigations of Local Police: Lessons Learned*. (2013). http://www.policeforum.org/assets/docs/Critical_Issues_Series/civil%20rights%20investigations%20of%20local%20police%20-%20lessons%20learned%202013.pdf

23. U.S. Department of Justice. “Identifying and Preventing Gender Bias in Law Enforcement Response to Sexual Assault and Domestic Violence.” <https://www.justice.gov/opa/file/799366/download>.

officers and detectives are often the entry point for victims into the legal process, and they build the foundation for a case to proceed through the system. A failure to establish trust with victims (and the public) undermines the perceived legitimacy of the police, making it less likely for victims to be willing to report when they are victimized and work with the justice system. Additionally, as biases can compromise the extent to which rapes and sexual assaults are investigated, they also pose a threat to public safety, as a failure to investigate sexual assault allows violent offenders to evade detection and commit more crimes.

PERF's Work on the Police Response to Sexual Assault

In recent years, the Police Executive Research Forum (PERF) has conducted several projects to identify promising practices in how law enforcement agencies respond to sexual assault. In 2011, PERF conducted a survey of police executives on policies and practices related to reporting and investigating sexual assault. In September of that year, PERF hosted a National Summit of more than 150 police executives, advocates and others to discuss the issues identified in the survey. Many of the participants called for comprehensive reform efforts in this area, including changes in policy, procedures, recordkeeping, and training, and ultimately changing the mindset of officers to understand the behaviors that many sexual assault victims display. In addition, many participants agreed that the UCR definition of rape at the time was inadequate, which helped lead to the expansion of the definition in 2012.²⁴ In August 2015, PERF convened a meeting of law enforcement executives and officers, victim advocates, academics, and other subject matter experts to discuss a draft of the U.S. Justice Department's guidance on *Identifying and Preventing Gender Bias in Law Enforcement Response to Sexual Assault and Domestic Violence*. Participants shared promising practices and effective strategies for responding to these crimes, and this feedback informed the final Guidance released by DOJ in 2015 (referenced above).²⁵

Starting in 2014, PERF worked with four different police agencies to review and assess their response to sexual assault, and to help the agencies to improve their sexual assault investigations. PERF documented the process of providing assistance to the four agencies, the resources used, and the promising practices identified, to create this guidebook that could be used by police agencies across the country to improve their response to sexual assault. The goal of this guidebook is to provide law enforcement agencies with strategies for improving the police response to sexual assault, and to increase transparency and accountability in how agencies address sexual assault.

Project Approach and Methodology

In 2012, the Police Executive Research Forum (PERF) and the Women's Law Project (WLP) of Philadelphia were awarded a Cooperative Agreement by the Office on Violence Against Women (OVW) Technical Assistance Initiative to help police agencies improve their handling of sexual assault cases through the development of internal guidelines and quality assurance mechanisms.

24. PERF. *Improving the Police Response to Sexual Assault*. (2012). http://www.policeforum.org/assets/docs/Critical_Issues_Series/improving%20the%20police%20response%20to%20sexual%20assault%202012.pdf

25. The discussions at the August 2015 meeting are detailed in PERF, 2016. "Identifying and Preventing Gender Bias in Law Enforcement Response to Sexual Assault and Domestic Violence: A Roundtable Discussion." Office of Community Oriented Policing Services (COPS Office), Washington, DC. Available: <https://ric-zai-inc.com/ric.php?page=detail&id=COPS-W0796>

Through this initiative, the project team provided direct assistance to four police agencies to help them improve their policies and practices.

PERF and WLP tapped experienced police leaders to serve on the project team as consultants and provide their subject matter expertise, including retired Police Chief Charlie Deane (Prince William County, VA Police Department), now-retired Police Chief Sue Riseling (University of Wisconsin-Madison Police Department), and retired Police Commissioner Fred Bealefeld (Baltimore Police Department).²⁶

Advisory Board

To inform the broader initiative, PERF established an Advisory Board of subject matter experts in many fields, including law enforcement, academia, police training, victim advocacy, prosecution, and federal perspectives from the FBI and OVW.²⁷ PERF convened a meeting in July 2013 in which the Board discussed issues of sexual assault reporting, investigations, adjudication, and victim advocacy. The Advisory Board also identified promising practices related to sexual assault investigations, based on their experience and current research. This information helped to identify the types of problems and challenges facing victims, police, prosecutors, and victim advocates, and allowed the project team to gain a wider perspective of how different parts of the legal system currently work together and how the legal system interacts with victims of sexual assault.

Technical Assistance Process

With guidance from OVW, the project team selected the four police departments to receive technical assistance: Scottsdale, AZ; Salt Lake City, UT; Fayetteville, NC; and Chattanooga, TN.

The selected sites reflected a variety of approaches and challenges in their responses to sexual assault. While the sites had not adopted best practices in every aspect of their response, all of these departments proactively sought to improve and were willing to embrace an outside review of their policies and practices. In selecting the sites, the project team considered department size, location, jurisdiction size and demographics, surrounding jurisdictions, special circumstances (such as close proximity to military bases, colleges/universities, and county and federal law enforcement resources), current events in the jurisdiction related to sexual assault, and crime data, such as the number of unfounded cases. Participation by each agency was voluntary, and each agency signed a memorandum of understanding committing to the project.²⁸ **Although each of the sites presented unique issues and challenges, the resulting recommendations are broad enough to be applicable to a range of departments across the nation.**

Each site's technical assistance included two phases: an assessment phase, and a development and implementation phase. The project team assessed each agency's current policies, procedures, and practices related to sexual assault investigations. Then, participating agencies worked with the project team to create a tailored action plan for improvement within the department. Each action plan reviewed the challenges and issues brought forth by the assessment, and described steps for implementing promising practices, revising policies and procedures, developing quality control

26. See Appendix A for bios of project team consultants

27. See Appendix B for a list of advisory board members

28. See Appendix C for brief profiles of each of the project sites

and audit functions, and improving training. The sites documented their efforts to implement the recommendations, including obstacles encountered, changes to policies or practices, improvements in police responses to sexual assault, lessons learned, and overall outcomes, while the project team provided additional assistance as needed.

Assessment. At the beginning of the assessment phase, each of the sites completed a questionnaire that requested information such as the total number of sexual assault reports, total number of attempted sexual assault reports, and sexual assault case clearance data.²⁹ Additionally, the project team conducted a review of the department's policies and procedures for sexual assault investigations, report forms, training materials, relevant unit staffing information, forensics protocols, coding manuals, and samples of sexual assault case files. The team reviewed all cases classified as "unfounded" over the previous two years, as well as samples of "founded" cases and those in which the victim recanted.

Using the information provided by each agency, the project team conducted extensive interviews with agency personnel and other stakeholders during initial site visits. The team interviewed key members of the departments who are responsible for sexual assault investigations, including dispatch supervisors, the commanding officer supervising the division containing the Sex Crimes or Special Victims Unit (SVU), the SVU supervisor, the prosecuting attorney, and the police chief. Focus groups were held with dispatchers, patrol officers, patrol supervisors, SVU detectives/investigators, members of multi-disciplinary teams involved in sexual assault investigations, and community victim advocates. The project team also used these visits to collect and follow up on any additional data that was not included in the questionnaire, and to review any sensitive materials that could not be distributed outside of the agency.

Development and Implementation. Following the initial site visits, the project team developed recommendations specific to each department and presented them at follow-up site visits. Recommendations focused on areas such as:

- Updating policies and procedures for patrol officers and/or SVU personnel,
- Revising incident forms,
- Updating training materials and schedules,
- Addressing staffing and caseload management,
- Establishing quality control mechanisms for case reviews, and
- Increasing interactions with stakeholders outside the police department.

After discussing the findings and recommendations with police department leaders at each site, the project team and selected police representatives developed an action plan to implement the recommendations. The action plans included a series of tasks that the project team and departments would work to complete within an established timeframe. PERF tracked the implementation progress of each site and continued to provide technical assistance to the sites during this project phase. After completing the action plan, each project site responded to a questionnaire to assess their progress, changes, impacts, and improvements based on the recommendations.³⁰

29. See Appendix D for a sample of the pre-implementation questionnaire.

30. See Appendix E for a sample of the questionnaire

FBI Definition of Rape

PERF and the WLP also worked with OVW and the FBI to provide information to law enforcement agencies nationally to support the implementation of the new FBI definition of rape. Because the new definition includes many forms of sexual assault that previously were not counted as rapes in the FBI's Uniform Crime Reporting (UCR) system, experts predicted that the shift to the new definition would result in increases in the numbers of rapes reported to the UCR. The project team helped police agencies to develop communication strategies for advising the public and news media about the changes, to ensure that the public would understand that increases in rape statistics could be due at least in part to the change in definition, and to further emphasize that increases in the number of rapes known to law enforcement might signify increased reporting of rapes, rather than an increase in their incidence. In coordination with the FBI's Criminal Justice Information Services (CJIS) division, PERF hosted a national webinar in April 2013 with police representatives across the nation to discuss the FBI definition change of rape and its implications. PERF provided a fact sheet about the new definition to the conference participants and fielded inquiries from other police departments looking for information about the UCR definition change.

Changing the FBI Definition of Rape

By: **Carol E. Tracy, Executive Director**
Terry L. Fromson, Managing Attorney
Women's Law Project

The FBI's Uniform Crime Summary Reporting System (UCR) was developed in 1929 as a framework for gathering and publishing crime data from local police departments. Until 2013, the UCR defined rape as "the carnal knowledge of a female, forcibly and against her will." This definition included only forcible male penile penetration of a female vagina, and penetration of a female victim who was incapable of giving consent due to her youth or temporary or permanent mental or physical incapacity.

This FBI definition of rape excluded a long list of penetration offenses that are considered felony crimes in most jurisdictions, including offenses involving oral and anal penetration; penetration with objects or body parts other than the penis; rapes of males; rapes of females by females; non-forcible rape; incest; and statutory rape. These crimes were categorized as "other sex offenses" and only reported to the UCR if an arrest was made.³¹ Thus, the UCR statistics for decades failed to capture the full extent of felony sex crimes in the United States.

The Philadelphia-based Women's Law Project (WLP) began to advocate for changing the FBI definition of rape following a 1999 scandal involving the downgrading of thousands of sex crimes by the Philadelphia Police Department.³² As WLP advocated for reform in Philadelphia, it became clear that the limited UCR rape definition could influence officers' perceptions of sexual

31. Part I Offenses (Index Crimes), such as rape, are reported to the UCR based on the number of offenses known to law enforcement, those cleared by arrest or exceptional means, and the age, sex, and race of persons arrested. Only arrest data are reported for Part II offenses, including sex offenses other than rape. See <https://blackboard.angelo.edu/bbcswebdav/institution/LFA/CSS/Course%20Material/BOR3305/CHAP%203%20SUPPLEMENT%20UCR%20Part%20I%20and%20II%20offenses.pdf> for more information.

32. WLP later performed an audit of all of the Philadelphia Police Department's unfounded rape cases. See sidebar on page 70 for a discussion of the review process.

offenses by creating doubt about whether many types of sexual assaults were “real,” because they were not even counted by the UCR system. In addition, as the FBI UCR was only publicly reporting the number of forcible rapes reported to it, this resulted in an inaccurate national picture of the true incidence of serious sex crimes. Since data often drives resource allocations, the diminution of sex crime statistics also hampered government responses and victim assistance efforts.

The drive to change the UCR definition of rape gained momentum in September 2010, when the U.S. Senate Judiciary Subcommittee on Crime and Drugs held a hearing on *The Chronic Failure to Report and Investigate Rape Cases*. Individuals testifying at the hearing included Charles Ramsey, who at that time was Commissioner of Police in Philadelphia as well as President of PERF, and Carol Tracy, Executive Director of the WLP. They described an overhaul of the Philadelphia Police Department's handling of sexual assault cases, including reforms that continue to this day. Ms. Tracy said that police mishandling of sex crimes across the country was rooted not only in pervasive gender bias about rape and sexual assault, but also in the manner in which the FBI's UCR system defined, analyzed, and publicized the incidence of sex crimes.

Susan Carbon, then-Director of the Justice Department's Office on Violence Against Women (OVW), also called on the FBI to update the antiquated definition of rape used in the UCR system, followed by several victims who recounted systemic issues within the justice system, including the inadequacy of the national definition of rape.

Following the hearing, Senators sent letters to the FBI supporting a change in the rape definition, and WLP and OVW, now with the support of PERF and hundreds of its member police executives from across the nation,³³ continued to push for the change. In PERF's 2011 survey, almost 80 percent of respondents supported broadening the UCR definition. The CJIS Advisory Policy Board (APB), which reviews proposed changes to UCR, subsequently recommended that three sex offenses counted in the National Incident-based Reporting System (NIBRS)—rape, sodomy, and sexual assault with an object—be aggregated into an expanded definition of rape for the Summary Reporting System. The final decision to proceed with the APB's recommendation was made by the FBI Director on December 15, 2011, and was publicly announced by the U.S. Attorney General on January 6, 2012 in a press release stating that the new definition “will lead to a more comprehensive statistical reporting of rape nationwide. The new definition is more inclusive, better reflects state criminal codes, and focuses on the various forms of sexual penetration understood to be rape.”³⁴

In 2013, the FBI officially adopted the following new definition of rape: “Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.” This greatly expanded the types of sexual penetration crimes which the UCR counts as rapes and more accurately reflects societal and legal definitions of serious sexual assault.

33. See Police Executive Research Forum. *Improving the Police Response to Sexual Assault*. (2012). http://www.policeforum.org/assets/docs/Critical_Issues_Series/improving%20the%20police%20response%20to%20sexual%20assault%202012.pdf

34. Department of Justice, Office of Public Affairs. *Attorney General Eric Holder Announces Revisions to the Uniform Crime Report's Definition of Rape* [Media Release]. (2012). <https://www.justice.gov/opa/pr/attorney-general-eric-holder-announces-revisions-uniform-crime-report-s-definition-rape>

Most agencies now are reporting rape under the new definition. As a result, police are reporting a higher number of reported rapes. As of 2015, more than 15,000 agencies are reporting under the new definition.³⁵ Based on this revised definition, the FBI reported that in 2015, an estimated 124,047 rapes occurred, compared to 90,185 estimated rapes counted under the previous “legacy” definition.³⁶ In 2016, an estimated 130,603 rapes were reported under the new definition, compared to 95,730 estimated rapes counted under the legacy definition.³⁷ In January 2017, the UCR program stopped accepting rape data using the legacy definition.

In 2021, the UCR program will continue to improve the quality of data it collects by transitioning to NIBRS-only data collection. NIBRS provides a wealth of details about each crime occurrence, and collects data about victims, offenders, property, and arrests. The system provides for 58 offense classifications with up to 10 offenses per incident.³⁸ NIBRS provides a more comprehensive view of crime, and allows for data analysis on the relationship between offenses, victims, offenders, and arrestees. More complete data allows law enforcement to identify patterns and trends and ultimately to prevent crime.

Information Session on Improving the Law Enforcement Response to Sexual Assault

The project culminated in a national meeting hosted by PERF to discuss the key issues and findings identified in the project. In December 2016, PERF organized an information session for police departments’ sexual assault unit supervisors and other relevant personnel from across the country. This session was hosted at the Westin Georgetown in Washington, DC. The goal of the session was to discuss the findings of the project as well as other emerging issues in the law enforcement response to sexual assault. Twenty-five panelists and 60 attendees participated in the session, which included presentations by OVW, the FBI, and the WLP. PERF facilitated discussions among the panelists and attendees regarding current issues in sexual assault response, key considerations for police and other stakeholders, promising practices, and next steps to move the field forward in how law enforcement responds to victims of sexual assault. Panelists included representatives from OVW, the project team, academics, and victim advocacy organizations. Police executives and other key officials from the four project agencies shared their experiences from this initiative, the lessons learned, and the results realized.³⁹ The key takeaways from this meeting, along with the overall findings from the project are discussed in the following section.

35. John Derbas, FBI CJIS, December 16, 2016 at PERF meeting on Improving the Law Enforcement Response to Sexual Assault

36. FBI, *Crime in the United States: 2015*. (2016): Table 1. <https://ucr.fbi.gov/crime-in-the-u.s/2015/crime-in-the-u.s.-2015/tables/table-1>

37. FBI, *Crime in the United States: 2016*. (2017): Table 1. <https://ucr.fbi.gov/crime-in-the-u.s/2016/crime-in-the-u.s.-2016/topic-pages/tables/table-1>

38. John Derbas, FBI CJIS, December 16, 2016 at the project’s national meeting on Improving the Law Enforcement Response to Sexual Assault

39. See Appendix F for the meeting agenda and a list of conference participants

The Guidebook

"Every department in this country has room for improvement when it comes to sexual assault investigations, and this publication is a great starting point for those who strive to improve."

– *Lieutenant John Somerindyke, Fayetteville Police Department*

The next section of this guidebook contains recommendations on how police departments can improve their response to sexual assault. This guide presents recommendations for agency policies and procedures, accountability mechanisms, training, collaboration, report writing and file maintenance, crime coding, case management, and public education. Each section includes promising practices that are informed by research and the extensive experience of practitioners spanning several fields, including police, prosecutors, and advocacy and social services organizations, as well as PERF's experience working with agencies across the country. This guidebook also provides examples from the project sites that have already implemented the recommendations, as well as additional resources that offer further guidance for police officials that are exploring various issues and strategies for improving their department's response to sexual assault.



Recommendations

“Departments should learn from the experiences and approaches used by other agencies, and use this information to develop policies and protocols that complement their current best practices and initiatives.”

– *Chief Mike Brown, Salt Lake City Police Department*

While the specific recommendations provided to each site during the technical assistance process were tailored to meet the individual needs of that agency, the project team identified common themes and issues among the sites that may also apply to other departments across the country. This report identifies those common issues and provides recommendations that can be scaled to address them.

The following recommendations are based on the project team’s observations and assessments at each of the agency project sites, as well as current best practices identified in the research literature and by the project’s Advisory Board of subject matter experts. Many of these recommendations are also based on federal guidelines that have included assessments of police agencies’ response to sexual assault. In particular, the DOJ guidance on *Identifying and Preventing Gender Bias in Law Enforcement Response to Sexual Assault and Domestic Violence*, as well as federal consent decrees with the Puerto Rico, Missoula (MT), and New Orleans Police Departments, provide guidelines that may be helpful to agencies hoping to improve their response to sexual assault investigations.

This section also includes key discussion points and issues discussed at the 2016 information session, to highlight current emerging issues in the law enforcement response to sexual assault. At the end of this section, additional resources are provided on each topic, including further information, training, and research articles to supplement the recommendations.

DOJ Guidance: Identifying and Preventing Gender Bias in Law Enforcement Response to Sexual Assault and Domestic Violence

In December 2015, the U.S. Department of Justice released a guidance document for law enforcement on *Identifying and Preventing Gender Bias in Law Enforcement Response to Sexual Assault and Domestic Violence*, with input from police leaders, advocates, and experts in the field of sexual assault and domestic violence.⁴⁰ This document is designed to advance bias-free policing and help agencies to more fairly and effectively respond to allegations of sexual assault and domestic violence. The guidance provides several principles for departments to incorporate into their policies and training in order to improve investigations and ensure that victims of sexual assault and domestic violence receive a professional and appropriate response from police:

- Recognize and address biases, assumptions and stereotypes about victims.
- Treat all victims with respect, and employ interviewing tactics that encourage a victim to participate and provide facts about the incident.

40. U.S. Department of Justice. “Identifying and Preventing Gender Bias in Law Enforcement Response to Sexual Assault and Domestic Violence.” <https://www.justice.gov/opa/file/799366/download>.

- Investigate sexual assault or domestic violence complaints thoroughly and effectively.
- Appropriately classify reports of sexual assault or domestic violence.
- Refer victims to appropriate services.
- Properly identify the assailant in domestic violence incidents.
- Hold officers who commit sexual assault or domestic violence accountable.
- Maintain, review, and act upon data regarding sexual assault and domestic violence.⁴¹

The recommendations in this guidebook, in addition to reflecting PERF's project work, are intended to reflect the principles set forth in the DOJ guidance.

Adopting a Victim-Centered Approach

Throughout the process of assessing sexual assault response in the four technical assistance sites, the project team sought to assess how each department treated victims of sexual assault. Ensuring that victims receive adequate care is a critical part of the response to sexual assault.

It is important that police departments adopt a victim-centered approach in all interactions with crime victims, particularly victims of sexual assault. A victim-centered approach involves a focus on the needs and concerns of the victim, to ensure that investigations are not compromised by judgments an investigator makes about a victim, and that victims are treated in a manner that accounts for the unique traumatic effects of sexual assault. The needs of the victim should be considered at every step of the investigation to prevent further trauma and to assure the victim that her/his participation in the process helps the justice system work and that their safety will be prioritized by investigators. This will convey to victims that the police take their case seriously and that the department will conduct a thorough investigation.

It is also important that sexual assault cases be investigated in an unbiased manner, free of assumptions and stereotypes about victims. For example, police should not base judgments about victim credibility on assumptions about the “types” of people who can be victims of sexual assault or how victims “should” respond or conduct themselves after an assault⁴² (see section on training for more information about stereotypes). The way investigators interact with victims impacts the extent to which the victim is comfortable cooperating and disclosing information, which impacts the success of the investigation.^{43,44} Many victims report “revictimization”⁴⁵ by police when they feel they are not

41. Ibid

42. Identifying and Preventing Gender Bias in Law Enforcement Response to Sexual Assault and Domestic Violence (Washington, DC: U.S. Department of Justice, 2015), <https://www.justice.gov/opa/file/799366/download>

43. Patterson, Debra. “The Linkage Between Secondary Victimization by Law Enforcement and Rape Case Outcomes,” *Journal of Interpersonal Violence* 26, no. 2 (2011): 328-347. <http://journals.sagepub.com/doi/10.1177/0886260510362889>

44. Venema, Rachel M. “Police Officer Schema of Sexual Assault Reports: Real Rape, Ambiguous Cases, and False Reports,” *Journal of Interpersonal Violence* 31, no. 5 (2016): 874-875. <http://journals.sagepub.com/doi/abs/10.1177/0886260514556765>

45. “Revictimization” can have different meanings depending on the context. For the purposes of this report, we use “revictimization” to refer to “the blame and stigmatizing responses to victims by police or others and the trauma that victims experience following the rape itself”. See Maier, Shana L. “I have heard horrible stories. . .’ Rape Victim Advocates’ Perceptions of the Revictimization of Rape Victims by the Police and Medical System,” *Violence Against Women*, 14, no.7 (2008): 787 for more information.

believed, that their complaint is not taken seriously, or that they are being blamed for the offense.⁴⁶ This may cause the victim to not want to move forward with the investigation.⁴⁷

To create an environment which sustains a victim-centered approach to sexual assault, the chief executive and other leaders of the department must continually reinforce this message, and develop performance measures and accountability standards that demonstrate the department's commitment to thorough, unbiased investigation of all sexual assault reports. This includes **ensuring that supervisors and department leaders recognize officers for displaying competencies in the area of victim sensitivity in investigations and interactions with victims**, rather than focusing on clearance rates alone.⁴⁸ Positive reinforcement strategies are one way in which a department can work to build a victim-centered culture among officers and investigators.⁴⁹ Departments should also consider monitoring and evaluating officers based on their adherence to victim-centered policies and practices⁵⁰, as well as feedback from victims and agency partners. And departments should document their commitment to maintaining a victim-centered approach in policy.

Project Site Example: The Fayetteville Police Department (FPD) has officially incorporated its victim-centered approach in its sexual assault policy. The policy reads, "A victim-centered approach will be taken when interacting with victims of sexual violence. The victim is at the center of all decisions regarding recovery and any involvement with the criminal justice system. The needs of the victim are everyone's concern and a collective effort (not just victim advocacy). **Victim's choice, safety, and well-being is the focus.**"⁵¹

In its policy, the Salt Lake City Police Department reminds officers, "It is important to remember that while taking the report from the victim, the officer must remain patient, objective and non-judgmental. The officer should be neutral and impartial, but also compassionate and empathetic."⁵² By including this statement in the first section of the department's sexual assault policy, the department emphasizes to all officers the importance the department places on its victim-centered approach to sexual assault.

Another aspect of maintaining a victim-centered approach involves building relationships and improving cooperation with partners outside of the department, including victim advocates and other community service providers. Advocates can provide support for victims, link them with resources,

46. Maier, Shana L. "I have heard horrible stories. . . ' Rape Victim Advocates' Perceptions of the Revictimization of Rape Victims by the Police and Medical System," *Violence Against Women*, 14, no.7 (2008): 787 <http://journals.sagepub.com/doi/abs/10.1177/1077801208320245>

47. Venema, Rachel M. "Police Officer Schema of Sexual Assault Reports: Real Rape, Ambiguous Cases, and False Reports," *Journal of Interpersonal Violence* 31, no. 5 (2016): 874-875. <http://journals.sagepub.com/doi/abs/10.1177/0886260514556765>

48. Jordan, Jan. "Worlds Apart? Women, Rape and the Police Reporting Process," *British Journal Criminology* 41, no. (2001): 679-706. <https://academic.oup.com/bjc/article-abstract/41/4/679/468312/Worlds-Apart-Women-Rape-and-the-Police-Reporting>

49. See, for example, the recommendation to incorporate the consistent use of victim-centered practices into investigator performance evaluations (page 32).

50. Memorandum of Understanding Between the U.S. Dept. of Justice and City of Missoula Regarding the Missoula Police Department's Response to Sexual Assault 8 (May 15, 2013). https://www.justice.gov/sites/default/files/crt/legacy/2013/05/15/missoulapdsettle_5-15-13.pdf

51. Fayetteville Police Department. "Operating Procedure #3.8: Response to Sexual Violence Cases," *Fayetteville Police Department Written Directives and Operating Procedures*, (2016). p. 302.

52. Salt Lake City Police Department, "III-660 Rape and Sexual Assault," *Salt Lake City Police Department Policies and Procedures Manual*, (2017), p. 160 <http://www.slcdocs.com/police/ppm.pdf>

and make them feel more at ease by helping them understand what to expect throughout the criminal justice process.^{53,54} Police departments should provide victims with direct access to a victim advocate, and advocates should be permitted to be present during any part of the process in which the victim desires their participation.⁵⁵

Cultural competency within the department is also crucial to providing the best care to victims. Officers should receive training to assist them in their response to non-English speaking victims, victims from diverse racial, religious or ethnic groups or cultures, victims with disabilities, elderly victims, immigrant victims, victims who identify as lesbian, gay, bisexual, transgender or queer (LGBTQ), and victims who are involved in commercial sex trade. Detectives should be trained to understand how cultural issues may impact victim response, to avoid misinterpreting culturally-based behavior, and to obtain interpreter services and other appropriate resources when necessary.^{56,57}

Project Site Example: As part of the department's victim-centered approach, Scottsdale Police Department has seven full-time Police Crisis Intervention Specialists (PCIS). PCIS are master's level, behavioral health professionals who respond to police calls for service and other requests for on-scene assistance on a 24/7 basis. While the specialists are non-sworn, they may respond to calls with sworn personnel or on their own. PCIS specialists work in tandem with the police department when responding to calls of a sensitive nature by providing crisis intervention services, victim advocacy, resource guidance and referrals, community education, and transportation for victims. Specialists are involved in the initial casework and also provide follow-up services. Two PCIS employees are assigned to Scottsdale's Family Advocacy Center (discussed in more detail on page 62).

Trauma-Informed Response

"Being a victim-centered, trauma-informed agency means that our employees understand that our role is not only to help bring perpetrators to justice, but also to provide the victim with support and compassion throughout the process. It means understanding the impacts of trauma on a victim, and providing better service by focusing on their well-being during the investigation."

– *Chief Mike Brown, Salt Lake City Police Department*

In addition to adopting a victim-centered approach, **departments should incorporate trauma-informed practices into their response to sexual assault.** This involves recognizing the symptoms of trauma and its prevalence, and understanding how those symptoms can affect an individual who

53. U.S. Department of Justice, *Identifying and Preventing Gender Bias in Law Enforcement Response to Sexual Assault and Domestic Violence*. (2015) <https://www.justice.gov/opa/file/799366/download>

54. Rebecca Campbell, "Rape Survivors' Experiences with the Legal and Medical Systems: Do Rape Victim Advocates Make a Difference?" *12 Violence Against Women* 30, 30 (2006). <http://journals.sagepub.com/doi/abs/10.1177/1077801205277539>

55. IACP. *Sexual Assault Response Policy and Training Content Development Guidelines*. (2015). <http://www.iacp.org/Portals/0/documents/pdfs/IACPSexualAssaultResponsePolicyandTrainingContentGuidelines.pdf>

56. EVAWI. *Interviewing the Victim: Techniques Based on the Realistic Dynamics of Sexual Assault*, (2017): p. 72-78, <http://www.evawintl.org/library/DocumentLibraryHandler.ashx?id=657>

57. IACP, *Sexual Assault Incident Reports: Investigative Strategies*, p. 8, <http://www.iacp.org/Portals/0/pdfs/SexualAssaultGuidelines.pdf>

has experienced trauma.⁵⁸ Put simply, sexual assault is a violent crime that can have a tremendous and long-lasting impact on a person's health and quality of life, and victims might not act in ways they are expected to act in the immediate aftermath of the crime. In fact, victims might behave in ways that seem counterintuitive. While research on the neurobiology of trauma can help explain the impact of sexual assault on memory and behavior, it is important that responding officers and investigators understand that a victim's self-protective measures in the wake of a sexual assault might not comport with other people's expectations or the objectives of the justice system.

For example, the fact that a sexual assault victim might not physically resist their assailant is an example of victim behavior that should be considered through a trauma-informed lens. A victim might not fight back for many reasons, such as because they know they cannot overcome a physically stronger assailant, and for fear that the assailant would respond with more brutal force. Not considering how the situation is experienced by the victim could lead one to mistake the victim's lack of physical resistance as consent, when in fact it was a self-preservation and survival measure. Furthermore, during a sexual assault, the body can release high levels of corticosteroids that can cause a temporary state of paralysis known as tonic immobility.⁵⁹ This means that a victim may not actively resist an assault, but it is not an indication that the victim consented to the sex act. In addition, trauma can affect memory and behavior, causing victims to provide fragmented or inconsistent accounts of the incident, or appear to be emotionless or not upset following the assault.⁶⁰ Officers should be familiar with these reactions so they do not interpret the victim's behavior as an indication that the crime was not serious, or that the victim is lying.

Furthermore, if a victim is made to feel that they are being interrogated and treated as a perpetrator of a crime, they will understandably have a more difficult time providing the information that the investigators request. Victims may also think that the justice system is unlikely to be of any help, and conclude that cooperating with law enforcement will only further jeopardize their safety and recovery. Rather than creating an atmosphere that dissuades victims from assisting law enforcement in investigating sexual assault, police can adopt trauma-informed practices, use effective investigation techniques, and connect victims with services.

To establish an approach that is trauma-informed, departments should ensure that officers understand the potential for victim re-traumatization⁶¹, and that there are policies, training, and protocols in place to minimize this potential when interacting with victims. Such policies and protocols should emphasize the physical and emotional safety of the victim, seek to maximize trust by prioritizing victim choice and decision-making, create collaboration between the victim and the department, empower the victim to be involved in the investigation process, and demonstrate cultural competence by ensuring the suitability of the selected services to the victim.⁶² These concepts will be discussed in more detail later in the document.

58. Substance Abuse and Mental Health Services Administration, *Trauma-Informed Care in Behavioral Health Services*, Treatment Improvement Protocol (TIP) Series 57. HHS Publication No. (SMA) 13-4801, (Rockville, MD: U.S. Department of Health and Human Services Administration, 2014): xix <http://store.samhsa.gov/shin/content//SMA14-4816/SMA14-4816.pdf>

59. Campbell, Rebecca. "The Neurobiology of Sexual Assault," *NIJ Research for the Real World Seminar*, [Webinar], 3 (December 2012), <https://nij.gov/multimedia/presenter/presenter-campbell/Pages/presenter-campbell-transcript.aspx>

60. Ibid

61. Re-traumatization is a conscious or unconscious reminder of past trauma that results in the victim re-experiencing the initial traumatic event. See <http://www.socialworker.com/feature-articles/practice/preventing-retraumatization-a-macro-social-work-approach-to-trauma-informed-practices-policies/> for more information.

62. The National Sexual Assault Coalition Resource Sharing Project and National Sexual Violence Resource Center. *Building Cultures of Care: A Guide for Sexual Assault Services Programs*. (2013). http://www.nsvrc.org/sites/default/files/publications_nsvrc_guides_building-cultures-of-care.pdf

Providing training to officers on trauma response and the neurobiology of trauma helps to ensure they are familiar with the range of potential reactions to sexual assault, and are prepared to provide victims with the best possible services. Additionally, officers should be trained with the understanding that sexual assault victims can react to trauma differently based on individual circumstances, such as their social support systems, the severity of the victimization, and their relationship with the suspect.⁶³ Officers should understand that slowing down interviews and allowing victims time to collect their thoughts can help improve the victim's ability to recall events and lead to a more complete account of the assault (see section on "Victim Interview" for more information).⁶⁴

Departments should **document their commitment to understanding and engaging in trauma-informed practices in department policy**, to ensure that all members of the department are aware of the importance of these issues. Adopting victim-centered and trauma-informed policies, practices, and training will enable police departments to better respond to victims of sexual assault and improve their investigations. This is discussed further in the following section.

"Until recently, "trauma-informed" and "victim centered" were not terms that many investigators were familiar with, but these are important concepts for law enforcement. Sometimes these concepts are not taken seriously by police because they think it is too "touchy-feely," but police officers have to wear multiple hats. The way you deal with a violent criminal is not how you deal with a victim. Police officers must be able to tailor their response to different situations, and it's critical that police officers and investigators are exposed to this field of research and the best practices derived from it. This is not a "feel-good" approach. It is science-based."

– Lt. Anthony Easter, Chattanooga Police Department

Sexual Assault Policy Considerations

During the first stage of PERF's assessment of the four police departments that participated in this project, the project team reviewed all policies related to each department's response to sexual assault. Policies define the rules and responsibilities for all officers who respond to sexual assault, and also convey the department's overall approach to these crimes. In reviewing policies, the PERF project team was able to gauge the department's overall approach to responding to sexual assault, as well as identify areas that needed further clarification to best guide officers' responses in the field.

It's important that departments have a specific, standalone policy outlining the response to sexual assault. These cases often require a different approach and specialized investigative training, which includes special considerations with regard to interacting with victims, conducting interviews, and collecting evidence. A sexual assault policy can act as a reference to ensure that the department's response is consistent, and a standalone policy communicates to the department and the public that effective sexual assault response is a top priority.

63. Fanflik, Patricia L. *Victim Responses to Sexual Assault: Counterintuitive or Simply Adaptive?* (Alexandria, VA: National District Attorneys Association, 2007): 5 http://www.ndaa.org/pdf/pub_victim_responses_sexual_assault.pdf

64. Campbell, Rebecca. "The Neurobiology of Sexual Assault," *NIJ Research for the Real World Seminar*, [Webinar], 3 (December 2012), <https://nij.gov/multimedia/presenter/presenter-campbell/Pages/presenter-campbell-transcript.aspx>

The sexual assault policy should clearly communicate leadership messages and priorities about maintaining victim-centered, trauma-informed approaches, and it should outline the roles and responsibilities of each member of the department in a sexual assault investigation. In addition to ensuring that priorities are clearly communicated, a policy will also help to inform training, officer performance, supervision and accountability, discipline, and rewards and recognition. When developing a sexual assault policy, departments can enlist the help of experts or victim advocates to ensure that the policy is comprehensive and relays the importance of victim-centered and trauma-informed approaches.

Project Site Examples: Through this project, the Chattanooga Police Department (CPD) recognized the need for a standalone policy on sexual assault. After crafting its policy using the State of Tennessee’s model sexual assault policy as a template, CPD requested that PERF and its team of subject matter experts review the document to ensure it was as complete as possible. Allowing subject matter experts, including victim advocates, to review the department’s sexual assault policy was extremely beneficial. As Chief Fred Fletcher noted, “The expert team and involvement of advocates bring a lot of credibility to the process.”

The Salt Lake City Police Department took a similar approach when revising its sexual assault policy. The Department opened its policy development process to multiple outside organizations, such as the Salt Lake City Rape Recovery Center, to provide input. Policy recommendations made by these organizations were incorporated in the department’s sexual assault policy. Importantly, the department then updated its training on sexual assault reporting and response, to reflect the policy changes and recommendations of victim advocacy organizations.

All members of a police department involved in the response to sexual assault should be trained on the policy and should understand their roles in an investigation.

Specifically, the following responsibilities should be performed by dispatch/call takers, responding officers, and supervisors in the response to sexual assault.

Telecommunications Personnel (Call-Taker/Dispatch) Responsibilities

To ensure that each site assessment fully captured the police department’s response to sexual assault, the project team held focus groups with call-takers and dispatchers to better assess their interactions with victims. In each site, it was apparent that communication between telecommunications personnel and first responding officers was important to ensure that the necessary information was transmitted.

Call-takers or dispatchers are often the first point of contact with the criminal justice system for victims after a sexual assault. The initial response of the call-taker to the victim can impact their perception of the justice system and willingness to participate in the process. Therefore, call takers and dispatchers must be thoroughly trained on how to respond to these types of calls using a victim-centered response. This training will help to ensure that communications personnel are well-prepared to respond to the victim in a sensitive manner, and gather the critical information that is needed by the officers who will be responding to the scene.

There are multiple models for the intake and processing of calls for emergency services, and how telecommunicators are trained to respond to these types of calls for service varies by jurisdiction. Some departments oversee training for call-takers and dispatchers, while others do not. Regardless of the model, it is crucial that both call-takers and dispatchers be familiar with the local department's sexual assault policy and that they be kept abreast of any changes to policies or protocols that could impact their responsibilities. If the 911 center is under the jurisdiction of the police department, then these roles and responsibilities should be formalized in department policy. If the department works with an outside agency for these functions, these agencies should collaborate to ensure effective and seamless responses.

The specific protocols for telecommunications personnel who receive reports of sexual assaults may vary, but often include the following steps:

- obtain the initial facts of the incident;
- determine whether there is life-threatening danger or the need for emergency medical attention;
- identify the call as a sexual assault and assign a priority rating;
- determine whether the crime has just occurred or whether it is a delayed report;
- obtain suspect identifying information;
- determine whether the suspect has weapons; and,
- determine the suspect's relationship to the victim.

Additionally, call-takers should inquire as to whether the victim has showered, bathed, or douched, and if not, should ask them not to engage in any of these activities in order to preserve evidence.^{65,66} However, it is important not to make the victim feel at fault about their actions, and victims should be reassured that they have not done anything wrong if they have bathed after the attack.

Some dispatch systems prompt telecommunications personnel to follow a specific, automated script when responding to certain calls. Departments that use these types of scripts should review them to ensure they are consistent with department policy and priorities with regard to the response to sexual assault.⁶⁷ In reviewing the scripts, departments should solicit feedback from a range of stakeholders such as call-takers/dispatchers, officers in the field, victim advocates and perhaps even victims who are willing to share their ideas. If issues are identified with the content of the script, departments should work with telecommunications personnel and, if needed, the computer-aided dispatch system provider to adjust the script. In addition, telecommunicators should have discretion to deviate from the script if appropriate – for example, by changing the order of the questions asked – to ensure they are able to collect critical information in a timely manner.

65. IACP. "Investigating Sexual Assaults Part I: Elements of Sexual Assault and Initial Response," *Training Key # 571*, (2004): p. 2-3.

<http://www.theiacp.org/portals/0/pdfs/571InvestigatingSexualAssaultsPart1.pdf>

66. EVAWI and IACP. (May 2012), *Preliminary Investigation: Guidelines for First Responders* <http://www.evawintl.org/library/DocumentLibraryHandler.ashx?id=40>

67. Departments that use another agency to answer and/or dispatch their emergency calls will need to coordinate closely with that agency to ensure the department's needs are being met.

First Responding Officer Responsibilities

The extent of first responder responsibilities will vary by the size, available resources, and policy preferences of the jurisdiction. In general, a responding officer's first priority upon arriving at the scene of a sexual assault should be to ensure that the victim and scene are safe and to address any immediate medical needs of the victim. After addressing the victim's immediate needs, the first responder may:

- conduct a limited interview of the victim to document the basic elements of the crime;
- identify potential witnesses and suspect(s);
- identify and secure evidence and the crime scene; and
- document observations about the victim and suspect (if applicable).

This list is not all inclusive, and will vary depending on department size and resources. In some agencies, additional responsibilities may include:

- photographing and diagramming the entire crime scene; and
- noting any signs of injury, including strangulation.⁶⁸

Regardless of the extent of their responsibilities, first responders should be cognizant of protecting the victim's privacy whenever possible. This is discussed in more detail below.

