



Carolyn Bailey papers

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WHO WOULDN'T FEEL GUILTY BEING TOLD:

(MYTH) MOST SEXUAL ASSAULTS ARE PROVOKED BY THE VICTIMS.

(FACT) Sexual Assault begins in the mind of the offender. According to the Federal Commission on Crimes of Violence, 59% of sexual assaults are planned in advance.

(MYTH) NO PERSON CAN BE SEXUALLY ASSAULTED AGAINST THEIR WILL.

(FACT) Victims act or don't act out of fear. Studies show that in 75% of sexual assaults, the victim is threatened with a weapon and/or injury or death.

(MYTH) ONLY YOUNG ATTRACTIVE WOMEN ARE SEXUALLY ASSAULTED.

(FACT) A victim of sexual assault is a victim of violence, not sexual desire. The offender chooses the victim with little regard to physical appearance. Victims, males and females, are of every age, shape, race, and social class.

(MYTH) SEXUAL ASSAULT OCCURS ONLY AMONG STRANGERS.

(FACT) In at least 50% of sexual assault cases, the victim and the offender know each other in some way, including family members and friends.

Dakota County Sexual Assault Program

JOHN O. SONSTENG
Dakota County Attorney
Dakota County Government Center
Hastings, Minnesota 55033

*I am the victim
I don't need to feel guilty*

VICTIM ASSISTANCE

CALL:

894-2424

SEXUAL ASSAULT ADVOCATES

Community Action Council
13710 Nicollet Avenue South
Burnsville, Minnesota 55337

Co-ordinator: Linda Peterson

Caller will get the Community Action Council and Referral line. Message will be relayed to a sexual assault advocate, who will immediately return the call. All calls are confidential.

Sexual Assault Advocates will:

- be available to talk to victims by means of a crisis line.
- provide nonjudgmental support by trained volunteer advocates.
- help victims deal with their feelings, their families and various issues surrounding the assault.
- provide information about the police, hospital and legal procedures.
- have support groups for victims.
- have volunteer advocates available to accompany victims through the crisis, to hospitals, police station, and in court..

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IF YOU ARE SEXUALLY ASSAULTED

- 1) Get to a safe place.
- 2) Call the police or sheriff to report the crime.
- 3) Do not bathe, shower, douche, or clean up.
- 4) Keep the clothing you were wearing.
- 5) Seek medical attention - the police will take you to the hospital for an examination for your protection and to gather evidence.
- 6) Call Sexual Assault Advocates for support through the crisis.

COMMUNITY EDUCATION AND TRAINING FOR PROFESSIONALS

CALL:

437-3191

SEXUAL ASSAULT PROGRAM

Dakota County Attorney's Office
Dakota County Government Center
Hastings, Minnesota 55033

Co-ordinator: Vivian Neiger

Dakota County Attorney's Office will provide:

- training for those professionals dealing with victims of sexual assault and their families.
- programs for community groups, schools, and churches.
- information about legal procedures.
- referrals to community agencies.
- assistance and support through the legal system.

Location of The Thunderbird Motel:

I494 at 24th Ave. Exit,
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Visible at south side of I494

(Look for the Totem Pole)

Phone: 866-3411

RAPE!

A Comprehensive Workshop
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Aspects of Rape

Offered by:

The Minnesota Resource Center
for Social Work Education
731 - 21st Avenue South
Minneapolis, Minnesota 55404

and

The Walk-In Counseling Center
2421 Chicago Avenue South
Minneapolis, Minnesota 55404

A Workshop for counselors, police, clergy, medical personnel and others who are likely to deal with the problem of Rape.

DATE: November 17, 1973
TIME: 9:30 a.m. - 4:30 p.m.
PLACE: The Thunderbird Motel,
I494 at 24th Ave. Exit

P R O G R A M

9:30: Check-in, coffee and rolls, (you will be asked to fill out a brief questionnaire in order to help us evaluate the effectiveness of the workshop.)

10:00: Introduction: Rape and the Rape Victim. Randy Goldstone, Rape Counseling Center, Neighborhood Involvement Project.

10:15: Legal Aspects of Rape. Will include consideration of rights of the accused as well as the victim, prosecution procedures, and rape laws. Ellis Olkon, Mpls. Attorney.

11:00: Rape and Law Enforcement. An explanation of the officer's role in rape incidents, and apprehension of the suspect. Sergeant Carolen Bailey, Sex/Homocide Unit, St. Paul Police Department.

11:45: Medical Aspects and Procedures. Charles S. Mahan, M.D., Assistant Professor, Department of OB, Gyn., U of M Medical School. *Slides*

12:30: Lunch and Informal Discussion.

1:30: Implications for Counseling and Treatment. "The Rape Victim's Feelings," two rape victims present their points of view.

"Some Guidelines for Counseling Victims," Si Davidson, Jewish Family and Children's Service, Mpls. "The Victim of Homosexual Rape," Sam C. Scher, clinical psychologist in private practice in St. Paul. "Treating the Rapist," Bill Duffy, Center for Behavior Modification.

2:45: Refreshments and Discussion Groups.

3:15: Action Panel: A Dialogue between workshop participants and a panel of resource persons, the purpose of which is to develop strategies to reduce both the incidence of, and the emotional stresses related to Rape. Cooperative approaches will be emphasized. Resource persons will include: Randy Goldstone, Rape Counseling Center; Jack Jones, St. Paul Ramsey Hospital, pediatrics; Ian Macindoe, Sex Offender Research, Minnesota Security Hospital.

4:15: Feed-back and Evaluation.

4:30: Adjournment.

Paid registrations must be received by Monday, November 5, 1973. Registration will be limited to 80 persons, and early registrations will be given priority. Checks received after the workshop has been filled will be returned.

FEE: \$12.00 (includes lunch)

R E G I S T R A T I O N

Name _____

Address _____

Agency/Organization Affiliation and Address _____

Enclosed is my check for \$12.00

Please make checks payable to: The Minnesota Resource Center for Social Work Education, and mail to: 731 - 21st Avenue South, Minneapolis, Minnesota 55404

(Before Monday, November 5th)

...with 20 years' experience as a lawyer, when I say the writer's father never intended to

Edna Buchanan's book-signing party for *The Corpse Had a Familiar Face* Tuesday was a smasheroo. Mitch Kaplan's Books & Books in Coral Gables was jammed by well-known Miamians, many of whom are in the book: Judges Seymour Gelber and Arthur Rothberg; Rosemary Jones, Al Sepe, Marshall Ader, Gerstein; and half a dozen Miami Beach police officers. An anonymous donor sent flowers — an arrangement of black orchids and white chrysanthemums topped off by a real pair of handcuffs. "Knock 'em dead."

The tough life of a Miami cop

BUCHANAN / from IC

rimmed reading glasses and dark suits. His unassuming garb nearly got Mike killed once at a murder scene, in the middle of the night. He spotted a possible witness standing across the street and trotted toward him. A woman motorist, distracted by the flashing lights and police lines, said she never saw the man in the dark suit.

Mike bounced off the hood and was hurled dozens of feet. He was 57. The cops all panicked, except Mike. He climbed to his feet and continued the homicide investigation.

The conservative image of homicide cops, epitomized by Mike, seemed to change a few years back. Some of the county's young detectives became the flashiest men about town. Their hair was styled, their fingernails manicured. Their suits were three-piece, custom-made, and their ties were silk.

They also solved fewer cases and became increasingly secretive with the press. They had good reason. They were able to dress so fashionably because most were moonlighting for a cocaine kingpin.

The first time I ever saw Mike Gonzalez was on a sun-dappled Saturday morning in Coconut Grove. A gunfight in a liquor store had left somebody dead. The year was 1971, and the assignment was one of my first police stories for *The Herald*. Determined to succeed, and unable to find out what was going on, I clambered over the yellow rope surrounding the crime scene.

The liquor store owner was badly wounded but had won a gun duel with a robber. Flying bullets had shattered whiskey bottles, the counter and the hold-up man's skull.

The dead robber was an ex-convict — and a security guard. In his pocket, he carried "a badge three times as big as mine," Gonzalez complained. The gold badge, similar to that of a sergeant, identified the robber as "Special Police."

Mike Gonzalez is a lieutenant now, the nation's dean of homicide cops. In Miami the average age for cops is even younger than in most cities. The turnover rate is high, due to the riots, stress-related burnout and the cocaine-corruption scandals. Yet Mike, unlike many cops from his generation, has never clung to the old ways of the past. He constantly forges ahead with new enthusiasm, new ideas.

If you think a cop's life is tough, try it if you are a woman. The pressures are more powerful, both professionally and personally. Police officers, both male and female, who excel in their work often do

bers nearly drowning during the rugged underwater swimming test — 100 yards, carrying a weight. But she passed it, and she uses that same grit and determination to solve more complex cases than any detective I have ever seen.

Buck Griscom was Dirty Harry long before Clint Eastwood ever thought of him. When this loner turned in his badge to retire in 1986, Miami Beach city fathers breathed sighs of relief, mingled with regret. He was the best, yet he made them nervous. They live in fear of lawsuits and bad press, and Griscom made them sweat. They never knew what he would do next or if they would somehow be criticized for it.

The best cops I know love being cops and would never be happy doing anything else. They understand the streets and human nature and will probably never be chiefs.

He was South Florida's most deadly cop, quite extraordinary when you consider that his beat, Miami Beach, was the Playground of the World, a resort city where there is comparatively little gunplay. Yet in an 88-block-long beach-front community with no ghettos and no riots, largely populated by senior citizens, Griscom fought so many gun duels he cannot remember them all. He has shot eight men, killing four.

A slow night on *Miami Vice* — heavy-duty in real life.

A soft-spoken and prolific — though unpublished — poet, Buck Griscom nurtured no childhood dreams of being a cop. Upon discharge from the Navy, he needed a job. He applied for both the police and the fire department because the work was steady. The police called him first.

Yet he was the cop you wanted

on your side if trouble came. The first Griscom shooting I covered was for *The Sun*, on July 20, 1966. He, Emmett Miller and a rookie named Pete Corso shotgunned a robber during a stakeout. Both Miller and Corso eventually became Miami Beach police chiefs.

Griscom became a legend. The men who worked with him suspected that Griscom had something besides fast reflexes and deadly aim: a sixth sense. They think he knew when something was about to happen.

Take the time he and his wife, Fran, were about to depart on a long-planned vacation. It was his last day of work, and she was busy packing so they could leave early the next day. But something was wrong. "I don't think we're

going to get to go," he told her. All he knew was that "something bad is going to happen today." He was right.

A few hours later, he steered his patrol car south on Collins Avenue through heavy Sunday-afternoon traffic. A flashy Cadillac convertible with a young man at the wheel passed him, headed north. Griscom and the driver exchanged glances. He had a "fish-eye look," Griscom recalled. "A guy gives you that look and you know he's nervous about something."

He popped his patrol car into a U-turn. The young driver floored it and fled, dodging other cars. When the Cadillac got caught in traffic, Griscom braked alongside and yelled, "Freeze!" The driver nodded, as if to obey, but his hand came up clutching a gun. He fired, point-blank. The bullet crashed into the window frame, inches

above Griscom's head.

He drew his own gun and emptied it. The Cadillac hurtled forward and slammed into a taxicab. Griscom ran up, dragged the man out of the car, and then saw he was bleeding.

The wounded man was 20 years old. The Cadillac was stolen and he was wanted by police in Michigan. His spinal cord was severed. He only lived a few weeks.

Joseph Davis' ability to reconstruct a baffling homicide in a matter of seconds is astonishing. When Davis took over as medical examiner in 1956, Mike Gonzalez was already a Miami homicide detective. They met over a skeleton found in a mangrove hammock. A young mother had been missing for weeks, and foul play was suspected. It seemed doubtful, however, that the scattered bones could ever be identified as those of the missing woman. She was known to wear three distinctive rings on one finger, but no jewelry was found. In fact, no fingers were found.

Joe Davis was new to Miami and curious. He asked the cops about all the little holes in the ground around the skeleton. The work of land crabs, Gonzalez told him.

Davis began speculating: If the dead woman's jewelry was not stolen by her killer, perhaps it was carried away by wildlife, possibly the land crabs.

"If I were a land crab and found a rotting finger with rings on it, what would I do?" Davis mused. If he were a land crab, he concluded, he would sneak to the nearest secluded spot for a leisurely lunch.

The nearest secluded spot for a leisurely lunch was under an old stump nearby. Davis found a piece of wood and began to probe.

As the detective silently pondered the sanity of this new doctor from out of town, he returned, carrying a stick. Clinging to it was a land crab, a finger bone tenaciously clutched in its claw. The finger bone wore three rings.

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THE FLORIDA KEYS & KEY WEST

Stalking the crime beat is a walk on the wild side

By EDNA BUCHANAN

The cops who deal daily with what is happening in Miami must be among the best and most experienced in the world. Those experiences, however, are not easily shared.

Consider this real-life scene: A 22-year-old Miami cop encounters a man strolling at dawn in a quiet neighborhood. The man is naked and carrying the severed head of a young woman. He throws the head at the cop — twice.

"I killed her. She's the devil!" the man shouts.

What does that young cop say to people who ask how his day went?

What about the detectives who raced all over Dade County — which is larger than Rhode Island — for two weeks, trying to collect and piece together the dismembered murder victims who were surfacing piece by piece in the waters around Miami? A torso would bob up in one place; a hand would surface somewhere else. What would you say if you were one of the cops who found them?

How do you shoot the breeze

THE COPS ON THE STREETS OF MIAMI SOON BECOME EXPERTS ON THE BIZARRE.

This is the third of four excerpts from The Corpse Had a Familiar Face: Covering Miami, America's Hottest Beat, by Edna Buchanan, to be published this week by Random House.

with normal people? How do you casually confide how you spent the day without being stared at as though you were a freak?

I think I understand.

When I lived in an apartment with no washing machine, I lugged my clothes to the laundry at 2 a.m. It was partly because of my hours, but mostly because the place is peaceful and unoccupied

at that time. During the day, it is alive with chatty young housewives who talk endlessly, mostly war stories about how many hours they were in labor. If not that, it's a new recipe for meat loaf.

We have not a thing in common — nothing. When you have no babies or meat loaves, they ask politely about your work. How could I explain what I do to these nice,



SEAN KELLY

normal people?