One of the common issues the project team identified during the site assessments was the repeated questioning of victims by multiple police personnel, starting with the first responder to the scene. Victim-centered approaches emphasize the importance of minimizing initial questioning, especially if the assault has recently taken place. Thus, **first responding officers should be cognizant of limiting their questions to only those which establish the basic facts of the crime.** More in-depth questioning and interviews should be conducted later by a detective⁶⁹ or the individual conducting the follow-up investigation.

Victims of sexual assault often need time to process the circumstances of their assault.⁷⁰ Repeated questioning and questioning shortly after the assault may distort the victim's memory and cause issues later in the investigation.⁷¹ By establishing just the basic facts necessary to determine the appropriate response, the first responding officer can protect the victim from repetitive questioning later in the investigation process.

68. See for example: EVAWI and IACP. (May 2012), *Preliminary Investigation: Guidelines for First Responders* <http://www.evawintl.org/library/DocumentLibraryHandler.ashx?id=40>, p. 4; IACP, (2004) "Investigating Sexual Assaults Part I: Elements of Sexual Assault and Initial Response," *Training Key #571*. <http://www.theiacp.org/portals/0/pdfs/571InvestigatingSexualAssaultsPart1.pdf>

69. For the purposes of this report, the word "detective" is used to refer to individuals responsible for the investigation of sexual assaults. "Detective" and "investigator" are used interchangeably throughout the report.

70. Campbell, Rebecca. "The Neurobiology of Sexual Assault," *NIJ Research for the Real World Seminar*, [Webinar], (3 December 2012), <https://nij.gov/multimedia/presenter/presenter-campbell/Pages/presenter-campbell-transcript.aspx>

71. Loftus, Elizabeth F. "Leading Questions and the Eyewitness Report," *Cognitive Psychology* 7 (1975): p. 571

Project Site Example: The Salt Lake City Police Department included a statement in its policy instructing first responding officers to limit the questions asked of victims when responding to the scene. Below is an excerpt from SLCPD's sexual assault policy⁷²:

RAPE AND SEXUAL ASSAULT

First Responder's Responsibilities

Responding officers should be primarily concerned with the wellbeing of the victim. The initial officer shall make contact with the victim, address safety concerns and summon emergency medical assistance if needed....

Initial report considerations:

- Allow the victim to explain what happened without interruption, if possible.
- Once the narrative is received, limit questions to clarify basic information such as site of occurrence, suspect information and possible witnesses. It is not the officer's place to question the victim's narrative...
- It is very important to get accurate contact information for the victim, including but not limited to: home address, home phone number, mobile phone number, work phone number and email address.
- A more in-depth interview will be performed at a later time by a Special Victims Detective.

In keeping with victim-centered practices, first responding officers should attempt to establish trust with the victim, reassuring them that the department takes these cases very seriously. The officer should express interest in the victim's well-being and explain the next steps in the process, including whether another officer will be assigned to their case for investigation, and the roles of other individuals the victim may come into contact with during the course of the investigation.

In addition, the officer should inform the victim of the availability of a victim advocate and contact one as soon as practicable if the victim wishes to talk to an advocate.⁷³ Responding officers should be aware of local community resources available to sexual assault victims, and should be able to provide this information to victims.

To ensure that the victim is able to communicate clearly, **responding officers should determine whether the victim needs an interpreter or other language assistance.** Departments may have resources already available to assist officers in these situations, such as language lines that provide interpretation services via telephone. However, the project team found that officers are not always aware of what resources they can access while in the field. Therefore, officers should be educated about the various interpretation services available to them and should be trained on how to access and use them.

72. Salt Lake City Police Department, "III-660 Rape and Sexual Assault," *Salt Lake City Police Department Policies and Procedures Manual*, (2017) p. 161. <http://www.slcdocs.com/police/ppm.pdf>

73. EVAWI. *Interviewing the Victim*, (May 2012) p. 44 -48 <http://olti.evawintl.org/images/docs/VICTIM%20INTERVIEW%2005-30-12.pdf>

Importantly, **victim advocates and family members should not be used as interpreters**, as this can undermine independence and accuracy of the investigation.⁷⁴ Independent interpreters should be instructed to communicate the actual words being said by both the victim and the investigator, and not to rephrase the words or attempt to put the communication into their own contextual understanding of what is being said.

If the victim wishes to have a medical forensic exam, the responding officer should provide transportation for the victim to the designated facility. Whenever possible, victims should be transported in an unmarked vehicle to protect their privacy. The victim should not be left alone at the designated facility until turned over to the medical professional who will be performing the medical forensic exam. In addition, the transporting officer should document the victim's movements and activities in their written report so that the chain of custody of any evidence the victim may be carrying on their clothes or body is maintained.

The victim should be informed that the medical forensic exam must be done soon after the assault in order for successful evidence collection. Even if the victim has showered or bathed after the attack, they should still be encouraged to have a forensic exam, as the exam serves many purposes that may support the development of the case. **In addition, victims should be provided access to a medical forensic exam free of charge, regardless of whether or not they wish to participate in the investigatory process.**^{75,76} Victims may have many reasons for not wanting to participate in an investigation, including the fear of stigma and retribution. However, this should not prevent their access to a medical forensic exam, and officers should respect the rights of the victim to participate in the investigative process at a level at which they are comfortable. Officers should also understand that a victim may want medical forensic care prior to making a decision about reporting the sexual assault to police.

Similarly, **first responders should not ask victims about their willingness to participate in prosecution efforts in the initial interview.** The decision to press charges rarely needs to be made at this point, and pressuring a victim about prosecution may discourage them from pursuing a complaint, medical assistance, or moving forward with the investigation.⁷⁷ If the victim does not want charges to be pressed immediately, they should maintain the right to reengage with the justice system at a later time.

74. U.S. Department of Justice. *Identifying and Preventing Gender Bias in Law Enforcement Response to Sexual Assault and Domestic Violence*, (2015): p.15 <https://www.justice.gov/opa/file/799366/download>

75. 42 U.S.C. § 3796gg-4(d): The Violence Against Women Act (VAWA) of 2005 contains a provision ensuring that victims have access to medical forensic examinations free of charge and regardless of whether they wish to assist with an investigation. While this provision does not set forth specific protocols, many states and local jurisdictions subsequently implemented alternative reporting, "anonymous" reporting, and nonreporting options that allow victims to obtain a medical forensic exam before deciding whether to report a sexual assault to law enforcement. Adherence to this provision is often referred to as "forensic compliance."

76. For more information on forensic compliance, see Resources for Additional Reading, page 95.

77. EVAWI. *Interviewing the Victim*, (May 2012): p. 47-48 <http://olti.evawintl.org/images/docs/VICTIM%20INTERVIEW%2005-30-12.pdf>

Project Site Example: Fayetteville Police Department's sexual assault policy provides the following information regarding the responsibilities of first responders⁷⁸:

B. Initial Response

Initial responding officers should be primarily concerned with the well being of the victim and, where circumstances allow, will initiate investigative procedures that will facilitate the identification and arrest of suspects. It is important that these cases be handled from a nonjudgmental perspective so as not to communicate in any way to a victim that the victim is to blame for the crime.

With regard to victim assistance, the officer will:

1. Render necessary first aid and request emergency medical assistance.
2. Attempt to gain the victim's trust and confidence by showing understanding, patience and respect for personal dignity.
3. Provide the victim an officer of the same sex if requested - if one is available.
4. Assist the victim to locate family or friends for emotional support.
5. Offer the assistance of a Rape Crisis Volunteers of Cumberland County (RCVCC) Advocate. One can be reached 24 hours a day at XXX-XXX-XXXX.

With regard to initial investigation, the officer will:

1. Secure the crime scene.
2. Generally, avoid asking detailed, intimate questions regarding the assault. An initial in-depth interview may not be possible or appropriate; however the initial investigating officer should attempt to determine if a crime occurred and what type of crime.
3. Note the victim's appearance and behavior – e.g. injuries, disarrayed or torn clothing, dirt or vegetation stains.
4. Relay pertinent information to Communications.
5. Conduct questioning in private and only by one officer.
6. Protect the crime scene to include bedding, clothing and related materials and areas. Ask the victim not to wash, smoke, eat, or drink until a sexual assault examination has been performed. Advise the victim potential evidence could be lost if they do so.
7. Encourage the victim to undergo a sexual assault examination, emphasizing its importance to their health and in collecting important evidence which will assist the investigation.
8. Accompany the victim, with a change of clothing, to the hospital and relay pertinent information concerning the assault to the examining physician.
9. Remain on hand at the hospital until family members, support service personnel or detectives arrive.

78. Fayetteville Police Department, (2016). "Operating Procedure #3.8: Response to Sexual Violence Cases," *Fayetteville Police Department Written Directives and Operating Procedures*, p. 303,

10. Ensure photos are taken of evidence of physical injury.
11. A report of the crime shall always be taken regardless of the length of time between the date of occurrence and the date the report is made.

If the responding officer is not the one who will be responsible for subsequent investigative duties, then it is ideal to have **investigators or detectives to respond to the scene of sexual assaults as soon as possible**. A prompt response reassures victims that the department takes their reports seriously.

Project Site Example: The Salt Lake City Police Department (SLCPD) updated its sexual assault policy to ensure that investigators respond to sexual assaults in a timelier manner. When SLCPD receives a call about a sexual assault, the Watch Commander may contact the Investigative Lieutenant over the SVU, who then determines whether an investigator should be called to the scene based on the details of the case and the criteria outlined in department policy (see below). Previously, investigators only responded when there was a suspect in custody.

With the policy change, investigators now respond to victims sooner, and regardless of whether a suspect is in custody. Additionally, to ensure the response is prompt, investigators can now be called to a scene on a 24/7 basis, when in the past they would only respond when on-duty. To accommodate the potential burden on any one investigator, a rotating weekly on-call schedule was developed. Instituting these changes helps SLCPD ensure that victims make contact with an investigator as soon as possible following the initial report. While a response to all calls is ideal, this may not be feasible in all cases. SLCPD has included the following policy language outlining when a detective may be called to the scene:

Call Out of Detective Personnel⁷⁹

A follow-up detective may be called out:

- On all burglary sexual assaults
- If the suspect is in custody
- On child sex assaults where the suspect is in the home
- If the victim is 65 years-of-age or older or there is indication that the victim's mental or physical condition may deteriorate rapidly as a result of the incident.
- Investigations which require search warrants
- Cases where the officer or supervisor feels they need assistance. It is the officer's responsibility to discuss with their supervisor the necessity of making a request for call-out of SVU Detectives.⁸⁰

The request for call out of follow-up personnel must be made through the Watch Commander. Primary contact of Detective personnel must be directed to the Detective Division Lieutenant. If unavailable, the Detective Division Commander is to be contacted.

79. This refers to instances in which detectives may be called to respond immediately to a crime scene.

80. Salt Lake City Police Department, "III-660 Rape and Sexual Assault," *Salt Lake City Police Department Policies and Procedures Manual*, (2017) p. 163. <http://www.slcdocs.com/police/ppm.pdf>

SVU Supervisor Responsibilities⁸¹

During the course of the project, it was clear that the role of the SVU supervisor is critical to the overall success of the department in responding to sexual assault. Each of the sites benefited from having a dedicated supervisor responsible for coordinating all the aspects of the department's response to these crimes. Individuals selected to fill this role must be willing to take on the unique requirements and responsibilities of the position. In order to maintain the institutional knowledge of this position, and to ensure that the use of best practices in the department's response to sexual assault remains consistent, SVU supervisor responsibilities must be documented for future supervisors, in policy, procedure manuals, and perhaps in a detailed position description.

Important SVU supervisor responsibilities include:

- Assigning detectives to cases in a timely manner,
- Responding to the scene of a sexual assault as possible, and if requested,
- Meeting with detectives on the progress of their cases,
- Working closely with the local prosecutor's office,
- Coordinating with victim advocates and other partner community organizations to ensure seamless collaboration with the department and to leverage resources to provide the best possible response for victims,
- Reviewing the department's sexual assault response policy and working to routinely update it to ensure it reflects nationally-recognized best practices, and
- Ensuring proper training and mentoring for relevant members of the department, to name a few.

SVU supervisors should review all cases to ensure comprehensive investigations and proper follow-up before closure.⁸² This includes reviewing sexual assault reports for accuracy and consistency, ensuring that officers and detectives understand proper case coding (see section on Case Coding and Classification for more information), and ensuring that detectives are conducting victim-centered investigations. Supervisors should be in frequent contact with investigators, especially to assess their interactions with victims, so they are able to take appropriate actions if investigators' behavior is inconsistent with department policy or expectations. Supervisors should promote a victim-centered approach by consistently reinforcing and modeling these practices, and rewarding officers based on their response to victims. SVU supervisors must be willing to provide feedback on an on-going basis, and incorporate victim-centered practices into performance management practices.^{83,84} This could include revising existing performance metrics for the unit and devising new criteria for managing investigator performance. For example, departments could consider implementing a performance feedback tool such as a survey to provide quality-assurance and inform the performance evaluation process. A variety of survey questions could be drafted to address various aspects of the investigative process, including the use of trauma-informed and victim-centered practices. The survey could be given to the individuals an investigator interacts with on a routine basis, including

81. Not all departments may have a designated SVU (Special Victims Unit), and the name of the unit responsible for investigating sex crimes may differ by department. This section applies to the supervisor responsible for overseeing sexual assault investigations.

82. U.S. Department of Justice, *Memorandum of Understanding Between the U.S. Department of Justice and the City of Missoula Regarding the Missoula Police Department's Response to Sexual Assault.*, (May 2013): p. 8 <http://www.ci.missoula.mt.us/DocumentCenter/View/23538>

83. *Ibid*, p. 6

84. IACP. *Sexual Assault Response Policy and Training Content Guidelines*. (2015). <http://www.iacp.org/Portals/0/documents/pdfs/IACPSexualAssaultResponsePolicyandTrainingContentGuidelines.pdf>

other investigators, patrol officers, evidence collection personnel, forensic lab personnel, prosecutors, forensic medical personnel, victim advocates and other service providers. In developing performance metrics, victim advocates can be a great resource for feedback on adjusting or rewarding behavior, as they have experience with proper victim interactions and can relay any feedback from victims about the process (with the victim's permission).

Additionally, SVU supervisors should track the caseload of each detective in the unit and routinely evaluate the staffing needs of the unit to ensure effectiveness in responding to victims of sexual assault.

Supervisor responsibilities should be documented and assigned to the SVU or Investigations supervisor (or similar position), and should be institutionalized in department policy.

Project Site Example: In Scottsdale, AZ, the SVU supervisor took many important steps to ensure high-quality, victim-centered investigations. However, the duties assumed by the SVU supervisor were not specifically outlined in policy. The project team worked with the supervisor to document their roles to ensure that critical information regarding their responsibilities would be preserved for future supervisors. Some examples of the duties of the Scottsdale Police Department's SVU supervisor include:

- **Supervision and Case Management.** The SVU supervisor meets with detectives on a regular basis to discuss their current cases. This ensures that the supervisor can better track the quality of investigations, reward or adjust behavior as needed, and maintain a sense of the workload of each detective within the unit.
- **Case Review.** In addition to reviewing cases before closure, the supervisor conducts regular reviews of previous cases to ensure that cases are being appropriately handled, classified, and cleared. If issues are identified with regard to coding or classification, cases can be reclassified and investigations can be re-opened if necessary. This also helps to identify training needs within the department.
- **Training.** The supervisor coordinates training for detectives assigned to conduct sexual assault investigations. Mandatory training is required for SVU detectives within the first year of being assigned to the unit, including Basic Forensic Interview Training (BFIT), Advanced Forensic Interviewing Training (AFIT), Reid Interviewing Techniques, Basic investigations of sexual assaults, One party consent calls, and the Neurobiology of Sexual Assault.
- **Establishing and improving relationships.** SPD's SVU supervisor must maintain relationships with a number of outside organizations, such as the East Valley SVU Supervisors Organization, and act as a liaison to other units within the department that might require assistance from SVU detectives, such as the Violent Crimes Unit and the Domestic Violence Unit.
- **Multi-Disciplinary Team (MDT) Leader.** The SVU supervisor is responsible for organizing and coordinating monthly meetings with members of the MDT, including the Police Crisis Intervention Specialists (PCIS), Department of Child Safety (DCS), and county prosecutors. The supervisor also sets the agenda for the monthly meetings.
- **Child Exploitation Task Force.** SPD is a partner in the Arizona Internet Crimes Against Children's (ICAC) Child Exploitation Task Force. The SVU supervisor oversees SPD's participation in the task force, and is required to attend ICAC unit supervisor training.

- **Prostitution and Human Trafficking.** The SVU is also responsible for prostitution and human trafficking investigations, and conducts quarterly undercover investigations in these areas. The SVU supervisor coordinates and ensures SVU detectives are trained on these types of investigations.

Documenting these responsibilities and relationships ensures that institutional knowledge is not lost in the transition from one unit supervisor to the next. These responsibilities can serve as a resource for future SPD SVU supervisors to ensure consistency within the unit, and that important facets of their role are not overlooked.

Investigative Procedures

Note: Some jurisdictions use the same officer for first-response and subsequent investigative duties. Other departments assign detectives to perform the investigations. This section pertains to the officers or detectives who are responsible for each of the investigative duties outlined below.

Victim Interviews

One of the key elements of PERF's assessment of the four police departments that participated in the project was the review of sexual assault case files for each department. Included in these files were transcripts of victim interviews, which provided the project team with insight into whether detectives took a victim-centered approach to the interviews. Based on the review, the project team stressed the need for specialized training focused on victim-centered and trauma-informed interviewing approaches.

Interviewing victims of sexual assault requires a different set of skills and techniques than those used for other types of interviews. Investigators should receive specialized training on trauma-informed interviewing techniques that are tailored to address the needs of sexual assault victims.

Depending on the needs of the victim and their mental and physical state, **the detailed or follow-up interview may need to be scheduled at a time after the victim has had sufficient time for one or two full sleep cycles.** Victims may experience short-term memory impairment after a traumatic event, and allowing the victim time to process the event before an interview may improve victim recollection and lead to a more accurate account of the incident. In addition, the immediate concern is for the victim's well-being. Medical treatment and forensic medical exams may take time. The victim is often fatigued and depending on the circumstances may be under the influence of alcohol or drugs.^{85,86,87} Scheduling the follow-up interview for a later time is a victim-centered approach and will allow time for the victim to rest and for the effects of any intoxicating substances to wear off. However, if the victim wishes to be interviewed immediately, investigators should accommodate their request.

Further, if the victim is able to participate in an interview at the time of the report, in some cases it may be best to conduct the interview immediately and follow up with any clarification questions later. Investigators will need to consider the victim's specific circumstances, including the possibility that

85. Temkin, Jennifer. "Plus Ça Change: Reporting Rape in the 1990s," *British Journal of Criminology* 37, no.4 (1997): 507-528.

86. EVAWI, *Training Bulletin: When to Conduct an Exam or Interview Why Are We Prodding Victims to Keep Them Awake*, (2013). <http://www.evawintl.org/library/DocumentLibraryHandler.ashx?id=77>

87. EVAWI. *Interviewing the Victim*, (May 2012): 20-21, <http://olti.evawintl.org/images/docs/VICTIM%20INTERVIEW%2005-30-12.pdf>

the victim may not be able to return for a follow-up interview. For example, jurisdictions with large transient populations may want to consider obtaining an interview at the time of reporting, whenever possible, in the event that locating the victim later on could be a challenge.

When possible, and in compliance with state law and agency policy, victim interviews should be audio-visually or audio recorded. A recorded victim interview is the best way to document what was stated by the victim and assists the investigator in accurately synthesizing the victim's statement in written reports. Recording victim statements also conveys to the victim that their case is being taken seriously and being professionally investigated. Importantly, the interview should never be taped without the victim's permission.⁸⁸

When interviewing a sexual assault victim, detectives should work to build rapport with the victim, expressing empathy and belief in victim credibility. **Interviews should be conducted in a safe and private location, away from the suspect to avoid victim intimidation.**^{89,90} Victims should be allowed to have an advocate present during the interview if they choose, as long as this is consistent with state confidentiality and privilege laws.^{91,92} When beginning the interview, the interviewer should briefly explain the investigative process and the need to ask sensitive questions, explaining why certain questions are important to the investigation. This will help the victim to understand the need for certain information and feel more involved in the process.^{93,94}

During the interview, the detective should **ask for a full account of what happened, using open-ended questions, and allow the victim to speak uninterrupted.**^{95,96} Detectives should allow the victim to answer questions in the order that feels most comfortable to them, and resist the temptation to ask questions in the sequence found on incident report forms.⁹⁷ Follow-up questions should be asked at a conversational pace, and detectives should seek to clarify inconsistencies without appearing to be combative or disbelieving of the victim's account of events.⁹⁸ Detectives should also assist the victim in developing a safety plan and educate the victim about their right to confidentiality.⁹⁹ Detectives should be aware of the confidentiality parameters of their own jurisdiction, as they may vary.

Certain practices should be actively avoided when conducting a victim interview. Most importantly, detectives should remember that the interview is not an interrogation, and should

88. EVAWI. *Interviewing the Victim*, (May 2012): 34-37. <http://olti.evawintl.org/images/docs/VICTIM%20INTERVIEW%2005-30-12.pdf>

89. U.S. Department of Justice, *Identifying and Preventing Gender Bias in Law Enforcement Response to Sexual Assault and Domestic Violence*, (2015). <https://www.justice.gov/opa/file/799366/download>

90. (May 2012) *Interviewing the Victim*, 20-21, <http://olti.evawintl.org/images/docs/VICTIM%20INTERVIEW%2005-30-12.pdf>

91. U.S. Department of Justice, *Memorandum of Understanding Between the U.S. Department of Justice and the City of Missoula Regarding the Missoula Police Department's Response to Sexual Assault* (May 2013)

92. EVAWI, *Breaking Barriers: The Role of Community-Based and System-Based Advocates* <http://www.evawintl.org/Library/DocumentLibraryHandler.ashx?id=716>

93. EVAWI, *Interviewing the Victim*, (May 2012): 71, <http://olti.evawintl.org/images/docs/VICTIM%20INTERVIEW%2005-30-12.pdf>

94. U.S. Department of Justice, (May 2013) *Memorandum of Understanding Between the U.S. Department of Justice and the City of Missoula Regarding the Missoula Police Department's Response to Sexual Assault*

95. EVAWI, *Interviewing the Victim*, (May 2012): 68-69, <http://olti.evawintl.org/images/docs/VICTIM%20INTERVIEW%2005-30-12.pdf>

96. IACP. *Sexual Assault Response Policy and Training Content Guidelines*. (2105). <http://www.iacp.org/Portals/0/documents/pdfs/IACPSexualAssaultResponsePolicyandTrainingContentGuidelines.pdf>

97. Fisher, Ronald P. and Geiselman, R. Edward. "The cognitive interview method of conducting police interviews: eliciting extensive information and promoting therapeutic jurisprudence," *International Journal of Law & Psychiatry* 33, no. 5-6, (2010): 323

98. Patterson, Debra "The Impact of Detectives' Manner of Questioning on Rape Victims' Disclosure," *Violence Against Women* 17, no.11, (2011): 1366

99. EVAWI. *Interviewing the Victim*, (May 2012): 94, <http://olti.evawintl.org/images/docs/VICTIM%20INTERVIEW%2005-30-12.pdf>

be careful about asking questions that may come across as victim-blaming. Examples of such questions include asking how the victim was dressed, why they were in the location of the assault, and how much they had to drink. These questions should be phrased in a neutral and non-judgmental manner. For example, an investigator will ask, "Where did the attack occur?" But it is inappropriate to say, "What did you think would happen when you went to his room?"

Furthermore, "there are also some questions that are inappropriate to ask at any point during the investigation, no matter how they are phrased," according to the DOJ guidance on gender bias. These questions include "Have you thought about how this is going to affect the alleged assailant's scholarship/career/reputation/etc.?" and "Have you considered talking to the man and letting him know that you are upset?"¹⁰⁰

Project Site Example: The Fayetteville Police Department's policy highlights how investigators should take a trauma-informed approach when interviewing sexual assault victims. Below are some examples of appropriate questions for victims¹⁰¹:

B. Trauma-Informed Questioning

Keep in mind that sexual violence is a very traumatic event. The brain and body's response to violence must be taken into account. When interacting with victims of sexual violence, an appropriate line of questioning would consist of the following:

- "What are you able to tell me?"
- "Can you help me understand what you're able to remember about your experience?"
- "What did you hear, smell, feel?"
- Don't ask "What happened next?" but instead ask "What else happened?"¹⁰²

Victims may be reluctant to share the details of their assault or may have trouble remembering specific information. If this occurs, detectives must remain patient and understanding, and should avoid intimidating the victim (for example, by threatening to have them criminally charged for not cooperating). In maintaining a trauma-informed understanding of sexual assault, **detectives should not make judgments about a victim's credibility based on their hesitance or difficulty recalling events of the assault, their prior relationship with the suspect, their affect following the assault, their decision to not report the crime immediately, or their lack of apparent physical injury**^{103,104} (see section on trauma-informed response for more information). Importantly, victims should never be asked to submit to a truth verification

100. See U.S. Department of Justice, *Identifying and Preventing Gender Bias in Law Enforcement Response to Sexual Assault and Domestic Violence*, (2015): p. 12-13 <https://www.justice.gov/opa/file/799366/download> for some examples of questions that can potentially come across as blaming the victim, and some examples of more appropriate neutral and open-ended questions.

101. Fayetteville Police Department. "Operating Procedure #3.8: Response to Sexual Violence Cases," *Fayetteville Police Department Written Directives and Operating Procedures*, (2016): p. 302.

102. Investigators should allow the victim to recall events in a manner that is comfortable to them, and should not expect the victim to necessarily recall events in a chronological order. See Fisher, Ronald P. and Geiselman, R. Edward. "The cognitive interview method of conducting police interviews: eliciting extensive information and promoting therapeutic jurisprudence," *International Journal of Law & Psychiatry* 33, no. 5-6, (2010): 323.

103. Campbell, Rebecca. "The Neurobiology of Sexual Assault," *NIJ Research for the Real World Seminar*, [Webinar], (3 December 2012), <https://nij.gov/multimedia/presenter/presenter-campbell/Pages/presenter-campbell-transcript.aspx>

104. U.S. Department of Justice, *Identifying and Preventing Gender Bias in Law Enforcement Response to Sexual Assault and Domestic Violence*, (2015): p. 11, <https://www.justice.gov/opa/file/799366/download>

examination, such as a polygraph test, as polygraphs are not a scientifically validated tool for detecting truth- and lie-telling, and are therefore not admissible in court in most states. Moreover, asking a victim to take a polygraph indicates disbelief of the victim's account, which in turn can undermine trust in law enforcement.¹⁰⁵ Offering or requesting truth verification examinations is also prohibited by the Violence Against Women's Act for jurisdictions receiving certain federal grants.¹⁰⁶

When gathering information in the interview, **the detective should consider potential defenses that are likely to be made by the defendant.**¹⁰⁷ For example, if the defendant is likely to say that the victim consented to sexual activity, it is important for the detective to gather information from the victim indicating that the incident was not consensual, by asking for as many facts as possible about what transpired. This will help to inform the interview questions, and elicit important information from the victim's perspective. Detectives should inform victims that it is important to be truthful about any high-risk or illegal behavior, assuring them that they will not be arrested for minor illegal behavior (e.g., drug use, prostitution, having minor outstanding warrants, or lacking citizenship documentation) and that any high-risk/illegal behavior does not make the sexual assault their fault.¹⁰⁸ In particular, sexual assault victims should always be asked about any circumstances that may indicate an alcohol or drug facilitated sexual assault. The detective can explain that the suspect or their defense attorney may bring up any high-risk behavior in court, so it's important for the victim to accurately describe all of the circumstances surrounding the assault from their perspective.¹⁰⁹

Keeping the Victim Updated

After the interview, victims should be informed about next steps in the investigation and the progress of their case. After the interview is concluded, victims' calls or emails to the detective should be returned as soon as possible, even if just to acknowledge the call and let the victim know when the detective will be able to talk with them (ideally no more than 1-2 days later). Any decisions not to arrest the suspect or further pursue the case should be carefully explained to the victim in person, if at all possible. Keeping the victim updated is a good way to continue developing rapport, and research indicates that victims who are kept updated on their case are more likely to continue to participate in the criminal justice process.¹¹⁰ Victims should also be reminded that bruises or injuries may appear later, and if this occurs, the victim should contact the investigator to arrange for additional photographs.¹¹¹ Additionally, victims should be provided with information on how to contact the investigator if they remember any additional details after the interview.

Note: Child victims of sexual assault or abuse should be interviewed by investigators trained to conduct child forensic interviews, following generally accepted best practices. Multi-disciplinary Child Advocacy Centers are an excellent resource to provide this assistance.¹¹²

105. IACP, *Sexual Assault Incident Reports: Investigative Strategies*, p.5, <http://www.iacp.org/Portals/0/pdfs/SexualAssaultGuidelines.pdf>

106. Violence Against Women and Department of Justice Reauthorization Act of 2005, Pub. L. 109-162, 119 Stat. 2960 (2006)

107. EVAWI. *Interviewing the Victim*, (May 2012): 52, <http://olti.evawintl.org/images/docs/VICTIM%20INTERVIEW%2005-30-12.pdf>

108. *Ibid*, 70-71

109. *Ibid*, 72.

110. Temkin, Jennifer. "Plus Ça Change: Reporting Rape in the 1990s," *British Journal of Criminology* 37, no.4, (1997): 526-527; EVAWI.

"Understanding the Role of DNA Evidence in a Sexual Assault Investigation: Part 5 Policy Responses, Assessment, and Recommendations for Practice," *Training Bulletin*, (2013): 12. <http://www.evawintl.org/Library/DocumentLibraryHandler.ashx?id=49>

111. IACP. *Sexual Assault Response Policy and Training Content Guidelines*. (2015): 25, <http://www.iacp.org/Portals/0/documents/pdfs/IACPSexualAssaultResponsePolicyandTrainingContentGuidelines.pdf>

112. USDOJ Office of Juvenile Justice and Delinquency Prevention, *Child Forensic Interviewing, Best Practices*, <https://www.ojjdp.gov/pubs/248749.pdf>

Project Site Example: Fayetteville's sexual assault policy demonstrates the victim-centered and trauma-informed approach that should be taken when interviewing victims of sexual assault, and includes many of the recommendations outlined in this section. Below is an excerpt from the policy:

C. Follow Up Investigation

A detective will be assigned to follow up as soon as possible after the initial complaint and will remain responsible for the case until it is closed. It is especially important in sexual assault cases that only one detective interview and support the victim throughout the investigative and court process. The victim will feel very uncomfortable explaining the details to too many people and may become uncooperative. The victim should be reassured by explaining the procedures that the department follows to protect their right to privacy. The detective must remember that the victim is being asked to discuss with a stranger the details of what is probably the most traumatic and personal experience of their life.

The detective will:...

...5. Determine the victim's emotional and physical ability to submit to an in-depth interview and schedule the interview as soon as these factors will allow following the incident. Generally, immediately following the rape is not the best time to conduct an in-depth interview with the victim. If practical, it is recommended to give the victim at least one sleep cycle prior to conducting such an interview. When the interview does take place, the detective will:

- a) Employ a comfortable setting that affords privacy and freedom from distractions, attempting to obtain all necessary information at this time. An advocate can be present if the victim wishes.
- b) Provide the victim the opportunity to make...choices, thus giving some semblance of control. For example, ask the victim if they wish to have an advocate present during the interview or if they would like something to drink.
- c) Allow the victim to describe the incident in their own words without interruption. The detective should be very patient, objective and non-judgmental with the victim and should utilize trauma-informed questioning techniques.
- d) Explain why personal, intimate detailed information concerning the crime is needed, to include:
 1. Details of the sex act
 2. The suspect's modus operandi
 3. Clothing, means of restraining the victim and the use or availability of weapons
 4. Any words used or instructions given to the victim
 5. Marks, scars, tattoos or deformities or other unusual physical features or body odors of the suspect
 6. Any witnesses, participants or accomplices that may be described or identified by the victim

e) Document the victim's actions in response to the attack to include the type and degree of any resistance offered, the nature of any acquaintance with the suspect to include any prior intimate relationships, and the state of mind of the victim during the attack.

f) Determine the degree to which the victim has received support services from family, friends, and assistance groups, and encourage/facilitate these interactions where necessary.¹¹³

Additionally, the department's policy emphasizes the need to keep victims informed throughout the investigation of the progress of their case. Specifically, it states that investigators should "Keep the victim informed of future investigative and prosecutorial activities that will or may require involvement and cooperation. The victim must be supported throughout the judicial process. They should be briefed regarding the process, informed of each step of the case progression and protected from intimidation by the defendant or his witnesses. Receiving input from the victim is a priority in taking a victim-centered approach. Work with the prosecutor's office to develop the case, to familiarize the victim with the types of inquiries that may be faced during cross-examination, and to ensure that requests for victim protection orders are made where indicated."

Evidence Collection

While the PERF project team did not focus specifically on the collection and processing of evidence, the need for high standards became apparent in various aspects of the PERF assessment. For example, when bringing cases to prosecutors, it is important to have a clear chain of evidence that is documented thoroughly in the case report. Clear policies on evidence collection can improve investigations, ensure thorough collection of evidence, and help the prosecution to move forward with the case or identify areas where further evidence may be needed.

It is important to collect any biological evidence that may be available. When processing crime scenes and collecting evidence, it is very important to take measures to reduce cross contamination of evidence, particularly evidence that will be submitted for DNA analysis. All evidence that could be probative based on the facts of the case should be collected. This can include clothing, photographs, diagrams, documentation of injuries, data extractions and location information from the victim's and suspect's cell phones and other electronic devices, as well as DNA evidence.¹¹⁴ Police should consult with prosecutors to ensure that the evidence collected is consistent with the prosecutor's expectations for trial.^{115,116}

113. Fayetteville Police Department. "Operating Procedure #3.8: Response to Sexual Violence Cases," *Fayetteville Police Department Written Directives and Operating Procedures*, (2016) p. 303-304,

114. EVAWI. "Understanding the Role of DNA Evidence in a Sexual Assault Investigation: Part 1 Unpacking Common Assumptions," *Training Bulletin*, (2013): 3-4, <http://www.evawintl.org/Library/DocumentLibraryHandler.ashx?id=45>

115. U.S. Department of Justice, *Memorandum of Understanding Between the U.S. Department of Justice and the City of Missoula Regarding the Missoula Police Department's Response to Sexual Assault* (May 2013). https://www.justice.gov/sites/default/files/crt/legacy/2013/05/15/missoulapdsettle_5-15-13.pdf

116. EVAWI. "Understanding the Role of DNA Evidence in a Sexual Assault Investigation: Part 6 Policy Responses, Assessment, and Recommendations for Practice," *Training Bulletin*, (2013):2-3, <http://www.evawintl.org/Library/DocumentLibraryHandler.ashx?id=50>

Investigators should be aware of the need to obtain search warrants when processing crime scenes and collecting evidence, such as the suspect's car, residence, and other pertinent locations where relevant evidence might be found, including mobile electronic devices and computers.¹¹⁷

Project Site Example: The Salt Lake City Police Department's policy includes a reference for officers on what evidence should be collected, and emphasizes the need to secure the crime scene to ensure a thorough collection of evidence. Specifically, the policy states that initial or supporting officers should:

Secure the scene and collect evidence: If there is an identifiable crime scene, make sure that it is secured and ensure that evidence is not lost, changed, or contaminated. Collect or ensure the collection of physical evidence. This may include but is not limited to: photographs of the scene, items touched by the suspect, bed sheets and/or clothing if applicable, and any other items deemed to have evidentiary value.¹¹⁸

If a drug or alcohol-facilitated sexual assault is suspected, it is critical to get urine and blood samples from the victim as soon as possible for forensic testing, as the detection window for some substances can be short. Other evidence of impairment, such as video footage of the victim, is also important. Police should identify witnesses who may have seen or spoken to the victim before or after the incident. This includes not just eyewitnesses, but others who may be able to corroborate victim behavior, demeanor, and statements.¹¹⁹ Witness interviews are especially important when there is a delayed report, in which case toxicology results might be negative.¹²⁰

Investigators should seek out and interview witnesses and suspects. When interviewing suspects, police should focus the interrogation on the *suspect's* conduct, rather than the victim's. For example, instead of focusing on why the victim was in a certain location or acting a certain way, the focus should remain on the actions of the suspect.¹²¹ After the preliminary suspect interview, the officer may request that the suspect undergo a forensic exam. A suspect forensic exam can be done incident to arrest in some jurisdictions, or by requesting a court order.^{122,123} Law enforcement and its community partners should have clear, established policies and practices regarding suspect exams.

117. IACP. "Investigating Sexual Assaults Part II: Investigative Procedures," *Training Key #572*, (2014). <http://www.theiacp.org/portals/0/pdfs/572InvestigatingSexualAssaultsPart2.pdf>

118. Salt Lake City Police Department, "III-660 Rape and Sexual Assault," *Salt Lake City Police Department Policies and Procedures Manual*, (2017): p. 162 <http://www.slcdocs.com/police/ppm.pdf>

119. IACP. "Investigating Sexual Assaults Part II: Investigative Procedures," *Training Key #572*, (2004). <http://www.theiacp.org/portals/0/pdfs/572InvestigatingSexualAssaultsPart2.pdf>

120. IACP. *Investigating Sexual Assaults: Concepts and Issues Paper*, (2005): p. 10, <http://www.ncdsv.org/images/InvestigatingSexualAssaultsConceptsIssues.pdf>

121. IACP. *Sexual Assault Incident Reports: Investigative Strategies*, p. 6 <http://www.iacp.org/Portals/0/pdfs/SexualAssaultGuidelines.pdf>

122. Ibid.

123. See IACP. "Investigating Sexual Assaults Part III: Investigative Strategy & Prosecution," *Training Key #573*, (2004). <http://www.theiacp.org/portals/0/pdfs/573InvestigatingSexualAssaultsPart3.pdf> for procedures on suspect forensic exams

Project Site Example: Understanding the importance of forensic evidence, the Fayetteville Police Department took multiple steps to increase the department’s capabilities to collect evidence. When faced with an overburdened and backlogged state crime lab, the department took the initiative to join an agreement with surrounding jurisdictions to contract with a private lab that allows for a much faster turnaround on forensic evidence.¹²⁴

Additionally, a member of the Forensic Unit took the initiative to develop a program to improve video surveillance of local businesses in the area. The program, Video Done Right, aims to work with local businesses to discuss the importance of video surveillance and to update their video capabilities. In doing so, the Fayetteville Police Department helps to ensure that usable video evidence obtained from these businesses will be available.¹²⁵

If the victim and suspect know one another, investigators can consider the use of “pretext” phone calls (or one-party consent calls) as a tool to gather evidence. Suspects will often talk to the victim about the incident if they believe no one else is listening.¹²⁶ However, this technique must be utilized only after the circumstances of the assault are thoroughly vetted and determined to have a high probability of obtaining critical information. Full, voluntary cooperation from the victim is necessary, and the victim should not be coerced to assist police in obtaining evidence in this manner. Agencies may also want to consider discussing the use of this strategy with prosecutors. Because this approach often means having the victim initiate contact with the suspect, PERF discussed the value of this strategy with a number of law enforcement officials and victim advocates. The strategy of using a pretext phone call was generally supported among these individuals, however the safety and willingness of the victim to participate should be considered on a case-by-case basis. The potential benefits of conducting a pretext call must outweigh the potential harm to the victim.¹²⁷ Some states prohibit recording phone calls without both party’s consent, so this may not be possible, depending on the jurisdiction.¹²⁸

Medical Forensic Exam

A victim should be offered a medical forensic exam when the sexual assault occurred within 120 hours of the victim reporting the crime, or longer if the victim is still experiencing pain or bleeding.¹²⁹ Importantly, **victims should not be required to consent to toxicology testing, or subject to any other requirements, in order to be offered a medical forensic exam.**¹³⁰

The exam should be conducted by a healthcare provider, ideally one who has education and clinical experience in the collection of forensic evidence and treatment of sexual assault patients. This may be a Forensic Nurse Examiner, or “Sexual Assault Nurse Examiner” (SANE nurse)¹³¹, or a medical

124. For CODIS-eligible profiles, FPD completes a “Request for Review of Outsourced Data” form, and the private lab sends the samples directly to the North Carolina State Crime Lab for review and upload into CODIS.