No, I had no small talk to share with the young wives at the coin laundry. Alone and weary at 2 in the morning, my clothes sloshing around in the machine, I thought that this must be how many police officers feel.

The best cops I know love being cops and would never be happy doing anything else. They understand the streets and human na-

ture and will probably never be chiefs. Those who do make it to the very top are usually the ones who know how to play politics, how to study textbooks and theories and score well on tests. Really great cops are too busy for all that; they are out there doing police work.

Now we have community relations. Cops must constantly back off, back off.

Which is why everybody cheered Metro Officer Joseph Pesek. In greater Miami, where dozens of officers have recently been accused of police brutality, this paunchy, middle-aged cop fought back. Bruised, battered, run over and oft-abused, Pesek, 56, decided he was mad as hell and not going to take it anymore. He sued a man for civilian brutality and won. A jury awarded him \$2,500 for a single punch to his forehead by a drunk driver.

"Why should a cop have to take this crap?" Pesek demanded. "People curse and swear at us. As far as they're concerned, we're the lowest things in the world. But when they need help, they sure forget what lousy so-and-sos we are."

Amen.

Mike Gonzalez is the best. A Miami cop for 36 years, he has been a homicide detective for more than 32.

Tall and lanky, he affects the dress of a funeral director or a priest, with small, gold-

Please turn to BUCHANAN / 2C

TV-RADIO/5C
BOB SWIFT/2C
ANN LANDERS/2C
LIVELY ARTS/6C

Living To

Thursday, October 29, 1987

The Miami F

THE RAPIST WORE TIGHTS

By EDNA BUCHANAN

Sex gets people into so much trouble it's a wonder more of them don't give it up.

I often joke that my job keeps me single and celibate. But actually, celibacy may not be so awful after all. Sex gets people killed, put in jail, beaten up, bankrupted and disgraced, to say nothing of ruined — personally and professionally. Looking for sex can lead to misfortune, and if you get lucky and find it, it can leave you maimed, infected or dead.

Other than that, it's swell: the great American pastime.

Every newspaper story has something to do with sex. Money, power, politics: Sex is always involved somewhere. Everybody wants it. Some like it risky. A lot of people could live without it — literally. Where are the cold showers when they are needed?

Not here. Miami is a sexy city. It is also a violent city. Maybe it is the climate; the soft, sultry evenings; the gigantic pale moon beaming shafts of silver onto shimmering water; or the aroma of night-blooming jasmine. It all contributes to a lot of craziness.

When writing about a rapist who is still on the prowl, it is important to give him a distinctive moniker. That way the public, the police and the press can get a fix on him and hopefully catch the SOB or at least make him notorious enough that officials will make the manhunt a priority.

We have had the Bandanna Rapist, the Flashbulb Rapist, the A/C Rapist, the Coral Gables Rapist, the Silver-Toothed Rapist, the Umbrella Rapist. We still have the Pillowcase Rapist.

The Flashbulb Rapist posed as a jogger. He carried his camera in a paper sack and a gun in the pocket of his sweat suit. He shot naked photos of his victims at gunpoint. The cops finally captured him, but before they could even question him, a judge released him to the custody of his wife. He didn't even have to post bond. Police were furious. The judge said he had no idea why they were upset. All police really seemed to have was the man's fingerprints on a flashcube dropped by the rapist and a prior victim who screamed and pointed him out as he jogged by.

The cops did not like the way that judge thought. Sometimes I don't like the way cops think. Cops have strange ideas about rape. They are to blame for much of the silence surrounding the crime. They usually like to keep it a secret; they prefer that the public not know a rapist is out there.

They kept the investigation quiet for two years while they tried to catch the Bird Road Rap-

This rapist used a distinctive *modus operandi*: He would drive by night and fall in behind lone women motorists, flashing his headlights persistently. Some thought he was a police officer instructing them to pull over and obeyed. Others believed he was someone they knew or a good Samaritan warning that something was wrong with their car.

He would trot up to the woman's car as she rolled down the window and shove a .45-caliber automatic pistol in her face. He was responsible for 16 known rapes; police suspected there were others.

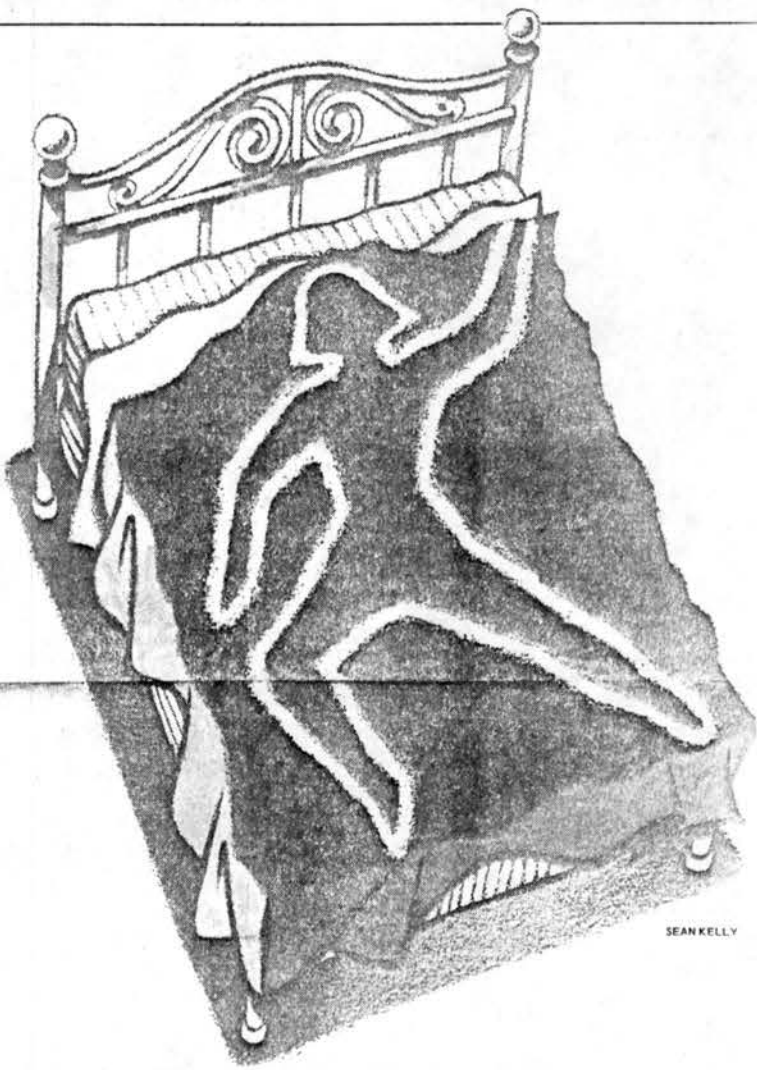
I heard about the rapist and began gathering information for a story. The cops were furious. Their lieutenant even called my editor, insisting we keep it out of the paper. Their reasoning was the usual: If the rapist is tipped off that police are looking for him, they will never be able to catch him.

I don't understand that logic. I never will. Someone committing all these crimes obviously assumes he is being sought, and if police had been unable to stop him for two years, at least women motorists should be warned to protect themselves.

Over police objections, the story appeared in the Sunday paper. The rapist was in jail by the end of the week.

Half a dozen new victims called police after reading the story. Embarrassed, ashamed or afraid, they had never reported their encounters with the rapist. Each thought she was the only victim, until she read the newspaper. Among them were women with more accurate descriptions of the man and the cars he drove. One had even seen him in a gas station some time after the rape. Based on the new information, detectives were able to identify and arrest him.

He was sentenced to multiple life terms.



SEX CAN CAUSE PEOPLE TO DO STRANGE THINGS — AND GET IN STRANGE SITUATIONS.

This is the last of four excerpts from *The Corpse Had a Familiar Face: Covering Miami, America's Hottest Beat*, by Edna Buchanan, published by Random House.

You would think that the detectives' thinking would change as a result. But no, the very next time I heard about another rapist who was eluding them, they were furious. They did not want the story in the newspaper.

Yet when information flows freely both ways, justice often triumphs. On two consecutive Saturday nights, young couples on dates stopped at the same downtown Miami traffic light

and were abducted by 10 men. They robbed the couples, raped the women, beat the men and stripped their cars. One woman was raped 10 times, had her front teeth broken and was sexually assaulted with a wine bottle.

I wrote the story. Police had no leads. A reader called, angry and frightened. She lived in the neighborhood and saw the second crime. Afraid to talk to po-

lice, she did talk to me. She knew the street names and the addresses of several of the hoodlums as described to me what she had seen. I arranged for her to meet Sergeant Mike Gonzalez — on neutral turf, far from police headquarters and her own neighborhood. I promised her he could be trusted to protect her identity.

As a result, the attackers were arrested. Their fingerprints matched those left on the victims' cars; the victims positively identified them. They were sentenced to 30-year prison terms. Except the man with the gun. He got 90 years.

Sometimes it works.

Good news or even hopeful endings are rare when covering sex crimes, especially in Miami. The two most elusive rapists: South Florida have thumbed their noses for years at the police, the press and the community. One man, the Gentle Raj perhaps the most prolific rapist in state history, was finally

Please turn to BUCHANAN

The long, strange story of Miami's 'Gentle Rapist'

BUCHANAN/From IC

tified but never charged with a single case. The other, the Pillowcase Rapist, is at large, his identity a mystery, despite the most intensive manhunt of its kind ever conducted in Florida.

I was new at The Herald when I became aware of the Gentle Rapist. He was not called that at the time. When he first surfaced, in 1971, he was called the Coconut Grove Rapist. Distinctively kinky, he stalked that shady Miami community of huge trees and old houses favored by young people.

He wore a costume: purple leotards and a leopard-skin cape. He also wore a rape kit: a homemade belt with pouches to hold his wig, a can of Mace, a starter pistol, masks, towels, a lubricant and spermicidal jelly. He was later seen wearing black tights, Earth shoes and masks fashioned from support hose. It was believed that he changed into his bizarre costumes in the bushes or shrubbery before confronting his victims. He liked to force them into lewd dress and order them to act out obscene scenarios. He told them he did not want to make them pregnant and often lectured them on proper attire and morality.

He committed a number of double rapes on roommates, sisters, friends, and mothers and daughters. He seemed to have no trouble finding and clipping their telephone lines in the maze of apartment-house wires.

They nearly caught him once; a Miami police officer got close enough to almost touch him. He even dropped his rape kit that night, but he slipped away and won a footrace down an alley. He eluded 50 officers and fire trucks with spotlights.

Letter to rapist

Mike Gonzalez and Louise Vasquez were the first to try to track him down. Unlike most detectives, their approach was original. In 1973, they dictated to me an open letter to the rapist, hoping to start a dialogue with him. They wanted to gain insight; they wanted to help him — after arresting him, of course, though we did not dwell on that in the letter. They gave a telephone number where he could contact them.

We published the letter to the rapist in the newspaper. Rival detectives hooted and jeered at the idea, probably regretting that they had not thought of it first. It bore fruit. A number of sex offenders called, wanting to talk out their hidden passions and problems with the detectives. The man they were seeking did call once, they believe, but he quickly hung up and never called back.

Mike and Louise became so interested, however, that they met with psychologists and psychiatrists. On their own time, they organized a series of rap sessions with men, many of whom they had arrested, in a sex-offenders program at South Florida State Hospital. They went on to become consultants for a crime-prevention film produced by a governor's committee, they have lectured widely, and Louise was twice named to advisory committees on criminal legislation.

The rapist stayed out of their jurisdiction, but it eventually became apparent that he was not only Miami's problem. We all soon began to realize that the Coconut Grove Rapist was known in another jurisdiction as the Bicycle Rapist, and in Boca Raton as the Cape. They were all the same man. Investigators from each police department had initially suspected

of the Gentle Rapist's crimes. By early 1978, they numbered approximately 200. No one will ever know how many assaults went unreported. By then the rapist had been sought for seven years. A city police major, weary of the embarrassment of failure, ordered the men and women of his department not to talk about the case, warning that discipline would be swift and severe if they did.

You would think that a man who wears a flower-embroidered rape kit strapped around his waist and a leopard-skin cape would not be difficult to locate. But he was.

Located by luck

Three years later, by the simplest of accidents, he was identified.

He was featured in *Cosmopolitan* magazine.

Jesse Patmore, a county rape-

his victims by demonstrating before departing that the gun he had pointed at their heads was a fake. Superthief vacationed annually in Maine; Florida police had long speculated about the rapist's summer hiatus.

Superthief's photo was a dead ringer for a police composite of the rapist.

Police find a match

Patmore dialed long distance and reported his hunch to old friends on the force. They compared fingerprints left behind by the Gentle Rapist to those of the Superthief, John MacLean.

They were the same. Victims were willing to testify, including a Chicago business executive who had been a University of Miami coed when raped nine years earlier. MacLean's fingerprints had been left in her bedroom. Others had married and moved out of state but said they would gladly return to testify against the man who attacked them.

They never got the chance. Police jubilation faded fast when it became clear that most of the rape cases could no longer be prosecuted because of the four-year statute of limitations in force when they occurred. In the remaining cases, the evidence was not strong enough. MacLean, now 35, a model prisoner, seeing the possibility of his early burglary parole wane, would admit to nothing.

He refused to talk to police, but Mike Gonzalez and Louise Vasquez went to the prison hoping for an interview with the man they had sought for so long. It was nearly nine years after their open letter to the Gentle Rapist won national attention.

Meeting the phantom

When he heard their names, the man who had haunted them for a decade agreed to see them.

Face to face, at last. "It was very dramatic," Mike said. "All those years . . . it was like dealing with a phantom."

Many of their theories seemed accurate. "He looked like I thought he was going to look, and he acted like I thought he would," Mike said. "He came from the kind of background I expected. And I expected he would be involved in all that police gear. I just didn't expect he would also be a jewel thief."

John Arthur MacLean, known to police as the Superthief, the Gentle Rapist, the Cape, the Bicycle Rapist and the Coconut Grove Rapist, was cordial, but he never admitted a thing. He has never been charged with a rape. He will be released soon.

You would think that a man who wears a flower-embroidered rape kit strapped around his waist and a leopard-skin cape would not be difficult to locate. But he was.

that the rapist was home-grown. He slipped so easily in and out of their neighborhoods, always choosing a house where a young girl was alone. He seemed to know his way around — everywhere.