125. Interview with FPD forensic unit personnel (March 23, 2015). See also: <http://www.fayobserver.com/2228fc2b-b960-531d-b9f6-dccdb966dfd.html?start=2>

126. For more information, see IACP, “Pretext Phone Calls in Sexual Assault Investigations,” *Training Key #574*, <http://www.theiacp.org/portals/0/pdfs/574PretextPhoneCalls.pdf>

127. PERF (2017). Personal communications with Advisory Board members and project consultants.

128. IACP, “Pretext Phone Calls in Sexual Assault Investigations,” *Training Key #574*, <http://www.theiacp.org/portals/0/pdfs/574PretextPhoneCalls.pdf>

129. IACP, *Sexual Assault Pocket Tip Card*, http://www.iacp.org/Portals/0/pdfs/IACP_SexAssaultRpt_TIPScard.pdf

130. U.S. Department of Justice, Office on Violence Against Women. (2013), *A National Protocol for Sexual Assault Medical Forensic Examinations Adults/Adolescents* 2nd ed. <https://www.ncjrs.gov/pdffiles1/ovw/241903.pdf>

131. For more information about the benefits of SANE programs, see Resources for Additional Reading, page 99.

professional who has specialized training. In order to protect victim privacy, police should not be in the exam room while the exam is conducted.¹³² After the exam, the officer should take custody of all evidence.^{133,134} Departmental policy for the transfer of evidence obtained from a medical forensic exam should be followed strictly by all involved to ensure a clear chain of custody. It is also important that procedures for the transfer of evidence streamline the process to ensure that evidence is transported in a timely manner, as delay could potentially compromise sensitive evidence, such as liquid samples.¹³⁵

Patients may want to view or obtain their medical records and associated police reports that result from a medical forensic exam. As part of a victim-centered approach, law enforcement agencies should inform individuals of how to request their reports, and victims should be allowed access to them.¹³⁶ While not required, it may be useful for investigators to familiarize themselves with forensic exam protocols to answer questions that victims may have about the process. For more information and nationally recognized procedures on forensic exams, see “A National Protocol for Sexual Assault Medical Forensic Examinations: Adults/Adolescents.”¹³⁷

Sexual Assault Kit Testing

During the assessment phase in the four police departments that PERF reviewed, the PERF project team focused primarily on the ease of access to a medical forensic exam for victims in each jurisdiction. Due to the attention placed on the testing of the sexual assault kits, however, it is recommended that departments ensure their procedures for the collection, testing, and storage of sexual assault kits are in line with best practices, some of which are discussed below.

Sexual assault kits (SAKs) are an important source of evidence for investigations. In most jurisdictions, SAKs are pre-packaged envelopes or boxes that contain a variety of evidence collection instruments. Depending on the manner of assault, some or all the collection instruments may be used. After SAKs are submitted to a forensic laboratory, the evidence collected in the SAK can be screened for biological evidence and analyzed for DNA. Resulting DNA profiles can be uploaded to the Combined DNA Index System (CODIS), a national forensic DNA database containing reference DNA profiles from arrestees and convicted offenders, and samples collected from crime scenes. If a match (or “hit”) to an existing DNA profile is identified, it can provide an investigative lead for law enforcement as to the identity of the offender, and potentially identify serial offenders by linking multiple assaults to a single perpetrator.¹³⁸ In some cases where the victim has had recent consensual sexual relations with another person, the investigator will need to request this person's DNA for elimination purposes.¹³⁹

132. Oregon Attorney General's Task Force on Sexual Assault. *A Best Practice: Why Law Enforcement is Excluded from the Forensic Medical Examination*, (2006). <http://library.state.or.us/repository/2015/201508181017192/index.pdf>

133. See <http://www.ncdsv.org/images/SexAssaultEvidenceKitInstructions.pdf>. See also: http://lib.post.ca.gov/Publications/sexual_assault.pdf, p 16, for information on recommended transfer and booking of SAK evidence.

134. Jurisdictions with full-time forensic services personnel may have policies and procedures in place to have evidence from medical forensic exams turned over directly from the medical facility to crime scene evidence collection personnel in lieu of having the patrol officer handle this evidence.

135. Office on Violence Against Women, *A National Protocol for Sexual Assault Medical Forensic Examinations: Adults/Adolescents*, (Washington, D.C.: U.S. Department of Justice, 2013): 75

136. *Ibid*, p. 48

137. Office on Violence Against Women, *A National Protocol for Sexual Assault Medical Forensic Examinations: Adults/Adolescents*, (Washington, D.C.: U.S. Department of Justice, 2013)

138. EVAWI, Campbell, Rebecca; Fehler-Cabral, Giannina; Pierce, Steven J.; Sharma, Dhruv B.; Bybee, Deborah; Shaw, Jessica; Horsford, Sheena; and Feeney, Hannah. *The Detroit Sexual Assault Kit (SAK) Action Research Project (ARP), Final Report*, (Washington, D.C.: DOJ, National Institute of Justice, 2015): 1-2. <https://www.ncjrs.gov/pdffiles1/nij/grants/248680.pdf>

139. FBI Laboratory, *National DNA Index System (NDIS) Operating Procedure Manual*, (July 2017): 28-29.

All SAKs that the victim has consented to reporting to law enforcement should be submitted to the laboratory for DNA analysis.¹⁴⁰ Some departments have their own internal forensic lab to analyze evidence, and some may use a regional or state-wide forensic lab. In all cases, departments should have access to a crime lab with DNA evidence analysis capacity to allow for the testing of sexual assault kits in a timely manner.¹⁴¹

The Sexual Assault Kit Backlog and the Testing of Kits

In recent years, jurisdictions across the country have discovered thousands of untested sexual assault kits in police custody. In 1999, media outlets reported that New York City had more than 16,000 sexual assault kits that had not been tested by a crime lab. Large numbers of untested sexual assault kits have also been documented in Cleveland, Houston, San Antonio, and other cities. As more untested SAKs have been discovered, public outcry over the issue has grown. Recent research has looked at why kits have not been submitted, and has found that law enforcement doubts about victim credibility or the benefit of evidence from the kits may prevent police from routinely submitting kits for testing. For example, some departments have prioritized SAK testing for cases in which the perpetrator is a stranger to the victim (as opposed to an acquaintance), and have not prioritized testing of kits associated with cases that are beyond the statute of limitations.¹⁴²

However, research suggests that sexual assault kits associated with non-stranger suspects do provide evidentiary value, and result in CODIS hits (DNA matches to an existing profile in CODIS) similar to those found in cases in which the suspect is a stranger to the victim.^{143,144} Similarly, older cases beyond the statute of limitations were equally likely to generate CODIS hits as more recent cases. **This indicates that there is merit to testing all types of sexual assault kits, regardless of whether they are stranger or non-stranger cases, or whether the statute of limitations has expired in a given case.**

In response to the public outcry and the demonstrated value of testing kits, funding on the federal and state level has been allocated to assist departments in addressing their sexual assault kit backlogs and to provide forensic laboratories with more resources to handle increased submissions. Two of the largest programs are the DOJ Bureau of Justice Assistance's Sexual Assault Kit Initiative (SAKI) and the Manhattan District Attorney's Office's Sexual Assault Kit Backlog Elimination Program (DANY).¹⁴⁵ Other agencies also have funding available to assist in the response to untested sexual assault kits, including funding from the Justice Department's Office on Violence Against Women (OVW) and the National Institute of Justice (NIJ).

140. Department of Justice, Office of Justice Programs, National Institute of Justice, *National Best Practices for Sexual Assault Kits: A Multi-Disciplinary Approach*, (August 2017): 53-57, <https://www.ncjrs.gov/pdffiles1/nij/250384.pdf>

141. United States of America v. City of New Orleans, *Consent Decree Regarding the New Orleans Police Department*. (2013) https://www.justice.gov/sites/default/files/crt/legacy/2013/01/11/nopd_agreement_1-11-13.pdf

142. Campbell, Rebecca et al. *The Detroit Sexual Assault Kit (SAK) Action Research Project (ARP), Final Report*, (November 2015), <https://www.ncjrs.gov/pdffiles1/nij/grants/248680.pdf>

143. Campbell, Rebecca et al. *The Detroit Sexual Assault Kit (SAK) Action Research Project (ARP), Final Report*, (November 2015), <https://www.ncjrs.gov/pdffiles1/nij/grants/248680.pdf>

144. Campbell, Rebecca et al. *Should Rape Kit Testing Be Prioritized by Victim-Offender Relationship?*, *Criminology & Public Policy* 15(2), (2016): 555-583.

145. See https://www.bja.gov/ProgramDetails.aspx?Program_ID=117 for more information on the SAKI program, and <http://www.manhattanda.org/ending-national-rape-kit-backlog> for more information on the DANY program.

Police departments should have strong policies in place to ensure that sexual assault kits are properly tested. Recently, there has been a movement for departments to test *all* sexual assault kits. Proponents of this view believe that having the DNA evidence from these kits will result in more CODIS hits, more investigative leads, and potentially help to identify unknown or serial offenders.¹⁴⁶ For example, DNA evidence in a case in which the victim knows the offender may be linked to other cases in which the same offender was unknown to the victims.

However, OVW and many victim advocates maintain that decisions to test SAKs should also take into consideration the victim's rights and preferences. For example, if the victim has not chosen to report a sexual assault to law enforcement and has not consented to having the kit submitted, testing the kit can be a violation of victim rights. **OVW released a White Paper in 2017 addressing the implications of these “non-investigative kits,” stating that “testing a kit before the victim has made a report to law enforcement undermines the victim’s prerogative to decide if and when to engage with the criminal justice system.”**¹⁴⁷ For this reason, non-investigative kits should not be submitted to a forensic laboratory for analysis without the consent of the victim.¹⁴⁸

Departments should also develop policies and procedures for notifying victims of test results after rape kits are tested.¹⁴⁹ This is especially important when testing older kits that had previously not been tested, or those associated with “cold cases.” As more untested rape kits are processed, cases that were once thought to be unsolvable may be found to be connected to a known suspect. For example, in a study of previously untested sexual assault kits in Detroit, the average case occurred approximately 10 years prior to the kit's testing. Of the 1,595 kits tested in the study, 455 returned CODIS hits, with 339 linked to a known offender.¹⁵⁰

Since the news of new activity in an older case can potentially lead to psychological issues and re-traumatization of the victim, departments should ensure they have victim-centered, trauma-informed protocols for notifying the victims of any new “hits.”¹⁵¹ Understanding how a victim may react when faced with new information about their case after significant time has gone by can help the investigator ease the victim's transition back into the criminal justice process. Working with victim advocates and multidisciplinary teams (discussed in more detail under “Collaboration”) can be helpful when establishing these procedures.¹⁵²

146. “Why All Kits Should Be Tested,” *END THE BACKLOG*, <http://www.endthebacklog.org/backlog-why-rape-kit-testing-important/why-testing-every-kit-matters>

147. Department of Justice, Office on Violence Against Women, *Sexual Assault Kit Testing Initiatives and Non-Investigative Kits: White Paper*, (January 2017), <https://www.justice.gov/ovw/page/file/928236/download>

148. See Department of Justice, Office on Violence Against Women, *Sexual Assault Kit Testing Initiatives and Non-Investigative Kits: White Paper*, (January 2017), <https://www.justice.gov/ovw/page/file/928236/download> for more information

149. See National Institute of Justice. *Notifying Sexual Assault Victims After Testing Evidence* (Washington, D.C.: U.S. Department of Justice, 2016). <https://www.ncjrs.gov/pdffiles1/nij/249153.pdf> for more information.

150. EVAWI, Campbell, Rebecca; Fehler-Cabral, Giannina; Pierce, Steven J.; Sharma, Dhruv B.; Bybee, Deborah; Shaw, Jessica; Horsford, Sheena; and Feeney, Hannah. *The Detroit Sexual Assault Kit (SAK) Action Research Project (ARP), Final Report*, (Washington, D.C.: DOJ, National Institute of Justice, 2015): p. 161, 174. <https://www.ncjrs.gov/pdffiles1/nij/grants/248680.pdf>

151. National Institute of Justice. *Notifying Sexual Assault Victims After Testing Evidence* (Washington, D.C.: U.S. Department of Justice, 2016). <https://www.ncjrs.gov/pdffiles1/nij/249153.pdf>

152. “Sexual Assault Kit Backlogs: Making Victims Part of the Solution. Policies, protocols and other materials to help create a victim-centered response,” *The National Center for Victims of Crime*, <http://victimsofcrime.org/our-programs/dna-resource-center/untested-sexual-assault-kits/victim-notification/protocol-resources>.

To facilitate the processing of evidence, departments should create or improve existing information management systems to track forensic evidence at each stage of the testing and storage process, and enhance communication among the various partners involved in the investigation of sexual assault, including police, lab personnel, and the prosecutor's office. Efforts to improve communication could include connected evidence-tracking systems, dedicated staff for case management to maintain detailed tracking and follow-up, and regular team meetings for case review.¹⁵³ Additionally, to maintain victim privacy, departments may desire to restrict access to sexual assault files to individuals with direct involvement in the case. Many RMS systems have the capability to block access or lock certain files from department-wide access.¹⁵⁴

Additionally, departments should review their evidence storage spaces to ensure adequate storage capacity for analyzed and unanalyzed forensic evidence.¹⁵⁵ Standardized evidence retention policies should be set by the department to clarify how long evidence is to be held in such facilities and under what circumstances it can be removed.^{156,157}

Project Site Example: To address its backlog of untested sexual assault kits, the Fayetteville Police Department applied for a federal grant in 2015 to create a "cold case unit" dedicated to testing previously untested kits and pursuing investigations if the kits provided new evidence. As of February 2018, 22 cases have been cleared by arrest as a result of this initiative.¹⁵⁸

One of the unexpected results of forming the cold case unit was the discovery that 333 sexual assault kits collected between 1995 and 2008 had been destroyed. Further investigation revealed that all of the kits that had been destroyed were associated with cases that had been closed, and that they had been destroyed to free up space in the Evidence Room. Since the cases associated with the kits were closed, their destruction was legal. However, the Preservation of Biological Evidence law (NC State Law G.S. 15A-268(a6)) passed in 2008 prompted a policy change not to dispose of any more SAKs, and an audit of all kits in evidence was ordered. All kits collected since December 2008 have now been accounted for, and moving forward, kits will no longer be destroyed. To maintain transparency to the public, FPD publicized the discovery of the destroyed kits and the steps it took to ensure that future kits are preserved and tested in a timely manner. These steps include the creation of a Sexual Assault Case History and Analysis form, and a new tracking system that increases the accountability associated with the kits by ensuring that chain of custody is documented throughout the investigation and beyond.

153. Ritter, Nancy. "Untested Evidence in Sexual Assault Cases: Using Research to Guide Policy and Practice," *Sexual Assault Report* 16, no.3: (2013): 33-43. <https://www.ncjrs.gov/pdffiles1/nij/241356.pdf>

154. *Standard Functional Specifications for Law Enforcement Management Systems (RMS)*, (Washington, D.C.: U.S. Department of Justice): 27. https://it.ojp.gov/documents/LEITSC_Law_Enforcement_RMS_Systems.pdf

155. Ritter, Nancy. "Untested Evidence in Sexual Assault Cases: Using Research to Guide Policy and Practice," *Sexual Assault Report* 16, no.3 (2013): 33-43. <https://www.ncjrs.gov/pdffiles1/nij/241356.pdf>

156. U.S. Department of Justice, Office on Violence Against Women. *A National Protocol for Sexual Assault Medical Forensic Examinations Adults/Adolescents* 2nd ed. (2013): p 75-76, <https://www.ncjrs.gov/pdffiles1/ovw/241903.pdf>

157. See EVAWI, *Model Policy Materials: Evidence Retention, Disposition, and/or Removal* <http://www.evawintl.org/Library/DocumentLibraryHandler.ashx?id=654> for more information.

158. Baez, Gilbert. "Cold case unit finds DNA evidence in 1992 Fayetteville rape," *WRAL.com*, 22 May 2015. <http://www.wral.com/cold-case-unit-finds-dna-evidence-in-1992-fayetteville-rape/14663564/#/vid14663695>

Specifically, detectives must complete a "Sexual Assault Case History and Analysis" form within 48 hours of being assigned a sexual assault in which a sexual assault kit was collected. The form contains information on the specifics of the assault, and what evidence is likely to be probative based on the facts of the case. The form must be provided to the SVU Commander for review, and a copy is placed in the investigative file. Within 48 hours of turning in the form, the detective must conduct an evidence review with his or her supervisor and determine which evidence will be sent to the crime laboratory for processing.¹⁵⁹ This form and the timelines set in the department's policy are designed to make the processing of evidence more efficient, and to ensure accountability for the processing of sexual assault kits.

For more information on the collection, preservation, storage, and analysis of sexual assault kit evidence, departments can consult the National Institute of Justice's "National Best Practices for Sexual Assault Kits" at <https://www.ncjrs.gov/pdffiles1/nij/250384.pdf>.

Arrest

In general, police should take the time to complete a thorough investigation before arresting a suspect to ensure that sufficient evidence can be gathered to support a successful prosecution.¹⁶⁰

In some states, the prosecutor is required to charge the defendant within 24-72 hours of an arrest, which is typically not enough time to conduct a thorough investigation and establish enough evidence for a conviction. Investigators should explain this reasoning to victims, so they understand that waiting to make an arrest may be the best way to protect their safety. In some cases, however, the on-going threat to public or individual safety should be considered. For example, in cases of sexual assault associated with domestic violence, police may arrest a suspect for the underlying domestic violence assault while evidence related to the sexual assault is processed and evaluated.

Investigators should work with prosecutors to determine what evidence may be needed to support a successful prosecution. Following a thorough investigation, if there is probable cause, investigators should consult with prosecutors to determine the best protocol for making an arrest.¹⁶¹ As with any crime, arrests are important in sexual assault cases because they ensure that suspects' behavior becomes part of their criminal record. In some states, if the suspect is arrested on a felony charge, his or her DNA must be entered into the state's DNA database.¹⁶² This information will assist in other investigations and potentially help to identify serial offenders.

159. Fayetteville Police Department, (2016). "Operating Procedure #3.8: Response to Sexual Violence Cases," *Fayetteville Police Department Written Directives and Operating Procedures*, p. 305,

160. End Violence Against Women International (EVAWI). *Interviewing the Victim*, (May 2012): pp. 48-49, <http://olti.evawintl.org/images/docs/VICTIM%20INTERVIEW%2005-30-12.pdf>

161. Many agencies have a working relationship with the prosecutor's office to discuss cases prior to making an arrest. If this relationship does not exist, investigators should work with prosecutors to establish expectations with regard to case prosecution and evidence, so they know what is necessary to support a successful prosecution.

162. Spohn, Cassia and Tellis, Katharine. "Justice Denied?: The Exceptional Clearance of Rape Cases in Los Angeles," *Albany Law Review* 74, (2011):1379-1421, pp. 1418-1419. <http://www.albanylawreview.org/issues/Pages/article-information.aspx?volume=74&issue=3&page=1379>

Report Writing and File Maintenance

As PERF reviewed case files of sexual assaults in the four police departments it studied, it became apparent that report writing and file maintenance are critical to the success of an investigation. Some reports reviewed by PERF had only limited information, and supplemental reports were not stored with the primary report, making it difficult to properly review the cases. In files that lacked detail, it often appeared as though the investigation itself was lacking. Complete and comprehensive case files are important for prosecutors and other individuals reviewing the cases, as they contain critical information needed to support investigations.

All sexual assault incidents should be documented in writing and assigned a number for tracking purposes and review. **Sexual assault reports should be thorough and include all information pertinent to the investigation, starting with the actions of first responders and including every officer who contributes to the file.** Detailed reports streamline investigations and provide prosecutors with an invaluable resource when a case goes to trial. Starting with patrol officers, reports should be as detailed as possible, so that when the next individual working on the case receives the report, he or she can easily and quickly learn the key facts of the case. A thorough report is also essential for supervisory review.

When writing a report, investigators should provide details chronologically summarizing all steps taken as part of the investigation. This would include interviews conducted of victims, suspects, and witnesses, description of the scene, describing and referencing evidence collected including evidence from the scene and any subsequent search warrants, photographs taken of the victim, suspect, and scene, any recorded interviews, any digital forensic exams, results of forensic medical exams (including diagnoses and complaints of pain), and results of any requested laboratory examinations.¹⁶³ All leads that were followed and the results of the leads should be documented as well, even if they were of no value to the investigation. This information could be viewed as exculpatory and may need to be provided to the defense as part of the discovery process. Reports should address the evidence necessary to prove the elements of the offense, and should include transcripts or recordings of key interviews, lab reports, and other related documents.¹⁶⁴ Keeping this information in one report will be beneficial if the case goes to trial, because the prosecutor will have access to all of the needed information in a single location.

When summarizing key interviews, investigators should use the victim's own words when possible, in quotation marks, and not paraphrase or attempt to sanitize any slang words the victim uses.

Investigators should make sure to include what the victim was thinking, feeling, and experiencing before, during and after the attack, using descriptive language to document the assault from the victim's perspective. For example, what did the victim see, smell, taste, hear, or touch during the incident?¹⁶⁵ This is helpful in that it helps victims to recall and describe what happened. Investigators should document the use of force, threats, or fear experienced by the victim, and describe in detail any signs of trauma during or after the incident, including demeanor and emotional response.^{166,167}

163. IACP, *Investigating Sexual Assaults: Concepts and Issues Paper*, (2005): p. 7, <http://www.ncdsv.org/images/InvestigatingSexualAssaultsConceptsIssues.pdf>

164. EVAWI, *Effective Report Writing: Using The Language of Nonconsensual Sex*, (2006): p 25, <http://www.evawintl.org/library/DocumentLibraryHandler.ashx?id=43>

165. IACP, *Sexual Assault Incident Reports: Investigative Strategies*, p. 3-4 <http://www.iacp.org/Portals/0/pdfs/SexualAssaultGuidelines.pdf>

166. EVAWI, *Effective Report Writing: Using The Language of Nonconsensual Sex*, (2006): p. 10, <http://www.evawintl.org/library/DocumentLibraryHandler.ashx?id=43>

167. IACP, *Sexual Assault Response Policy and Training Content Development Guidelines*. (2015): p 36, <http://www.iacp.org/Portals/0/documents/pdfs/IACPSexualAssaultResponsePolicyandTrainingContentGuidelines.pdf>

Reports should be written with potential defense strategies in mind. Investigators should anticipate what type of defense strategies will likely be employed during a trial (e.g., the defense that the victim consented to sexual activity), and document relevant information accordingly.¹⁶⁸ **Any alcohol or drug use by the victim should be described in a neutral tone, free of judgment, including context, any role played by the perpetrator in substance use by the victim, and the extent of intoxication.** Details may include how much alcohol or drugs were used and when, the victim's size, the amount of food consumed during the day, any vomiting, incoherence, passing out, or other indications of impairment, and any witnesses' observations of victim behavior.¹⁶⁹

The report should also document the suspect's statements, including inconsistencies or corroboration of the victim's experience. Any indications of coercion, premeditation, or "grooming" behavior by the suspect should also be included in the report. Grooming is often used to test and select potential victims to make them feel comfortable with the perpetrator, and can be a sign of premeditation.¹⁷⁰ Importantly, investigators should avoid using language that seems to suggest that the sexual act was consensual.¹⁷¹ Narratives should be objective, concise, and avoid any subjective commentary.

Sexual assault reports should be standardized to ensure consistency and inclusion of all critical information. This will help investigators to understand what types of content a report should include, and will facilitate review by supervisors and prosecutors. Creating a template for sexual assault reports may help streamline investigations by facilitating the location of relevant information, and providing a guide for investigators on what information to collect during an investigation. Information on required report content should be outlined in operating procedures or SVU training protocols, and investigators should receive training on this information. A sample sexual assault report template from Chattanooga Police Department can be found in Appendix G.¹⁷²

Departments should ensure that case files are stored in a secure location and that there is a backup of all records. Whether stored digitally or in hard copy, it is important to keep files secure and organized so that they can easily be referenced when needed. In order to protect victim privacy, access to these files should be restricted to only those who require the information, and every accessing of a file should be documented. Precautions should also be taken to ensure there is a backup of all case files, and this should be evaluated on a periodic basis to ensure the backup is operating correctly. Ideally, data should be backed up daily, with tests of the backup system conducted at least annually.¹⁷³ This is particularly important if only digital files are kept by the department, as system or software failures could result in the loss of critical documents.

168. IACP, *Sexual Assault Incident Reports: Investigative Strategies*, p. 3

169. EVAWI, *Effective Report Writing: Using The Language of Nonconsensual Sex*, (2006): p. 16-17, <http://www.evawintl.org/library/DocumentLibraryHandler.ashx?id=43>

170. See IACP, *Sexual Assault Incident Reports: Investigative Strategies*, p. 7 for more information on how to identify grooming behavior.

171. EVAWI, *Effective Report Writing: Using The Language of Nonconsensual Sex*, (2006): p. 12-13, <http://www.evawintl.org/library/DocumentLibraryHandler.ashx?id=43>

172. See also sample sexual assault report templates from IACP: <http://www.iacp.org/portals/0/pdfs/SexualAssaultSupplementalReportForm.pdf> and EVAWI: <http://www.evawintl.org/library/Detail.aspx?ItemID=647>

173. Singleton, Tommie W. "What Every IT Auditor Should Know About Backup and Recovery," *ISACA Journal* 6, (2011): p. 1. <https://www.isaca.org/Journal/archives/2011/Volume-6/Documents/11v6-What-Every-IT-Auditor-Should-Know-About-Backup-and-Recovery.pdf>

Coding and Classification of Sexual Assault Reports

Proper case coding, classification, and clearance are essential to maintaining an accurate picture of sexual assaults within a jurisdiction, and to ensuring that investigations are thorough and complete. Inaccurate or inappropriate classification of sexual assaults can prevent thorough investigations and deny justice to victims. This has been seen in many jurisdictions where sexual assault reports have been improperly “unfounded” or downgraded into non-criminal categories. In order to ensure that victims receive high-quality care, it is critical that officers be trained on the proper coding and clearance of sexual assault reports.

Departments should institute clear standards on case coding and classification of sexual assaults to ensure proper investigation, case review, and reporting requirements are met. Requirements for case coding and classification should be outlined in policy, and investigators should be trained on these requirements to ensure proper case management. Correctly coding and classifying sexual assault reports ensures an accurate representation of sexual assault within a jurisdiction. With accurate data, departments can more effectively allocate resources to sexual assault, educate the public, track cases, and ensure that cases are being handled correctly.

Case Coding and Clearing

To ensure that cases are categorized correctly and for ease of clarity, departments should attempt to utilize UCR (or NIBRS) crime categories, in addition to local jurisdiction categories, when coding reports. This will facilitate reporting to the UCR program and provide consistent and nationally recognized coding guidelines for the department.

Categories used to clear cases should also follow UCR guidelines.¹⁷⁴ Following a thorough investigation, a case is generally cleared by arrest or by “exceptional means.”

- In order to clear a case by arrest, at least one person must be arrested, charged with the offense, and turned over to the court for prosecution.
- A case may be exceptionally cleared if: the perpetrator and their location have been identified; there is sufficient evidence to support an arrest and referral for prosecution; **and** reason(s) outside of law enforcement control prevent the arrest, charging, and prosecution of the offender. Examples of such reasons include, among others: the death of the offender; the prosecution declined for a reason other than a lack of probable cause; the offender’s arrest and prosecution in another jurisdiction; or the victim’s inability or unwillingness to participate in the criminal justice process, but only after information and evidence has been gathered to support the arrest of the suspect and referral for prosecution.¹⁷⁵

174. Federal Bureau of Investigation. *Criminal Justice Information Services (CJIS) Division Uniform Crime Reporting (UCR) Program, Summary Reporting System (SRS) User Manual*, (Washington, D.C.: U.S. Department of Justice, 2013) pp. 112-116: <https://ucr.fbi.gov/nibrs/summary-reporting-system-srs-user-manual>

175. For more information and examples of exceptional clearances, see: Federal Bureau of Investigation. *Criminal Justice Information Services (CJIS) Division Uniform Crime Reporting (UCR) Program, Summary Reporting System (SRS) User Manual*, (Washington, D.C.: U.S. Department of Justice, Ibid) pp. 115-116: <https://ucr.fbi.gov/nibrs/summary-reporting-system-srs-user-manual>

Although the UCR program reports clearance data with these two categories combined, departments should separate these categories in order to more accurately track the way that cases are cleared.¹⁷⁶ Specifically, the following categories are recommended for tracking case clearance status:

- Cleared By Arrest
- Exceptionally Cleared – Offender prosecuted by another agency/extradition denied/in custody of another jurisdiction
- Exceptionally Cleared – Offender died/killed/committed suicide
- Exceptionally Cleared – Victim inability or unwillingness to participate
- Exceptionally Cleared – Prosecution declined (for reasons other than the lack of probable cause).

Tracking the way cases are cleared and the specific reasons for clearing cases by exception will provide agencies with a better understanding of how cases progress through the criminal justice system. In addition, this information will provide the public with an increased understanding of how cases are handled by the police.

Departments should ensure that all appropriate officers are trained on criteria for coding and clearing of cases.

Unfounding

Throughout the past several decades, there has been substantial confusion surrounding the criteria under which allegations of sexual assault can properly be ruled “unfounded” in police reports. **A case should be “unfounded” only after a thorough investigation demonstrates that the report was false or baseless. In other words, cases should be ruled “unfounded” only if police determine that no crime occurred.**¹⁷⁷

Instances of agencies improperly unfounding cases before completing a thorough investigation have brought public attention to gender bias in policing, and have severely weakened public trust in the criminal justice system. **Ensuring that all sexual assault cases are properly investigated was one of the main goals of the project detailed in this report.** To assess this issue in the four departments, the PERF project team reviewed all unfounded reports from participating agencies over a three-year period, to determine whether cases marked as unfounded had been properly investigated and proven to be either false or baseless. From the review, the project team noted multiple areas for improvement. In some instances, the specific guidelines for unfounding a case appeared to be unclear to investigators and further training on the issue was needed.

Departments should institute clear standards for unfounding of sexual assault cases, consistent with UCR requirements. Unfounding of sexual assault cases can be particularly difficult and at times confusing. Therefore, the guidelines for unfounding a sexual assault report should be clearly stated in the department's sexual assault policy.

176. EVAWI. “Police Clearance Methods: Best Practices,” *Training Bulletin*, (2013): p. 4

177. Federal Bureau of Investigations. *Criminal Justice Information Services (CJIS) Division Uniform Crime Reporting (UCR) Program, Summary Reporting System (SRS) User Manual*, (Washington, D.C.: U.S. Department of Justice, 2013), p 111: <https://ucr.fbi.gov/nibrs/summary-reporting-system-srs-user-manual>

As stated above, a case should be unfounded only after a *thorough investigation* demonstrates that the report was false or baseless (i.e., that no crime occurred).¹⁷⁸ Unfounding is not an appropriate disposition if no investigation was conducted or the investigation failed to prove that a crime occurred, for example, due to insufficient evidence. A report can be classified as *baseless* if the investigation reveals that the facts of the incident do not meet the elements of a criminal offense. A report should only be determined to be *false* if an investigation demonstrates that an assault did not occur.¹⁷⁹

Importantly, victim recantation and non-cooperation do not necessarily indicate that a report is false. Victims may recant or be uncooperative for many reasons that have nothing to do with the truth of their initial report. For example, victims may be intimidated or fear retaliation, especially in cases of intimate partner violence. Research indicates that only a small percentage of sexual assault reports are later determined to be false.^{180,181} For this reason, reports should only be classified as unfounded if evidence exists that a false report was made by malicious intent and no assault actually occurred.

When a case is unfounded, investigators should clearly document investigatory steps taken and detail the reasoning for the unfounding in the case notes. Doing so helps to ensure that investigators fully understand the standards for unfounding and that a thorough investigation has been undertaken to justify the final coding. Some of the unfounded case files that the PERF project team reviewed included a short paragraph or bulleted list justifying the code and demonstrated to the team that the detectives fully understood the requirements for a case to be unfounded. Additionally, all cases that are unfounded should be reviewed by a supervisor to ensure that a proper investigation has been done and that the criteria for unfounding have been met.

Project Site Example: The Fayetteville Police Department instituted a protocol for the unfounding of sexual assaults to ensure that they meet the criteria established by the UCR. Prior to unfounding a report, the case detective must meet with both the SVU Sergeant and SVU Lieutenant to explain the reasons for unfounding the case, and must justify why they believe the report is false or baseless. The final decision to unfound a report is made by the SVU Lieutenant.

Project Site Example: In Scottsdale, AZ, the SVU supervisor reviewed all of the department's unfounded cases going back multiple years, and in doing so, discovered that many of the cases had been unfounded incorrectly. Many of these were cases in which the victim had chosen not to move forward with prosecution, and should have been more appropriately classified as "inactive" or "suspended" (see discussion on inactivating or suspending cases on page 52). An additional concern was that due to being classified as unfounded, many of the SAKs associated with the cases may not have been tested. To improve future handling of cases, the SVU supervisor

178. Federal Bureau of Investigations. *Criminal Justice Information Services (CJIS) Division Uniform Crime Reporting (UCR) Program, Summary Reporting System (SRS) User Manual*, (Washington, D.C.: U.S. Department of Justice, 2013), p 111: <https://ucr.fbi.gov/nibrs/summary-reporting-system-srs-user-manual>

179. EVAWI. *Clearance Methods for Sexual Assault Cases*, (2017): p 15-16 <http://www.evawintl.org/Library/DocumentLibraryHandler.ashx?id=34>

180. David Lisak et al., "False Allegations of Sexual Assault: An Analysis of Ten Years of Reported Cases," 16 *Violence Against Women* (2010): 1318-1334.

181. Kimberly A. Lonsway, "Trying to Move the Elephant in the Living Room: Responding to the Challenge of False Rape Reports," 16 *Violence Against Women*, (2010): 1356-1371.

instituted the following case review process for all unfounded cases and cases with untested sexual assault kits going back to the early 1990s.

Scottsdale Police Department Case Review Process

- SVU supervisor and three detectives reviewed each case to evaluate whether it was coded correctly
- To standardize the review process, a spreadsheet was created to track progress

Categories included:

- What was the original disposition?
 - Need to be changed?
- Was the sexual assault kit tested?
 - If yes, when was the kit tested?
 - If yes, is there a need for retesting?
 - If no, what was the reason?
 - If no, should it be tested now?
- Results of adjudication to determine if kit could be destroyed based on statute

Information on the review was included in the official record of each case, so that those viewing the case in the future would know that it had been examined and could see the results of the review.

The review also resulted in policy and training updates to clarify UCR clearance categories, and to mandate the review of all SAKs for each case by the SVU supervisor. Today, each completed case, including SAK status, must be reviewed and approved by the SVU supervisor before the investigation is completed.

Inactivating or Suspending Cases

Categories such as “inactive” or “suspended” may be used for cases in which the investigation has gone as far as possible to date, but remains unsolved, and there is no basis for unfounding.¹⁸² These classifications allow for the removal of a case from the active caseload, while still keeping it open should new information or developments arise. It's important that these cases should not be closed or exceptionally cleared, as additional information, such as a DNA hit or a new witness statement, may provide further evidence to inform the investigation.¹⁸³

182. IACP, *Sexual Assault Response Policy and Training Content Development Guidelines.*, (2015): p. 37 <http://www.iacp.org/Portals/0/documents/pdfs/IACPSexualAssaultResponsePolicyandTrainingContentGuidelines.pdf>

183. EVAWI. *Clearance Methods for Sexual Assault Cases*, (2017): p. 10 <http://www.evawintl.org/Library/DocumentLibraryHandler.ashx?id=34>

Non-Criminal Reports

Departments may occasionally receive reports that do not fit within any of the above categories. For example, mandatory reporters, such as medical professionals and teachers, must report any suspicious activity involving children, even if they do not allege a particular crime.

If a crime is not being alleged, the report should not receive a criminal code. However, this information should still be documented for further investigation. For these situations, departments may establish a non-crime code, such as an “information report,” to which these cases can be assigned. If during the course of an investigation it is determined that a crime did occur, the report should be properly assigned a criminal code.

While this is an appropriate way to manage these types of reports, departments should always exercise caution and thoroughly document actions when classifying these types of complaints in non-crime categories.¹⁸⁴ **Reports assigned a non-criminal code should be routinely reviewed by supervisors to ensure that a proper investigation was done, and that criminal incidents were not erroneously assigned a non-crime code.**

Project Site Example: The PERF project team’s review of unfounded cases in Fayetteville revealed that the Police Department had erroneously assigned a criminal code to certain non-criminal offenses, such as non-criminal reports by mandatory reporters who suspect abuse (e.g., medical professionals, social service workers, etc.), and later unfounded the cases. For example, in multiple instances, third-party reports that did not allege a specific crime were classified as “sex offense-other,” and were later unfounded. In other instances, cases that were determined to fall under another agency’s jurisdiction were also classified as “sex offense-other” and later unfounded.

These practices were artificially inflating the Police Department’s unfounded rates, when in fact the cases never should have been assigned a criminal code to begin with. To address this issue, the department created separate classifications for third-party referrals and incidents outside of jurisdiction. Now, the department assigns these calls a “Call for Service” classification that can be recoded to a crime category if later deemed appropriate.

The SVU Lieutenant also reviewed all cases from the previous 2 years in the “sex offense-other” category to reclassify any of these service calls that were inappropriately coded as a criminal violation, and continues to review all cases coded “sex offense-other” to ensure they are properly classified. To ensure this practice continues and remains consistent, the following language describing the new standards was included in the department’s sexual assault policy:

E. Special Coding Situations

1. Third Party Referrals – For those sexual assault allegations where the complainant is a third party referral (e.g. Department of Social Services, Cumberland County Schools, or any other mandated reporters,) the UCR designation 9913 Calls For Service – Sexual Assault Referral will be used on the initial report. The report will be assigned to the appropriate unit for follow-up investigation. If, upon completion of the investigation, it is determined no crime was committed, the UCR designation will remain the same. If a

184. IACP, *Sexual Assault Response Policy and Training Content Development Guidelines*. (2015): p. 38, <http://www.iacp.org/Portals/0/documents/pdfs/IACPSexualAssaultResponsePolicyandTrainingContentGuidelines.pdf>

crime is determined to have occurred, the UCR designation will be changed to reflect the appropriate crime(s). It is the responsibility of the unit sergeant to ensure this change is made as soon as a crime is determined to have occurred.

2. Incidents outside of jurisdiction – For those incidents of sex crimes which are reported to have occurred inside the Fayetteville city limits but which are later determined to have actually occurred outside of the city limits, the UCR designation 9914 Calls For Service – Rape TOT (Turned Over To) Outside Agency will be used. It is the responsibility of the unit sergeant to have the UCR designation changed on the report as soon as this is determined to be the case. The unit sergeant will ensure the appropriate law enforcement agency is immediately notified of the crime and that they receive all documentation created during the Fayetteville Police Department investigation. State reporting and closure status of these cases will be the responsibility of the department with primary jurisdiction.¹⁸⁵

Final case coding and clearance decisions should be based on careful analysis of evidence identified through an investigation. **Case clearance and coding should be reviewed routinely by SVU supervisors** to ensure that investigations are consistently thorough and that all policies and other requirements for follow-up and case disposition are met, particularly in regard to unfounding and exceptional clearance of cases.¹⁸⁶ Departments should also consider conducting regular internal audits of closed sexual assault cases for quality assurance purposes.¹⁸⁷ This could include periodic, detailed reviews by supervisors of case files, recorded interviews, and victim and advocate feedback, enabling the department to identify any cases that may have been classified incorrectly to be appropriately reclassified or recoded as soon as possible. This process also helps departments to identify common or potential problems that can be addressed with training of officers and investigators.

Training

“We set about changing department culture, and to change a culture within a police department, you do it through training. And not just a little training; you do it through a lot of training.”

– *Chief Mike Brown, Salt Lake City Police Department*

All of the project sites had training specifically addressing sexual assault. However, the amount and quality of the training varied by department, mostly depending upon the availability of funding. In reviewing the training provided by each department, the PERF project team often noted a need for more trauma-informed and victim-centered training regarding sexual assaults.

The very nature of sexual assault crimes and the unique needs of victims require specialized officer response and investigation training. Research has shown that jurisdictions that provide specific training to police officers on handling sexual assault cases have more cases in which victims willingly

185. Fayetteville Police Department, “Operating Procedure #3.8: Response to Sexual Violence Cases,” *Fayetteville Police Department Written Directives and Operating Procedures*, (2016): p. 305,

186. Women's Law Project, *Policy Brief: Advocacy to Improve Police Response to Sex Crimes*. (2013): p. 7, http://www.womenslawproject.org/wp-content/uploads/2017/02/Policy_Brief_Improving_Police_Response_to_Sexual_Assault.pdf

187. U.S. Department of Justice, *Memorandum of Understanding Between the U.S. Department of Justice and the City of Missoula Regarding the Missoula Police Department's Response to Sexual Assault*, (May 2013): p 8

participate in the criminal justice process, and a greater proportion of cases that are prosecuted.¹⁸⁸

All members of a department who may be involved in sexual assault response and investigations, including dispatch and first responders, should be trained on the department's sexual assault policy and the specific needs and considerations for working with sexual assault victims.