Vigilantes organize

Because he spoke courteously to his victims, he became known as the Gentle Rapist. When police reluctantly admitted that the same man was responsible for about 35 rapes and that they had no idea how to stop him, Roxcy Bolton [a South Florida feminist] called a group of women to her home. They would organize the Vigilantes, a massive, countywide neighborhood watch to fight the rapist and combat crime by becoming the eyes and ears of the community. The aim was to make people more aware and to alert them to everyday crime in their neighborhoods. Roxcy turned her brainchild over to Betty Ann Good, one of the women at that first meeting. She took it from there and sought a liaison with police. They were wary, but hopeful. The very word vigilante made them extremely queasy. At their suggestion, the name of the organization was changed to Citizens' Crime Watch.

It grew, was successful, and is now more than a million strong. There is no accurate accounting

squad detective, had given up on Miami and police work after the 1980 riots. Now he operated a little country store in North Carolina, and there he sat one day, idly thumbing through his wife's *Cosmo*. He paused at an article about a criminal they called the Superthief. In prison, serving a 15-year term for burglary, robbery and grand theft, he bragged that he had grossed \$133 million in 2,000 burglaries. He was shooting for early parole, another convict eager to launch a nationwide speaking tour to tell people how to protect themselves from thieves like him.

The former detective began to read the story, then suddenly snatched up a pen and began to underline passages. Similarities between the Superthief and the Gentle Rapist leaped out at him from the slick pages. Superthief used police scanners to monitor patrols; so did the rapist. Superthief came to Florida in 1969, shortly before the costumed rapist's first appearance. Superthief was a locksmith and an electronics expert; locked doors had never stopped the rapist, who always knew which telephone line to snip.

Superthief owned a helicopter, two small planes, a van, cars and motorcycles. The rapist's mobility had always confused police. Superthief emphasized his nonviolence; the Gentle Rapist comforted

Results of research conducted by Michigan State Police:

Indecent Exposers:

These are males who sexually expose themselves inappropriately for purposes of sexual gratification. The exposing is an end in itself. Exposers show a high rate of recidivism (16% have had 7 or more convictions and only 13% had no conviction). The average age is 23-30 years, and 30% are married. The majority of victims are around 16 yrs. The exposer is likely to be detected (1/3 are apprehended), primarily because the offense occurs in public and little effort is made to get away. The exposer too is likely to admit the offense, 2/3 at the time of arrest and 70% at arraignment. Exposers begin young, 1/8 before 10 years of age and 40% before 15 yrs. Exposers often show expressions of hostility, which may explain a desire to shock and frighten. The recidivist needs shock, and more and more victims before he is able to have an erection and gratification. 20% are drunk, and 12% are mentally deficient, who believe women are sexually attracted to an unfamiliar penis (so this is a form of soliciting). Many expose to confirm their masculinity (hence some have homosexual tendencies). They seldom deteriorate to other crimes. The majority expose not far from home and prefer areas where young children congregate. It is wise for squads to circle the area before answering a call on exposing, because the exposer frequently runs a short distance and masturbates.

Child Molesters:

(Pedophilia) The child molester is the adult male who has sexual contact without force (forcible not included here) with children under 12 years, not their daughter (incest also excluded). Most victims are pre-puberty, so the initial difference with this molester is his willingness to accept a sexual partner that does not have the commonly attractive characteristics. The average age of the first conviction is 27 yrs. Contrary to public opinion, affection does not exist between the molester and child, and the molester is typically promiscuous, not maintaining contact with only one and with the same child. The major characteristic of this molester is sexual deprivation. He is often retarded at the level of childhood sex play. The molester often lacks a conscience and feels the laws should not and do not apply to him. The majority of child molesters are known to the victims. Only 5% injure their victims, and these are very vicious.

Voyeurism:

These are adult males who for their own satisfaction look in to places reserved for women for purposes of sexual gratification. The difference between them and the average male is their willingness to assume risks for stimuli. Studies on "peepers" are complicated because they can be confused between burglars and between amateur voyeurs, the man who walks down the street and conveniently glances in a obvious window. Peepers tend to be supreme optimists, undaunted by failure. They will search for hours without seeing much of anything. They have their preferences, and the ideal is to witness sexual activity. As a fisherman waits for hours for a catch, so too will peepers for a peep! Peepers are almost always alone. They are notwilling to share the risk and another's presence inhibits their sexual response. Peepers seldom observe someone they know well. This isn't a precaution but just novelty. The most common other offense committed by peepers is exhibitionism. They seldom violent or felony sex crimes. Some may have been rapists picked up early. The compulsive peeper is highly repetitive. 30% have 4-6 convictions and 20% have more than 7. Peeping is chiefly a young man's occupation. The average age is 24 yrs. They generally have good mental health and no alcohol and narcotic problem. 1/3 are psycho-sexually undeveloped; they have less sex, are shy, and feel inferior. 2/5 have had no girlfriends and tend to avoid girls. Few have had intercourse, and many are strongly homosexual. 2/3 will admit the offense, 73% at arraignment.

Excitement from no one seeing him.
Never make it as a peeper if you don't quit yelling,
"Oh Boy, what an ass!"

(over)

Interesting facts from research to assist apprehension:

1. 9 out of 10 offenders who commit anal sodomy served time in prison, which intensified their habit.
2. Where a victim has been raped, murdered, and left outside, the killers have returned to the exact area within 16 hours (stake out!).
3. On cases where fetishes are involved, check with suspect's wife. The wife has often missed underwear, etc.
4. The highest time of incidence of rape was 10:30 P.M., and the majority of victims were leaving shopping centers or bars.

Ramsey County participates in large study of child sexual abuse victims

Ramsey County has been selected as one of four counties nationwide to participate in an ambitious project studying the criminal prosecution of child sexual abuse cases. This project attempts to address the question, "How can prosecutors most effectively prosecute child sexual abuse cases without imposing additional trauma on children?" The study examines the impact of prosecution on the child victims, documents the implementation of new procedures designed to lessen victim trauma, and attempts to assess the effects of these changes.

As one of the largest studies to date of child victims of sexual abuse, this project is attempting to examine a total of 800 cases from four different locations. The legal jurisdictions chosen to participate in this study are: Erie County (Buffalo), New York; Polk County (Des Moines), Iowa; San Diego County, California; and Ramsey County, Minnesota. Comparisons will be made between cases that were prosecuted and cases that were substantiated but not prosecuted. It is expected that the geographic range and sample size of this study will yield findings that can be generalized broadly.

STUDY DESIGN

The study consists of three phases: gathering baseline data on child sexual abuse cases that were substantiated and referred for prosecution in 1986; selecting and implementing procedural changes intended to lessen victim trauma; and collecting data on child sexual abuse cases referred for prosecution in 1988-89.

For phase one, a total of up to 100 substantiated sexual abuse cases have been drawn from 1986 records at each of the

four jurisdictions, half prosecuted cases, and half referred for prosecution but not accepted. Data collection for these cases consists of a retrospective review of case records.

In phase two, a local Program Team for each jurisdiction has selected procedural changes that are being implemented. In Ramsey County, the Program Team consists of the Ramsey County Council on Abuse, the Ramsey County Child Abuse Team, and other representatives from agencies dealing with child abuse cases. The implementation is necessarily a fluid process, involving changes in the delivery of services by the complex systems of law enforcement, child protection and the courts. Such implementation is not a one-time event but an ongoing modification in an agreed-upon direction.

In Ramsey County, several changes have been implemented and others remain under consideration:

1. Expansion of the Juvenile and Family Violence Division of the Ramsey County Attorney's Office to handle extrafamilial as well as intrafamilial child abuse cases. Development of procedures for consistent case handling and coordination. Routine letter to victim (or parents) when prosecution is declined.
2. Expansion of the Victim Witness Assistance Program within the Ramsey County Attorney's Office.
3. Discussions by the eight police departments within Ramsey County to identify concerns, clarify their practices, and develop greater consistency of procedures where possible.
4. Modification of internal policies of Ramsey County Community Human Services to mandate greater use of the Child Abuse Team. Consideration of

THE CHILD VICTIM AS WITNESS PROJECT is a three year research and demonstration project, underway since September 1987. It is a collaborative project involving Education Development Center, Inc., of Newton, Massachusetts; the University of North Carolina; and the American Prosecutors Research Institute, through its National Center for Prosecution of Child Abuse. The Project is funded by the Office of Juvenile Justice and Delinquency Prevention, United States Department of Justice. For more information, contact Deborah Whitcomb, Education Development Center, Inc., 55 Chapel Street, Newton, Massachusetts, 02160.

Continued page 6

Studies examine jurors knowledge and judgments

What does the typical juror know and believe about child sexual abuse? How do jurors reach their decisions in these cases? For child abuse cases that go to jury trial, effective prosecution ultimately rests on jurors' perceptions and judgments of the child victim's testimony.

Information from actual jurors is being sought by the Children as Witnesses in Cases of Child Sexual Abuse project (see page 2). However, researchers with that project have found jurors to be quite reluctant to agree to interviews or complete questionnaires after jury duty on child sexual abuse cases. Thus, Dr. Eugene Borgida, of the University of Minnesota's Department of Psychology, has been asked to do the next best thing: to study the knowledge, beliefs and decision making of hypothetical jurors concerning child sexual abuse cases. These studies are under subcontract to the larger Children As Witnesses project.

What is common understanding?

The first study explores the content and accuracy of expert and lay knowledge and beliefs about child sexual abuse. Expert testimony, to be admissible in court, must relate to matters "beyond the common understanding" of the average juror. Controversy exists regarding the use of expert testimony in child sexual abuse cases, i.e. whether there is an adequate data base to support such testimony, and whether the information presented is beyond the knowledge of the typical juror. Borgida points out that there is a "vacuum" of empirical data about common understanding in most areas of child sexual abuse. Consequently legal judgments regarding admissibility of expert testimony are made largely on the basis of suppositions.

Survey methods

Dr. Borgida is using survey methods to develop empirical data about the common understanding of child sexual abuse. A 35-item questionnaire has been administered to three samples: a group of University of Minnesota students (N = 512); a random sample of the membership of the Society for Traumatic Stress Studies

There is a "vacuum" of empirical data about common understanding in most areas of child sexual abuse. Consequently legal judgments regarding admissibility of expert testimony are made largely on the basis of suppositions.

(N = 340); and, using a shortened 17-item version of the questionnaire, a random sample of Twin Cities Metropolitan residents identified by random digit dialing techniques and interviewed by telephone (N = 402).

The survey responses are being analyzed at the present time. For purposes of initial comparisons, an expert subsample (N = 95) has been selected from the random sample of members of the Society for Traumatic Stress Studies. Forty-eight of these respondents had testified in court as an expert regarding child sexual abuse.

Preliminary findings

Preliminary findings suggest that, when comparing answers of the expert subsample and those of the random sample of Twin Cities residents, there are significant differences in responses to 15 out of 17 items. It is interesting to note that for 8 items, the experts' answers are seen as significantly more supportive of the credibility of children's testimony, and for another 7 of the items, the experts' answers are seen as significantly less supportive of the children's credibility as witnesses. Dr. Borgida understands this to reflect the fact that the expert group is not composed of "partisan" child advocates on all questions.

Borgida goes on to say that while the findings indicate the degree of attitudinal consensus between these experts and non-experts, these data alone do not address the accuracy of their answers. Borgida notes that the research data base on child sexual abuse is still fairly immature. In addition, expert witnesses are usually clinicians, not researchers, and

may not be thoroughly familiar with the research data. Thus, the views of the expert witnesses may not always be consistent with research findings. An assessment of the answers from the standpoint of the current scientific data base on child sexual abuse is near completion. Additional statistical analyses will also examine whether responses form coherent clusters of beliefs, whether expert consensus varies on certain items, and other issues.

What is the decision-making process of jurors?

A second set of studies, the Jury Simulation Studies, attempts to examine the decision-making process of hypothetical jurors in greater detail. Professor Borgida and colleagues at the University of Minnesota, in collaboration with the Illusion Theatre Company of Minneapolis, Minnesota, have edited an appellate transcript of a child sexual abuse case. Numerous variations of a simulated trial, based on this case, were professionally videotaped using actors and actresses. The ten hours of videotape are currently being edited for use in several experimental jury simulation studies by Borgida.

These mock trial studies will be conducted during 1988-89 academic year. Variables pertaining to the evidence to be examined will include whether or not expert psychological testimony was used, and the type of expert testimony. Victim-related variables will include age and degree of preparation of the victim for trial. Defendant-related variables will include socioeconomic status and presence or absence of character witnesses. Several different measures of jury process and outcome will be used to determine the effect of the variables on juror and jury decision-making process.

When completed, the survey and the jury simulation studies should yield useful information about the knowledge and beliefs of some experts and non-experts regarding child sexual abuse, as well as provide insights into the impact of selected factors on perceptions and decisions of typical jurors. Such information will be directly relevant to the larger issues of effective and non-traumatic management of child sexual abuse cases. ■

the establishment of liaison staff to police departments and hospitals.

5. Implementation of several procedural changes by the Child Abuse Team to increase responsiveness and accessibility to child protection staff and other professionals.
6. Discussions concerning procedures and policies for the videotaping and audiotaping of interviews.

The third phase of the study, just now underway, involves data collection on a sample of up to 100 cases per site referred for prosecution in 1988-89. Again, half of the sample will be cases accepted for prosecution, the other half declined. Identical information will be gathered as on the 1986 cases with one addition: there will also be a psychological assessment of the 1988-89 child victims conducted by the local research staff hired by the Project. Each child victim from this sample will be interviewed and tested two times: first at the time the report of abuse is substantiated, and again nine months later.

RESULTS

The Research Team anticipates project completion by 1990, with a range of writ-

ten reports developed for various audiences. The study will be able to describe the child victims, their experiences and the overall impact of these experiences. General comparisons will be possible between the psychological status of children whose cases have been prosecuted and those where prosecution was not attempted.