Investigators/detectives, and patrol officers should be trained on the crime elements of sexual assault offenses under state law, in addition to all aspects of sexual assault investigations discussed in this document, including victim-centered practices and sensitivity to victim re-traumatization, cultural competency, the importance of victim privacy, the use of forensic evidence and the evidentiary value of sexual assault kits, victim interviewing techniques, requirements for report writing, and crime coding and classification.^{189, 190}

The following additional topics should also be included in training:

- Trauma response, including the neurobiology of sexual assault;
- Bias, stereotypes, and myths surrounding sexual assault;
- Implications of drug and alcohol facilitated sexual assault; and,
- Consent.
- These topics are discussed in more detail below.

Neurobiology of Sexual Assault

Sexual assault victims may process trauma differently than other crime victims do, and sexual assault is a uniquely personal crime that can be especially difficult to talk about. Some of the manifestations of trauma, such as reluctance to talk about the incident, reluctance to make eye contact, and confusion about events, may seem suspicious to officers and investigators. However, these behaviors should not be interpreted as indications of dishonesty. When training officers on the impacts of trauma, officer-involved shootings can be used as an example of how trauma affects memory.¹⁹¹ Many officers can relate to the concept of stress they might feel if they were ever involved in a shooting incident, and this may help them to understand how trauma impacts sexual assault victims.

Many sexual assault victims do not physically resist the assault, often due to shock, surprise, fear of even greater injury if they resist, dissociation, or because they are confused, afraid, or unaware or in denial that what happened to them was sexual assault. Some victims of sexual assault may experience tonic immobility (a temporary state of paralysis) during an attack and as a result may be physically unable to resist.¹⁹² **Therefore, the degree to which a victim actively resisted their assault should not**

188. Kinney et al., *Sexual Assault Training of Law Enforcement Officers*, 18 *Women and Criminal Justice* (2008): 81-100.

189. Some of these training topics would also be beneficial to call-takers and dispatchers, including an overview of the sexual assault investigative process with an emphasis on how victims might respond, and the importance of their role in showing concern for the victim in the early stages of the reporting process. Call-takers and dispatchers should also receive training to understand the importance of preservation of fragile evidence, location and protection of crime scenes, and call out protocols for officers and investigators.

190. Examples of webinars and trainings on some of these topics can be found in the 'Resources for Additional Reading' section on page 91

191. Police Executive Research Forum, *Improving the Police Response To Sexual Assault* (Washington, D.C.: Police Executive Research Forum), (2012): p. 20, http://www.policeforum.org/assets/docs/Critical_Issues_Series/improving%20the%20police%20response%20to%20sexual%20assault%202012.pdf

192. Campbell, Rebecca. "The Neurobiology of Sexual Assault," *NIJ Research for the Real World Seminar*, [Webinar], (3 December 2012), <https://nij.gov/multimedia/presenter/presenter-campbell/Pages/presenter-campbell-transcript.aspx>

be considered as a factor to determine if a sexual assault occurred, unless required by state law.¹⁹³

It is important to educate officers on the neurobiology of sexual assault to ensure they have accurate expectations when working with sexual assault victims.¹⁹⁴

Example from the field: Following PERF's assessment, the Salt Lake City Police Department began to update its sexual assault training at all levels within the department and in the training academy, with a particular focus on victim-centered and trauma-informed practices. The department consulted with Dr. Rebecca Campbell, an expert on the neurobiology of trauma as it pertains to sexual assault, and Dr. David Lisak, an expert on non-stranger rapes and the neurobiology of sexual assault, to develop the training.

All 453 officers in the Salt Lake City Police Department received eight hours of training. As a result of the training, the department has seen improved investigations, not only in sexual assault cases, but also in robbery and homicide cases as well. With regard to sexual assault cases, the department reports that the quality of initial reports has improved and that the forensic nurses who work with the department have stated that they are impressed with how officers are conducting themselves during initial interviews of victims.

"I have to say that this is probably training that we all should have received when we first became police officers. This should be part of the police academies, because we're doing better investigations, not just in sexual assault cases. We're doing better robbery investigations, better murder investigations, every type of call we go on. We're able to talk to people, and empathetically and passionately listen to them."

– *Chief Mike Brown, Salt Lake City Police Department*

Bias, Stereotypes, and Myths Surrounding Sexual Assault

Gender bias can have serious consequences for the police response to sexual assault. Officers should be educated about how being in a male-dominated profession can impact their perceptions of sexual assault crimes and contribute to myths about violence against women.¹⁹⁵ Rape myths can distort the judgment of victims as well as officers, and can negatively impact the police response to sexual assault. Therefore, officers should be trained on these myths in order to ensure accurate and unbiased investigations. For example, officers should be aware that:

- Sexual assaults are most often committed by someone the victim knows, rather than a stranger;¹⁹⁶
- Most sexual assaults do not result in physical injury¹⁹⁷, and perpetrators rarely use weapons¹⁹⁸;

193. Police Executive Research Forum. *Improving the Police Response To Sexual Assault* (Washington, D.C.: Police Executive Research Forum, 2012): 30 http://www.policeforum.org/assets/docs/Critical_Issues_Series/improving%20the%20police%20response%20to%20sexual%20assault%202012.pdf

194. See EVAWI, *Understanding the Neurobiology of Trauma and Implications for Interviewing Victims*, (2016) <https://www.evawintl.org/Library/DocumentLibraryHandler.ashx?id=842> for more information on the neurobiology of trauma

195. Police Executive Research Forum. "Identifying and Preventing Gender Bias in Law Enforcement Response to Sexual Assault and Domestic Violence: A Roundtable Discussion." (Washington, DC: Office of Community Oriented Policing Services, 2016): pp. 15-16.

196. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, National Crime Victimization Survey, (2015): 2010-2014.

197. Christopher P. Krebs et al., Nat'l Inst. of Justice, *The Campus Sexual Assault (CSA) Study* (2007): 5-20

198. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, *Female Victims of Sexual Violence, 1994-2010*, (2013)

- Victims often delay reporting these crimes due to fear, shock, denial, and other factors¹⁹⁹;
- Many victims do not physically resist the assault, due to reasons described above²⁰⁰; and
- Only a small percentage of sexual assault reports are false (between 2% and 10%).^{201,202}

One way for departments to dispel myths and stereotypes is to track data pertaining to sexual assault cases occurring in the jurisdiction, such as whether they were committed by a stranger or acquaintance, whether they were drug or alcohol related, the location of the offenses, and other factors. This data can be incorporated into training to counteract beliefs that may introduce bias into an investigation, and importantly, to identify trends that will provide a better understanding of sexual assault in the jurisdiction and to develop strategies to prevent it. For example, some jurisdictions (e.g. Scottsdale, AZ) have a significant number of cases involving intoxicated college-age victims. Training of officers who work those beats and outreach regarding prevention education for students have been strategies to combat these cases. **Importantly, when collecting data for training purposes, departments should ensure the privacy of victims is not compromised. Data should be disseminated only in the aggregate.**

Implications of Drug and Alcohol Facilitated Sexual Assault

Officers and detectives should be trained on drug and alcohol facilitated sexual assault, including how it may impact a victim and how it may affect the investigation. Drugs and alcohol can compromise an individual's ability to consent to sexual activity, whether the drugs or alcohol were used voluntarily or were given to the victim surreptitiously.²⁰³ Sexual assault victims may be hesitant to report their use of alcohol or drugs in fear of legal retribution or being blamed for the assault. However, to develop a complete understanding of the incident, detectives should ask about any circumstances that may indicate the use of a drug to facilitate sexual assault. In addition, officers should be aware of the impact drugs and alcohol can have on victim memory.²⁰⁴ Responding officers should be trained to look for signs of alcohol and drug use, and collect appropriate evidence and samples as soon as possible, as discussed in the evidence collection section above.

Consent

Detectives and officers should be trained on the definition of consent under their state law, particularly whether the law requires affirmative consent or whether words or conduct convey consent. A victim may not have to vocally say "no" to be considered non-consenting.²⁰⁵ Many victims may fear greater harm if they resist or say no to their attacker. Additionally, training should highlight state law provisions on who cannot consent and under what conditions individuals may not be able to consent.

199. IACP, *Sexual Assault Response Policy and Training Content Development Guidelines*, (2015): p 14, <http://www.iacp.org/Portals/0/documents/pdfs/IACPSexualAssaultResponsePolicyandTrainingContentGuidelines.pdf>

200. Campbell, Rebecca. "The Neurobiology of Sexual Assault," *NIJ Research for the Real World Seminar*, [Webinar], (3 December 2012), <https://nij.gov/multimedia/presenter/presenter-campbell/Pages/presenter-campbell-transcript.aspx>

201. David Lisak et al., "False Allegations of Sexual Assault: An Analysis of Ten Years of Reported Cases," 16 *Violence Against Women* 1318-1334 (2010).

202. Kimberly A. Lonsway, "Trying to Move the Elephant in the Living Room: Responding to the Challenge of False Rape Reports," 16 *Violence Against Women*, (2010): 1356-1371.

203. National District Attorneys Association, *Prosecuting Alcohol-Facilitated Sexual Assault*, (2007): p. 11: http://www.ndaa.org/pdf/pub_prosecuting_alcohol_facilitated_sexual_assault.pdf

204. EVAWI. *Interviewing the Victim*, (May 2012): pp. 91-92 <http://olti.evawintl.org/images/docs/VICTIM%20INTERVIEW%2005-30-12.pdf>

205. IACP, *Sexual Assault Incident Reports: Investigative Strategies*, p. 3 <http://www.iacp.org/Portals/0/pdfs/SexualAssaultGuidelines.pdf>

This may include minors, individuals with mental or intellectual disabilities, and individuals under the influence of alcohol or drugs.²⁰⁶ Officers should recognize that a disability may constitute an element of an offense under state law if it means the victim cannot legally consent.²⁰⁷ Training on consent should take into consideration state laws and statutes that define consent.

Training should incorporate adult-learning methods, including role-playing scenarios as well as traditional lecture formats, in accordance with established best practices.²⁰⁸ **When developing training, investigators should have input on and assist with training for patrol officers and the academy.** This will ensure that investigators and patrol officers are aware of each other's roles in a sexual assault investigation, to prevent confusion in the field. Investigators can also use their own experiences to reinforce training for patrol officers, who may not have previous experience or knowledge of the unique challenges of sexual assault investigations.

In addition to entry-level training, individuals responsible for investigating sexual assaults should receive refresher training on a regular basis set by the department. New developments and techniques in the investigation of sexual assault, as well as personnel and staffing changes in the department, make ongoing training instrumental to ensuring high quality service. The training requirements and schedule for recruit training and refresher training should be established within department policy.²⁰⁹

Criminal Justice and Community Partnerships

To ensure that victims receive consistent, high-quality care throughout the criminal justice process, it's important for police departments to cultivate strong relationships with other criminal justice agencies and with community service partners. Criminal justice partners, such as prosecutors, provide support to police during investigations, while community service providers, such as victim advocates, can provide victims with critical resources to assist them throughout the criminal justice and recovery process.

Each of the four police departments involved in this project demonstrated unique strengths and challenges in collaborating with local agencies and organizations. Because a multi-disciplinary approach is critical to a victim-centered response to sexual assault, the PERF project team conducted assessments of the police departments' relationships with outside organizations and service providers.

Overall, the project team was impressed with the relationships each department has fostered with their multi-disciplinary partners. For example, the Scottsdale Police Department works to maintain positive relationships with business owners in the downtown entertainment district; the Salt Lake City Police Department has established relationships with local organizations to provide social

206. Police Executive Research Forum. *Improving the Police Response To Sexual Assault* (Washington, D.C.: Police Executive Research Forum, 2012): 30 http://www.policeforum.org/assets/docs/Critical_Issues_Series/improving%20the%20police%20response%20to%20sexual%20assault%202012.pdf

207. EVAWI, "Investigating Sexual Assault Against People with Disabilities: Part 3, Evaluating Capacity to Consent to Sexual Acts", *Training Bulletin*, (2014): p. 1, <https://www.evawintl.org/Library/DocumentLibraryHandler.ashx?id=722>

208. U.S. Department of Justice, *Memorandum of Understanding Between the U.S. Department of Justice and the City of Missoula Regarding the Missoula Police Department's Response to Sexual Assault*, (May 2013): p. 6. https://www.justice.gov/sites/default/files/crt/legacy/2013/05/15/missoulapdsettle_5-15-13.pdf

209. EVAWI's Online Training Institute (OLTI) provides free courses on a number of different topics related to the law enforcement response to sexual assault. Participants can access a variety of training modules by enrolling here: <http://www.evawintl.org/onlinetraining.aspx>

services to homeless individuals through a formalized “homeless outreach” initiative; the Fayetteville Police Department works closely with their counterparts on the local military base to coordinate investigations; and the Chattanooga Police Department has partnered with local social service organizations and criminal justice agencies to establish a Family Justice Center, which co-locates important victim services. In some of the sites, there was a need to strengthen relationships with criminal justice partners, such as child protective service agencies and prosecutors, particularly in terms of information-sharing, and to educate officers more extensively about the services that local organizations can provide.

Community Service Providers and Victim Advocates

“You can almost see barriers falling down when the cops realize the value the victim advocate provides to them, and the input they can give to the victim. We can’t imagine doing this work without them, now that we have built this trust.”

– *Captain Mike Colyer, Missoula Police Department*

Departments should involve victim advocates and other medical and social service providers early in the police response to sexual assault. In addition to providing support for victims, victim advocates and other service providers are critical partners to law enforcement in a sexual assault investigation. Research has shown that victims who worked with advocates were more likely to have police reports taken, and were less likely to have negative experiences with police officers than those who did not work with advocates. In addition, victims who worked with advocates received more medical services and reported fewer negative experiences and less distress related to their medical care.²¹⁰

To ensure that officers are aware of the services available to sexual assault victims, police departments should consider inviting representatives from various service providers, such as rape crisis centers, to give a short overview of their services and capabilities during roll call trainings.

In addition, police departments can work with local service providers to develop relationships with local communities, including underserved populations. People in marginalized communities can be disproportionately targeted for sexual assault and other violent crimes, and they are often less likely to report their victimization or reluctant to pursue their case through the criminal justice system. For example, individuals with disabilities and LGBT individuals experience violent crime victimization, including sexual assault, at a much higher rate than the general population, and are less likely to report their victimization.^{211,212} By knowing and working with local communities and service providers, especially culturally-specific organizations, police agencies can gain a greater understanding of community needs and build trust with these groups. In doing so, the department will be better able to connect with underserved populations and encourage reporting to police.

210. Rebecca Campbell, “Rape Survivors’ Experiences with the Legal and Medical Systems: Do Rape Victim Advocates Make a Difference?” *Violence Against Women* 12, no. 1 (January 2006): 30-45.

211. EVAWI, *Successfully Investigating Sexual Assault Against Victims with Disabilities*, (2014) p.18 <http://www.evawintl.org/Library/DocumentLibraryHandler.ashx?id=76>

212. Grant, Jaime M., Mottet, Lisa A., and Tanis, Justin. *Injustice at Every Turn: A Report of the National Transgender Discrimination Survey*. (Washington, D.C.: National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011): 162. http://www.thetaskforce.org/static_html/downloads/reports/reports/ntds_full.pdf

Project Site Example: In Salt Lake City, the Police Department partnered with local homeless shelters to address the needs of homeless sexual assault victims. The department also worked to increase reporting of these crimes. The Salt Lake City Police Department hired eight social workers to work in local homeless shelters and create a resource center called the Community Connection Center (CCC). At the CCC, social workers are available to connect individuals to services, such as housing assistance and employment resources, as well as foster a sense of trust and confidence in the department. The social workers ensure a safe environment for victims to connect with the criminal justice system, and to report their victimization to police.

“Social workers are worth their weight in gold.”

– *Chief Mike Brown, Salt Lake City Police Department*

Local Prosecutors/District Attorney's Office

Sexual assault cases can be particularly difficult to prosecute, as compared to other crimes. A positive relationship between the police department and the prosecutor's office can increase the likelihood of successful prosecutions. **Detectives should consult with prosecutors to ensure that the evidence collected during an investigation is consistent with the prosecutor's expectations for trial.**²¹³ In addition, police departments should work with prosecutors to identify the elements of a sexual assault report that, when available and appropriately documented, are most likely to ensure the case is accepted for prosecution. Establishing communication with prosecutors is mutually beneficial, as prosecutors can advise detectives on whether the evidence collected in a case is sufficient or if they should consider other avenues in the investigation.²¹⁴

Project Site Example: In Fayetteville, the Chief of Police and the District Attorney established a protocol to allow for pre-arrest screening of sexual assault cases in which probable cause for the arrest may be questionable. Detectives prepare a case file that is reviewed by a designated Assistant District Attorney at the Cumberland County DA's Office. Detectives can then discuss the file and answer any questions the prosecutor may have. The prosecutor will also have a decision as to what, if any, charges the District Attorney's Office will pursue.

In addition, police departments should track the number of sexual assault cases accepted for prosecution, and maintain a record of why cases are declined for prosecution. Collecting this data can help a department to identify areas in which investigation procedures can be improved, or areas in which officers or investigators may need additional training. In addition, if the department has questions about why the prosecutor's office is not accepting cases, this data can help the department to address these issues with the prosecutor's office as soon as issues are identified.

213. U.S. Department of Justice, *Memorandum of Understanding Between the U.S. Department of Justice and the City of Missoula Regarding the Missoula Police Department's Response to Sexual Assault*, (May 2013): p. 9. https://www.justice.gov/sites/default/files/crt/legacy/2013/05/15/missoulapdsettle_5-15-13.pdf

214. AEquitas. Model Response to Sexual Violence for Prosecutors (RSVP). <http://www.aequitasresource.org/Model-Response-to-Sexual-Violence-for-Prosecutors-RSVP-An-Invitation-to-Lead.pdf>

Multidisciplinary Response

To improve the coordination of services for victims across professional disciplines and agencies, police departments should consider establishing a multidisciplinary team (MDT) of criminal justice and advocacy partners. Coordination with other service providers, prosecutors, and victim advocates is critical to a successful law enforcement response to sexual assault. For example, many jurisdictions establish Sexual Assault Response Teams (SARTs), including law enforcement, victim advocates, and health care providers, to provide victims with access to comprehensive care and assistance throughout the criminal justice process.²¹⁵

Multidisciplinary collaboration also improves investigations by bringing together all involved parties to discuss progress, cases, trends in the community, and other issues relating to sexual assault. Additionally, the MDT can assist with the development of a victim-centered and trauma-informed policy for the response to sexual assault. **To ensure the lasting success of such a partnership, jurisdictions should formalize relationships through memoranda of understanding (MOUs) from every agency involved.** The MOU, among other things, should establish recurring meetings of the MDT and protocols for these meetings. By clearly stating protocols to be followed and having all members agree in writing, an MDT can function more effectively and act as a consistent resource for victims.

Project Site Example: The Fayetteville Police Department participates in a multidisciplinary team focused on investigating child abuse and neglect. All of the local partners signed a joint MOU. The MOU included clauses outlining the purpose of the collaboration, the composition of the MDT, and a confidentiality agreement. Also included is the type of cases that are referred to the Child Advocacy Center, a local service provider, for case management and tracking and forensic interview.

The process of who receives a report and the early steps of the investigation, including when police are contacted and where child interviews are held, are also included in the MOU. Agencies also agree to follow the protocols included for the selection of the child forensic interviewer and the procedures and documentation for interviewing. The schedule and purpose of team meetings for case review, tracking, and disposition are also clearly outlined. Additional sections include statements on cultural competency, child medical exams, mental health services, and victim support services (see Appendix H for a copy of the MOU).

215. EVAWI, *Sustaining a Coordinated Community Response: Sexual Assault Response and Resource Teams (SARRT)*, (2017) <http://www.evawintl.org/Library/DocumentLibraryHandler.ashx?id=36>

A Multi-Disciplinary Approach – Family Justice Centers

“The Family Justice Center doesn’t only provide access to the services, it provides cultural transformation. It lets my police officers see the great value that the victim services bring, not just to the community in need, but to the efficacy and thoroughness of a criminal investigation.”

– *Chief Fred Fletcher (ret.), Chattanooga Police Department*

“The most important part to us is that we don’t want to re-victimize folks. We know they’ve gone through quite an ordeal, and the last thing we want to do is put them through more paces. So we do everything we can to put them in a safe environment. We have the Family Advocacy Center that’s staffed by our investigators and forensic nurses from a hospital that we have a partnership with, and we have the crisis counselors there. We do everything we can to not re-traumatize our victims.”

– *Chief Alan Rodbell, Scottsdale Police Department*

Family Justice Centers (FJCs), also known as Family Advocacy Centers (FACs), have become a model for a coordinated community response to domestic violence and sexual assault. FJCs take multi-disciplinary teams a step further by co-locating police, prosecutors, victim services, and other criminal justice and community partners in one centralized location. This helps ensure that victims receive wraparound services in a timely and efficient manner. Additionally, by co-locating services, response partners can collaborate more easily and avoid the need to repeatedly interview victims, thus reducing the potential for re-traumatization.²¹⁶

Three of the four project site communities had FJCs, and all three of the police departments participated in the FJC by assigning investigators to the center. The composition of each of the FJCs demonstrates the multitude of partners involved in the response to sexual assault.

In Chattanooga, TN, the newly built Family Justice Center houses the Police Department’s Special Victims Unit, as well as representatives from the Hamilton County Sheriff’s Office, State of Tennessee Child Protective Services, State of Tennessee Adult Protective Services, Hamilton County District Attorney, and multiple other service providers and community partners. One of the co-located partners at the Chattanooga FJC is the McKamey Animal Center, a local animal shelter. The center provides on-site animal kennels to assist victims who may be hesitant to leave an abusive situation without their pets. By providing a temporary safe space for the animals, victims may be more encouraged to seek help. Chattanooga’s FJC also provides crisis counseling services onsite at a local homeless community center. These services are provided by a licensed master’s social worker (LMSW) and graduate social work interns, to ensure that members of the homeless community have easier access to crisis mental health services.

The Salt Lake City Police Department also participates in the local FJC. Including criminal justice partners, social service providers, and faith-based services, the Salt Lake City FJC provides assistance to both city and county residents. Officers from SLCPD can assist with police reports, and the outpatient clinic within the FJC provides free forensic medical exams on a 24/7 basis.

216. Casey Gwinn, Gael Strack, Susan Adams, Rebecca Lovelace, and Deborah Norman. “The Family Justice Center Collaborative Model,” *St. Louis University Public Law Review* 27, no. 79 (2008): 79–120.

Therefore, victims can receive medical assistance and legal help without needing to travel to multiple locations.

The Scottsdale, AZ Family Advocacy Center houses representatives from the Scottsdale Police Department's Crimes Against Persons Section, the Department of Child Safety, Office of Child Welfare Investigations, Maricopa County Adult Probation, City of Scottsdale Prosecutors, and Forensic Nurse Examiners. Also housed at the Family Advocacy Center are SPD's Police Crisis Intervention Specialists (PCIS), who provide support to victims of violent crime. Their responsibilities include victim advocacy and crisis intervention, resources guidance, and referral. Other resources at the center include: a children's play room, quiet rooms for victims, a resource room for investigators, an evidence processing room with forensic drying cabinet, interview rooms, a kitchen, a conference room, a training room, a video processing area for robbery detectives, a forensic artist office, and a case storage room.

Family Justice Centers often receive funding from a variety of sources, including public and private grants and donations. For example, the Chattanooga, TN Family Justice Center was partially funded by a 2013 Byrne JAC federal grant administered by the Tennessee Department of Finance and Administration's Office of Criminal Justice Programs (<https://www.tn.gov/finance/office-of-criminal-justice-programs/ocjp/fa-ocjp-best-practices/fa-ocjp-fjc.html>). Further resources and technical assistance for Family Justice Centers can be found at: www.familyjusticecenter.org.

While the Family Justice Center model has been adopted by three of the four sites featured in this guidebook, it might not be practical or the best approach for every community. Law enforcement can establish and nurture strong partnerships with victim services, healthcare, prosecutors, and others inside and outside the justice system to ensure that sexual assault victims are met with compassionate and competent help every step of the way. Meaningful community partnerships can facilitate referrals for needed services and support and make the justice process easier to navigate for victims. The colocation afforded by Family Justice Centers can foster more collaboration across systems, but collaboration can also be achieved through Sexual Assault Response Teams (SARTs) and other multidisciplinary approaches.

Child Protective Services

Police departments should have an open line of communication with local child protective service agencies in order to provide the best response to children who are victims of sexual assault, or are impacted because a parent or other loved one is a primary victim.

There are several considerations for police when sexual assault investigations involve minors. For example, in some jurisdictions, detectives may not be authorized to conduct interviews with minors, and Child Protective Services or another service provider may be responsible for conducting the interviews. If this is the case, it is helpful to have open communication with the agency to ensure that information is shared between police and the agency as seamlessly as possible. Child protective service agencies should also have a streamlined process in place for reporting sexual assaults involving children to the police department as quickly as possible. Strong relationships between the department and CPS will ensure the best response to child victims of sexual assault and reduce the likelihood of duplicating investigative efforts.

Project Site Example: In Chattanooga, CPS officials previously would not allow personnel to make a report to CPD over the phone due to concerns about victim confidentiality. This meant that patrol officers would have to physically respond to CPS in order to receive a report of an incident involving a child, which was a drain on resources and led to delays in investigations. Based on the project team's recommendation, CPD and CPS worked together to develop a process that addresses these concerns. CPD has now established a telephone process for CPS to use for filing initial police reports. This has eliminated unnecessary travel and out-of-service time for patrol units and streamlined the process for getting CPS reports to CPD. CPS can now call and make a police report over the phone through CPD's Teleserve system, and the report is immediately available to both the CPS worker and the SVU investigator. CPD reports that this new process has allowed for investigations to begin more promptly, and has improved collaboration efforts between the agencies.

Other Law Enforcement Agencies

As with other crimes, sexual assault investigations may require coordination with other law enforcement agencies on particular cases. Some police departments have areas of land within their jurisdiction that are under another department's jurisdiction, such as schools, universities, or military bases. Departments should proactively work with neighboring agencies to develop protocols to establish the responsibilities of different agencies when jurisdiction may be unclear. For example, if a resident of a military base is involved in an incident that starts on the base and ends within the boundaries of the city, there should be a protocol established for which agency would take over the investigation. Departments may want to consider formalizing these plans through MOUs.

Similarly, for universities located within cities, campus police departments and neighboring municipal departments may want to share information regarding sexual assault cases. If a rapist is committing crimes in both areas, it is important for the two departments to coordinate on investigations.

Municipal departments can enter into MOUs with campus police to establish information-sharing protocols and roles in various investigations.²¹⁷ For example, in Missoula, the University of Montana police are responsible for investigating misdemeanor-level sexual offenses, and the Missoula Police Department is responsible for investigating felony-level offenses.²¹⁸

Additionally, it is important to ensure that a consistent, victim-centered approach is utilized regardless of which agency the victim first contacts in the community. Agencies should regularly communicate about how to best address victims' needs and be consistent in their use of social services and advocates. Monthly or quarterly meetings to remain updated on any policy changes or developments within each agency, and joint training among local sexual assault responders can help provide consistency.

217. See Building Partnerships among Law Enforcement Agencies, Colleges and Universities: Developing a Memorandum of Understanding to Prevent and Respond Effectively to Sexual Assaults at Colleges and Universities, White House Task Force on Protecting Students, January 2015. <https://www.justice.gov/ovw/page/file/910376/download>

218. Captain Mike Colyer, Missoula Police Department, December 16, 2016

Campus Police and Title IX: Issues and Recommendations

By: Carol E. Tracy, Executive Director
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Concurrent Police and Title IX Investigations

Over the last several years, considerable national attention has focused on the issue of sexual assault on college campuses. Sexual assault that takes place in educational settings can be both a civil rights violation and a violation of the state's criminal code.

Numerous complaints have been filed by students with the Office for Civil Rights (OCR) of the U.S. Department of Education (DOE) alleging inadequate response to allegations of sexual assault in violation of Title IX. Title IX is a federal civil rights statute that prohibits discrimination on the basis of gender in all education programs that receive federal funds. Sexual assault is a form of sexual harassment.

The Department of Education has issued a number of publications regarding administrative disciplinary procedures for colleges and universities in investigating and adjudicating sexual assault. In 2017, the DOE rescinded a 2011 "Dear Colleague Letter" (DCL) that had been issued by the previous administration to clarify how schools should respond to sexual harassment in order to encourage compliance. By rescinding the DCL, the DOE eliminated specific guidance regarding the use of the "preponderance of the evidence" as the appropriate evidentiary standard in investigating and adjudicating sexual assault under Title IX, as well as a 60-day benchmark for completing an investigation. But the DOE left in place the 2001 *Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, Or Third Parties*.²¹⁹ This guidance requires timely completion of the investigation, while recognizing that timeliness "will vary depending on the complexity of the investigation and the severity and extent of the harassment." OCR applied this guidance through resolutions that included application of the preponderance of the evidence standard.²²⁰ This guidance also requires that appropriate accommodations be available for victims to enable students to participate in an educational environment free from discrimination. Neither Title IX nor OCR's guidance mandates specific penalties when a party is determined "responsible" for sexual assault. The penalties are set forth in the school's disciplinary code of conduct. The harshest penalty is expulsion. OCR does not require that either the victim or the school report the sexual misconduct to police or that a police investigation take place.

In contrast, the standard of evidence in adjudicating violations of state crime laws criminalizing sexual assault is "beyond a reasonable doubt." Police investigations and processing of evidence can take months and criminal codes provide for penalties that can include imprisonment.

Concurrent criminal investigations and "Title IX" investigations can present unique challenges for law enforcement in responding to sexual assault.

At PERF's December 2016 meeting on *Improving the Law Enforcement Response to Sexual Assault*, police officials expressed several concerns related to Title IX proceedings.

219. Sexual assault is a form of sexual harassment. See: U.S. Department of Education. Office for Civil Rights. *Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties*. (2001). <https://www2.ed.gov/about/offices/list/ocr/docs/shguide.html>

220. See Letter from Gary D. Jackson, Reg'l Civil Rights Dir., Office for Civil Rights, U.S. Dep't of Educ., to Jane Jervis, President, The Evergreen State Coll. (Apr. 4, 1995) cited in White Paper: Title IX & the Preponderance of the Evidence, signed by law professors (2016) <http://www.feministlawprofessors.com/wp-content/uploads/2016/08/Title-IX-Preponderance-White-Paper-signed-10.3.16.pdf>

- 1) There are concerns that the Title IX process could undermine the criminal process. This can lead to an adversarial relationship between campus or local police agencies and Title IX authorities and prevent effective collaboration and information sharing.
- 2) Concerns were raised that the DCL's 60-day Title IX timeframe for completing a campus investigation could interfere with the time needed for a thorough police investigation, including the processing of forensic evidence. While the DCL and its reference to the 60-day time period has been rescinded, Title IX still requires prompt action.
- 3) The public may not understand the different standards of evidence used in criminal and civil proceedings and will fault the criminal system if the campus system finds fault and the police do not. There will be cases where the school will hold the respondent "responsible" because of the lower standard of evidence, while the higher standard of evidence needed in criminal proceedings will preclude a criminal prosecution.

Recommendations:

1. Cross-training between campus/local police and Title IX authorities can increase understanding of their different mandates and potential outcomes based on the different standards of the investigations. The goal is to focus on the purposes they share, including similar objectives with respect to fact-finding, victim protection, and fairness to the accused.

"We used to have a very adversarial role between Title IX officials and the police department. In the last two years, we have changed that entire culture. And how that was changed was that we all trained together. When we go to schools, we go together. I invite Title IX people to come be part of our training. If they have it, we go with them. When it comes to interviewing, we try not to re-victimize the victim, so we allow the Title IX investigator and our detectives to be in the same room interviewing at the same time. And I will tell you from a victim standpoint, it has really paid off."

– Chief Jeffrey Scott, Notre Dame (OH) College Police

2. Creation of an MOU between police and educational institutions regarding the role of each agency and timing of the investigation.
3. Share information, in accordance with federal and state law.
 - Communicate with each other as required by Title IX and the Clery Act.
 - Under Title IX, campus police must report allegations of sexual misconduct to the Title IX Coordinator.
 - Under the Clery Act, Title IX authorities have an obligation to publically report non-identifying information about reported crimes. This information must not violate the confidentiality of the victim, so no names are provided as part of Clery reporting.
 - Some state laws may prohibit campus police from sharing certain types of information. In addition, there are several federal laws that regulate information sharing between universities, campus police, and local police. Some of these guidelines are summarized in Appendix I.
4. Public education about the differences between the responsibilities of Title IX officials and law enforcement.

Local Businesses

Certain local businesses and venues in an area may be more likely to have a higher incidence of sexual assault. For example, bars and clubs may be higher-risk locations for sexual assault due to access to alcohol and drugs.²²¹ Police departments should review data on where sexual assaults occur frequently in their jurisdictions. In addition to increasing enforcement in these areas, departments can consider working with local businesses to engage in prevention efforts.

For example, police departments could host trainings for employees of local bars and hotels to teach them how to identify situations that could escalate to sexual violence and how to safely intervene. “Bystander intervention” programs can be a resource for departments looking to develop training for local business employees. Additionally, there are multiple organizations that specialize in this type of training and may be able to assist the department with development and delivery of training. For example, the Boston Area Rape Crisis Center hosts a Bar Workshop in which the work with the Boston Police Department to train owners and managers, bartenders, servers, and door staff on how they can create a safer environment for patrons.²²²

Departments should also work with local businesses to educate them about the importance of reporting sexual assaults or other crimes to police immediately. In addition, **departments should educate local businesses about the importance of quickly turning over evidence related to a sexual assault to the police.** This may include physical evidence or recordings from security cameras. Developing a relationship with local businesses will make it more likely that they will be willing to work with detectives on evidence collection and other aspects of investigations.

Accountability Mechanisms

When conducting sexual assault investigations, police departments should maintain a policy of transparency with the community. This will help to increase community trust and ensure that the department is held accountable in its response to sexual assault. Police departments can provide accountability through the following mechanisms:

Data Collection

In maintaining transparency and accountability with the community, **police departments should collect and make public data on the number and type of sexual assault complaints made, and the number charged, arrested, unfounded, and exceptionally cleared.**^{223,224} Providing the community with this data can help foster an understanding about the true extent of sexual assault, as well as dispel myths about sexual assault. In addition, making this information public fosters transparency, because the community can see how sexual assault cases are being handled by the department.

Collecting and analyzing data related to sexual assault reports is also important to improve the department’s response to sexual assault investigations. Analysis of this data allows a department to

221. Lorenz, Katherine and Ullman, Sarah E. “Alcohol and sexual assault victimization: Research findings and future directions,” *Aggression and Violent Behavior* 31, (2016): p. 86

222. “Education and Prevention,” *Boston Area Rape Crisis Center*, Accessed on 17 November 2017. <http://barcc.org/active/bars>

223. Susan Caringella, Addressing Rape Reform in Law and Practice, 262-63 (2009): p. 273

224. EVAWI, “Police Clearance Methods: Best Practices”, *Training Bulletin* (2013). <http://www.evawintl.org/Library/DocumentLibraryHandler.ashx?id=60>

identify trends, make informed decisions regarding resources, and identify areas for improvement in training, supervision, and response to crime.²²⁵ When collecting data on sensitive crimes such as sexual assault, it is important that police departments take precautions to provide victim safety and privacy. See sidebar below for more information on how to protect victim privacy when collecting data on sexual assault.

Victim Privacy Concerns

Increasing demands for police transparency have prompted a push for information about police activity to be released publicly. At the same time, there are growing concerns surrounding privacy, particularly for victims of sexual assault and domestic violence. In a survey conducted by the National Domestic Violence Hotline in April 2015, 60% of the domestic violence victims who participated stated that concerns about their privacy prevented them from interacting with the police.²²⁶ Therefore, there is a pressing need to ensure that increased transparency does not compromise victim privacy and discourage people from reporting crimes.

In May 2015, the White House launched the Police Data Initiative (PDI) as part of President Obama's Open Data Initiative.²²⁷ As part of this program, police departments across the country have released crime data for public observation and use. Releasing this data has positive and negative implications for the police response to sexual assault. On the one hand, it can be used to show the community the true scale of sexual assault within the community and foster greater public awareness of the issue. However, if police do not take precautions, incident-level data can be used to identify victims of sexual assault, compromising their privacy and potentially their safety.

When releasing information to the public, police departments should make an effort to protect victim privacy to the greatest extent possible. With funding from OVW, the National Network to End Domestic Violence and the Police Foundation released a brief containing suggestions on how to do so.²²⁸ The guidance includes the following:

- Remove identifying data elements, including victim names, witness names, suspect names, locations where crimes occurred (including geographic coordinates and block addresses in less populated areas), and demographic variables.
- Restrict demographic variables for outliers.²²⁹
- Exclude narratives for sensitive crimes.

225. U.S. Department of Justice, *Identifying and Preventing Gender Bias in Law Enforcement Response to Sexual Assault and Domestic Violence*. (2015): p. 22, <https://www.justice.gov/opa/file/799366/download>

226. National Domestic Violence Hotline, *Who Will Help Me? Domestic Violence Survivors Speak Out about Law Enforcement Responses*. (2015): <http://www.thehotline.org/wp-content/uploads/2015/09/NDVH-2015-Law-Enforcement-Survey-Report.pdf>

227. White House, *FACT SHEET: White House Police Data Initiative Highlights New Commitments*, [Press Release] (21 April 2016), <https://obamawhitehouse.archives.gov/the-press-office/2016/04/22/fact-sheet-white-house-police-data-initiative-highlights-new-commitments>

228. NNEDV and Police Foundation, *How Law Enforcement Agencies Releasing Open Data Can Protect Victim Privacy and Safety*, (2016). <https://static1.squarespace.com/static/51dc541ce4b03ebab8c5c88c/t/5876a8322e69cf7c9ba1a215/1484171315884/PDI+for+Law+Enforcement+-+Final.pdf>

229. An outlier is a data point that is substantially different from the rest of the sample, which can make it easier to identify. For example, if a location has only a few individuals that fit a particular demographic, such as a jurisdiction with only a few African American residents, the data set should hide race demographics and publish only other data elements that would not be potentially identifying.

- Delay release of datasets to allow time for identifying information to be removed.
- Provide aggregate-level data for sensitive crimes.
- Require researchers to have IRB approval or a Privacy Certificate.²³⁰
- Work with victims, community members, and advocates to discuss the release of crime data.

Body Cameras

Many departments have adopted the use of body-worn cameras (BWCs) to increase transparency and build trust with the community. However, increased use of body-worn cameras, and increasing public demands to see the video footage, also present privacy concerns for victims of sexual assault and other sensitive crimes. Due to the sensitive nature of sexual assault, departments should review state privacy laws and determine whether officers should be given discretion to turn off body cameras when responding to a sexual assault. Police departments should clearly state in policy how officers are expected to use cameras when responding to a sexual assault call or other sensitive crime, and polices should require officers to obtain consent before recording interviews with crime victims.²³¹ Release of the footage will likely be dictated by local and state statute; however, departments should make every effort to ensure that victim privacy is protected. In some cases, this may mean not recording interactions with sexual assault victims in the first place.²³²

Project Site Example: The Salt Lake City Police Department added language to its body camera policy to allow officers to turn off the camera when responding to victims of sensitive crimes. Specifically, the policy states the following:

An officer may place the body camera into Privacy Mode,²³³ during a law enforcement encounter, in the following situations:

- to consult with a supervisor or another officer
- during a significant period of inactivity
- during a conversation with a sensitive victim of a crime, a witness of a crime, or an individual who wishes to report or discuss criminal activity, if:
 - the individual who is the subject of the recording requests that the officer deactivate the officer’s body camera; and
 - the officer believes that the value of the information outweighs the value of the potential recording and records the request by the individual to deactivate the body camera.

230. Researchers using identifying data should establish agreements, or MOUs, affirming that they will not share data in a manner that could jeopardize confidentiality. A privacy certificate, for example, is an acknowledgement to ensure that confidentiality is protected in research.

231. Miller Goodison, Lindsay, Jessica Toliver, and Police Executive Research Forum. *Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned*. (Washington, D.C.: DOJ, Office of Community Oriented Policing Services, 2014). https://perf.memberclicks.net/assets/docs/Free_Online_Documents/Technology/implementing%20a%20body-worn%20camera%20program.pdf

232. For more information on the use of body-worn cameras in sexual assault investigations, see IACP, *Deliberations from the IACP National Forum on Body-Worn Cameras and Violence Against Women*, (2017) <http://www.theiacp.org/portals/0/documents/pdfs/DeliberationsfromtheACPNationalForumonBWCsandVAW.pdf>

233. Privacy mode temporarily suspends recording.

The intention to stop the recording will be noted by the officer verbally on the video, and as soon as the private conversation has ended the camera will be returned to Event Mode. Officers will verbally note the date and time the video is reinitiated. The officer shall also document the reason for placing the body camera into Privacy Mode in a written report.

External Review of Sexual Assault Cases

In addition to ongoing internal review of sexual assault cases, some police departments have found an annual advocate external review process to be helpful in ensuring that cases are properly classified throughout the police process; that investigators are conducting thorough, victim-centered investigations; and that police actions are appropriate based on the evidence collected.²³⁴

An external auditing process increases transparency and legitimacy in departments' handling of sexual assault cases. Additionally, it allows department personnel to see their work from the perspective of an external stakeholder or advocate. Community victim advocates can help to ensure that cases are being properly handled in a manner that is sensitive to victims. They also can give police feedback on how to improve and what is working well.

When creating an external auditing process, departments should ensure that community partners have the level of training and experience to review cases and ensure victim and case confidentiality.

External Review in Practice – The Philadelphia Model

By: **Carol E. Tracy, Executive Director**
Terry L. Fromson, Managing Attorney
Women's Law Project

Since 2000, the Women's Law Project (WLP), Women Organized Against Rape (WOAR), and other advocates have conducted annual external reviews/audits of the Philadelphia Police Department (PPD) Special Victims Unit (SVU) sex crimes files. This unprecedented partnership between police and victim advocates has been successful in achieving systemic reforms in Philadelphia by monitoring the influence of bias on sex crime investigations, improving the quality and thoroughness of investigations, and producing more appropriate coding of sex crimes.

The Philadelphia Model, as the audit has come to be called, was created in the wake of a scandal relating to the mishandling of sex crimes by the Philadelphia Police Department SVU, following the 1999 publication of an investigative report by the *Philadelphia Inquirer* exposing the PPD's downgrading of thousands of rapes and other sex crimes for at least two decades.²³⁵ According to the *Philadelphia Inquirer's* report, the PPD had buried thousands of sexual assault cases—almost one-third of all reports from the mid-1980s through 1998—in a non-crime category called "Investigation of Person." The dismissal of these complaints as not "real rape" resulted

234. U.S. Department of Justice, *Memorandum of Understanding Between the U.S. Department of Justice and the City of Missoula Regarding the Missoula Police Department's Response to Sexual Assault*, (May 2013): p.11

235. See *Philadelphia Inquirer* series. Fazlollah, M., McCoy, C.R., and Benson, C. (1999, October 17-18). Part 1: Women victimized twice in police game of numbers. Part 2: How police use a new code when sex cases are 'unclear.' *The Philadelphia Inquirer*. Available: <http://inquirer.philly.com/packages/crime/html/sch101799.asp>

from long-standing false beliefs that marginalized vulnerable women (including prostitutes and drug- or alcohol-impaired victims), blamed women for the acts of the accused, and disbelieved complainants based on the absence of other physical injury, corroborating evidence, or lack of coercion, even though consideration of such factors is not condoned by the criminal law.

The Women's Law Project responded to the crisis by leading a campaign demanding major systemic reform. WLP called for transparency at City Council hearings, assisted in revising the police coding manual, and requested that the PPD Commissioner conduct an internal audit of cases coded "Investigation of Person" within the prior five years, which was at that time the statute of limitation for rape complaints. The internal audit revealed hundreds of first-degree felony rapes and over 1,000 other sex crimes that had been miscoded as non-crimes. "Investigations of Persons" was eliminated as a coding category in sex crime cases at PPD.²³⁶

When it became clear that the police had lost the public's trust, the recently hired Philadelphia Police Commissioner John Timoney, who had come to Philadelphia from the New York City Police Department, invited WLP to organize with other advocates a review of rape case files that had been unfounded by the department. The audit initiated by the police commissioner was critical to the success of Philadelphia's sex crimes audit. **The support of leadership is essential to an effective audit.**

The external auditing process in Philadelphia continues to this day, with the full support of the PPD and SVU leadership. The files reviewed were expanded to include not only all the unfounded rape files, but also a random selection of all sex crime files and files that have been coded "medical investigation" or "third party complaint," which may be recoded to a sex crime based on the investigation. The PPD SVU staff recognized the positive impact that the audits were having on its investigations.

The audit is performed solely by advocates. Each year, WLP reviews approximately 400 cases from the previous year, a task that takes three to four days to complete. The advocates assess the files for thoroughness of investigations (Was forensic evidence collected, tested, and returned to the investigator? Were all witnesses interviewed? Was the case properly supervised? Was the case forwarded to the prosecutor after a full investigation and the proper collection and testing of evidence?); indicia of bias in the victim interview statements (Did the investigator ask questions that are victim-blaming, reflect disbelief or misunderstanding of victim behavior, reflect more concern for the accused than the victim, or focus on victim behavior over the conduct of the accused?); and appropriate decisions on coding, clearance, and unfounding, consistent with FBI UCR requirements. To facilitate the review, advocates learn about Pennsylvania sex crime statutes, the PPD sex crime directives and coding manual, and UCR requirements for unfounding and clearing crimes prior to the audit.

The audit is performed under an agreement of confidentiality. The advocates agree not to disclose any information learned from the files they have reviewed. This agreement and the professional manner in which the audit has been handled have facilitated a respectful and trusting relationship between the department and the advocates.

During the audit, advocates write notes with their questions or concerns about a file, and later discuss their issues with the SVU captain and shift supervisors. During the meeting, questions are asked and answered, and concerns are expressed and heard. Files that need additional action are

236. The review is confidential, so the findings have not been published.

retained by police leaders for discussions with assigned investigators, further investigation, and/or code changes. Sometimes, files that have been unfounded are reopened for investigation.

The annual nature of the audit serves as an ongoing monitoring function to detect any patterns of bias or inappropriate police behavior that result in ineffective and incomplete investigations.

The advocate audit is different from a SART case review or multidisciplinary team that reviews selected past or current cases together on a regular basis. The Philadelphia audit utilizes outside reviewers to detect patterns of bias and inappropriate police behavior, and accomplishes this goal through an intensive review of a large volume of files in a concentrated period of time.

Further, the audit is also very different from advocate and police training initiatives because the actual case review and discussion provides advocates with an in-depth understanding of police practice, which enables them to offer insight to the police about the impact that some police practices could have on continued victim participation in the criminal justice process. Additionally, the audit permits police officials to explain to advocates the investigatory practices required for potential prosecution, which in turn helps advocates to support victims through the criminal justice process in the future. Having these conversations about real case files and discussing the actions of the police described in those files creates a markedly different experience than theoretical classroom training for purposes of affecting police practice and achieving systems reform.

The Philadelphia audit has become a model for the Department of Justice, which has named it an "external review process" and included it as a remedy in consent decrees with police departments. It is a positive collaboration between advocates and police that can improve sex crime investigations, police-advocate relationships, community perceptions of department transparency and accountability, and overall responses to victims.

Public Notification

Police departments should consider the potential benefits of alerting the public of a sexual assault, while also being careful to maintain victim privacy and safety. While news media should always omit the names of sexual assault victims, details of the assault may be unintentionally identifying, such as the specifying the location of the crime (see the discussion on victim privacy and data sharing on page 68). However, there may be a public safety issue in cases where a suspect is believed to be a serial predator. And in some cases, police may need information from the public to advance the investigation.

Therefore, police departments should determine whether there is a need within the community for public notification about certain sexual assaults. Departments should consult with local advocacy groups and sexual assault response partners to make these decisions. How and under what circumstances public notifications are made by the police may be contingent upon the needs of the community. Some departments may send out alerts when they have identified two or more connected sexual assaults indicating a serial offender. Others may notify the public of all sexual assaults committed by an unknown/unidentified offender. Of course, departments should consider whether the release of information is likely to hamper the identification of the suspect or evidence before making a public notification. The process should be documented in policy, with an emphasis on protecting the privacy and safety of victims. Importantly, victims should be alerted that these notifications will be made and of the details that will be released publicly.

Project Site Example: The Fayetteville Police Department reviewed its policy on notifying the public of sexual assaults in the community following several cases that were found to be perpetrated by a serial offender. Today, within 72 hours of a complaint, the department notifies the public via a media release of sexual assaults involving unknown/unidentified offenders. The criteria for notifying the public are included in the department's policy for the response to sexual assault. The policy reads as follows:

3.8.4 PUBLIC AWARENESS²³⁷

A. In an effort to increase public awareness on sexual assault complaints, a media release will be disseminated informing the public on reports of sexual assaults involving unknown/unidentified offenders. Unknown/unidentified offenders are defined as those offenders where the victim does not know or is not acquainted with the offender. This release will be published within a reasonable time after receipt of a complaint, but no later than seventy-two hours after the incident can be substantiated.²³⁸

B. Media releases on reported complaints of unknown/unidentified offender sexual assaults will include the date and time of the report and the general area where the crime occurred. The victim will be notified of the press release prior to it being disseminated to the media.

C. Crime prevention tips will be disseminated with the media release in an effort to increase public awareness on strategies that the community can employ in an effort to better maintain their safety and security regarding these types of crime.

Addressing Sexual Assault Cases Involving Police Officials

Another part of ensuring accountability involves addressing sexual assaults committed by police personnel. **Within the department's sexual assault policy, specific policies and procedures should outline the police response to sexual assault in the event that it involves individuals employed by the police agency.**²³⁹ Departments may wish to enlist the help of an external agency when investigating officer-related incidents, to ensure the investigation is impartial and to build community trust and increase transparency.²⁴⁰ Any misconduct committed by a police official, especially sexual misconduct, can severely undermine public trust. Failure to ensure adequate monitoring of or response to police actions sends the message to the community that agency officials are not subject to the same standards as the community. It is the responsibility of police leaders to ensure that policies to address and prevent sexual offenses are implemented, so that employees are held accountable for their actions and victims are protected.

237. Fayetteville Police Department, (2016). "Operating Procedure #3.8: Response to Sexual Violence Cases," *Fayetteville Police Department Written Directives and Operating Procedures*, p. 306.

238. Note: This is an excerpt of the full policy. Again, there should be flexibility in policy to prevent releasing information that is likely to hamper the identification of the suspect or evidence. Departments must balance the need for overall public safety and the value of an apprehension when making a determination on the public release of this type of information.

239. U.S. Department of Justice, *Identifying and Preventing Gender Bias in Law Enforcement Response to Sexual Assault and Domestic Violence*. (2015): p. 21, <https://www.justice.gov/opa/file/799366/download>

240. Police Executive Research Forum. *Identifying and Preventing Gender Bias in Law Enforcement Response to Sexual Assault and Domestic Violence: A Roundtable Discussion*. (Washington, DC: Office of Community Oriented Policing Services, 2016).

Additionally, creating a department culture of integrity, discipline, and professionalism can help prevent sexual assault by police personnel. Departments should adopt, if one is not already in place, an Early Intervention System (EIS). An EIS increases the department's accountability to its community members, and officers and can be a useful tool to help adjust officer behavior before it reaches the level of official misconduct.^{241, 242} Other avenues for changing department culture and reducing police misconduct include reviewing officer recruitment and hiring practices, as well as supervision and training.

Departmental culture is directly influenced by the individuals within the agency. Therefore, it is important that the department's recruitment and hiring process be designed to attract individuals who fully reflect the victim-centered values of the department. Supervision and training also play a critical role in preventing misconduct, and supervisors should receive training to emphasize ethics and accountability.²⁴³ Department leaders set the tone for department culture and must provide a continued focus on supervision, ensuring accountability at all levels of the agency. Agency culture should encourage all personnel to report misconduct and hold individuals accountable for failing to report known violations. Importantly, departments should adopt policies creating a duty to report misconduct committed by another member of the department. If a member of the department is aware of another member's misconduct, they should take reasonable actions to stop the behavior as well as to report the misconduct to a supervisor.²⁴⁴ Supervisors should then be responsible for investigating the allegation and notifying their chain of command.²⁴⁵

Public Education

Sexual assaults are severely underreported by victims, with only 33.6% of rapes and sexual assaults being reported to police in 2014.²⁴⁶ This underreporting of sexual assault means that offenders are not held accountable for their actions. And because sexual assault is underreported, the public may be unaware of the scope of sexual assault within their communities. This can perpetuate gender bias and rape myths, which likely deter victims further from reporting their sexual assault. Police departments' efforts to educate the community about the prevalence of sexual assault, as well as common misperceptions and biases about these crimes are important to raising awareness about the issue in the community and encouraging victims to report their assault to the police.

Police departments should also educate the community about prevention efforts, and consider participating in activities such as Sexual Assault Awareness Month²⁴⁷, held in April of every year. This reinforces the department's commitment to responding effectively to sexual assault, and can help publicize the ways in which victims can receive help through the criminal justice system.

241. Police Executive Research Forum. *Critical Response Technical Assistance Review: Police Accountability – Findings and National Implications of an Assessment of the San Diego Police Department*. (Washington, D.C.: Office of Community Oriented Policing Services, 2015): 44-45

242. The PERF project team did not focus on EIS in this project. However, additional resources on how to implement an EIS are provided in the "Resources for Additional Reading" Section, page 111, Gibbs and Kendrick report.

243. Police Executive Research Forum. *Critical Response Technical Assistance Review: Police Accountability – Findings and National Implications of an Assessment of the San Diego Police Department*. (Washington, D.C.: Office of Community Oriented Policing Services, 2015): 4-5

244. Policies should be in place to protect those that report misconduct from retaliation, as well as to ensure discipline for individuals who fail to report misconduct, unless they are the victim.

245. *Ibid*, p. 76

246. Bureau of Justice Statistics, *National Crime Victimization Survey: Criminal Victimization*, (2014).: Table 6. <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=5366>

247. For more information on Sexual Assault Awareness Month activities and programs please see, "Sexual Assault Awareness Month," *National Sexual Violence Resource Center*, <http://www.nsvrc.org/saam/sexual-assault-awareness-month>

Example from the field: The Scottsdale Police Department has incorporated sexual assault prevention into its drunk driving prevention efforts. Through the *Know Your Limit* campaign, SVU detectives partner with the DUI Enforcement Unit to conduct voluntary contacts with patrons in the city's entertainment district. During the contacts, officers discuss alcohol consumption and individuals' perceived intoxication levels. Individuals are provided with a portable breath test to see their current level of intoxication, which is followed by a conversation about decision-making, and operating a vehicle while intoxicated. An SVU detective also discusses safety and awareness with individuals. All contacts are documented anonymously, and SPD reports that conversations are positive and educational.

Police can take a leading role in increasing awareness about how the criminal justice system can assist victims of sexual assault. For example, victims may not be aware of the assistance police departments can provide beyond a criminal investigation, such as by connecting victims with advocates and other social services. Establishing relationships with the community and communicating with them about these resources may also encourage victims to come forward who may not have otherwise reported their sexual assault. Police departments may also consider adopting prevention and bystander intervention campaigns. Research to date indicates that bystander intervention programs can positively impact the intent of bystanders to intervene, with a more moderate impact on actual behavior. However, these programs may still be appropriate in some areas, especially on or around college campuses or entertainment districts.²⁴⁸

Increased public awareness of the importance of reporting crimes, and confidence in a proactive police response, may increase the volume of reports received by the department, creating the appearance that sexual assaults have increased, when in fact it may only be the reporting of these crimes that has increased. With changes in the UCR's definition of rape, and greater awareness of the issue, increasing numbers of reports may cause concern in some communities. For example, in 2011, Baltimore's rape numbers reported to the UCR increased by 29% as compared to the previous year.²⁴⁹ This occurred right after the Baltimore Sun's 2010 coverage of the rape cases that had been improperly unfounded by the department. It is unlikely that actual reported numbers of rapes increased by 29%, rather, it is more likely an indication that public scrutiny and the police department's efforts to rectify the issues may have contributed to more victims reporting, and more cases being properly classified as rapes.

Under the FBI's updated definition of rape, more crimes fall into the official UCR category, such as the sexual assault of males and the assault of those unable to give consent due to age, disability, or drugs.²⁵⁰ Adopting the new UCR definition may initially make numbers of reported rapes appear to increase in a jurisdiction, due to more incidents being counted as rapes in official UCR data. As an example of how adopting the new UCR definition can make rape numbers appear to increase, the FBI presentation at PERF's December 2016 meeting provided a comparison of NIBRS sex offenses and how they would be reported under the UCR legacy definition vs. the revised definition. In 2015, there were 29,495 rapes of females, 744 rapes of males, 8,095 cases of sodomy, and 3,305 cases of sexual assault with an object reported to NIBRS. Under the legacy UCR definition, only the 29,495

248. Katz, Jennifer and Jessica Moore, "Bystander Education Training for Campus Sexual Assault Prevention: An Initial Meta-Analysis," *Violence and Victims* 28, no. 6 (2013): 1054-1067.

249. FBI, Uniform Crime Reports as prepared by the National Archive of Criminal Justice Data

250. Police Executive Research Forum. *Improving the Police Response To Sexual Assault* (Washington, D.C.: Police Executive Research Forum, 2012): 30 http://www.policeforum.org/assets/docs/Critical_Issues_Series/improving%20the%20police%20response%20to%20sexual%20assault%202012.pdf

rapes of females would have been reported as rapes. However, under the revised definition, all four categories are counted as rapes, resulting in a total of 41,639 rapes.²⁵¹ It is important that department leaders anticipate these changes, especially when shifting to the updated FBI definition of rape, and work proactively to explain that these crimes are now being counted differently and that comparison between years may not be a good gauge of changes in the numbers of sexual assaults in the community.²⁵² This message will need to be carefully crafted and reiterated to the community as the new definition and department practices are established and put into practice.

Focusing on the Well-Being of Officers and Investigators

"All personnel assigned to our Special Investigations Unit, which oversees sexual assault investigations, are required to meet with a counselor at a minimum of once a year. By making counseling a mandatory requirement, we are seeing people staying in their careers longer. We have seen sick leave use decrease and morale increase within the unit I oversee. Mandatory annual counseling was a very significant expense for our department to implement, but we've seen the investment pay off over time."

– Lt. Lance Burnham, Vermont State Police

As with other sensitive crimes, sexual assault crimes can negatively impact those tasked with investigating crimes and helping victims. **In particular, officers in Special Victims Units or who focus on sexual assault cases may experience vicarious trauma or burnout at a higher rate than other officers, which can compromise their ability to investigate these cases and respond to victims effectively.**²⁵³ The PERF project team was consistently impressed with how the detectives and SVU supervisors at each project site went beyond the minimum requirements of the job to meet the needs of victims. Maintaining a heavy workload can be difficult under normal circumstances, but even more so when focused on an issue as sensitive as sexual assault. The PERF project team recognized the need for departments to implement mechanisms aimed at providing officers with the physical, emotional, and mental support needed to avoid burnout and vicarious trauma.

Vicarious trauma occurs when officers experience emotional distress because of hearing or witnessing the trauma of others, and may closely resemble primary trauma in terms of symptoms and response.²⁵⁴ In order to combat this and other negative impacts of working on these cases, departments should have comprehensive policies and programs to ensure officer wellness, with a particular focus on the individuals who work on sexual assault crimes. This may involve adopting general wellness programs that focus on the physical, mental, and emotional health of all employees.

Law enforcement-specific wellness programs often include peer mentoring programs and tailored mental health resources to rapidly assist officers who may be having trouble. Police departments can also provide training or educational programs to teach officers positive ways to cope with the stress of the job, and conduct ongoing psychological debriefings to allow officers to express their feelings in a supportive group setting.²⁵⁵ These debriefings should be a priority for officers who respond

251. John Derbas, FBI CJIS, December 16, 2016

252. U.S. Department of Justice, "An Updated Definition of Rape," 6 January 2012, Accessed on 17 November 2017, <https://www.justice.gov/archives/opa/blog/updated-definition-rape>

253. Turgoose, David, et al. "Empathy, compassion fatigue, and burnout in police officers working with rape victims." *Traumatology* 23, no. 2 (June 2017): 205-213. *PsycINFO*, EBSCOhost (accessed February 9, 2018).

254. Tovar, Lynn A. "Vicarious Traumatization and Spirituality in Law Enforcement," *FBI Law Enforcement Bulletin* 80, no. 7 (2011): 16-21

255. Ibid

to particularly distressing crime scenes. Departments may consider conducting an initial needs assessment of overall department wellness efforts to gain a better understanding of the causes of stress within the agency, identify the available resources and services (and how often they are being used by personnel), and develop appropriate policies and programs to address officer wellness issues.

Personnel turnover, and identifying and training the right individuals to fill vacant positions, are also routine challenges in Special Victims Units. These challenges can impact the unit's quality and consistency of investigations and responsiveness to victims. To reduce turnover and the challenges associated with it, **SVU supervisors should track the caseload of each detective in the unit and routinely evaluate the staffing needs of the unit.** Overly burdensome caseloads can more quickly lead to burnout and prevent departments from achieving a truly victim-centered approach to investigations. Departments must ensure appropriate staffing in this unit. If additional resources are not available, every effort must be made to monitor and support the wellness of individuals within the unit.²⁵⁶

Project Site Example: In Fayetteville, a common complaint among first responders and dispatchers was that they often did not know how calls were resolved or the disposition of the case later in the investigation. In focus groups with first responders and dispatchers, participants noted that they often were unaware of the outcomes of the cases they were responding to, or whether the victim received the help they needed. In response, FPD created a protocol in which first responders and dispatchers can ask to receive feedback on the outcome of these cases by directly contacting the case detective. This feedback can provide dispatchers and officers with closure when they know they have contributed to a successful investigation. Of course, as with every recommendation provided in this report, feedback on sexual assault cases should never compromise victim privacy.

Reflections from Project Site Participants

Building trust with victims and the public

Create a "Safe" Environment for Victims

Lt. John Somerindyke, Fayetteville Police Department

Creating an environment in which victims feel more comfortable reporting their victimization requires you to take a step back to assess your department's operations, and you must be candid about any shortcomings. If you need to improve in an area, it is important to be transparent about the issue and clear about the steps you are taking to fix the problem. This openness and transparency can initially bring criticism, but ultimately it builds community trust and confidence in the department, which is important for encouraging victims to report their victimization to police. It is also important to publicize positive outcomes, including arrests and successful convictions.

Establishing good relationships among all the people who work with sexual assault victims (victim advocates, medical professionals, sexual assault nurse examiners, prosecutors, forensic lab personnel) is also important. Working together as a team will significantly improve the

256. National Sexual Violence Resource Center and National Sexual Assault Coalition Resource Sharing Project. *Self-Care and Trauma Work*. (2012): 3. Retrieved on 12 February 2018. http://www.nsvrc.org/sites/default/files/Publication_NSVRC_Overview_Self-Care.pdf

efficiency of your investigations and give victims the confidence they need to move forward in the justice process.

For example, our Sexual Assault Response Team (SART) helps us build trust with victims. We have a strong group of professionals who work well together, and a team approach that helps make victims more comfortable during the reporting, medical, forensic, and investigative processes. The dedication of the SART members and the confidence they have in each other improves victims' confidence as they move through the process. And word gets around. We had a victim earlier this year who had been going to counseling at the Rape Crisis Center, but who had not reported the crime to the police. Another victim in the group who had filed a report encouraged the other victim to report the crime, because of the positive experience she had with the justice process.

Community Partnerships Increase Trust

Chief Mike Brown, Salt Lake City Police Department

While our relationship with most community partners at the initiation of the project was well-established and positive, the improvements in our response to these cases have helped to further improve these relationships. Our partners have been a part of the project's process and the changes we have made in our response to victims. In addition, we took the initiative to hire social workers who have helped us develop new partnerships. The stability of these relationships had previously been tenuous; however, now we are routinely receiving positive feedback from forensic nurses on how officers are responding to victims.

The importance of a multidisciplinary approach

Ensure Coordination by Having all Stakeholders at the Table

Chief Alan Rodbell, Lt. Carrie Candler, and Sgt. Lee Campbell, Scottsdale Police Department

For the Scottsdale Police Department, bringing all the stakeholders (e.g., police, prosecutors, and other community partners) together to solidify a consistent, victim-centered approach to sexual assault investigations is the key to success. During the project's assessment process, our approach to sexual assault investigations was identified as a promising practice. SPD sexual assault investigators involve representatives from the Police Crisis Intervention Section (PCIS) at the very beginning of the process, and they stay involved until the conclusion of the case.

Having individuals who are trained in crisis response as an available resource is appreciated by both the investigators and the victims, and helps to ensure a victim-centered approach is used throughout the process.

Support from the top is critical

Police Chiefs Set the Tone for the Department's Response

Lt. John Somerindyke, Fayetteville Police Department

Unfortunately, unconscious biases regarding sexual assault victims still exist. Knowing these biases exist can make it difficult for victims, investigators, and prosecutors to confidently move forward with many cases.

However, support from your department's leaders can be the biggest factor in effectively seeking justice for all victims. In the police department, if you have the support of your police chief, you can make significant advances in your efforts to improve the response to victims and investigation of sexual assault. For example, our chief fully supported the SVU's efforts to focus on cold cases and responded to PERF's recommendation to increase SVU staffing. We now have additional resources to investigate these crimes, which helps in managing caseloads and ensuring thorough follow-through, to build the best possible cases.

Advice to SVU leaders on improving the response to sexual assault

Change Requires Addressing Policy, Training, and Practice

Lt. Anthony Easter, Chattanooga Police Department

For SVU leaders, it's important to understand best practices, the challenges to implementation, and lessons learned. And one of the primary factors that SVU supervisors must assess is the department's *training and education* on its fundamental approach to sexual assault victims. In Chattanooga, the department is developing training for its officers and investigators on some of the new practices related to interacting with victims of sexual assault.²⁵⁷ It is one thing to hear about something or read an article, but it takes a substantial and consistent effort to create real change in your department to implement the new policies and practices.

Also, it is critically important to implement new practices in addition to changing policy. Just because a policy calls for something does not mean it is happening in practice. In this regard, leadership is important, because if your supervisors or chain of command do not fully support a practice, they will not follow up to ensure that officers are putting it into effect.

Review Your Training, and Bring in Outside Perspectives

Chief Alan Rodbell, Lt. Carrie Candler, and Sgt. Lee Campbell, Scottsdale Police Department

First, to accurately assess your department's efforts, it is helpful to have an internal assessment process as well as an independent third party who can review your policies and practices.

Next, during this process, it is important to carefully review training, especially for detectives, and ensure that training reflects department policy and recognized best practices. Sexual assault investigators require specialized training. This is especially important for new detectives.

Finally, to ensure you are using best practices or to implement innovative approaches, reach out to other departments that have already made these changes, and discuss their experiences. These agencies may know about other promising practices that could be useful in improving your department's overall approach to these cases and the response to victims.

How has this project affected your response to sexual assault? What was the single most important change your agency made to its response efforts?

External Review Gave Us New Insights on our Coding Practices

Lt. John Somerindyke, Fayetteville Police Department

The entire project experience was illuminating to me – the independent assessment, the findings and recommendations, and developing and implementing an action plan. For example, the

257. As of November 2017, the Chattanooga PD's training is still being developed.

project's assessment team identified an issue with our use of the "Sex Offense-Other" code. I'll never forget Carol Tracy from the Women's Law Project saying, "*Sex Offense-Other is not a crime.*"

That comment prompted me to conduct a thorough review of the coding for all of our sexual assault reports going back several years. This review showed that we were not always consistent with our coding of sexual assault reports or with properly using the "unfounded" code. Since that review, we have changed our policy to address these issues, which gives me confidence that our sexual assault report numbers are accurate and true. Without the department's participation in this project, we may not have identified and corrected that issue.

Our Focus on Victims Is the Biggest Change

Lt. Anthony Easter, Chattanooga Police Department

Participating in the OVW/PERF assessment and implementation project has helped us shift to a more victim-centered approach. As police officers, we have not traditionally been trained to focus on the impacts of our work on victims. We have been trained to focus on building the case: identifying the suspect, developing probable cause, collecting evidence, and working with the DA's office to satisfy its requirements. Without meaning to do so, you can lose track of the victims and what their needs are in that process.

So going through this assessment has definitely made a marked difference in our focus on victims. For example, making periodic contact with victims was not even a protocol 10 years ago. We thought that was the job of the Rape Crisis Center. Now I routinely ask investigators about their contact with victims, if they have called them back, and if they have linked them with advocates.

I'd say our focus on service to victims is the biggest paradigm shift we have made. Results are anecdotal, but it appears to have impacted how victims feel and their impressions of police. Our advocates have provided feedback from victims who have said that they were happy the police seemed to care and continued to communicate with them. There is a perception that officers don't care, but I think we've made the biggest leap in listening and caring, and changing that perception.

These benefits of this project also impacted the nuts-and-bolts aspects of working cases. For example, the sexual assault report template was a great takeaway for us. It was very simple. The example template from End Violence Against Women International (EVAWI) had a section about SART meetings.²⁵⁸ You don't think about those things, but it's important to document the dates when the SART met and any recommendations the team made for intervention or outcomes of the meeting.

Good Practices Are Now Specified in Policy

Chief Alan Rodbell, Lt. Carrie Candler, and Sgt. Lee Campbell, Scottsdale Police Department

Participating in this project allowed our department to take a hard look at putting practices into policy. While the unit was already following many promising practices, they were not always specified in policy. The assessment also helped us to recognize areas where we were already

258. The model report template can be found at: Archambault, Joanne. "Report Writing Template," *EVAWI*, <http://www.evawintl.org/library/Detail.aspx?ItemID=647>

meeting the needs of victims, and the subject matter experts on the assessment team provided additional information and resources on how to strengthen those practices.

A Key Change Was Training Personnel on the Impacts of Trauma

Chief Mike Brown, Salt Lake City Police Department

Very early on in the project, we realized that we could improve our sexual assault investigations by making changes to policy, procedure, and training and by building community trust. I believe the most important change we made because of the project was to train all sworn personnel in trauma-based investigative techniques. This training is applicable to the investigation of any crime that results in the traumatization of victims. The training has enabled our officers to better serve victims by helping them to develop rapport and trust.

Improving our interactions and relationships with victims improves our ability to successfully investigate a case, and present it for prosecution. It also improves the initial narrative that the investigator can document from the victim about the assault.

Summary of Key Recommendations

Adopting a Victim-Centered Approach

1. Police departments should adopt a victim-centered approach in all interactions with crime victims, particularly victims of sexual assault, to ensure that they are treated with compassion and respect and to encourage victims' continued involvement in the criminal justice process.
 - a. Sexual assault cases should be investigated in an unbiased manner, free of assumptions and stereotypes about victims. The needs of the victim should be considered at every step of the investigation in order to prevent further trauma.
 - b. The chief executive and other leaders and supervisors in a police department must make this issue a priority. Police departments should maintain a continuous focus on ensuring victim-centered practices by developing performance measures and accountability standards that demonstrate the department's commitment to thorough, unbiased investigation of all sexual assault reports. Supervisors and department leaders should recognize officers for demonstrating sensitivity to victims in investigations, other interactions, and follow-up.
 - c. Another critical aspect of maintaining a victim-centered approach involves building relationships and improving cooperation with victim advocates and other community service providers.

Trauma-Informed Care

2. Police departments should incorporate trauma-informed practices into their response to sexual assault. Trauma-informed practices involve recognizing the symptoms of trauma and its prevalence, and understanding how those symptoms can affect victims of sexual assault.
 - a. Officers should be trained on trauma response and the neurobiology of trauma so they are familiar with the ways in which trauma can affect victims' memory and behavior. It is important that responding officers and investigators understand that a victim's self-protective measures in the wake of a sexual assault might not comport with other people's expectations or the objectives of the justice system.
 - b. Police leaders and supervisors should ensure that officers understand the potential for victim re-traumatization, and that the department has policies, training, and protocols in place to minimize this potential when interacting with victims.
 - c. Police departments should document their commitment to understanding and engaging in trauma-informed practices in policy and in training.

Policy Considerations

3. Police departments should have a specific policy outlining the proper response to reports of sexual assault. The sexual assault policy should clearly communicate priorities about maintaining

victim-centered, trauma-informed approaches, and it should outline the roles and responsibilities of each member of the department in a sexual assault investigation.²⁵⁹

4. All members of the department involved in the response to sexual assault should be trained on the sexual assault policy and should be aware of their roles in an investigation.

Telecommunications Personnel Responsibilities

- a. Call-takers and dispatchers should be familiar with the police department's sexual assault policy and should be informed of any changes to policies or protocols that could impact their responsibilities. If the 911 center is under the jurisdiction of the police department, then these roles and responsibilities should be formalized in department policy. If not, department officials should collaborate with the local emergency communications leaders to ensure that this information is conveyed to call-takers and dispatchers.

First Responding Officers' Responsibilities

- b. First responding officers should limit their questioning of the victim to establish the basic facts of the crime. In-depth questioning and detailed interviews with the victim should be conducted by a trained investigator or the individual who will be conducting the follow-up investigation.
- c. The involvement of victim advocates in the police response to sexual assault is a key component of maintaining a victim-centered approach, as advocates can provide support for victims throughout the criminal justice process. The first responding officer should inform the victim of the availability of a victim advocate, and should contact one as soon as possible if the victim wishes to talk with an advocate.
- d. To ensure that the victim is able to communicate clearly, responding officers should determine whether the victim needs an interpreter or other communications assistance.
- e. If the victim wishes to have a medical forensic exam, the responding officer should provide transportation for the victim to the designated facility. Victims should be provided access to a medical forensic exam regardless of whether or not they wish to participate in the investigatory process.
- f. First responders should not ask victims about their willingness to participate in the criminal justice or prosecution process in the initial interview. The decision to press charges rarely needs to be made at this point, and pressuring the victim about prosecution may discourage them from pursuing a complaint or moving forward with the investigation.

SVU Supervisor Responsibilities

- g. Supervisors should promote a victim-centered approach by rewarding officers based on their interactions with victims, and incorporating officer compliance with victim-centered practices into performance evaluations.
- h. Supervisors should be in frequent contact with investigators to assess their interactions with victims, so they are able to take immediate and appropriate actions if their responses or behaviors are inconsistent with department policy or expectations.
- i. SVU supervisors should review all cases to ensure comprehensive investigations and proper follow-up before approving the case's closure.

259. See page 24 for more information

- j. Supervisor responsibilities should be clearly defined in writing. Responsibilities for the SVU supervisor or investigations supervisor (or other relevant positions) should be institutionalized in department policy.

Investigative Procedures

Victim Interviews

5. Investigators should receive specialized training on trauma-informed interviewing techniques to address the unique needs of sexual assault victims.
 - a. Victims should be allowed to have an advocate present during the interview if they choose, as long as this is consistent with state confidentiality and privilege laws.
 - b. When interviewing a sexual assault victim, detectives should work to build rapport with the victim, expressing empathy and belief in the victim, and accepting and documenting their statement without hesitation.
 - c. The detective should ask for a full account of what happened using open-ended questions, and allow the victim to speak uninterrupted.
 - d. Detectives should remember that the interview is not an interrogation, and should be careful about asking questions that may come across as victim-blaming.
 - e. Detectives should not make judgments about a victim's credibility based on whether they are hesitant or have difficulty recalling details of the assault; whether the victim had a prior relationship with the suspect; the victim's affect following the assault; whether the victim reported the crime immediately or there was a delay in reporting; or whether there is a lack of visible physical injury.
 - f. After the detective's interview with the victim, the detective should explain the next steps of the investigation and let the victim know how she or he will be kept up to date by the detective (or other appropriate personnel) on the progress of their case.

Evidence Collection

6. Keeping victim-centered practices in mind, police officials should work to ensure the collection of any potential evidence (biological or otherwise) that may be available. All evidence that could potentially be probative based on the facts of the case should be collected.
 - a. Police should maintain an open dialogue with prosecutors to ensure that evidence collection policies and practices are consistent with the prosecutor's expectations for taking cases to trial.
 - b. If a drug- or alcohol-facilitated sexual assault is suspected, urine and blood samples should be collected with the victim's permission as soon as possible for forensic testing, as the detection window for some substances can be short.
 - c. Investigators should seek out and interview witnesses and suspects. Based on the circumstances of the report, the officer or investigator may request that the suspect undergo a forensic exam. A suspect forensic exam can be done incident to arrest in some jurisdictions, or by requesting a court order. Law enforcement and its community partners should have clear, established policies and practices regarding suspect exams.

- d. If the suspect is known to the victim, investigators can consider the use of pretext phone calls (or one-party consent calls) as a tool to gather evidence. Full, voluntary cooperation from the victim is necessary, and the victim should not be coerced to assist police in obtaining evidence in this manner. **This strategy should be carefully considered and used cautiously.**²⁶⁰

Medical Forensic Exam

- e. A victim should be offered a medical forensic exam when the sexual assault occurred within 120 hours of the report, or longer if they are still experiencing pain or bleeding.
- f. Victims should not be required to consent to toxicology testing, or subject to any other requirements, in order to be offered a medical forensic exam.
- g. The exam should be conducted by a healthcare provider, ideally one who has education and clinical experience in the collection of forensic evidence and treatment of sexual assault patients. This may be a Forensic Nurse Examiner, or “Sexual Assault Nurse Examiner” (“SANE” nurse), or a medical professional who has specialized training.
- h. Police department policy for the transfer of evidence obtained from a medical forensic exam should be followed strictly by all involved, to ensure a clear and unequivocal chain of custody. It is also important that procedures for the transfer of evidence ensure that evidence is transported properly and in a timely manner, as delay could potentially compromise sensitive evidence, such as liquid samples.

Sexual Assault Kit (SAK) Testing

- i. All SAKs that the victim has consented to reporting to law enforcement should be submitted to the laboratory for DNA analysis. If the victim has not chosen to report a sexual assault to law enforcement and has not consented to having the kit submitted, testing the kit can be a violation of the victim’s rights.
- j. Departments should develop policies and procedures for notifying victims of test results after rape kits are tested.
- k. To facilitate the processing of evidence, departments should create information management systems to track forensic evidence and enhance communication among police, lab personnel, and the prosecutor’s office.
- l. Departments should review their evidence storage spaces to ensure the adequacy of the storage space and its capacity for securing analyzed and unanalyzed forensic evidence.

Arrest

7. In general, police should take the time to complete a thorough investigation before arresting a suspect to ensure that sufficient evidence can be gathered to support a successful prosecution. In some cases, however, the on-going threat to public or individual safety should be considered. For example, in cases of sexual assault associated with domestic violence, police may arrest a suspect for the underlying domestic violence assault while evidence related to the sexual assault is processed and evaluated. **Following a thorough investigation and if there is probable cause, investigators (or SVU supervisors) should consult with prosecutors to identify the best protocol for making an arrest.**

²⁶⁰. Agencies may want to consider consulting with prosecutors about the use of this strategy.

Report Writing and File Maintenance

8. All sexual assault reports should be documented in writing and assigned a number for tracking purposes and review. Sexual assault reports should be standardized to ensure consistency and inclusion of all critical information.
 - a. Reports should address the evidence necessary to prove the elements of the offense, and should include transcripts of key interviews, lab reports, and other related documents.
 - b. When summarizing key interviews, investigators should use the victim's own words when possible, in quotation marks, and not paraphrase or attempt to sanitize any slang words the victim uses.
 - c. Reports should be written with potential defense strategies in mind. Investigators should anticipate what type of defense strategies will likely be employed during a trial, and document all relevant information accordingly. For example, if the defendant is likely to use the consent defense, it is important to document statements from the victim and evidence indicating that the incident was not consensual, gathering as many facts as possible.
 - d. Any alcohol or drug use by the victim should be described in a factual and neutral manner, and should include context, any role played by the perpetrator in substance use by the victim, and the extent of intoxication.
 - e. The report should also document the suspect's statements, including inconsistencies or corroboration of the victim's statements.
9. Departments should ensure that case files are stored in a secure location and that there is a backup of all records.

Coding and Classification of Sexual Assault Reports

10. Police departments should institute clear standards on case coding and classification of sexual assault reports to ensure that proper investigation, case review, and reporting requirements are met. Requirements for case coding and classification should be outlined in policy, and all relevant personnel should be thoroughly trained on these requirements to ensure proper case management.

Case Coding and Clearing

11. Departments should ensure that all appropriate officers are trained on criteria for coding and clearing of cases. Final case coding and clearance decisions should be based on careful analysis of evidence identified through an investigation.
12. Case coding and clearance should be reviewed routinely by SVU supervisors to ensure that investigations are consistently thorough and that all policies and other requirements for follow-up and case disposition are met.
13. Departments should also consider conducting regular internal audits of closed sexual assault cases for quality assurance purposes.
 - a. To ensure that cases are categorized correctly and for ease of clarity, departments should attempt to utilize UCR (or NIBRS) crime categories, in addition to local jurisdiction categories, when coding reports. This will facilitate reporting to the UCR program and provide consistent and nationally recognized coding guidelines for the department.

- b. Categories used to clear cases should also follow UCR guidelines. Following a thorough investigation, a case should generally either be cleared by arrest or by “exceptional means.”
 - i. In order to clear a case by arrest, at least one person must be arrested, charged with the offense, and turned over to the court for prosecution.
 - ii. A case should be exceptionally cleared if: the perpetrator and their location have been identified; there is sufficient evidence to support an arrest and referral for prosecution; *and* reason(s) outside of law enforcement control prevent the arrest, charging, and prosecution of the offender. Examples of such reasons include, among others:
 - the death of the offender;
 - the prosecution declined for a reason other than a lack of probable cause;
 - the offender’s arrest and prosecution in another jurisdiction; or
 - the victim’s inability or unwillingness to participate in the criminal justice process, but only after information and evidence has been gathered to support the arrest of the suspect and referral for prosecution.