It is far less clear what conclusions can be drawn about the impact of specific procedures. Implementation of some of the changes will inevitably occur in a piece-meal fashion. Moreover, as noted by Anne Hyland, Chief of the Juvenile and Family Violence Division, Ramsey County Attorney's Office and local Program Team member, the innovations cannot be meaningfully isolated from their larger contexts in the widely varied jurisdictions. There are many variables that can not be controlled or clearly separated out, (e.g., the age of the victim, nature and severity of the abuse, the degree of supportiveness of the home environment, etc.). Nevertheless, the Child Victim as Witnesses Project promises to yield valuable information about the impact of prosecution on child victims and about ways to provide

greater support for the children in criminal court proceedings. ■

Looking Ahead is a newsletter of the Family Sexual Abuse Project (FSAP) of The Saint Paul Foundation. The purpose of FSAP is to support new evaluation and research projects that will advance the state of knowledge regarding intervention and treatment with families who have experienced sexual abuse, and to document and disseminate findings to a wide range of professionals and policy makers.

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This newsletter is written by Gretchen Shafer. Its editorial board consists of members of the FSAP Advisory Committee. The FSAP Project Manager is Marg Bringewatt.



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Forum held on child sexual abuse among people of color

A Special Forum on the Sexual Abuse of Children and Adolescents in Communities of Color was held on September 13, 1988, at St. Andrew's Episcopal Church, Minneapolis, Minnesota. The forum was sponsored by Project Impact and the Minnesota Department of Human Services in cooperation with representatives of the Black, Hispanic, American Indian and Southeast Asian communities.

Ninety-seven people attended a "Special Forum on the Sexual Abuse of Children and Adolescents in Communities of Color," a day-long conference exploring the special challenges facing minorities in addressing sexual abuse within their communities. The conference was designed as a means for the communities of color to meet together and to draw on each other's strengths, experiences and expertise in addressing this issue. The goals of the special forum were:

- to increase awareness and sensitivity to cultural issues in addressing the sexual abuse of children and adolescents in communities of color,
- to further define issues facing communities of color regarding sexual abuse, and
- to identify strategies for improving the interaction of the criminal justice system with communities of color about this problem.

Alice Lynch, Executive Director of BIHA, Women in Action (a nonprofit organization providing statewide networking, information and referral, and education about family violence for communities of color) played a central role in the development of the forum, along with Bob Ryan of Project Impact.

Major service issues

In a recent interview, Lynch reviewed a number of issues discussed at the forum. First, sexual abuse is a problem not easily talked about in communities of color, she said, although it is tacitly acknowledged to occur. Second, people of color are often reluctant to seek services for abuse problems because the agencies involved are often mistrusted within the minority communities. Third, Lynch spoke of the lack of community-based and culturally sensitive services for sexual abuse.

Another issue addressed by conference participants was that inappropriate decisions sometimes are made in screening cases, stemming from inadequate knowledge and sensitivity to cultural differences (e.g. slang, communication barriers, familial bonds among extended families, differing values on marriage and virginity, etc.). Related to this, the conference discussed the issues of recruitment and support of people of color in sensitive positions within the service systems.

Lack of data problematic

A central issue highlighted by the forum, according to Lynch, was the lack of accurate and consistent data regarding race and ethnic groups. Some agencies do not keep any record of race or ethnicity, while others use unreliable indicators such as the nationality of surnames, or physical appearance. Thus, there is no way to know how many people of color are identified as victims or abusers, or to evaluate services rendered to people of color. Lynch emphasized how this lack of data severely hampers community efforts to deal with the problem. Without the data, the communities of color are unable to justify to potential funders the need for community-based services.

Follow-up activities

The participants were asked to develop strategies and a beginning action plan for each issue discussed. For example, one action plan includes efforts to educate minority community leaders about this issue and then to develop a culturally diverse speakers bureau and media campaign, with the recognized community leaders as spokespeople.

Conference proceedings are being compiled by Project Impact and will be available by December 1988. Project Impact also plans to present this information to policymakers statewide. For more information regarding the conference proceedings contact Project Impact at (612) 223-5305, or 800-247-1448. ■

This newsletter is a publication of the Family Sexual Abuse Project of The Saint Paul Foundation. Its purpose is to report on advancements in intervention and treatment with families who have experienced sexual abuse. Its particular focus will be on new knowledge, evaluation and research approaches and findings. From time to time it will cover controversies in the field, and proposed legislation. It will also feature the organizations which have received grants to conduct research or evaluation under the FSAP grant making program.

This newsletter is being sent to practitioners, researchers, policy makers, and a wide variety of educational, medical, legal and other professionals statewide. Information on recent research or innovative intervention in family sexual abuse, comments, questions, or additions to the mailing list are welcome. Please contact The Saint Paul Foundation, 1120 Norwest Center, St. Paul, MN 55101, or call (612) 224-5463.

"You are the most important person in their life right then. Act like it."

INVESTIGATION OF SEX CRIMES by C. Bailey

There is one advantage in investigating and prosecuting the sex crime. Depending on the specific nature of the sex crime, the evidence available in other types of offenses may apply in addition to the evidence peculiar only to the sex crime. For example, if a rapist burglarizes a home to gain entrance to commit a rape, you will have all the rules of evidence in a burglary also, such as tools, damaged locks, and so forth. In the case of multiple offenses, rape takes priority over all other offenses except murder, unless the rape occurred out of your jurisdiction and there is an offense within your jurisdiction, such as kidnapping, in which case the offense should be classified as kidnapping instead of O.O.C. rape.

I. Classification of Offenses

First, of course, it's necessary to determine what crime took place so you know what investigation must be initiated and what evidence might be available. This is basic and sounds simple, but our sex crimes are probably more erroneously classified than any other type of crime, either because the officer does not get the correct or complete information from the victim or he does not understand the classification of the crime. A common mistake is that the investigating officer never actually ask what crime did occur. They merely assume what the offense was. Some reports are excellent detailed accounts, but the officers have not included the actual offense itself. There is a great deal of confusion, even among our review officers, between Molesting and Indecent Liberties classifications, and this difference is significant because it affects the rules of arrest, since molesting is considered a misdemeanor and indecent liberties a felony. As practical interpreted by our County Attorney, Indecent Liberties entails sexually molesting under the clothing, specifically the underpants, in contrast to Molesting, which we use as a "catch-all" for offenses consisting of molesting or attempting to molest the victim over the clothing. Legally there is no such crime as molesting. The suspect usually goes to court for disorderly or lewd conduct. Another common error which we frequently see is classifying an offense as Incest when the suspect is actually the step-father rather than the natural father of the victim. Kidnapping is frequently an offense associated with sex crimes and about which there is alot of confusion (explain law and give examples).

CSC
border
definition

II. Location of Offense

In addition to determining what crime occurred, it's essential to determine where the actual crime took place. The officers receiving the original call on sex crimes are frequently not sent to the actual scene of the offense because the victim often has escaped from or been moved by the suspect and sought help in a gas station, a nearby house, at a friend's or has returned home.

It is not always easy to determine where the sex crime did occur since the victim may have been taken to an unfamiliar area or not have been allowed to observe where she was going. She may have only a vague description of the place of offense. The first officers on the scene may have an advantage in locating this area since less time has elapsed from the offense, the physical conditions may still be the same, and it may have occurred in their district where they are more familiar than others might be. Victims, their friends and relatives find it difficult to accept the

fact that no prosecution is possible if the scene of the crime cannot be established. It is also necessary for prosecution purposes to determine the time of offense, which can particularly be a problem in some child molesting and incest cases.