Unfounding

- c. A case should be “unfounded” only after a *thorough investigation* demonstrates that the report was false or baseless. In other words, cases should be ruled “unfounded” only if police determine that no crime occurred.
- d. All cases that are unfounded should be reviewed by a supervisor to ensure that a proper investigation has been done and that the criteria for unfounding have been met.

Inactivating or Suspending Cases

- e. Categories such as “inactive” or “suspended” may be used for cases in which the investigation has gone as far as possible to date, but remains unsolved, and there is no basis for unfounding.

Non-Criminal Reports

- f. For situations in which departments receive a report but no specific crime is being alleged (e.g., in cases of mandatory reporting by medical professionals), departments may establish a non-crime code, such as an “information report,” to which these cases can be assigned. If during an investigation it is determined that a crime did occur, the report should be assigned a proper criminal code. **Reports assigned a non-criminal code should be routinely reviewed by supervisors to ensure that a proper investigation was done, and that criminal incidents were not erroneously assigned a non-crime code.**

Training

14. All members of a department who may be involved in sexual assault response and investigations, including dispatchers and first responders, should be trained on the department’s sexual assault policy and the specific needs and considerations for working with sexual assault victims.
15. In addition to entry-level training, individuals responsible for investigating sexual assaults should receive refresher training on a regular basis set by the department. Training should incorporate adult-learning methods, and should include role-playing scenarios as well as traditional lecture formats, in accordance with established best practices.

- a. Investigators/detectives and patrol officers should be trained on the crime elements of sexual assault offenses under state law, in addition to all aspects of sexual assault investigations discussed in this document, including victim-centered practices and sensitivity to victim re-traumatization, cultural competency, the importance of victim privacy, the use of forensic evidence and the evidentiary value of sexual assault kits, victim interviewing techniques, requirements for report writing, and crime coding and classification.

Neurobiology of Sexual Assault

- b. It is important to educate officers on the neurobiology of sexual assault, including common reactions to trauma, to ensure that officers have realistic expectations when working with sexual assault victims.

Bias, Stereotypes, and Myths Surrounding Sexual Assault

- c. Officers should be educated about common biases, stereotypes, and myths surrounding sexual assault, and how to counteract these myths to ensure accurate and unbiased investigations.

Implications of Drug- and Alcohol-Facilitated Sexual Assault

- d. Officers and detectives should be trained on the implications of drug- and alcohol-facilitated sexual assault, including how it may impact a victim's memory and ability to consent to sexual activity.

Consent

- e. Detectives and officers should be trained on the definition of consent under their state law, particularly whether the law requires affirmative consent or whether words or conduct convey consent. Training should highlight state law provisions on who cannot consent and conditions under which individuals may not be able to consent.

Criminal Justice and Community Partnerships

16. To ensure that victims receive consistent, high-quality care throughout the criminal justice process, it's important for police departments to cultivate strong relationships with other criminal justice agencies and with community service partners.

Community Service Providers and Victim Advocates

- a. Departments should involve victim advocates and other medical and social service providers early in the police response to sexual assault. To ensure that officers are aware of the services available to sexual assault victims, police departments should consider inviting representatives from various service providers, such as rape crisis centers, to give officers a short overview of their services and capabilities during roll call trainings.

Local Prosecutors/District Attorney's Office

- b. Detectives should consult with prosecutors to ensure that the evidence collected during an investigation is consistent with the prosecutor's expectations for trial. In addition, police departments should work with prosecutors to identify the elements of a sexual assault report that, when available and appropriately documented, are most likely to ensure the case is accepted for prosecution.

Multidisciplinary Response

- c. To improve the coordination of services for victims across professional disciplines and agencies, police departments should consider establishing a multidisciplinary team (MDT) of criminal justice and advocacy partners. Multidisciplinary collaboration improves investigations by bringing together all involved parties to discuss progress, cases, trends in the community, and other issues relating to sexual assault.

Child Protective Services

- d. Police departments should have an open line of communication with local child protective service agencies in order to provide the best response to children who are victims of sexual assault, or who are impacted because a parent or other loved one is a primary victim.

Other Law Enforcement Agencies

- e. Departments should proactively work with neighboring agencies to develop protocols to establish the responsibilities of different agencies in situations where jurisdiction may be unclear. Departments may want to consider formalizing these plans, as well as any information-sharing protocols, through a memorandum of understanding (MOU).

Local Businesses

- f. Police departments should work with local businesses that may be higher-risk locations for sexual assault, to coordinate on prevention efforts. Additionally, departments should educate local businesses about the importance of reporting sexual assaults or other crimes immediately, and quickly turning over any evidence related to a sexual assault to the police.

Accountability Mechanisms

17. Police departments should maintain a policy of transparency with the community about their efforts to investigate all sexual assault reports and their response to victims. This will help to increase community trust and ensure that the department is held accountable in its response to sexual assault.

Data Collection

- a. Police departments should collect and make public data on the number and type of sexual assault reports made, and the number of cases that are charged, arrested, unfounded, and exceptionally cleared. Making this information public fosters transparency, because the community can see how sexual assault cases are being handled by the department.

Body Cameras

- b. Departments should review state privacy laws and determine whether officers should be given discretion to turn off body-worn cameras when responding to a sexual assault. Police departments should clearly state in policy how officers are expected to use cameras when responding to a sexual assault call or other sensitive crime, and polices should require officers to obtain consent before recording interviews with crime victims.

External Review of Sexual Assault Cases

- c. In addition to establishing a process for ongoing internal review of sexual assault cases, police departments may want to consider an annual external review process conducted by advocates. The review could include sexual assault case files that have been unfounded by the department,

or a random selection of all case files, to ensure that cases are properly classified throughout the police process; that investigators are conducting thorough, victim-centered investigations; and that police actions are appropriate based on the evidence collected. These reviews can help strengthen department policies and practices, and foster stronger partnerships and mutual understanding among all involved.²⁶¹

Public Notification

- d. Police departments should determine whether there is a need within the community for public notification about certain sexual assaults. Departments should consult with local advocacy groups and sexual assault response partners to make these decisions, and also should be careful to maintain victim privacy and safety when making such notifications. Victims should be given advance notice when a public notification is going to be made.

Addressing Sexual Assault Involving Police Officials

- e. Within the department's sexual assault policy, specific policies and procedures should be outlined in the event that a report of sexual assault involves police personnel. It is the responsibility of police leaders to ensure that policies to address and prevent sexual offenses are implemented, and that employees are held accountable for their actions.
- f. Departments should adopt policies creating a duty to report misconduct committed by another member of the department. If a member of the department is aware of another member's misconduct, they should take reasonable actions to stop the behavior as well as to report the misconduct to a supervisor. Policies should be in place to protect those that report misconduct from retaliation, as well as to discipline any individuals who fail to report misconduct, unless they are the victim.

Public Education

18. Police departments should educate the community about the prevalence of sexual assault, common misperceptions and biases about these crimes, and prevention efforts and programs.
 - a. Police should increase awareness in the community about how the criminal justice system can assist victims of sexual assault, as this may encourage victims to come forward and report their victimization.
 - b. When transitioning to the updated FBI definition of rape, departments should anticipate that numbers of rapes reported to the UCR may increase, and should explain to the community that this is not necessarily an indication that actual victimizations are increasing.

Focusing on the Well-Being of Officers and Investigators

19. To combat vicarious trauma (i.e., the trauma or emotional distress that police personnel who frequently work with victims may experience) and other negative impacts of working on sexual assault cases, departments should have comprehensive policies and programs to ensure officer wellness, with a focus on the individuals who work on sexual assault crimes.
 - a. To reduce turnover and the challenges associated with it, SVU supervisors should track the caseload of each detective in the unit and routinely evaluate the needs of staff members who work in the unit.

261. See 'External Review in Practice - The Philadelphia Model' (page 70) for an example of an external review process.

Resources for Additional Reading

This section provides additional resources for further reading on the topics discussed in the Guidebook. Topics are presented in the order in which they are addressed in the report and categorized by type of resource.

Topics include:

- Adopting a Victim-Centered Approach
- Trauma-Informed Response
- Sexual Assault Policy and Investigative Procedures
- Report Writing and File Maintenance
- Coding and Classification of Sexual Assault Reports
- Training
- Criminal Justice and Community Partnerships
- Protecting Victim Privacy
- Accountability Mechanisms
- Public Education
- Focusing on the Well-Being of Officers and Investigators

Adopting a Victim-Centered Approach

Reports and Publications

- Human Rights Watch (2013) *Improving Police Response to Sexual Assault*, https://www.hrw.org/sites/default/files/reports/improvingSAInvest_0.pdf
 - » See pages 3-16 for information on promoting a victim-centered approach
- U.S. Department of Justice (2015), *Identifying and Preventing Gender Bias in Law Enforcement Response to Sexual Assault and Domestic Violence*. <https://www.justice.gov/opa/file/799366/download>
 - » In 2015, the United States Department of Justice released this as a guide for law enforcement agencies in developing modern, effective policies, practices, and training. The basic principles outlined in this document represent a foundation on which departments can operate free from discrimination based on gender. In this guidance, it is emphasized that “interrogation” is highly inappropriate when talking to victims who have just experienced trauma and whose reports may already include inconsistencies due to the impact of trauma on their memories (for example, a victim may have fragmented and disorganized memories, or may have very vivid memories of some parts of the assault but not others). Trying to purposely uncover inconsistencies will only make the investigation more difficult. Additionally, the guidance indicates that rape victims should not be interviewed in public waiting areas. This guidance also includes important

information on adopting a victim-centered approach, effective report writing (with specific recommendations on page 14), case coding and clearance (the impact of bias on case coding is discussed on pages 10-11 and the importance of case classification is discussed in principle on pages 17-18), and addressing sexual assault by law enforcement.

Resource Guides

- IACP, (2015) *Sexual Assault Response Policy and Training Content Development Guidelines*. <http://www.iacp.org/Portals/0/documents/pdfs/IACPSexualAssaultResponsePolicyandTrainingContentGuidelines.pdf>
 - » This document provides background and details on how to develop and implement effective sexual assault policy and training. It provides guidance to aid departments in creating a policy tailored to their requirements and needs. A victim-centered approach is emphasized throughout the document and it covers victim interviews (both preliminary and in-depth) and evidence collection.

Preventing Re-victimization

Journal Articles

- Jordan, Jan. (2001) "Worlds Apart? Women, Rape and the Police Reporting Process," *British Journal of Criminology* 41, no. 4: 679-706. <https://academic.oup.com/bjc/article-abstract/41/4/679/468312/Worlds-Apart-Women-Rape-and-the-Police-Reporting>
 - » This article examined the experiences of women who reported rape to the police. Victims listed being believed, being taken seriously, and feeling cared for as top reasons for their satisfaction with the police response to their victimization. Dissatisfaction was associated with lack of empathy, feeling of not being believed, and feeling judged.
- Maier, Shana L. (2008). "I have heard horrible stories... ' Rape Victim Advocates' Perceptions of the Revictimization of Rape Victims by the Police and Medical System," *Violence Against Women*, 14, no.7: 787 <http://journals.sagepub.com/doi/abs/10.1177/1077801208320245>
 - » The author of this study conducted qualitative interviews with rape advocates to discuss their experiences working with the police and medical systems in their work to assist sexual assault victims. Factors that contributed to the revictimization of rape victims by the police system included invasive questioning, victim-blaming attitudes, general insensitivity, and refusal to proceed with criminal investigations. Advocates stated that the ability to talk with and train police officers helped reduce revictimization of sexual assault victims.
- Temkin, Jennifer. (1997) "Plus Ça Change: Reporting Rape in the 1990s," *British Journal of Criminology* 37, no.4: 507-528, <https://academic.oup.com/bjc/article-abstract/37/4/507/494672>.
 - » In this study, the author interviewed 23 women who reported rape to the Sussex police in the early 1990s. The author determined that when police demonstrate respect and concern for the victim and belief in her story, it has a powerfully positive impact. Women who felt well-treated were empowered by their police interactions. Conversely, when police lack empathy, challenge a victim's credibility or judge her behavior, they re-traumatize her. In the study, women who felt ill-treated by police were devastated by their interactions.

Trauma-Informed Response

Practices and the Neurobiology of Sexual Assault

Reports and Publications

- Fanflik, Patricia L. (2007). *Victim Responses to Sexual Assault: Counterintuitive or Simply Adaptive?* (Alexandria, VA: National District Attorneys Association). http://www.ndaa.org/pdf/pub_victim_responses_sexual_assault.pdf
 - » This document explores psychological and behavioral responses to sexual assault, highlighting the wide range of possible reactions a victim may have following a sexual assault. The author also discusses how and why some of these reactions occur, even though they may appear to be “counterintuitive” to the general public (i.e., potential jurors).

Resource Guides

- Proffitt, B. (2010). Delivering trauma-informed services. *Healing Hands* 14, no. 6. Retrieved from the National Health Care for the Homeless Council: <http://www.nhchc.org/wp-content/uploads/2011/09/DecHealingHandsWeb.pdf>
 - » This publication provides an overview of trauma and trauma-informed services. It discusses resources for implementing trauma-informed services, elements of a trauma-informed approach, working with special populations, challenges to implementation, and specific models and interventions.
- The National Sexual Assault Coalition Resource Sharing Project and National Sexual Violence Resource Center. (2013) *Building Cultures of Care: A Guide for Sexual Assault Services Programs*. http://www.nsvrc.org/sites/default/files/publications_nsvrc_guides_building-cultures-of-care.pdf
 - » This guidebook includes resources and information for sexual assault services programs to implement a trauma-informed approach in their approach to sexual assault survivors. The guide discusses trauma, core principles of trauma-informed services, implementation, and integrating trauma-informed services.

Webinars and Trainings

- EVAWI (2016). *Neurobiology of Sexual Assault 2-Part Webinar Series: Part 1*. <http://www.evawintl.org/WebinarDetail.aspx?webinarid=1026>
 - » Part 1 of this webinar, “Experiences and Behavior,” discusses specific brain functions related to fear and trauma, as well as how the brain can produce involuntary behaviors and responses to sexual assault.
- EVAWI (2016). *Neurobiology of Sexual Assault 2-Part Webinar Series: Part 2*. <http://www.evawintl.org/WebinarDetail.aspx?webinarid=1027>
 - » Part 2 of this webinar, “Experience and Memory,” explores the impact of trauma on memory. Participants learn about brain-based aspects of the memory encoding, storage, and retrieval processes, as well as interviewing techniques to aid victims in recalling and reporting memories.
- Campbell, Rebecca. (2012). “The Neurobiology of Sexual Assault,” *NIJ Research for the Real World Seminar*, webinar, <https://nij.gov/multimedia/presenter/presenter-campbell/Pages/presenter-campbell-transcript.aspx>

- » This presentation provides an overview of the neurobiology of sexual assault, how this impacts trauma, and how the manifestation of trauma can impact investigations and prosecutions of sexual assault. Dr. Campbell also discusses implications for first responders, nurses, prosecutors, and victim advocates.

Sexual Assault Policy and Investigative Procedures

Resource Guides

- EVAWI and IACP. (May 2012), *Preliminary Investigation: Guidelines for First Responders*. <http://www.evawintl.org/library/DocumentLibraryHandler.ashx?id=40>
 - » This guide, based on the International Association of Chiefs of Police Concepts and Issues Paper on Investigating Sexual Assault, provides information on investigating sexual assaults and working with victims. The module discusses key elements of a sexual assault investigation, such as developing an investigative strategy, general elements of felony sexual assault, and the preliminary victim interview. Best practices and procedures are presented throughout and can be used to help guide departments in creating and editing sexual assault policy.
- IACP (2005) *Investigating Sexual Assaults Model Policy*, <http://www.evawintl.org/Library/DocumentLibraryHandler.ashx?id=93>
 - » This model policy provides guidelines for responding to reports of sexual assault, assisting victims, collaborating with local health and service agencies, and conducting interviews with victims, witnesses, and suspects.
- IACP, (2004) “Investigating Sexual Assaults Part I: Elements of Sexual Assault and Initial Response,” *Training Key*, 571, <http://www.theiacp.org/portals/0/pdfs/571InvestigatingSexualAssaultsPart1.pdf>
 - » This document provides guidance and best practices for law enforcement agencies responding to, working with victims of, and investigating sexual violence cases. Topics include the responsibilities of dispatchers/call takers and first responders and best practices for handling cases, including interviewing and report writing.
- IACP (2004). “Investigating Sexual Assaults Part II: Investigative Procedures,” *Training Key* #572, <http://www.theiacp.org/portals/0/pdfs/572InvestigatingSexualAssaultsPart2.pdf>
 - » The second part of the training document contains guidance on forensic medical examinations, the follow-up victim interview, drug-facilitated sexual assault, and contacting and interviewing the victim.
- IACP, *Sexual Assault Incident Reports: Investigative Strategies*, <http://www.iacp.org/Portals/0/pdfs/SexualAssaultGuidelines.pdf>
 - » These guidelines provide information best practices for sexual assault investigations. It includes information on effective report writing, the proper coding and clearance of sexual assault cases, evidence collection, and the interviewing of both suspects and victims.
- IACP, (2015) *Sexual Assault Response Policy and Training Content Development Guidelines*. <http://www.iacp.org/Portals/0/documents/pdfs/IACPSexualAssaultResponsePolicyandTrainingContentGuidelines.pdf>
 - » This document provides background and details on how to develop and implement effective sexual assault policy and training. It provides guidance to aid departments in creating a policy tailored to their requirements and needs. A victim-centered approach is emphasized throughout

the document and it covers victim interviews (both preliminary and in-depth) and evidence collection.

- IACP, *Sexual Assault Pocket Tip Card*, http://www.iacp.org/Portals/0/pdfs/IACP_SexAssaultRpt_TIPScard.pdf
 - » This tip card provides quick reference tips for writing a report, interviewing victims and suspects, and investigating sexual assaults.

Forensic Compliance and Anonymous Reporting

Journal Articles

- Archambault, J., Lonsway, K. (2011). “Direct Anonymous Reporting: Multidisciplinary Protocols Offer Alternative Option for Victims,” *Sexual Assault Report* 14, no. 5 (Kingston, N.J.: Civic Research Institute Inc.): p 65-77. <http://www.evawintl.org/Library/DocumentLibraryHandler.ashx?id=326>
 - » This article is a resource for departments looking to implement direct anonymous reporting. It provides definitions, key considerations, and necessary protocols required to successfully and effectively implement direct anonymous reporting. Topics include establishing jurisdiction and issues surrounding medical mandated reporting.

Reports and Publications

- AEquitas, (2014). *Anonymous Reporting in Sexual Assault Cases*, <http://www.aequitasresource.org/Anonymous-Reporting-in-Sexual-Assault-Cases.pdf>
 - » This one page flyer provides answers to common questions surrounding anonymous reporting in sexual assault cases, such as “why do anonymous reporting?”

Webinars and Trainings

- EVAWI’s Forensic Compliance web site: <http://www.evawintl.org/Forensic-Compliance>
 - » EVAWI’s Forensic Compliance website provides background, resources, and FAQs on the topic. Resources include state protocols, model policies, sample legislation, training modules, and other items designed to help achieve compliance with the requirements of the Violence Against Women Act.
- EVAWI, “Alternative Reporting Methods: Essential Concepts and Components, #1-10.” *Training Bulletin*: <http://www.evawintl.org/Library/Documents.aspx?StaticCategory=true&CategoryID=344>
 - » This ten part series explores how to develop policy and procedures on alternative reporting methods, such as anonymity for victims and non-investigative responses from law enforcement. Topics include third-party reporting, evidence storage and retention, best practice recommendations, and converting to a standard reporting procedure.
- EVAWI, (2014). *The Earthquake in Sexual Assault Response: Implementing VAWA Forensic Compliance*. <http://www.evawintl.org/Library/DocumentLibraryHandler.ashx?id=30>
 - » This training module discusses forensic compliance provisions of the federal Violence Against Women Act (VAWA). The module is aimed at criminal justice and other professionals who address sexual assault.

- EVAWI, (2017). "Reporting Methods for Sexual Assault Cases," *Online Training Institute*. <http://www.evawintl.org/Library/DocumentLibraryHandler.ashx?id=712>
 - » This training module reviews various reporting methods for sexual assaults and describes implications for the different types of reports. The module is aimed at officers and investigators who make decisions regarding how to report a sexual assault and provides guidance for carrying out elements of the reporting methods.

Conducting Interviews with Sexual Assault Victims

Journal Articles

- Collins, Roger; Lincoln, Robin; and Frank, Mark. (2002). "The Effect of Rapport in Forensic Interviewing," *Psychiatry, Psychology, and Law* 9, no. 1: 68-78.
 - » Building rapport provides more correct information, harsh or neutral tone decreases amount of information elicited during an investigational interview
- Fisher, Ronald P., (1995). "Interviewing Victims and Witnesses of Crime," *Psychology, Public Policy, and Law* 1, no. 4: 732-764.
 - » Research suggests majority of information elicited in interview occurs in opening narration if victim remains uninterrupted
- Fisher, Ronald P. and Geiselman, R. Edward. (2010) "The cognitive interview method of conducting police interviews: eliciting extensive information and promoting therapeutic jurisprudence," *International Journal of Law & Psychiatry* 33, no. 5-6, 321-328 https://www.researchgate.net/profile/Ronald_Fisher2/publication/46577871_The_Cognitive_Interview_method_of_conducting_police_interviews_Eliciting_extensive_information_and_promoting_Therapeutic_Jurisprudence/links/54902c880cf214269f265c55/The-Cognitive-Interview-method-of-conducting-police-interviews-Eliciting-extensive-information-and-promoting-Therapeutic-Jurisprudence.pdf
 - » Cognitive interviewing techniques, such as displaying sensitivity to the victim's thoughts, asking open-ended questions, letting the victim take control of the interview, and allowing victims to say "I don't know" in response to questions, has been shown to produce better victim recall and results. This article explores the components of a victim interview that may limit information and provides information on the cognitive interview as a suggestion to increase the amount and enhance the quality of information gathered.
- Patterson, Debra. (2011). "The Impact of Detectives' Manner of Questioning on Rape Victims' Disclosure," *Violence Against Women* 17, no.11:1349-1373.
 - » For this study, the authors used trained interviewers to speak with 20 female victims of rape to discuss their experiences working with law enforcement through the investigatory process. The authors provide samples from interviews to illustrate victim's points. Overall, the authors found that detectives using a gentler manner of questioning can lead to stronger victim statements, which ultimately can help build stronger cases for prosecution.

Reports and Publications

- U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, (2015). *Child Forensic Interviewing, Best Practices*. <https://www.ojjdp.gov/pubs/248749.pdf>
 - » This bulletin consolidates best practices and research on child forensic interviewing. It covers topics such as, considerations of the child including development, disabilities, and trauma;

considerations for the interview including timing, documentation, role of the interviewer, and question type; and the forensic interview process.

Resource Guides

- EVAWI, (2017). *Interviewing the Victim: Techniques Based on the Realistic Dynamics of Sexual Assault*, <http://www.evawintl.org/library/DocumentLibraryHandler.ashx?id=657>
 - » This training module provides information on how to conduct a successful interview with a victim of sexual assault to aid in an effective law enforcement investigation and prosecution.
- EVAWI, (2016) *Understanding the Neurobiology of Trauma and Implications for Interviewing Victims*, <https://www.evawintl.org/Library/DocumentLibraryHandler.ashx?id=842>
 - » This training bulletin helps officers understand trauma to improve victim interviews. The authors describe how the effects of fear and trauma can cause reactions in the body that can differ from one victim to the next, and which may seem unexpected to the officer. It also describes the effect of trauma on memory.
- EVAWI, (2013). “When to Conduct an Exam or Interview: Why are We Prodding Victims to Keep them Awake?” *Training Bulletin*, <http://www.evawintl.org/Library/DocumentLibraryHandler.ashx?id=77>
 - » This document explores the issue of letting victims sleep prior to a forensic exam or detailed law enforcement interview. It discusses considerations and provides suggestions for situations in which the victim is extremely tired prior to an exam or interview. It details actions that should be taken during each step of the initial contact through the forensic exam and in-depth law enforcement interview.
- IACP (2004). “Investigating Sexual Assaults Part II: Investigative Procedures,” *Training Key #572*, <http://www.theiacp.org/portals/0/pdfs/572InvestigatingSexualAssaultsPart2.pdf>
 - » The second part of the training document contains guidance on forensic medical examinations, the follow-up victim interview, drug-facilitated sexual assault, and contacting and interviewing the victim.
- IACP, *Sexual Assault Incident Reports: Investigative Strategies*, <http://www.iacp.org/Portals/0/pdfs/SexualAssaultGuidelines.pdf>
 - » These guidelines provide best practices for sexual assault investigations. It includes information on effective report writing, the proper coding and clearance of sexual assault cases, evidence collection, and the interviewing of both suspects and victims.

Webinars and Trainings

- EVAWI, (2016). *Forensic Experiential Trauma Interview: A Trauma Informed Experience, 2-Part Webinar Series*: <http://www.evawintl.org/WebinarDetail.aspx?webinarid=1036> and <http://www.evawintl.org/WebinarDetail.aspx?webinarid=1037>
 - » This two-part webinar provides information on Forensic Experiential Trauma Interviews (FETI), a technique to aid in collecting information from victims who have experienced traumatic experiences. Part 1 explores the history of victim interviews and provides an overview of the FETI. Part 2 discusses practical applications of the FETI, including how to reframe questions and close a FETI interview.

- EVAWI (May 2012) *Interviewing the Victim*, <http://olti.evawintl.org/images/docs/VICTIM%20INTERVIEW%2005-30-12.pdf>
 - » This two-part training module provides information for law enforcement agencies on how to demonstrate competence and compassion during victim interviews. The module also provides an in-depth look at the challenges of investigating sexual assaults and provides strategies and best practices for officers, including various types of victim interviews. Policy suggestions are provided, such as recommendations on effective report writing after a victim interview (pages 75-76).

Evidence Collection

Resource Guides

- IACP, *Sexual Assault Incident Reports: Investigative Strategies*, <http://www.iacp.org/Portals/0/pdfs/SexualAssaultGuidelines.pdf>
 - » These guidelines provide best practices for sexual assault investigations. It includes information on effective report writing, the proper coding and clearance of sexual assault cases, evidence collection, and the interviewing of both suspects and victims.

Webinars and Trainings

- EVAWI, (2013) "Forensic Exams for the Sexual Assault Suspect," *Training Bulletin* <http://www.evawintl.org/Library/DocumentLibraryHandler.ashx?id=24>
 - » This training bulletin discusses evidence collection from suspects. Topics include legal requirements, barriers to suspect exams, and components of a suspect exam. Resources are provided to help develop or improve policies and protocols for conducting suspect exams.
- EVAWI, *Understanding the Role of DNA Evidence in a Sexual Assault Investigation: Parts 1-6*, <http://www.evawintl.org/Library/Documents.aspx?StaticCategory=true&CategoryID=345>
 - » This is a six-part series exploring the role of DNA evidence in sexual assault investigations.
- IACP, "Pretext Phone Calls in Sexual Assault Investigations," *Training Key #574*, <http://www.theiacp.org/portals/0/pdfs/574PretextPhoneCalls.pdf>
 - » This training document discusses considerations for using pretext phone calls in sexual assault investigations. Pretext phone calls are recorded calls between a victim and a suspect, intended to elicit incriminating statements from the suspect.

Forensic Medical Exams

Online Resource Collections

- SAFEta.org
 - » The International Association of Forensic Nurses (IAFN) provides resources, training, and technical assistance on medical forensic exams at SAFEta.org.

Reports and Publications

- Oregon Attorney General's Task Force on Sexual Assault, (2006). *A Best Practice: Why Law Enforcement is Excluded from the Forensic Medical Examination*, <http://library.state.or.us/repository/2015/201508181017192/index.pdf>
 - » This document describes the Oregon Attorney General's Task Force on Sexual Assault's position that it is inappropriate for law enforcement to be included in forensic medical examinations. To protect victim privacy and maintain law enforcement's role as investigator and not witness, law enforcement should not be present during forensic history taking and examination.

Resource Guides

- U.S. Department of Justice, Office on Violence Against Women, (2016). *A National Protocol for Sexual Abuse Medical Forensic Examinations: Pediatric*. <https://www.ncjrs.gov/pdffiles1/ovw/249871.pdf>
AND
U.S. Department of Justice, Office on Violence Against Women, (2013). *A National Protocol for Sexual Assault Medical Forensic Examinations: Adults/Adolescents*, Second Edition. <https://www.ncjrs.gov/pdffiles1/ovw/241903.pdf>
 - » These protocols are the U.S. Department of Justice's guidance for a victim-centered response to sexual assault, including the provision of medical forensic care. Technical assistance on implementing the protocols is available through the International Association of Forensic Nurses (IAFN) at SafeTA.org.
- Commission on Peace Officer Standards and Training. (2008), *Post Guidelines on Adult/Adolescent Sexual Assault Investigation*. http://lib.post.ca.gov/Publications/sexual_assault.pdf
 - » See page 16 for recommendations on transfer and booking of SAK evidence

Sexual Assault Nurse Examiner (SANE) Programs

Journal Articles

- Campbell, Rebecca; Bybee, Deborah; Kelley, Kathleen D.; Dworkin, Emily R.; and Patterson, Debra. (2011). "The Impact of Sexual Assault Nurse Examiner (SANE) Program Services on Law Enforcement Investigational Practices: A Mediation Analysis," *Criminal Justice and Behavior* 39, no.2: 169-184. https://www.researchgate.net/profile/Emily_Dworkin/publication/241645193_The_Impact_of_Sexual_Assault_Nurse_Examiner_SANE_Program_Services_on_Law_Enforcement_Investigational_Practices/links/572f9e3808ae744151904b82.pdf
 - » This study examined the use of sexual assault nurse examiner (SANE) programs by law enforcement during investigation and whether this interaction increased the likelihood of police forwarding a case to prosecution. The authors found that police collected more kinds of other evidence in cases where the victim had a medical forensic exam, and in cases where a SANE conducted a forensic exam of the suspect.
- Campbell, Rebecca; Patterson, Debra; and Bybee, Deborah. (2012). "Prosecution of Adult Sexual Assault Cases: A Longitudinal Analysis of Impact of a Sexual Assault Nurse Examiner Program," *Violence Against Women* 18, no. 2: 223-244. https://www.researchgate.net/profile/Rebecca_Campbell23/publication/221876814_Prosecution_of_Adult_Sexual_Assault_Cases/links/57991cff08aec89db7bb9a39.pdf

- » This study sought to examine if the implementation of a sexual assault nurse examiner (SANE) program lead to increased investigation and prosecution of adult sexual assault cases. The authors found that the implementation of a SANE program significantly increased case progression through the criminal justice system.
- Campbell, Rebecca; Patterson, Debra; and Bybee, Deborah. (2011). "Using Mixed Methods to Evaluate a Community Intervention for Sexual Assault Survivors: A Methodological Tale," *Violence Against Women* 17, no. 3: 376-388 http://www.svri.org/sites/default/files/attachments/2016-01-14/376.full_.pdf
 - » This study aimed to look at sexual assault nurse examiner (SANE) programs to evaluate how these programs work with police their impact on prosecution. The authors found that the SANEs work with their patients and with the police. Participation with SANEs help survivors feel more comfortable working with police, which leads to increased engagement in the investigation and ultimately contributes to increased prosecution. The SANE focus on the victim and de-emphasis on the legal contributed to healing and hope and confidence in case and thereby increased victim participation in the criminal justice system. SANEs provided high quality medical forensic evidence, education and training on going consultation and were available for expert witness testimony. SANEs also assist police and prosecutors by providing evidence and aiding in streamlining the investigation.

Sexual Assault Kit Testing

Journal Articles

- Campbell, Rebecca; Steven J. Pierce, Dhruv B. Sharma, Hannah Feeney, and Giannina Fehler-Cabral. (2016). "Should Rape Kit Testing Be Prioritized by Victim-Offender Relationship? Empirical Comparison of Forensic Testing Outcomes for Stranger and Nonstranger Sexual Assaults," *Criminology & Public Policy* 15, no. 2, pps. 555-583, <http://onlinelibrary.wiley.com/doi/10.1111/1745-9133.12205/abstract>.
 - » In this article, 894 previously untested sexual assault kits from Detroit, MI were tested. Researchers found that the percentage of kits tested that returned CODIS hits were similar, regardless of whether it was a stranger or nonstranger suspect. As a result, the researchers argue that stranger cases should not be prioritized over nonstranger cases.
- Ritter, Nancy. (2013), "Untested Evidence in Sexual Assault Cases: Using Research to Guide Policy and Practice," *Sexual Assault Report* 16, no.3: 33-43. <https://www.ncjrs.gov/pdffiles1/nij/241356.pdf>
 - » This newsletter article provides a summary of a 2007 National Institute of Justice (NIJ) survey of law enforcement agencies on forensic evidence processing. The article also discusses other issues related to sexual assault evidence collection and testing, such as untested kits vs. "backlogs" and victim notification. It provides information about different NIJ programs and projects aimed at studying these issues.

Reports and Publications

- Campbell, Rebecca; Fehler-Cabral, Giannina; Pierce, Steven J.; Sharma, Dhruv B.; Bybee, Deborah; Shaw, Jessica; Horsford, Sheena; and Feeney, Hannah. (2015). *The Detroit Sexual Assault Kit (SAK) Action Research Project (ARP), Final Report*, (Washington, D.C.: DOJ, National Institute of Justice). <https://www.ncjrs.gov/pdffiles1/nij/grants/248680.pdf>
 - » This report describes a project aimed at assisting the Detroit Police Department in looking at how many untested sexual assault kits were in police property, identifying why there were so

many unsubmitted kits, develop a plan to test the kits, and create a victim notification protocol. Chapter 4 (page 138) provides information on developing and evaluating a sexual assault kit testing plan, and chapter 5 (page 232) provides information on developing and evaluating a victim notification protocol.

- EVAWI, *Understanding the Role of DNA Evidence in a Sexual Assault Investigation: Part 5: Policy Responses, Assessment, and Recommendations for Practice* <http://www.evawintl.org/Library/DocumentLibraryHandler.ashx?id=49>
 - » This document explores the role of DNA evidence in sexual assault investigations. On page 7, there is a discussion of “test all kits” legislation and the possible problems with these approaches to addressing the issue of untested sexual assault kits.
- National Institute of Justice, (2011). *The Road Ahead: Unanalyzed Evidence in Sexual Assault Cases*, (Washington, D.C.: U.S. Department of Justice). <https://www.ncjrs.gov/pdffiles1/nij/233279.pdf>
 - » This report explores issues related to untested sexual assault evidence. The author presents implications for police, crime laboratories, courts, and victims. The report outlines different ways to approach the issue and considerations for each approach, such as victim notification and statutes of limitation.
- U.S. Department of Justice, National Institute of Justice, (2017). *National Best Practices for Sexual Assault Kits: A Multidisciplinary Approach*, <https://www.ncjrs.gov/pdffiles1/nij/250384.pdf>
 - » This guidebook contains 35 recommendations issued by the U.S. Department of Justice related to the collection, preservation, storage/retention, analysis, and auditing/inventorying of sexual assault kit evidence. It also contains guidance on how to institute transparency and accountability in the handling and testing of sexual kits.
- U.S. Department of Justice, Office on Violence Against Women, *Sexual Assault Kit Testing Initiatives and Non-Investigative Kits: White Paper*, January 2017, <https://www.justice.gov/ovw/page/file/928236/download>
 - » This document outlines the reasons why the Office of Violence Against Women cautions against the submission of sexual assault kits to forensic laboratories if the individual from whom the kit was collected has chosen to not report to law enforcement. The document provides background on the issue and presents three core reasons to support OVW’s stance. It also includes information on forensic compliance and anonymous reporting and the issue of untested sexual assault kits.

Notifying Victims about SAK Test Results

Online Resource Collections

- “Sexual Assault Kit Backlogs: Making Victims Part of the Solution. Policies, protocols and other materials to help create a victim-centered response,” *The National Center for Victims of Crime*, <http://victimsofcrime.org/our-programs/dna-resource-center/untested-sexual-assault-kits/victim-notification/protocol-resources>
 - » This website provides a collection of model materials from police departments and district attorneys’ offices across the country. Sample letters to survivors, victim involvement protocols, and evidence submission plans are provided.

Reports and Publications

- National Institute of Justice, (2016). *Notifying Sexual Assault Victims After Testing Evidence* (Washington, D.C.: U.S. Department of Justice). <https://www.ncjrs.gov/pdffiles1/nij/249153.pdf>
 - » This brochure summarizes lessons learned from Detroit and Houston through projects looking at untested sexual assault kits. This installment focuses on victim notification protocols developed in both cities, and the document aims to help departments in creating their own victim centered, trauma informed notification protocol.

Resource Guides

- Joyful Heart Foundation, *Navigating Notification: A Guide to Re-Engaging Sexual Assault Survivors Affected by the Untested Rape Kit Backlog*. <http://www.endthebacklog.org/information-survivors/victim-notification>
 - » The authors of this article brought over 90 survivors and criminal justice, medical, academic, clinical, and advocacy professionals to discuss victim notification protocol best practices. There was consensus among the group that the notification approach should be victim centered. This article aims to help communities create a protocol that is victim centered.

Evidence Retention

Reports and Publications

- Strom, Kevin; Roper-Miller, Jeri; Jones, Shelton; Sikes, Nathan; Pope, Mark; and Horstmann, Nicole. (2007). *The 2007 Survey of Law Enforcement Forensic Evidence Processing: Final Report* <https://www.ncjrs.gov/pdffiles1/nij/grants/228415.pdf>
 - » This survey, conducted by RTI International and funded by the National Institute of Justice, sought to estimate the number of cases (homicide, rape, and property) that included forensic evidence that was not submitted to a laboratory for analysis. The authors also asked departments about policies and procedures for processing, submitting, and retaining forensic evidence. One finding is that 43% of the nation's law enforcement agencies did not have a computer system for tracking forensic evidence, either in the property room or after it was sent to the crime lab.

Resource Guides

- EVAWI, *Model Policy Materials: Evidence Retention, Disposition, and/or Removal* <http://www.evawintl.org/Library/DocumentLibraryHandler.ashx?id=654>
 - » This document provides guidance to law enforcement on a number of issues related to the retention, disposition, and removal of evidence in sexual assault cases. This can be used as a resource for departments in enhancing policies and developing training related to these issues. Topics covered include evidence packing, documentation and tracking, and release or disposal of evidence.

Report Writing and File Maintenance

Resource Guides

- IACP, (2004) "Investigating Sexual Assaults Part I: Elements of Sexual Assault and Initial Response," *Training Key*, 571, <http://www.theiacp.org/portals/0/pdfs/571InvestigatingSexualAssaultsPart1.pdf>

- » This document provides guidance and best practices for law enforcement agencies responding to, working with victims of, and investigating sexual violence cases. Topics include the responsibilities of dispatchers/call takers and first responders and best practices for handling cases, including interviewing and report writing.
- IACP, *Sexual Assault Incident Reports: Investigative Strategies*, <http://www.iacp.org/Portals/0/pdfs/SexualAssaultGuidelines.pdf>
 - » These guidelines provide best practices for sexual assault investigations. It includes information on effective report writing, the proper coding and clearance of sexual assault cases, evidence collection, and the interviewing of both suspects and victims.
- IACP, *Sexual Assault Pocket Tip Card*, http://www.iacp.org/Portals/0/pdfs/IACP_SexAssaultRpt_TIPScard.pdf
 - » This tip card provides quick reference tips for writing a report, interviewing victims and suspects, and investigating sexual assaults.

Webinars and Trainings

- EVAWI, (2006). *Effective Report Writing: Using The Language of Nonconsensual Sex*, <http://www.evawintl.org/library/DocumentLibraryHandler.ashx?id=43>
 - » This training course is aimed at helping law enforcement investigators strengthen their report-writing skills to help produce successful prosecutions. The course describes the purposes of a report, techniques for effective report-writing, and how to address strategies used by the defense in sexual assault cases.

Sample Sexual Assault Report Templates

Resource Guides

- IACP, *Sexual Assault Supplemental Report Form*, <http://www.iacp.org/portals/0/pdfs/SexualAssaultSupplementalReportForm.pdf>
- EVAWI, (2015). *Report Writing Template*, <http://www.evawintl.org/library/Detail.aspx?ItemID=647>

Coding and Classification of Sexual Assault Reports

Journal Articles

- Spohn, Cassia and Tellis, Katharine. (2011). "Justice Denied?: The Exceptional Clearance of Rape Cases in Los Angeles," *Albany Law Review* 74, 1379-1421. http://www.albanylawreview.org/Articles/Vol74_3/74.3.1379%20SPOHN.pdf
 - » The authors of this study looked at data on sexual assaults from the Los Angeles Police Department and the Los Angeles County Sheriff's Department to examine case clearance focusing on exceptional clearances. Pages 1415-1421 discuss the authors' findings and the policy implications for misusing the exceptional clearance classification.

Reports and Publications

- Federal Bureau of Investigation, (2013). *Criminal Justice Information Services (CJIS) Division Uniform Crime Reporting (UCR) Program, Summary Reporting System (SRS) User Manual*,

(Washington, D.C.: U.S. Department of Justice): <https://ucr.fbi.gov/nibrs/summary-reporting-system-srs-user-manual>

- » This is the user manual for classifying Summary Reporting System offenses. Pages 111-116 explain clearance and unfounded classifications and provide scenarios in which each type of classification would apply.
- United States of America v. City of New Orleans, (2013). *Consent Decree Regarding the New Orleans Police Department*. https://www.justice.gov/sites/default/files/crt/legacy/2013/01/11/nopd_agreement_1-11-13.pdf
 - » See pages 56-57 for information on case coding and classification.
- Women's Law Project, (2013). *Policy Brief: Advocacy to Improve Police Response to Sex Crimes*. http://www.womenslawproject.org/wp-content/uploads/2017/02/Policy_Brief_Improving_Police_Response_to_Sexual_Assault.pdf
 - » This policy brief highlights the Women's Law Project's case review of the Philadelphia Police Department. A major component of that review involves looking at case coding and classification, and issues and suggestions are offered throughout the brief.

Resource Guides

- IACP, *Sexual Assault Incident Reports: Investigative Strategies*, <http://www.iacp.org/Portals/0/pdfs/SexualAssaultGuidelines.pdf>
 - » These guidelines provide best practices for sexual assault investigations. It includes information on effective report writing, the proper coding and clearance of sexual assault cases, evidence collection, and the interviewing of both suspects and victims.

Webinars and Trainings

- EVAWI, (2017). *Clearance Methods for Sexual Assault Cases*, <http://www.evawintl.org/Library/DocumentLibraryHandler.ashx?id=34>
 - » This training module is designed to help law enforcement officers, investigators, and supervisors to clear and close sexual assault cases. Topics include ways in which cases can be cleared/closed, UCR clearance method definitions, and definitions of unfounded and false reports.
- EVAWI, (2013). "Police Clearance Methods: Best Practices", *Training Bulletin*, <http://www.evawintl.org/Library/DocumentLibraryHandler.ashx?id=60>
 - » This training bulletin provides recommended best practices for clearing/closing cases.
- EVAWI, (2013). "Police Clearance Methods: Updates to UCR Handbook," *Training Bulletin* <http://www.evawintl.org/Library/DocumentLibraryHandler.ashx?id=58>
 - » This training bulletin is designed to help law enforcement officials understand changes to the FBI UCR Handbook and guidelines, published in 2013, including a clarification made to the definition of "exceptional clearance."

False Reports and Unfounding of Sexual Assault Reports

Journal Articles

- Huhtanen, Heather J. (2010). "False Allegations, Case Unfounding, and Victim Recantations in the Context of Sexual Assault," *Family and Intimate Partner Violence Quarterly* 3, no. 2:137-142.

- » This paper explores the differences between false allegations, case unfounding, and victim recantation, terms that are often incorrectly used interchangeably.

Reports and Publications

- Police Executive Research Forum, (2012). *Improving the Police Response To Sexual Assault* (Washington, D.C.: Police Executive Research Forum). http://www.policeforum.org/assets/docs/Critical_Issues_Series/improving%20the%20police%20response%20to%20sexual%20assault%202012.pdf
 - » In September 2011, the Police Executive Research Forum convened a summit of police executives, women's and crime victim organizations, FBI leaders and other federal officials, and others to discuss issues related to sexual assault investigations. Attendees shared their ideas and experiences. Pages 12-16 highlight different ways departments work with the "unfounded" classification.
- U.S. Senate Subcommittee on Crimes and Drugs. *Rape in the United States: The Chronic Failure to Report and Investigate Rape Cases*. 111th Cong. 2nd session. Washington: GPO, 2010. Statement of Carol E. Tracy, Executive Director, Women's Law Project, <https://www.judiciary.senate.gov/imo/media/doc/09-14-10%20Tracy%20Testimony.pdf>
 - » In testimony to the United States, Executive Director Carol Tracy discusses the unfounding of sexual assault cases, specifically the misclassification of cases as unfounded. Tracy also discusses the difficulty in accurately capturing these crimes in reporting systems. At the time of the testimony, the FBI definition of rape had yet to be updated.

Webinars and Trainings

- Lonsway, Kimberly A.; Archambault, Joanne; and Berkowitz, Alan. (2017). *False Reports: Moving Beyond the Issue to Successfully Investigate and Prosecute Non-Stranger Sexual Assault*, <http://www.evawintl.org/Library/DocumentLibraryHandler.ashx?id=38>
 - » This training module aims to help law enforcement investigators understand false reporting, and how to make an accurate determination of whether a report is actually false.
- The National Center for Women and Policing, (2001). "Unfounded Cases and False Allegations," *Successfully Investigating Acquaintance Sexual Assault: A National Training Manual for Law Enforcement*, <https://www.evawintl.org/Library/DocumentLibraryHandler.ashx?id=339>
 - » This chapter details false allegations, the use of the "unfounded" classification, and the consequences of improperly unfounding cases. This is part of a larger training manual for law enforcement on investigating acquaintance sexual assault. To request a CD of the manual, see: <http://www.womenandpolicing.org/PDF/SexualAssaultCDorderform.pdf>

Training

Online Resource Collections

- EVAWI's Online Training Institute (OLTI) provides free courses on topics related to the law enforcement response to sexual assault. Participants can access training modules by enrolling here: <http://www.evawintl.org/onlinetraining.aspx>

Drug/Alcohol Facilitated Sexual Assault

Resource Guides

- National District Attorneys Association, (2007), *Prosecuting Alcohol-Facilitated Sexual Assault*, (Alexandria, VA: NDAA) http://www.ndaa.org/pdf/pub_prosecuting_alcohol_facilitated_sexual_assault.pdf
 - » This document provides an overview of prosecuting alcohol-facilitated sexual assault cases, specifically focusing on cases in which the victim is voluntarily intoxicated. Basic information on toxicology is provided, followed by a three-step suggested process for prosecuting these types of cases. Lastly, the document discusses recommended techniques for addressing commonly used defenses.

Investigating Sexual Assault Against Victims with Disabilities

Webinars and Trainings

- EVAWI, (2015) "Investigating Sexual Assault Against People With Disabilities #1-6, *Training Bulletin*, <https://www.evawintl.org/Library/Documents.aspx?FileType=&CategoryID=372>
 - » This six-part training bulletin provides information to criminal justice professionals on how to ensure that victims of sexual assault with disabilities receive equal access to services, programs, and information. Topics include: how to develop an investigative strategy; preparing for a detailed, follow-up interview with the victim; and techniques for effective communication.
- EVAWI, (2014). *Successfully Investigating Sexual Assault Against Victims with Disabilities*, <http://www.evawintl.org/Library/DocumentLibraryHandler.ashx?id=76>
 - » This training module provides information for first responders and investigators on how to investigate sexual assault cases perpetrated against victims with disabilities. The training module can also be used by other professionals who interact with the criminal justice system. The module explores the Americans with Disabilities Act and investigative strategies based on key factors, such as ability to consent. The module discusses cognitive, intellectual, and sensory, physical, or communication disabilities. Supplemental training materials are provided as appendices.

Criminal Justice and Community Partnerships

Victim Advocates

Journal Articles

- Campbell, Rebecca. (2006): "Rape survivors' experiences with the legal and medical systems: Do rape victim advocates make a difference?" *Violence Against Women* 12, no.2: 30-45.
 - » The authors of this study observed 81 rape survivors, all of whom had contact with the medical system and some of whom had contact with the legal system. The authors sought to compare the post-rape legal and medical system experiences of rape survivors who used a rape victim advocate with those of rape survivors who did not use an advocate. The authors found that victims who worked with advocates were more likely to have police reports taken and were less likely to have negative experiences with police officers. Similarly, victims who worked with advocates received more medical services and reported fewer negative experiences and less

distress related to their medical care. The findings suggest that rape crisis centers should make the widespread availability of rape victim advocates a priority.

- Patterson, D., & Campbell, R. (2010). "Why rape survivors participate in the criminal justice system" *Journal of Community Psychology* 38, no. 2: 191–205. <http://doi.org/10.1002/jcop.20359>
 - » This article examines why some rape survivors report their victimization to the police. Twenty survivors were interviewed about the factors that led them to participate in the criminal justice system. Three primary factors were: to prevent the offender from victimizing other women or themselves, encouragement from others, and other individuals reported the victimization without the victim's permission. Confidence built after positive interactions with police and forensic nurse examiners was a factor in continuing in the investigation.

Webinars and Trainings

- EVAWI, (2013), *Breaking Barriers: The Role of Community-Based and System-Based Advocates* <http://www.evawintl.org/Library/DocumentLibraryHandler.ashx?id=716>
 - » This two-part online training module is a condensed version of "Effective Victim Advocacy in the Criminal Justice System: A Training Course for Victim Advocates." This course is designed for other professionals who may work with victim advocates. The training provides information on the role of victim advocates as well as strategies victim advocates may use in interacting with the criminal justice system.
- EVAWI, (2013). *Effective Victim Advocacy in the Criminal Justice System: A Training Course for Victim Advocates*, <http://www.evawintl.org/Library/DocumentLibraryHandler.ashx?id=715>
 - » This online training is designed primarily for victim advocates but is appropriate for any professional who responds to sexual assault. The course discusses the role of the victim advocate, explains differences between community-based and system-based advocates, and provides strategies for advocates.

Community Service Provider and Criminal Justice Partners

Reports and Publications

- Deane, Charles W., et al. (2000). *Social Work and Law Enforcement Partnerships: A Summons to the Village. Strategies and Effective Practices*, (Charlotte, NC: The Governor's Crime Commission and the North Carolina Department of Crime Control and Public Safety), <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.583.9387&rep=rep1&type=pdf>.
 - » This report provides an in-depth analysis of the role of law enforcement and service providers in responding to crisis situations as determined by calls for service. The guide provides several examples of social work and police partnerships that can theoretically be applied to addressing issues surrounding homelessness. The beginning section of the guide provides background on the history of police-community partnerships. Chapter three provides examples of successful police and social service provider relationships. Chapter four provides a summary of items deemed crucial to successful social work/police partnerships. Chapters five, six, and seven provide action items for the development, implementation, and evaluation of partnerships.

Resource Guides

- AEquitas. (2017). *Model Response to Sexual Violence for Prosecutors (RSVP)*, (Washington, D.C.: AEquitas), <http://www.aequitasresource.org/Model-Response-to-Sexual-Violence-for-Prosecutors-RSVP-An-Invitation-to-Lead.pdf>
 - » The model Response to Sexual Violence for Prosecutors (RSVP) provides guidance to prosecutors on how to approach sexual violence cases. It emphasizes that conviction rates are not a reliable measure of success and that the process of a sexual violence case prosecution is more important than even the legal outcome. The RSVP model emphasizes office-level leadership, case-level leadership, and performance management.

Sexual Assault Response Teams (SARTs)

Online Resource Collections

- OVC SART Toolkit - <https://ovc.ncjrs.gov/sartkit/>
 - » This toolkit provides resources about how to develop a SART, promising practices from SARTs nationwide, and tools for responders, team planning, and evaluations.

Webinars and Trainings

- EVAWI, (2017). *Sustaining a Coordinated Community Response: Sexual Assault Response and Resource Teams (SARRT)*, <http://www.evawintl.org/Library/DocumentLibraryHandler.ashx?id=36>
 - » This training module provides information for implementing a Sexual Assault Response and Resource Team (SARRT). Basic information is provided on the structure, function, and purpose of a SARRT, as well as best practices for each professional discipline involved. Tips for involving SARRTs in data collection and evaluation can be found on pages 86-90.

Family Justice Centers (FJCs)

Journal Articles

- Gwinn, Casey; Strack, Gael; Adams, Susan; Lovelace, Rebecca; and Norman, Deborah. (2008). "The Family Justice Center Collaborative Model," *St. Louis University Public Law Review*, 27, no. 79: 79–120. http://law.slu.edu/sites/default/files/Journals/plr27-1_gwinn-strack_adams_lovelace_and_norman_article.pdf
 - » This article provides history on the San Diego Family Justice Center and the President's Family Justice Center Initiative. It also explores a domestic violence case in San Diego before the family justice center was opened. Finally, the article looks at three other family justice centers in: Nampa, ID; Pierce County, WA; and St. Louis, MO.

Online Resource Collections

- Family Justice Center Alliance. www.familyjusticecenter.org
 - » The Family Justice Center Alliance acts as a resource for communities looking to establish a Family Justice Center. The Alliance provides trainings and webinars on issues related to the work of Family Justice Centers.

Building Relationships with Local Communities

Reports and Publications

- Gokey, Caitlin, and Susan Shah, eds. (2016.) *How to Increase Cultural Understanding. Police Perspectives: Building Trust in a Diverse Nation*, no. 1. (Washington, DC: Office of Community Oriented Policing Services.) <https://ric-zai-inc.com/Publications/cops-p344-pub.pdf>
 - » This document is part one of a three-part series aimed at providing practical approaches for interacting with diverse communities. Different programs in cities across the country are highlighted in each segment to illustrate how law enforcement can strengthen their relationship with their diverse communities. Part one explores cultural competency and understanding and highlights programs that help officers better understand the history, diversity, and concerns of various communities. Maximizing collaboration is discussed on pages 19-26.
- Gokey, Caitlin, and Susan Shah, eds. (2016.) *How to Serve Diverse Communities. Police Perspectives: Building Trust in a Diverse Nation*, no. 2. (Washington, DC: Office of Community Oriented Policing Services.) <https://ric-zai-inc.com/Publications/cops-p345-pub.pdf>
 - » Part two in this series explores connecting with groups that may be vulnerable or have unique public safety needs. This guide provides tips on how to reach these communities.
- Gokey, Caitlin, and Susan Shah, eds. (2016.) *How to Support Trust Building in Your Agency. Police Perspectives: Building Trust in a Diverse Nation*, no. 3. (Washington, DC: Office of Community Oriented Policing Services.) <https://ric-zai-inc.com/Publications/cops-p346-pub.pdf>
 - » Part three in this series explores the necessity of community policing and institutional capacity in serving diverse communities. The guide discusses strategies for diversifying law enforcement, as well as tips on training to build trust with diverse communities.
- IACP, (2015). *IACP National Policy Summit on Community-Police Relations: Advancing a Culture of Cohesion and Community Trust*, http://www.theiacp.org/Portals/0/documents/pdfs/CommunityPoliceRelationsSummitReport_web.pdf
 - » This document discusses ideas and strategies for law enforcement, communities, and stakeholders looking to build relationships and trust. IACP hosted a meeting in October 2014 to discuss these issues, and this document reports on the ideas shared by those in attendance, including police chiefs, community- and faith-based leaders researchers, and representatives of nationally known professional organizations. The document includes recommended action steps for various partners, including community groups, law enforcement executive organizations, and researchers.

Addressing Sexual Assault on College Campuses

Resource Guides

- Busch-Armendariz, N.B., Sulley, C., & Hill, K. (2016). *The Blueprint for Campus Police: Responding to Sexual Assault*. (Austin, TX: Institute on Domestic Violence & Sexual Assault, The University of Texas at Austin): <https://utexas.app.box.com/v/blueprintforcampuspolice>
 - » This guide is a comprehensive blueprint aimed at assisting campus police in strengthening their response to sexual assault. The guide contains five units and 14 subsections covering a variety of topics, such as policies and procedures, toolkits for campus police investigators, and campus community collaborations. Seven of the 14 subsections have information broken into further sections, including learning objectives and “from the field” examples.

Online Resource Collections

- Center for Changing Our Campus Culture - <http://changingourcampus.org/>
 - » This website, supported by the Department of Justice's Office on Violence Against Women, contains resources for law enforcement to address violence against women on college campuses.

Protecting Victim Privacy

Reports and Publications

- NNEDV and Police Foundation, (2016). *How Law Enforcement Agencies Releasing Open Data Can Protect Victim Privacy and Safety*, <https://static1.squarespace.com/static/51dc541ce4b03ebab8c5c88c/t/5876a8322e69cf7c9ba1a215/1484171315884/PDI+for+Law+Enforcement+-+Final.pdf>
 - » This document provides suggestions and recommendations for developing policies on open data collection and the effects on victim privacy concerns in sexual assault cases. Tips are provided on how to create policies and practices while protecting victim privacy.

Body-Worn Cameras in Sexual Assault Investigations

Reports and Publications

- IACP, (2017). *Deliberations from the IACP National Forum on Body-Worn Cameras and Violence Against Women*, <http://www.theiacp.org/portals/0/documents/pdfs/DeliberationsfromtheIACPNationalForumonBWCsandVAW.pdf>
 - » This publication documents a forum held on the body-worn cameras and violence against women. Topics discussed include the impact of body-worn cameras on trauma and trauma-informed investigations, victim privacy, confidentiality, and safety concerns, officer accountability and training, and victim autonomy. The document also contains policy and practice considerations and resources and reading materials.

Accountability Mechanisms

Conducting an External Review

Reports and Publications

- U.S. Department of Justice, (May 2013) *Memorandum of Understanding Between the U.S. Department of Justice and the City of Missoula Regarding the Missoula Police Department's Response to Sexual Assault*. <http://www.ci.missoula.mt.us/DocumentCenter/View/23538>
 - » For information on data collection and Missoula's external review and community-conducted sexual assault response safety and accountability audit, see pages 10-13.
- Women's Law Project, (2013). *Policy Brief: Advocacy to Improve Police Response to Sex Crimes*. http://www.womenslawproject.org/wp-content/uploads/2017/02/Policy_Brief_Improving_Police_Response_to_Sexual_Assault.pdf
 - » This policy brief highlights the Women's Law Project's case review of the Philadelphia Police Department. A major component of that review involves looking at case coding and classification, and issues and suggestions are offered throughout the brief.

Addressing Sexual Assault Involving Law Enforcement Officials

Reports and Publications

- Police Executive Research Forum (2015). *Critical Response Technical Assistance Review: Police Accountability – Findings and National Implications of an Assessment of the San Diego Police Department*. (Washington, D.C.: Office of Community Oriented Policing Services), <https://ric-zai-inc.com/Publications/cops-w0756-pub.pdf>.
 - » Accountability is very important to preventing misconduct. See page 76 for a discussion of duty to report.

Resource Guides

- IACP, (2011). *Addressing Sexual Offenses and Misconduct by Law Enforcement: Executive Guide*, <http://www.theiacp.org/portals/0/pdfs/addressingsexualoffensesandmisconductbylawenforcementexecutiveguide.pdf>
 - » This guide aims to help law enforcement executives understand officer sexual misconduct cases and the strategies executives can use to proactively work to prevent such cases. The guide discusses topics such as policy considerations, evaluations and early intervention systems, and investigating incidents and complaints.

Early Intervention Systems (EIS)

Resource Guides

- Gibbs, Mike and Kendrick, Carolyn. (2011). *Enhancing Cultures of Integrity: Building Law Enforcement Early Intervention Systems Technical Assistance Guide*, (Washington, D.C.: Office of Community Oriented Policing Services) <https://ric-zai-inc.com/Publications/cops-p052-pub.pdf>
 - » This publication is a guide for departments wanting to implement Early Intervention Systems (EISs) using the San Diego Police Department as an example. The guide provides information on the steps needed to create an EIS, including the initial implementation of the EIS in phase one and the enhancement and sustainability of the EIS in phase two. Information is also provided on how to evaluate the system.

Public Education

Sexual Assault Awareness Month Activities and Programs

Online Resource Collections

- “Sexual Assault Awareness Month,” *National Sexual Violence Resource Center*, <http://www.nsvrc.org/saam/sexual-assault-awareness-month>

Bystander Intervention Programs

Online Training Resource Collections

- Bringing in the Bystander,® In-Person Prevention Program. <http://cola.unh.edu/prevention-innovations-research-center/bringing-bystander%C2%AE-person-prevention-program>

- » This program, conducted by the University of New Hampshire, is a campus-focused bystander in-person prevention program.
- Green Dot Program. <https://alteristic.org/services/green-dot/>
 - » The nonprofit organization Alteristic began as The Green Dot Program, a bystander intervention program launched statewide in Kentucky, aimed at improving the skills of high schoolers to intervene in situations before they became violent. Today, Alteristic has Green Dot Programs aimed at a variety of age groups to address forms of violence, with appropriate prevention and intervention skills.
- Men Can Stop Rape. <http://www.mencanstoprape.org/Strength-Media-Portfolio/preview-of-new-bystander-intervention-campaign.html>
 - » The *Where Do You Stand Campaign* focuses on bystander intervention. The program encourages male college students to intervene when they see potential acts of sexual violence. The posters from the campaign show men demonstrating specific intervention strategies.

Focusing on the Well-Being of Officers and Investigators

Addressing Vicarious Traumatization

Journal Articles

- Bloom, Sandra L. (2003) "Caring for the Caregiver: Avoiding and Treating Vicarious Traumatization," in A. Giardino, E. Datner, and J. Asher (Eds.) *Sexual Assault: Victimization Across the Lifespan – A Clinical Guide*, (Maryland Heights, MO: GW Medical Publishing): 459-470. <http://sanctuaryweb.com/Portals/0/Bloom%20Pubs/2003%20Bloom%20Caring%20for%20the%20Caregiver.pdf>
 - » In this article, the author describes vicarious traumatization as "the natural, consequent behavior and emotions that result from knowledge about a traumatizing event experienced by another and the stress resulting from helping or wanting to help a traumatized or suffering person". She goes on to describe the signs and symptoms associated with vicarious traumatization as well as those individuals likely to be impacted. Specifically, she identifies sexual assault investigators as vulnerable to vicarious traumatization, especially those who have worked on the job the longest. Finally, she concludes with practical steps individuals can take to mitigate the impact of vicarious traumatization.
- Maceachern, Alison D.; Jindal-Snape, Divya; and Jackson, Sharon. (2011). "Child abuse investigation: police officers and secondary traumatic stress," *International Journal of Occupational Safety and Ergonomics* 17, no. 4: 329-339. <http://archiwum.ciop.pl/48627>
 - » In this article the author discusses the prevalence of vicarious traumatization and the recent literature on the issue. Potential impacts of vicarious traumatization are also discussed and include increased sickness and absence from work, job dissatisfaction, reduction in motivation, and maladaptive coping mechanisms, such as an increased reliance on alcohol. Finally, psychological debriefing is discussed as a tool to prevent the development of secondary traumatization.

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- Tovar, Lynn A. (2011). "Vicarious Traumatization and Spirituality in Law Enforcement," *FBI Law Enforcement Bulletin*, <https://leb.fbi.gov/2011/july/vicarious-traumatization-and-spirituality-in-law-enforcement>
 - » This article touches on the need for wellness programs for law enforcement due to the high levels of stress and vicarious traumatization. The author also highlights the need to provide wellness training at all levels of a law enforcement officer's career from recruit to active duty. According to the author, this training should include education on the sources of stress, stress-management techniques, benefits of physical exercise and proper nutrition, and interpersonal communication methods. To develop the training, the author suggests a needs assessment be completed. First, the current wellness trainings need to be assessed. Then, employees should be surveyed to determine the levels of organizational stress. From this information, a well-rounded wellness program can be developed.

Appendix A: Project Team

PERF's expert staff and consultant project team included the following individuals:

Chuck Wexler

Chuck Wexler, PERF's Executive Director, paved the way for PERF's work on this topic. Since 2010, Wexler has taken on a national leadership role in addressing these and other related issues. Wexler facilitated PERF's Summit on "Improving the Police Response to Sexual Assaults," held on September 23, 2011. This conference brought together approximately 150 police executives and national leaders to explore weaknesses in the investigation of sexual assault crimes. The Summit received significant attention from the news media because of one of the issues it covered: the inadequacies of the definition of rape used by the FBI in its Uniform Crime Reporting (UCR) program.

For this project, Wexler served as the Senior Advisor, providing insight and guidance throughout the project, including reaching out to chief executives from the partner agencies to garner their support and commitment, co-facilitating the December 2016 meeting on findings, and providing input on the final guidebook. Wexler has a bachelor's degree from Boston University, a master's degree in criminology from Florida State University and a Ph.D. in urban studies and planning from the Massachusetts Institute of Technology. He has taught undergraduate courses at MIT and was a visiting assistant professor at Bowdoin College. Wexler has authored journal articles and newspaper opinion pieces, and he is a frequent participant in policing conferences and panels.

Andrea Morrozzoff

Andrea Morrozzoff, PERF's Chief Strategy Officer, served as the Project Director and provided overall direction and guidance on all project activities, including site selection, technical assistance (reviewing recommendations and implementation plans), and approving and drafting content for the national meeting and guidebook. Morrozzoff attended the September 2010 Senate Hearing on the police response to sexual assault and directed PERF's efforts to take on a national leadership role on this topic, including briefing top federal officials on the deficiencies in the UCR's former definition of 'forcible rape,' and the challenges it posed for capturing accurate crime data. Morrozzoff oversaw the development of the member survey and research leading up to PERF's 2011 national summit, and she has continued to work on various facets of this issue since that time. Morrozzoff has a master's degree in Criminal Justice from the University of Memphis and a bachelor's degree from Virginia Polytechnic Institute and State University.

Rachael Arietti

Rachael Arietti, PERF Research Associate, joined PERF and the project's team in 2015. Arietti assisted with the implementation of site recommendations and played a key role in organizing the December 2016 meeting on *Improving the Law Enforcement Response to Sexual Assault*, as well as developing the guidebook. Arietti holds a Master's degree in Sociology and a bachelor's degree in Psychology and Sociology from Virginia Polytechnic Institute and State University.

Sarah Mostyn

Sarah Mostyn, PERF Research Associate, joined PERF and the project's team in 2014. Mostyn provided programmatic support, which included facilitating technical assistance site visits, liaising with consultant subject matter experts, assisting in the development of recommendations for the sites, and documenting the implementation of site plans and progress. She contributed significantly to the development of the project's final guidebook. Mostyn holds dual bachelor's degrees in Justice & Law and Psychology and a Master of Public Policy degree from American University.

Chief Charlie Deane (retired), Prince William County Police Department

Chief Charlie Deane retired as Chief the Prince William County (VA) Police Department in 2012, having served for 42 years in that department, including 24 years as chief. Deane played a leading role in two high-profile, multijurisdictional investigations – the East Coast Rapist case and the Beltway Sniper case. But he is perhaps best known for his national leadership on the issue of the role of local police agencies in immigration enforcement. Chief served as Vice President of PERF until his retirement, and received PERF's highest honor, the Leadership Award, for his many contributions to the field of policing. Chief Deane provided subject matter expertise and on-site guidance throughout this project, participated in the 2016 national summit and contributed to the development and review of the final guidebook.

Chief Sue Riseling (retired), University of Wisconsin-Madison

Sue Riseling retired from the University of Wisconsin-Madison as the Associate Vice Chancellor and Chief of Police in August 2016, positions she held for 25 years. Riseling was the youngest and first female chief executive of a Big Ten Conference university police department. As Chief, Riseling oversaw the 2011 "Act 10" protests in Madison and implemented measures to improve the police response to sexual assault. Riseling is a frequent consultant on issues of sexual assault and campus-related law enforcement. Riseling received PERF's Leadership Award for her contributions to the field of law enforcement and campus policing. She is currently Executive Director of the International Association of Campus Law Enforcement Administrators. Riseling provided subject matter expertise and on-site technical assistance to the project sites, participated in the 2016 national summit and provided invaluable contributions on to the project on the topic of sexual assault on college and university campuses.

The Women's Law Project

Carol E. Tracy, Executive Director, Women's Law Project

Carol Tracy is the Executive Director of the Women's Law Project (WLP). WLP seeks to create a more just and equitable society by advancing the rights and status of all women throughout their lives. To accomplish its mission, WLP engages in high-impact litigation, advocacy, and education.

Tracy has been working to advance women's rights for more than thirty years. She became the Executive Director of WLP in 1990, and has presided over major legal victories in the areas of reproductive rights, discrimination in employment, education, athletics, and welfare. Tracy was instrumental in developing the "Philadelphia Model," the annual audit of sex crimes cases at the Philadelphia Police Department, which continues to this day.

Terry L. Fromson, Managing Attorney, Women's Law Project

Terry Fromson is the Managing Attorney of the Women's Law Project. Her entire legal career has been devoted to public interest law. Fromson oversees all of the WLP's legal work and engages in impact litigation and policy initiatives.

Tracy and Fromson served as expert consultants on the current project and have also consulted for the U.S. Department of Justice on many other initiatives involving women's rights. Tracy and Fromson were integral in the formation of the "Philadelphia Model," an auditing model that brings advocates into police departments to review sexual assault cases.

Tracy and Fromson provided subject matter expertise throughout the project, including on and off-site technical assistance and guidance, participated in the 2016 national summit, and contributed to the development and review of the final guidebook, including drafting specific sidebars and sections of the report and suggesting and reviewing resources for additional guidance.

Office on Violence Against Women

Virginia Baran, Grant Program Specialist for the Department of Justice's Office on Violence Against Women (OVW), provided guidance and subject matter expert assistance throughout the project. Baran oversees OVW's Research and Evaluation grant program and also serves as a liaison to other DOJ offices on sexual assault cases.

Special Acknowledgements

The project team would also like to acknowledge the important contributions of two former PERF staff members, **Shannon Branly** and **Olivia "Sunny" Schnitzer**. Branly served as the project manager until October 2015, and Schnitzer led the project's site work until December 2015. Branly and Schnitzer were instrumental in prior project work, including work related to the 2011 national summit, and initiating the site work in all the project sites.

Appendix B: Project Advisory Board

PERF's Project Advisory Board assisted in the project's design and identified promising practices for sexual assault investigations. Board members also provided general guidance on specific topics of expertise throughout the project. Additionally, several Advisory Board members participated as panelists in PERF's December 2016 meeting on *Improving the Law Enforcement Response to Sexual Assault*.

Advisory Board members included:

- Sheryl Goldstein, Managing Director, Programs and Grants and Program Director, Education for the Harry and Jeanette Weinberg Foundation;
- Jennifer Long, Chief Executive Officer of AEquitas;
- Melissa Morabito, Associate Professor at the University of Massachusetts Lowell;
- Dave Thomas, retired Montgomery County (MD) police officer and current Program Manager at the International Association of Chiefs of Police;
- the late John Timoney, former Commissioner of the Philadelphia (PA) Police Department and former Chief of the Miami (FL) Police Department;
- Linda Williams, Senior Research Scientist at the Wellesley Centers for Women, and Professor Emerita at the University of Massachusetts Lowell;
- Sheriff Kathy Witt, Fayette County (KY) Sheriff's Office; and
- Kym Worthy, Wayne County (MI) Prosecutor.

Appendix C: Project Site Profiles

In selecting the demonstration sites, the project team sought to include departments from different regions of the United States for a geographically diverse sample. Additionally, the team gathered information from a number of sources, including recent news articles, to identify agencies that were facing a variety of challenges so that the project's findings, recommendations, and lessons learned would be useful to as many other law enforcement agencies as possible.²⁶²

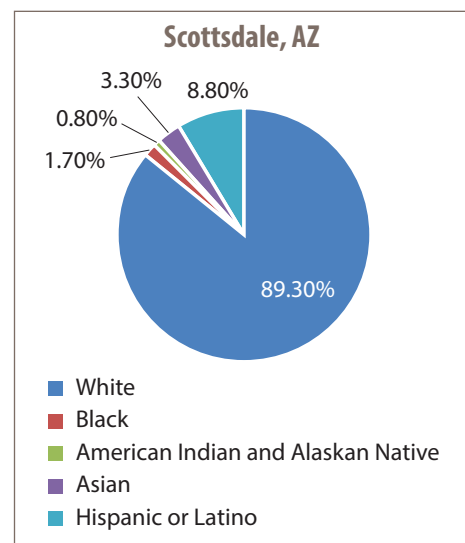
Scottsdale, AZ Police Department

Chief: Alan Rodbell

Staff: 401 Sworn; 232 Non-Sworn

City Population: 246,645

The Scottsdale, AZ Police Department was the first site selected in the PERF project, in February 2014. Scottsdale has a very active downtown area, with nightclubs, bars, restaurants, and many tourists. Investigating sexual assaults in an area where many victims live outside of the jurisdiction poses a challenge to the department. Scottsdale has a per-capita income of \$52,220, and 9.5% of the population lives below the poverty line.



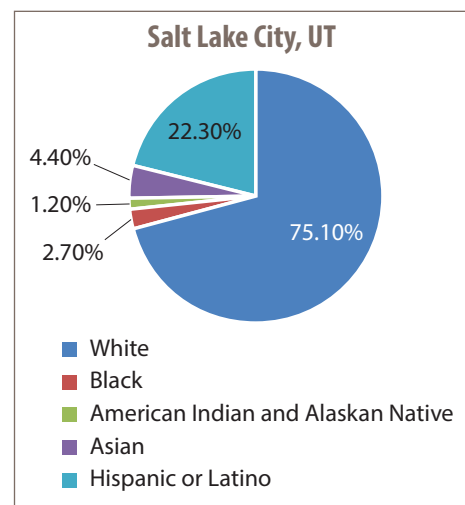
Salt Lake City, UT Police Department

Chief: Mike Brown

Staff: 435 Sworn; 107 Non-Sworn

City Population: 193,744

Salt Lake City, UT Police Department was chosen as the second site in August 2014 as it addressed issues on the testing of sexual assault kits. Approximately 20.3% of the city's population lives below the poverty line and there is a per capita income of \$29,972.



262. All demographic data for each site was collected via the U.S. Census Bureau's QuickFacts table (<https://www.census.gov/quickfacts/fact/table/US/PST045217>). Law enforcement personnel data was collected via the FBI's 2016 *Crime in the United States* publication (<https://ucr.fbi.gov/crime-in-the-u.s/2016/crime-in-the-u.s.-2016/tables/table-26/table-26.xls/view>).

Fayetteville, NC Police Department

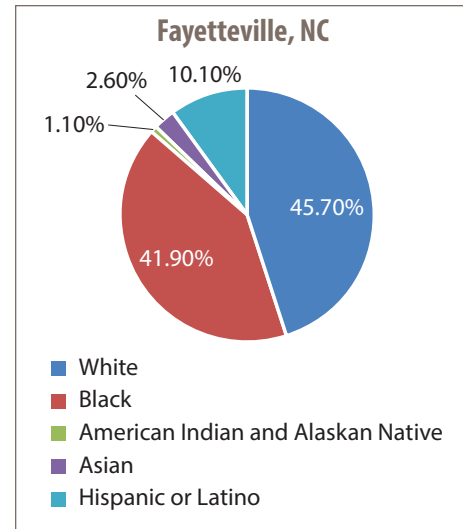
Chief: Gina Hawkins

Staff: 442 Sworn; 159 Non-Sworn

City Population: 204,759

Fayetteville, NC is home to Fort Bragg, the largest Army installation in the country. The police department was chosen as the third site in the project in January 2015. Fayetteville, NC has a per capita income of \$23,333 and approximately 18.4% of the population lives below the poverty line.

Chief Harold Medlock, now retired, was the Chief of Police during the project's assessment and implementation.



Chattanooga, TN Police Department

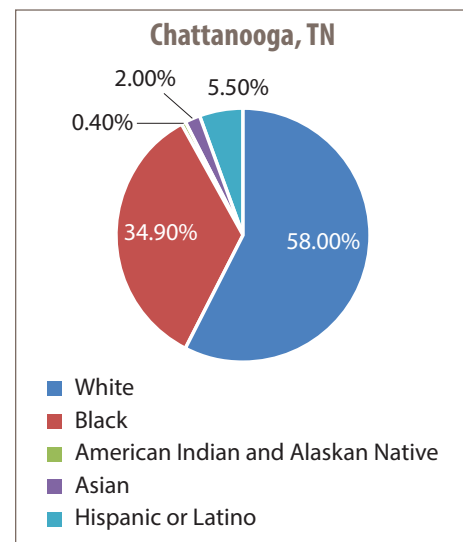
Chief: David Roddy

Staff: 434 Sworn; 89 Non-Sworn

City Population: 177,571

The Chattanooga (TN) Police Department formally established its sexual assault unit in June 2015. This unit is located in a recently-established Family Justice Center. Chattanooga was selected as the fourth project demonstration site in September 2015. The per capita income of the city is \$24,643 and approximately 22.6% of the city's population lives below the poverty line.

Chief Fred Fletcher, now retired, was the Chief of Police during the project's assessment and implementation.



Appendix D: Sample Pre-Implementation Questionnaire

The following questionnaire was used to obtain information from the agencies prior to the first site visit, including current policies, practices, and data pertaining to sexual assault investigations. This information was used to help the project team prepare for the site visit and begin to identify potential focus areas for the assessment.

In preparation for our site visit, please take the time to fill in the following questionnaire. This questionnaire will give our team a better sense of the policies and practices of the department prior to our visit. Should you have any questions about the form, you may contact XXX XXXX at XXX-XXX-XXXX or XXXXX@policeforum.org. *If your agency does not collect some of the requested data, please indicate so for that specific question. You may also attach the requested information to this questionnaire clearly indicating what question is being addressed.*

CRIME STATISTICS

1.) Please list (or provide via attachment) the total number of reports of sexual assault (by crime) received by the Police Department in the following years?

Crime (list below)	2011	2012	2013

2.) Please list (or provide via attachment) the total number of reports of attempted sexual assault (by crime) received by the department in the following years?

Crime (list below)	2011	2012	2013

3.) What percentage of reported sexual assaults were determined to have been drug or alcohol-facilitated? If your agency breaks down these assaults by specific sex crime, please attach those numbers to this questionnaire.

	2011	2012	2013
Drug-facilitated sexual assaults			
Alcohol-facilitated sexual assaults			

4.) What percentage of reported sexual assaults (by crime) were perpetrated by someone known to the victim in 2011, 2012 and 2013)?

Crime (list below)	2011	2012	2013

5.) What are the categories used for cleared cases at FPD (e.g., by arrest, by exception, etc.)?

6.) What **percentage** of sexual assaults reported to FPD were cleared during the following years? Please report the percentages per sex crime.

2011					
Sexual Assault Crime	% of Cases Cleared	% Cleared by _____	% Cleared by _____	% Cleared by _____	% Cleared by _____

2012					
Sexual Assault Crime	% of Cases Cleared	% Cleared by _____	% Cleared by _____	% Cleared by _____	% Cleared by _____

2013					
Sexual Assault Crime	% of Cases Cleared	% Cleared by _____	% Cleared by _____	% Cleared by _____	% Cleared by _____

PROSECUTION

7.) What is the statute of limitations for adult sexual assault in your state? Please list the specific sex crime and the statute associated with that crime for your state. _____

8.) Do prosecutors generally participate in decision making regarding:

Arrests on site- *Yes / No*

Warrants for arrests- *Yes / No*

Exceptional Clearances- *Yes / No*

Unfounding of cases- *Yes / No*

9.) What percentage of adult sexual assault cases (by crime) from the department were accepted for prosecution?

Crime (list below)	2011	2012	2013

10.) Does your agency or local prosecutor track the percentage of cases accepted for prosecution that resulted in a conviction of the highest charged offense? *Yes / No*

If yes, please provide the percentages for 2011, 2012 and 2013.

POLICIES AND PRACTICES

11.) Does the department have a “do not investigate” form for victims to sign when they state that they do not wish to have their report of a sexual assault investigated? *Yes / No*

12.) Does the department accept anonymous reports (victim reports without self identifying) of sexual assault? *Yes / No*

If so, how long do they hold on to rape kits for such reports? _____

13.) Does the department accept 3rd party reports (provided by person other than victim) of sexual assault? *Yes / No*

14.) Does the department have a special form for victims to fill out and sign if they recant? *Yes/No*

15.) Does the department accept written victim recants (e.g., a freeform document written by the victim as opposed to a prefabricated form supplied by the police)? *Yes / No*

16.) Does the department video or audio record victim interviews? *Yes / No*

17.) Does the department video or audio record suspect interviews?

18.) Does your state have mandatory test laws for sexual assault evidence kits? *Yes / No*

19.) What is the approximate wait time for sexual assault forensic evidence (rape kit and other evidence sent for analysis) results to be returned to the investigator? _____

20.) Does your jurisdiction have a backlog in testing sexual assault evidence kits? **Yes / No**

How many kits are currently backlogged? _____

21.) Has your jurisdiction received federal *Forensic DNA Backlog Reduction Grant* funds?
Yes / No / Unsure

22.) Does your agency actively participate in a Sexual Assault Response Team (SART) or other similar multi-disciplinary team? **Yes / No**

If no, do you have specified hospitals that handle the forensic exam? _____

If yes, which agencies/organizations in your jurisdiction participate?

Appendix E: Sample Post-Implementation Questionnaire

The following questionnaire is an example of what was sent to the sites after the implementation period, to assess any changes made as a result of the project team's recommendations. Note: some of the questions are tailored to specific sites based on the specific focus areas identified during the assessment.

Requested by PERF

Name of person completing this questionnaire:

Email address:

Phone Number:

Date Completed:

CRIME STATISTICS

1.) Please list (or provide via attachment) the total number of reports of sexual assault (by crime) received by the department in the following years?

Crime (list below)	2014	2015	2016

2.) Please list (or provide via attachment) the total number of reports of attempted sexual assault (by crime) received by the department in the following years?

Crime (list below)	2014	2015	2016

2015														
Sexual Assault Crime	Cases Cleared		Cleared - Arrest		Exceptionally Cleared (EC)		EC - offender suicide, killed, died		EC - prosecuted by another agency extradition denied/in custody other jurisdiction		EC – victim refusal to cooperate		EC - Prosecution Declined for other than lack of probable cause	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%

2016														
Sexual Assault Crime	Cases Cleared		Cleared - Arrest		Exceptionally Cleared (EC)		EC - offender suicide, killed, died		EC - prosecuted by another agency extradition denied/in custody other jurisdiction		EC – victim refusal to cooperate		EC - Prosecution Declined for other than lack of probable cause	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%

POLICIES AND PRACTICES

6.) Does your jurisdiction have a backlog in testing sexual assault evidence kits? *Yes / No*

How many kits are currently backlogged? _____

7.) a: What is the approximate number of days after submission for sexual assault forensic evidence (rape kit and other evidence sent for analysis) results to be returned to the investigator? Are all kits from cases where a victim has had a forensic exam tested? _____

7.) b: Are all kits from cases where a victim has had a forensic exam tested?

8.) Has your jurisdiction received federal *Forensic DNA Backlog Reduction Grant* funds in the past 3 years?

If yes, how many kits will be tested with the funds?

RECOMMENDATIONS

****Note – this section was tailored for each site to reflect the specific recommendations made to each department. Below is an example of questions that were asked.****

9.) Since the meeting in June 2015, what changes (if any) have been made to the dispatcher script for responding to sexual assault?

10.) What are the current staffing levels in the SVU? Are additional staffing changes planned? Please discuss. What is the current caseload for each investigator?

11.) What changes have been implemented to improve communication between dispatchers, patrol officers, and detectives regarding the resolution of cases? What are the perceived impacts of these changes?

12.) What updates have been made to training for patrol officers regarding the response to sexual assaults? If changes were implemented, what are the perceived impacts (i.e., are officers more familiar with the role of rape crisis advocates, are officers following protocol, are there any victim complaints about how patrol officers responded to their report, etc.)? Please discuss.

13.) What updates have been made to training for SVU detectives? Please explain.

14.) How does your department currently handle coding of non-criminal reports?

15.) Has an auditing process been developed for reports labeled as “sexual offense – other” and for unfounded cases? If yes, please describe this process.

16.) Please discuss any changes to coding of sexual assault cases since 2015.

17.) Please describe the current relationship between prosecutors and detectives. Has this relationship changed within the last year? If yes, what would you attribute this change to?

Appendix F: Meeting Agenda and Participant List for the Project's National Meeting

The goal of the national meeting was to discuss the promising practices and recommendations identified during PERF's work with the demonstration sites and to discuss progress and emerging issues related to law enforcement's response to sexual assault.

Improving the Law Enforcement Response to Sexual Assault

Friday, December 16, 2016

Westin Georgetown – Washington, DC

8:00 AM – 8:30 AM – WELCOME AND INTRODUCTIONS

Bea Hanson, DOJ, Office on Violence Against Women

Chuck Wexler, Executive Director, PERF

Tom Tremblay, Tom Tremblay Consulting

8:30 AM – 8:50 AM – DOJ GUIDANCE on Gender Bias

Jennifer Kaplan, DOJ, Office on Violence Against Women

The U.S. Department of Justice has released guidance to help law enforcement agencies develop effective protocols to detect and prevent gender bias, particularly in the investigation of sexual assault and domestic violence crimes.

8:50 AM – 9:10 AM – FBI Definition of RAPE

John Derbas, Federal Bureau of Investigation

In 2013, the FBI definition of rape used in Uniform Crime Reports was expanded to more fully capture various types of sexual assaults. However, some jurisdictions continue to utilize the old definition of rape. Adopting the definition change and the importance of proper crime coding will be discussed in this section.

9:10 AM – 10:15 AM – PROJECT BACKGROUND AND DISCUSSION

Facilitated by Chuck Wexler

PERF was awarded a cooperative agreement under OVW's Technical Assistance Program to assess the law enforcement response to sexual assault in four police departments, and to assist these agencies in improving their response. Chiefs and SVU supervisors from Chattanooga, TN and Fayetteville, NC police departments will discuss lessons learned and promising practices identified during the process.

10:15 AM – 10:30 AM – BREAK**10:30 AM – 11:15 AM – PROJECT BACKGROUND AND DISCUSSION (CONT.)**

Discussion of the Technical Assistance project sites will continue. Chiefs and SVU supervisors from Salt Lake City, UT and Scottsdale, AZ police departments will discuss lessons learned and promising practices identified during the process.

11:15 AM – 12:00 PM – ATTENDEE QUESTIONS AND ANSWERS

Attendees will be invited to ask questions regarding the issues raised by the morning's conversation.

12:00 AM – 1:15 PM: LUNCH (on your own)**1:15 PM – 2:15 PM – EMERGING ISSUES IN THE RESPONSE TO SEXUAL ASSAULT**

Facilitated by Tom Tremblay

In recent years, the response to sexual assault has received increasing national attention, with issues arising that many departments may not have previously faced. Various emerging issues will be discussed by subject matter experts to provide guidance to departments looking to improve their response to sexual assault. Topics may include: DOJ investigations and lessons from Missoula, Montana; sexual assaults on college campuses; the impact of trauma on victims; victim-centered investigations; improving the police response through external audits; working with prosecutors; forensic testing of evidence from sexual assault kits; and other issues.

2:15 pm – 2:30 PM: BREAK**2:30 PM – 3:15 PM – EMERGING ISSUES, CONTINUED**

Discussion of emerging issues impacting the law enforcement response to sexual assault, continued.

3:15 PM – 3:45 PM – ATTENDEE QUESTIONS AND ANSWERS

Attendees will be invited to ask questions regarding the issues raised by the afternoon's conversation.

3:45 PM – 4:00 PM – CONCLUSION AND WRAP-UP

Improving the Law Enforcement Response to Sexual Assault

Friday, December 16, 2016

Washington, DC

Panelists

Ginger Baran

Grant Program Specialist
Department of Justice,
Office on Violence Against Women

Samuel Berhanu

Chief
Federal Bureau of Investigation,
Crime Statistics Management Unit

Mike Brown

Chief
Salt Lake City Police Department

Lee Cambell

Sergeant
Scottsdale Police Department

Carrie Candler

Lieutenant
Scottsdale Police Department

Derek Christensen

Sergeant
Salt Lake City Police Department

Michael Colyer

Captain
Missoula Police Department

Chris Davis

Assistant Chief
Fayetteville Police Department

Charlie Deane

Chief (ret.)
Prince William County Police Department
and PERF Consultant

John Derbas

Deputy Assistant Director
Federal Bureau of Investigation,
Criminal Justice Information Services

Fred Fletcher

Chief
Chattanooga Police Department

Terry Fromson

Managing Attorney
Women's Law Project

Bea Hanson

Principal Deputy Director
Department of Justice,
Office on Violence Against Women

Carrie Hull

Program Director
You Have Options Program

Jennifer Kaplan

Senior Attorney Advisor
Department of Justice,
Office on Violence Against Women

Melissa Morabito

Associate Professor
University of Massachusetts Lowell

Lisa Pascadlo

Sergeant
Salt Lake City Police Department

Sue Riseling

Executive Director
International Association of
Campus Law Enforcement Administrators

Alan Rodbell

Chief
Scottsdale Police Department

John Somerindyke

Lieutenant
Fayetteville Police Department

Kevin Strom

Director
Policing, Security, and Investigative Science
Program, RTI International

Dave Thomas

Project Manager
IACP

Carol Tracy

Executive Director
Women's Law Project

Tom Tremblay

Chief (ret.)
Tom Tremblay Consulting

Chuck Wexler

Executive Director
PERF

John Wilkinson

Attorney Advisor
AEquitas

Linda Williams

Senior Research Scientist
Wellesley Centers for Women

Participants**David Allen**

Lieutenant
Louisville Metro Police Department

Rachel Arietti

Research Associate
PERF

Jason Bahm

Detective Sergeant
Montgomery County Department of Police

Jose Barajas

Investigations Sergeant
San Pablo Police Department

Shannon Branly

PERF Consultant

LeAnne Browning

Lieutenant
Atlanta Police Department

Jed Burger

Lieutenant
Miami Beach Police Department

Mark Burgmann

Captain
Philadelphia Police Department

Lance Burnham

Lieutenant
Vermont State Police Department

Virginia Carrigan

Lieutenant
Metro Nashville Police Department

Melissa Chiodo

Commander
Minneapolis Police Department

Matt Clark

Chief
University of Minnesota Police Department

Vivian Coley

Sergeant
Camden County (NJ) Police Department

Paul Cullinane

Detective Lieutenant
Brookline (MA) Police Department

Anthony D'Alba

Detective
Chelsea (MA) Police Department

Bill Dean

Deputy Chief
Virginia Beach Police Department

Pi Downsborough

Detective Lieutenant
Massachusetts State Police

Saly Fayez

Director
Fairfax County (VA) Police Department

Donna Ferguson

Chief
Behavioral Sciences Education and Training
Division, US Army Military Police School

Beatrice Fields

Investigator
Columbia (SC) Police Department

Melissa Funk

Victim Services Supervisor
Fort Collins Police Services

Oscar Gamino

Detective
Los Angeles Police Department

Mike Gray

Commander
Columbus (OH) Police Department

Troy Greene

Detective Sergeant
West Lafayette (IN) Police Department

Darrell Griffin

Sergeant
Knoxville Police Department

Matt Harman

Senior Research Assistant
PERF

Allison Heider

Research Assistant
PERF

Alfred Johnson

Lieutenant
University of Richmond Police Department

George Johnson

Lieutenant
Fayetteville State University Campus Police

George Juliano

Lieutenant Detective
Boston Police Department

Mark Kidd

Lieutenant
Fairfax County (VA) Police Department

Aviva Kurash

Senior Program Manager
IACP

Maura Landry

DV/SA Coordinator
Municipal Police Training Commission

Andrea Luna

Chief of Staff
PERF

Kurtis McCoy

Detective Sergeant
St. Louis Metropolitan Police Department

Rebecca Meeks

Captain
Waynesboro (VA) Police Department

Sarah Mostyn

Senior Research Assistant
PERF

Terry Nutall

Detective Lieutenant
Beverly Hills Police Department

Aimee Obregon

Captain
Milwaukee (WI) Police Department

Joseph Otte

Sergeant
Provo (UT) Police Department

Michael Peterson

Lieutenant
Baltimore County Police Department

Ed Petke

Sergeant
Prince William County (VA) Police Department

Victoria Phillips

Detective
Rocky Mount (NC) Police Department

Tim Pinckney

Sergeant
Arlington (TX) Police Department

Robert Pistone

Detective Lieutenant
Haverhill (MA) Police Department

Jaime Ramirez

Sergeant
Hermosa Beach (CA) Police Department

Michael Rizzo

Program Manager
IACP

A. M. Robertson

Sergeant
Henrico County (VA) Police Division

Shawnalea Ross

Sergeant
Newport News Police Department

Arlene Sabo

Director
Vassar College Safety and Security

Jeffrey Scott

Chief
Notre Dame College Police

Aurelio Silva

Captain
Newark (NJ) Department of Public Safety

Janell Simpson

Sergeant
Camden County (NJ) Police Department

Christopher Smith

Major
Jupiter (FL) Police Department

John Stollsteimer

Lieutenant
Gloucester County (NJ) Police Department

Sheila Sugrue

Lieutenant
Montgomery County (MD) Department
of Police

Robert Thompson

Chief Investigator
Howard University
Department of Public Safety

David VanVector

Captain
West Lafayette (IN) Police Department

Beverly Vogel

Supervisory Special Agent
Coast Guard Investigative Service

Mark Williams

Deputy Chief
Greenfield (MA) Police Department

Steve Woodard

Lieutenant
Irving (TX) Police Department

Appendix G: Sample Report Template – Chattanooga Police Department



Chattanooga Police Department

Special Victims Unit Investigative Report

Family Justice Center
5705 Uptain Rd.
Chattanooga, Tennessee 37411
(423) 643-5375



Victim:	Complaint Number:
Offense:	Original Offense Date:
Location of Incident:	Case Investigator:

Type of Report:

Initial Supplement Family Contact Class Change Case Clearance

Case Status:

Pending Admin Closed Cleared by Arrest Except Cleared Unfounded S1

Case Number 17-000000

VICTIM: Last Name, First Name DOB: 01/10/1970 Race/Sex
Address
City, State, Zip
Phone Number

SUSPECT: (Same as above)

CONTACTS: (Same as above) (**WITNESS:** Can be used as a header)



Chattanooga Police Department
Special Victims Unit Investigative Report
 Family Justice Center



Victim:	Complaint Number:
Offense:	Original Offense Date:
Location of Incident:	Case Investigator:

EVIDENCE / PROPERTY NUMBER: 17-1234

- Sexual Assault Kit (Rape Kit)
- Clothing, Bed Linens
- Buccal Swabs
- Crime Scene Photographs

SYNOPSIS NARRATIVE:

(Example)

On Tuesday 01/05/2017 at approximately 0305 hours, Police responded to a Rape (Sexual Assault) at 1234 Grove Street. Upon arrival Police spoke with the victim (Jane Doe) who advised she had been sexually assaulted by her ex-boyfriend (John Doe). A notification was made to the Special Victims Unit (Detective), which responded for a follow-up investigation.

INVESTIGATION:

(What did you do specifically as the Investigator, to gather the facts of the case?)

- Expansive Narrative and time line of events.
- Investigative findings.

VICTIM'S INTERVIEW: 01/05/2017

- Consider interview location. (Rape Crisis Center / Family Justice Center)
- Audio and Video recordings.
- Photograph Victim's injuries.
- Conduct Victim's follow-up interview after (at least 3 sleep cycles).
- **Adult Forensic Exam.**



Chattanooga Police Department
Special Victims Unit Investigative Report
 Family Justice Center



Victim:	Complaint Number:
Offense:	Original Offense Date:
Location of Incident:	Case Investigator:

SUSPECT'S INTERVIEW: 01/07/2017

- Always use a Rights Waiver Document / Form. (Read and Signed by the Suspect)
- Audio and Video recordings.
- Did the suspect confess?
- Did the suspect consent to a DNA sample?
- Search Warrant? (DNA, House, Other)
- Did the suspect consent to a Polygraph Test? Results?

SEARCH WARRANT:

- Was a Search Warrant obtained? Location? Evidence collected?

PHOTO LINE-UP:

On January 6, 2017, at 1435 hours, I (Detective) went to the victim's home for the purpose of showing her a photographic line-up.

- Results?

DNA TESTING:

- DNA Letter request from District Attorney's Office, if required by jurisdiction.
- Where evidence was submitted for testing? TBI?
- **Forensic Evidence** submitted? Rape Kit, Clothing, Buccal Swabs
- **Alcohol / Toxicology Request?**
- **Paternity Testing?** (Fetal Tissue or Buccal Swabs)

CIVIL REVIEW BOARD:

- SART
- CPIT
- DART
- VAPIT



Chattanooga Police Department
Special Victims Unit Investigative Report
 Family Justice Center



Victim:	Complaint Number:
Offense:	Original Offense Date:
Location of Incident:	Case Investigator:

On Friday February 3, 2017, this case was present to the SART Committee. What was the case conclusion?

COURT DISPOSITION:

- Did you send your case file to the ADA to review for potential prosecution? Date? Time?
- Did you present your case to the Grand Jury? Date? Time?
- What was the final Case Disposition? Guilty? Not Guilty? Dismissed?

CASE STATUS: (PENDING, CLEARED BY ARREST, UNFOUNDED)

End of report

Investigator's Name

Appendix H: Sample Multi-Disciplinary MOU – Fayetteville Police Department

Multidisciplinary Team Investigative Protocol Inter-agency Agreement Revised October 4, 2012

Duration: *This protocol remains in effect unless modified or terminated upon written request by any of the signatories.*

Investigative Protocol: A collaborative model for investigating allegations of child abuse and neglect. The multiple agency commitment to this protocol is based on the conviction that this Protocol represents best practices for abuse and neglect investigations. Commitment to this Investigative Protocol in no way alters the agencies' legally mandated roles in child abuse and neglect investigations.

MDT: A cooperative group of professionals from multiple agencies and disciplines with expertise in investigation of child abuse and neglect allegations. Many of these individuals are employed by one of the agencies that have agreed to follow the Investigative Protocol.

Purpose of Cumberland County Multidisciplinary Team

- To optimize investigations of all reported cases of child sexual abuse in Cumberland County/Fort Bragg, including both caretaker and non-caretaker allegations.
- To optimize investigation of any case of reported serious physical abuse or other child victimization referred by a member of the team
- To optimize investigations of child fatalities with suspected maltreatment in accordance with agency legal mandates.
- To facilitate resolution of all cases in a manner that promotes the safety and protection of the child and the best interest of the families and community.
- To maximize the likelihood that the offender will be held legally accountable in both the civil and criminal justice system.

Composition of the Team

The Cumberland County Multidisciplinary Team will be coordinated by staff of the Child Advocacy Center. This team may be composed of representatives of the following agencies and disciplines:

- Child Advocacy Center, Inc.
- Cumberland County Area Mental Health Authority
- Cumberland County Department of Social Services
- Cumberland County Family Court
- Cumberland County Sheriff's Office
- District Attorney: 12th Prosecutorial District
- Fayetteville Police Department
- Hope Mills Police Department
- Spring Lake Police Department
- Southern Regional Area Health Education Center
- Cape Fear Valley Health System
- Cumberland County Department of Public Health
- Other victim advocates and affiliate members including but not limited to State Bureau of Investigation, Fort Bragg Criminal Investigation Division, Ft. Bragg Family Advocacy, Rape Crisis Volunteers of Cumberland County, Cumberland County Schools, Fort Bragg Schools, Guardian ad Litem, Womack Army Medical Center Department of Social Work, will participate as necessary to augment the team's mission on a case-by-case basis. Affiliate members will not be required to sign the Multidisciplinary Team Inter-agency Agreement.

Confidentiality and Team Information Sharing

Information about child abuse allegations, investigations, charges and any evidence collected will be shared among the team members in accordance with North Carolina General Statutes, relevant judicial rules, and the Administrative Order signed by the Honorable A. Elizabeth Keever in September 2012. All proceedings of team meetings will be confidential and signed statements of confidentiality will be maintained for each case reviewed by the team. Legal, ethical, and professional standards of practice will be upheld to ensure client privacy.

Definition of Cases Referred to the Child Advocacy Center for Case Management and Tracking

- All cases of alleged sexual abuse, sexual assaults, child sexual exploitation with a known victim and prostitution that involve a child under (18) eighteen years of age and are under investigation by DSS and/or one of the law enforcement agencies listed above will be referred to the CAC for Case Management and Tracking.
- All cases of serious physical abuse meeting the definition below, that involve a child under (18) eighteen years of age and are under investigation by DSS and/or one of the law enforcement agencies listed above will be referred to the CAC for Case Management and tracking.
- For purposes of referral, serious physical abuse shall be defined as *abuse resulting in injuries that require significant medical treatment, caretaker behavior that places a child at substantial risk of death or serious bodily injury, and all serious physical injuries to children under the age of two.*
- Suspected cases of child maltreatment fatalities with surviving siblings who are under the age of 18 and were residing in the home at the time of the fatality will be referred to the CAC for Case Management and tracking.
- Other cases not meeting the above definitions may be referred to the team for review by a team participating agency. Possible referrals may include neglect/abandonment, kidnapping, child witnesses to injury or violent crime including domestic violence and homicide.

Definition of Cases Referred to the Child Advocacy Center for Forensic Interviews

- All cases of alleged sexual abuse, sexual assaults, child sexual exploitation with a known victim and prostitution that involve a child between the ages of 3-15 and are under investigation by DSS and/or one of the law enforcement agencies listed above will routinely be referred to the CAC for scheduling of an onsite Forensic Interview. Any child under (18) eighteen years of age may be referred to the CAC for an onsite Forensic Interview by a member of the team who are investigating that case. Children between 32-35 months will be interviewed at the CAC at the discretion of the Forensic Interviewer based on their cognitive abilities.
- Cases of serious physical abuse meeting the definition above, involving a child under (18) eighteen years of age and under investigation by DSS and/or one of the law enforcement agencies listed above may be referred to the CAC for scheduling of an onsite Forensic Interview. Children between 32-35 months may be interviewed at the CAC at the discretion of the Forensic Interviewer based on their cognitive abilities.
- Suspected cases of child maltreatment fatalities with surviving siblings who are under the age of 18 and were residing in the home at the time of the fatality may be referred to the CAC for a forensic interview.
- Other cases not meeting the above definitions and under investigation by DSS and/or one of the law enforcement agencies listed above and involving a child under 18 may be referred to the CAC for a forensic interview. Possible referrals may include neglect/abandonment, kidnapping, child witnesses to injury or violent crime including domestic violence and homicide.

Receiving the Report

- Initial reports will typically be received by the Department of Social Services or one of the Law Enforcement Agencies.
- A redacted version of the Intake Report received by Child Protective Service will serve as the referral form for the Department of Social Services.
- The Incident Report will serve as the referral form for all law enforcement agencies.
- Referrals will be made to the team by forwarding a copy of the redacted Intake Form or Incident Report to the Child Advocacy Center (CAC).

Investigative Planning

Immediate contact will be made between the law enforcement agency with jurisdiction over the case and Child Protective Service to coordinate investigative tasks, and/or arrange for a joint interview at the CAC.

Agencies will:

- Agree on plan for initial contact with the child/family. Joint family contact by law enforcement and the child protective service worker is preferred.
- In cases involving multiple victims, additional team members may be asked to participate in the investigation.

Important Investigative Planning Note:

Initial contact with the family will meet the statutory obligation to ensure child/family safety. This initial interview of the child is not the same as the forensic interview of the child. The initial interview should occur in a private setting without the presence of anyone who might influence the child's statement.

The forensic interview, will typically be conducted at a later time and should be consistent with the guidelines listed below, and may be conducted by the CAC Forensic Interviewer at the CAC

Location for Child Investigative Interviews

- Children will be interviewed at the Child Advocacy Center currently located at 336 Ray Avenue unless specific circumstances require otherwise. The Child Advocacy Center is available to investigators and interviewers 24 hours a day, 7 days a week.
- Circumstances requiring an interview in a location other than the Child Advocacy Center may include:
 1. Parent refuses to allow the child to be transported to the Child Advocacy Center and the Department of Social Services does not hold custody, nor can temporary custody be assumed.
 2. The emotional state of the child is such that a delay in interviewing could be damaging to the child, or there are safety issues that could result in further harm to the child.
 3. There is a reasonable suspicion that transporting the child to the Child Advocacy Center will result in contamination of the child's statement.
- All decisions on interview location should be based on the best interest of the child, and should not be based on the convenience of the investigators.
- If it is necessary to interview the child in a location other than the Child Advocacy Center, the location must be as neutral and child friendly as the environment will allow.
- Children should **NOT** be interviewed in the home or environment where the abuse allegedly took place.

Selection of Child Forensic Interviewer

All interviews will be conducted by one of the MDT Members, involved with the investigation of the case, and/or the CAC Forensic Interviewer. The decision as to who will conduct the actual interview with the child will be agreed upon by these same individuals. If possible, this decision should be made at time of scheduling. Pursuant to the request of the District Attorney, the selection for interviewer AND recording should be as follows:

- The first choice for the forensic interviewer should be the CAC Forensic Interviewer on staff: this is his/her primary job and he/she is viewed as impartial by the jury. All interviews with a staff member of the CAC, trained as a forensic interviewer, will be recorded.
- If the CAC Forensic Interviewer is not available, the trained Child First North Carolina (CFNC) faculty, who are currently investigating and/or conducting forensic interviews, may conduct and record the interview.
- If the CAC Forensic Interviewer and the trained CFNC faculty are not available to conduct and record the forensic interview, only MDT members who are trained in forensic interviewing of children AND have a copy of the training certificate on file at the CAC may then conduct and record the interview.

Child Forensic Interview Procedures

- All forensic interviews of children conducted by multidisciplinary team members will be non-duplicative, non-leading, and neutral.
- Duplicate interviews of the child, especially those conducted by different adults, will be avoided. The child's need for an additional interview to provide further information should be the determining factor if multiple interviews are needed. Multiple interviews should be conducted by the initial interviewer and for the purpose of allowing the child to continue to provide information that they began in the initial interview but were not able to complete. This does not duplicate the initial interview but is a continuation of the initial interview.
- Interviews will be conducted in a manner consistent with established best practices as outlined in the MDT Protocol Operational Guidelines for Implementation and the Forensic Interviewing Recording Guidelines provided to all team members.
- It must be understood that the forensic interview and mental health treatment are completely separate processes. In no way is the forensic interview intended to be therapeutic, nor are the mental health services intended to be investigative.
- The Department of Social Services is required to interview siblings residing in the home on the same day to determine if they too are victims of abuse. Law enforcement may or may not participate in these sibling interviews.

Cultural Competency

The CAC promotes policies, practices and procedures that are culturally competent. Cultural competency is defined as the capacity to function in more than one culture, requiring the ability to appreciate, understand and interact with members of diverse populations within the local community. Cultural competence involves the awareness of cultural differences and the integration of this awareness into practical skills that enhance one's ability to adequately serve diverse populations. Diversity issues influence nearly every aspect of working with children and families, from welcoming a child to the Center, employing effective interviewing techniques, gathering information, selecting appropriate mental health providers and securing help for a family in a manner which is likely to be utilized. It is the policy of the CAC that children and families from all backgrounds feel welcomed and acknowledged by staff and MDT members regardless of their appearance, background or beliefs. While receiving services at the CAC children and families of all backgrounds are welcomed, valued and respected. The team provides services to a diversified population regardless of age, race, color, religion, national origin, ancestry, gender, marital status, sexual orientation, physical or mental challenges, socio-economic status or any other cultural descriptors. CAC services are free provided free of charge. No victim referred through the multidisciplinary team process is denied services based on inability to pay.

- Developmental and cultural factors that may influence communication between the child and the interviewer will be considered and appropriately addressed. Alleged child victims will be interviewed using language appropriate to their individual developmental level.
- Procedures in place by law enforcement or the Department of Social Services for interviewing hearing-impaired or non-English speaking victims will be followed. The CAC does not use family members to interpret during child forensic interviews conducted at the CAC.

Documentation of Child Forensic Interviews

- A member of the investigative team that is present at the interview will document oral statements by the alleged child victim.
- During the interview, any change in the child's affect, eye contact, voice tone, attitude gestures and/or behaviors will be documented. When possible, reference should be made to (a) what was occurring in the interview when the changes occurred and (b) if the changes continued throughout the remainder of the interview. All of this information should be included in the interview report.
- Video taping of interviews will follow guidelines approved by the District Attorney's Office and CAC partner agencies. Refer to Forensic Interviewing Recording Guidelines
- If the child victim is old enough, a written statement may be obtained.
- Drawings or other tools may be used to help a child give their statement. The CAC will keep the original DVD, drawings and Forensic Interview summary at the CAC. Investigators will receive a copy. Originals will be kept until the child turns age twenty-three (23) and will then be destroyed.
- Any observable injuries to a child will be documented by taking photographs of the child and/or by an examining physician's report.
- All photographs of injuries will be duplicated as necessary and freely shared between the Department of Social Services, law enforcement agencies and child medical examiners.

Interviewing Non-Offending Parent/Caretaker

- The Forensic Interviewer will meet with the non-offending parent or caregiver prior to the Forensic Interview of the child to conduct a pre-interview to gather developmental and pertinent cultural information about the child
- The non-offending parent or caregiver of the child will be interviewed by a member of the team to determine what if any information they may have concerning the allegations of abuse. The team member will assess the non-offending caregiver's capacity and willingness to protect the child during the investigation.
- If an investigation is being conducted by law enforcement only and the investigator has reason to believe that the non-offending parent or caregiver cannot or will not protect the child, a report should be made to the Department of Social Services.
- The investigators may seek the assistance of the CAC Victim Family Advocate to assist the child and family.

Interviewing Suspects

- The primary investigators will jointly determine when and where to interview the suspect. A law enforcement team member shall conduct an interview to determine the likelihood that the suspect engaged in the alleged incident. If the Child Protective Service social worker conducts an interview with the suspect, it will be for the purpose of establishing the safety and protection of the victim children.
- Suspects must NOT be allowed at the Child Advocacy Center. Exceptions may be made for official Child and Family Evaluations that necessitate an offender interview and/ or juveniles who are both a victim and a suspect.

In these circumstances, prior notification must be given to Child Advocacy Center staff and all possible precautions will be used to ensure the physical and psychological safety of the victim child.

- When a Child Protective Service social worker must make a visit to the home and has a reasonable fear for his/her safety, law enforcement should be contacted and requested to accompany the social worker to the home.

When Scheduling a Juvenile Suspected of Being a Perpetrator

No known or suspected child abuse offenders are allowed at the Child Advocacy center (CAC) or on the property however juveniles who are suspected perpetrators but are also victims are allowed to be interviewed at the CAC under strict parameters. In these cases, an interview at the CAC would be allowed from the perspective that this child may be a sexually reactive victim.

The procedures for scheduling an interview at the CAC for a child who may be sexually reactive are as follows:

- The specific case details must be discussed with a staff member of the CAC to determine the safety and validity of conducting the interview at the CAC.
- The CAC staff member will explain to the interviewer that the alleged victim cannot be with the alleged juvenile perpetrator at the CAC.
- The interviews will be scheduled at separate times and often on separate days.
- These interviews must focus on the possible victimization and not based on any possible offenses committed by the juvenile.
- For these purposes a juvenile is one who is under the age of 12 years.

Child Medical Exams

- In order to reduce unnecessary anxiety for the child and family, information about what will happen during the medical exam will be provided to the non-offending caregiver when a medical appointment is scheduled.
- Properly trained medical professionals will perform evaluations of possible child abuse in a safe, neutral, and child-friendly environment.
- If an allegation indicates that sexual abuse occurred within the past 72 hours, the child should be promptly examined in the emergency room or another appropriate medical facility.
- The primary physician examining the child in the Emergency Department has the option of contacting one of the Child Abuse Specialty Clinic physicians.
- If the abuse is not acute (more than 72 hours) the child should be referred to the Specialty Clinic at Southern Regional AHEC or any other suitable facility with staff trained in specialized evaluations for abuse.
- Obtaining a medical history from the child may include non-leading questions regarding abuse, but should not duplicate the full investigative interview conducted with the child.
- A medical representative will participate on the Multidisciplinary Team and be present at case reviews whenever possible. The medical Team member should have knowledge and skills related to child abuse evaluations.
- All medical findings will be well documented according to professional standards and shared with the Multidisciplinary Team by the medical team member as appropriate. Data regarding whether an exam was conducted, the medical provider's name and location, and any findings will be documented in the case tracking system.

Mental Health Services

- Information on specialized trauma-focused mental health service options designed to meet the need of the child victim and non-offending family members will be routinely provided to families involved in a Multidisciplinary Team investigation.

- A mental health representative will participate on the Multidisciplinary Team and be present at case reviews whenever possible. The mental health Team member should have knowledge and skills in working with child abuse victims.
- Information relevant to the protection of a child will be shared with the Multidisciplinary Team with respect given to the professional's responsibility to protect client confidentiality.
- The provision of mental health services by agencies participating on the Multidisciplinary Team and data including the provider's name and location and family attendance information will be documented in the case tracking system.

Victim Support Services

- Information on available support and advocacy services will routinely be provided to victim families involved in investigations of Multidisciplinary Team cases.
- The CAC Victim Family Advocate will be available to see all families at the time the child and family are present at the Center.
- Crisis intervention, supportive services, client education and other victim services may be provided by a number of Multidisciplinary Team agencies and partners.
- A victim advocate representative, to include the CAC's Victim Family Advocate, will participate on the Multidisciplinary Team and attend case review meetings whenever possible.

Team Meetings for Case Review

- The Multidisciplinary Team will meet on at least a monthly basis to review Team cases. CAC will schedule cases for review and distribution. Meetings will be held on a pre-determined date and time. All participating agencies will be notified of all cases scheduled for review.
- At a minimum, a representative from the following disciplines will be available for participation in case review meetings: law enforcement, prosecution, child protective services, medical, mental health, victim advocacy, and child advocacy center.
- Case review meetings should establish that enough information has been gathered to assure the safety and protection of the child and, if appropriate, efforts have been made to remove the suspect from the home, rather than the child.
- Case review meetings will be utilized as an opportunity for team members to increase their understanding of the complexity of child abuse cases.
- Recommendations for further action will be noted and communicated to the appropriate parties by the team coordinator.
- The Department of Social Services will make the final decision about filing a petition and/or obtaining an order to remove children from their home. The District Attorney, in consultation with the law enforcement agency with jurisdiction, will make the final decision regarding prosecution of the alleged offender.

Case Disposition

- Multidisciplinary Team cases may be designated as "open for tracking only." These cases will be reported in writing to the team, but will not be reviewed in full unless specifically requested. Common situations where this may occur include:
 1. The initial investigation has concluded, but the team desires to be informed of progress and developments in treatment or placement status.
 2. The case is awaiting civil or criminal trial.
 3. Specific case follow-up is needed.
- Multidisciplinary Team cases may be designated as "closed" to the Team upon meeting at least one of the following criteria:

1. The case has been unsubstantiated and closed by the Department of Social Services and/or Law Enforcement. Both groups must have a closed case in circumstances of joint jurisdiction.
2. The case has been substantiated and transferred by the Department of Social Services. Criminal charges are not being sought and appropriate services are in place.
3. Civil and/or criminal proceedings specific to the allegations in the team report have concluded.

Case Tracking

- Case tracking will be initiated upon receipt of an incident report from law enforcement or an intake form from the Department of Social Services.
- Based on the above criteria, a case will be tracked until designated as closed.
- Case tracking information will be entered into the NCA Track database maintained by the Child Advocacy Center.
- Team members will have access to NCA Track and may request written reports.
- Information tracked should include interactions with Team agencies, victim and offender demographics, case outcomes, and other information as appropriate.

Professional Advisory Council

- The Professional Advisory Council will consist of management-level supervisors and/or senior staff from each of the agencies represented on the Multidisciplinary Team and will meet on at least a quarterly basis. Members will be appointed by each respective agency.
- The Child Advocacy Center Board of Directors may elect a Director to sit on the Council and act as liaison between the Board and Council.
- The Professional Advisory Council will be responsible for monitoring the effectiveness of the Multidisciplinary Team Investigative Protocol and recommending any necessary changes on an annual basis.
- The Professional Advisory Council will be the appropriate body to hear concerns regarding an agency's adherence to the investigative protocol or any issue that may affect child abuse investigations and services in Cumberland County. Any issues should be forwarded to the Chairperson of the Council by the agency representative to the Council.
- The Professional Advisory Council will ensure that adequate opportunities exist for members of the Multidisciplinary Team to receive on-going and relevant cross-discipline training including training on diversity issues.
- Feedback, concerns, and suggestions may be submitted to the Professional Advisory Council at any time by an official signatory of the Protocol or by any member of the Multidisciplinary Team.

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
FILE NO. 12 287

ADMINISTRATIVE ORDER
SHARING OF INFORMATION

FILED
2012 SEP 25 AM 8:30
CUMBERLAND CO., N.C. S.S.
BY _____

North Carolina General Statute 7B -- 3100 provides for the sharing of information by agencies about juveniles. Pursuant to that statute, the Department of Juvenile Justice and Delinquency Prevention Administrative Rules sets out agencies generally who are authorized to share information and then authorizes the Chief District Court Judge in each district to add additional agencies to that list.

The statute provides that "Agencies so designated shall share with one another, upon request and to the extent permitted by federal law and regulations, information that is in their possession that is relevant to any assessment of a report of child abuse, neglect, or dependency or the provision or arrangement of protective services in a child abuse, neglect, or dependency case.....or to any case in which a petition is filed alleging that a juvenile is abused, neglected, dependent, undisciplined, or delinquent"

Pursuant to the statute, the Department of Juvenile Justice and Delinquency Prevention has designated the following agencies:

- a. The Department of Juvenile Justice & Delinquency Prevention;
- b. The Office of Guardian ad Litem Services of the Administrative Office of the Courts;
- c. County Departments of Social Services;
- d. Area mental health developmental disability and substance abuse authorities;
- e. Local law enforcement agencies;
- f. District attorneys' offices as authorized by G.S. 7B-3100;
- g. County mental health facilities, developmental disabilities and substance abuse programs;
- h. Local school administrative units;
- i. Local health departments; and
- j. A local agency designated by an administrative order issued by the chief district court judge of the district court district in which the agency is located, as an agency authorized pursuant to these Rules and the standards set forth in G.S. 7B -- 3100.

The 2009 amendment to 7B-3100 added the Division of Community Corrections of the Department of Corrections as set out in 7B -- 3000(e1) as one of the designated agencies.

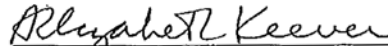
Pursuant to section (j), the following additional local agencies in Judicial District 12 are designated as agencies authorized to share information:

1. The Child Advocacy Center
2. Southern Regional Area Health Education Center
3. Cape Fear Valley Medical Center
4. Fayetteville Cumberland County Juvenile Assessment Center/ Communicare
5. Reclaiming Futures
6. Womack Army Community Hospital
7. Fort Bragg Social Work Services and Family Advocacy
8. Pope Air Force Family Advocacy
9. Rape Crisis Volunteers of Cumberland County

7B-3100 also provides that "Any information shared among agencies pursuant to this section shall remain confidential, shall be withheld from public inspection, and shall be used only for the protection of the juvenile or others or to improve the educational opportunities of the juvenile.....Nothing in this section or any other provision of law shall preclude any other necessary sharing of information among agencies. Nothing herein shall be deemed to require the disclosure or release of any information in the possession of a district attorney.

This order replaces the order of January 26, 2010.

This the 24th day of September, 2012.



A. Elizabeth Keever
Chief District Court Judge
12th Judicial District



**Multidisciplinary Team Investigative Protocol
Inter-agency Agreement**

The mission of the Child Advocacy Center, Inc. is to mobilize effective collaborative community responses to child abuse.

I, the undersigned, agree to support the Child Advocacy Center, Inc. in pursuit of their mission through the use of a multidisciplinary team approach in the investigation, prosecution and treatment of child abuse.

By signing this form, I verify that I have read and approved the CAC / MDT Investigative Protocol revised October 4, 2012 and hereby agree to abide by such protocol. This protocol remains in effect unless modified or terminated upon written request of either party.

Appendix I: Summary of Federal Law governing information sharing between universities, campus police, and local police

Prepared by Women's Law Project, April 2017

- The Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g imposes limits on the release by federally funded schools of some educational records. Educational records are “records, files, documents, and other materials which—(i) contain information directly related to a student; and (ii) are maintained by an educational agency or institution or by a person acting for such agency or institution. 20 U.S.C. §1232g(a)(4)(A).
 - » Records of an educational institution’s law enforcement unit (documents and materials created and maintained by the law enforcement unit for a law enforcement purpose) are not protected educational records and may be shared. 20 U.S.C. §1232g(a)(4)(B)(ii).
 - » A school may share educational records with its law enforcement unit if the law enforcement employee is a school employee (or outsourced service under the school’s control), where the student consents or if the employee has *legitimate education reasons* and needs to see the records in order to perform his or her professional duties. Such records may only be used for the purpose for which they are disclosed and may not be disclosed further without the student’s consent.
 - » To the extent a school law enforcement unit performs non-law enforcement functions in connection with a disciplinary matter that creates records, or obtains disciplinary records from another part of the school, it cannot disclose those records to third parties without consent because they are protected education records and not law enforcement records.
 - » The courts are not consistent in whether campus disciplinary records are protected educational records or unprotected law enforcement records under FERPA. *See National Crime Victim Law Institute, Understanding the Intersection of Title IX and Victim’s Rights: Protecting Victims from Subpoenas for School Disciplinary Records.* (May 2015).
 - » FERPA also permits disclosure of disciplinary records if they are “furnished in compliance with judicial order, or pursuant to any lawfully issued subpoena upon condition that parents and students are notified of all such orders or subpoenas in advance of the compliance therewith.” 20 U.S.C. §1232g(b)(2)(B).
- Both FERPA and Title IX permit local police, campus police, and Title IX personnel to enter into memoranda of understanding or other agreement regarding referrals, sharing information and conducting contemporaneous investigations.



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