The officers on the original call should be alert to the possibility that the offense may not actually have occurred within their jurisdiction, since it is more difficult to screen the sex crime for proper jurisdiction before dispatching the call than it is for example a burglary complaint with a specific address. If the offense has occurred outside ^{our} jurisdiction, our officers have the dispatcher notify the appropriate police agency. An Out of City offense report is made, and a copy of this report is forwarded later to the department conducting the investigation. The various police departments and sheriff's offices have been very cooperative in this arrangement. If there is a lesser offense which has occurred within our city, the classification should include this rather than the O.O.C., and a copy of the lesser offense report is sent to the department conducting the primary investigation.

✓ III. Preserve the Crime Scene

If the scene of the offense has evidence which supports the commission of the crime, such as signs of a struggle or contains specific items of evidence, or if the setting is somewhat unusual and may be clarified through pictures, the scene should be photographed before it is disturbed in any way. ^{EXEMPLIFY!!} No one should be allowed to disturb the area if it is to be photographed or processed by you or the Crime Lab. This is not always possible, such as in the case of homicides where the victim is still alive when the squad arrives and must be transported immediately to the hospital. Many blunders occur in murder cases, where everyone descends on the scene like a herd of buffalos. Ex. paper placed under gun. Sex crime scenes commonly photographed and processed include bedrooms, parks, mud, trampled grassy areas, and cars (both interiors and exteriors). It is important that you have a thorough knowledge of the offense so that you do not unwittingly destroy evidence, which has happened with even the best intentions. Be alert to any changes which might have occurred at the scene during the offense. A good example of this is the series of rape offenses which we had that occurred in the victims' homes at night, in which the suspect unscrewed the lightbulbs to avoid being seen. Although the suspect did not wear gloves, the possibility of obtaining finger-prints on the bulbs has been overlooked by the officers at the scene in all instances. In some cases the victims themselves were not yet aware that the bulbs had been unscrewed. If weather conditions may have altered the scene, it is important to note this in the report, and if possible take precautions to further prevent this (such as covering available prints when it's snowing).

Evidence at the scene also includes anything left by the victim or the suspect at the scene or taken from the scene, to support the presence of either at this location. Don't overlook beer cans, cigarette stubs, matches, wrappers that may have been left behind. If the attack occurred outdoors, check the victim's and the suspect's body and clothing, the car, and later areas traveled for possible specimens which may have been carried accidentally from the scene, such as leaves, clay and burrs. If this is located or could be found later on the clothing, etc. by the Crime Lab, obtain a sample specimen at the scene for comparison. Ex. Tamara Jordan. Always keep a broad mind for possible evidence which may not be apparent because of information not then available. In one case, for example, we found evidence of cutting oil at the scene which later tied in with the suspect's occupation.

Any physical evidence which supports a struggle should be retained, if possible, or photographed, such as broken furniture, blood on the walls, etc. Unless the victim is under 18⁰ years of age, it is essential that we show the degree of resistance on all aggressive sex crimes, specifically physical force which overcomes the victim's resistance or fear of great bodily harm by the victim must be proven. ^{lack of consent}

IV. Preserving the Evidence

1. Injuries

The best physical evidence of a struggle are injuries to either or both the victim and the suspect as a result of the offense. Unless the victim is admitted to the hospital or unless there is a lot of blood involved which may be washed off, photographs of injuries are effectively taken in the Ident. Div. at the station. Bruises and black eyes often darken in the hours after they are inflicted and may be more noticeable the next day. However, some injuries disappear quickly (such as strangulation marks), and this evidence can be lost if the officer on the original call does not obtain the photographs, particularly with the offenses occurring on a Friday night where the Detective Division may not follow up the investigation until three days later on Monday. If the suspect is arrested at the time, draw attention to any injuries he may have, such as bites and scratches, so that they may be photographed when he is mugged. If the suspect does have injuries, get the victim's description of them and how they were inflicted independent of her seeing the suspect to substantiate her story.

Don't underestimate the possibility of obtaining a good photograph. These photographs involve an attempted rape, in which Richard Bruestle grabbed the victim off University Avenue. When the victim screamed, he put his hand down her throat, causing bloodied bruises in her throat. When I took the victim in to the Ident. Lab, I was really doubtful that acceptable photographs could be obtained of the injury, but I think this is an excellent photograph and would have been even more effective with our new color. (Next photo . .) When the suspect put his hand in victim's mouth, she did what every red-blooded American girl should do, she bit him! The suspect of course realized that the bite mark would be very incriminating evidence against him, so he resisted the photograph, making it necessary for several police officers to restrain him, resulting in this piece of "police brutality". Because the photo did look so brutal, we persuaded Bruestle the following day to cooperate in retaking the photo, resulting in this picture. What's wrong with this photo (no close-up)? Since you are all experience photographer, you might have noted that these two photos are actually poor pictures of the bite itself and an additional close-up photo of the injury might have been more effective. Also, since this time some very effective work has been done in comparisons of bite imprints with known teeth impressions. It is interesting to note that of the two pictures of the suspect, the one in which the suspect is being restrained was the photo that was actually used in the court trial, -- and the suspect was convicted by a jury. However, this occurred during the Christmas holidays and the judge decided to continue the suspect on bond pending sentencing, and during this period of time, the suspect raped an eleven year old babysitter, who bit him on the other wrist!

It is a good idea to describe the victim's condition when first seen by the officers after the offense, particularly if the victim has evidence of struggle marks which cannot be photographed or disappear quickly, such as a red face immediately after strangulation.

2. Breathalyzer

If the victim or suspect is drunk or where there might be some question raised later about the amount that either had drunk (which may be the suspect' defense in a trial), a breathalyzer examination of both should be given. In many cases the victim is overlooked. Explain to the victim the purpose in the test so that she does not misinterpret that she is the suspect in the case. If the victim has been drinking,

HANDLE VERY CAREFULLY

not a defense but is considered when intent is an issue

determine what she drank, how much and how she obtained the liquor. (Site previous lat) As ^{some} ~~most~~ of you ^{maybe} ~~are~~ aware, it is not uncommon for a rape to originate from a bar.

3. Sperm

Of greatest evidenciary value in a sex crime is the presence of sperm, which can be analyzed by our Crime Lab on all surfaces. The value of this evidence lies in the fact that this kind of evidence cannot be manufactured or explained in any other way! Do not underestimate the possibility of this type of evidence existing in any type of sex crime. For example, in one indecent exposure case occurring on the sidewalk, we found sperm on a girl's tennis shoes. Always determine from the victim exactly where the sperm may have gone (Ex. rubbed on shoulder of blouse put on inside out). Kleenex used for wiping should be retained. Car seats, bedding, anything which may have come in contact with sperm should be located and preserved. In one case, the victim said the suspect wiped sperm on a towel, and, armed with a search warrant, we went to the suspect's apartment to recover the towel. However, we found dozens of used towels, and all of them were found to contain sperm! Seminal fluid without sperm from sterilized males can also be analyzed.

A. Clothing

Of course, the most obvious possible contact with sperm is the victim's clothing. When available, always get the victim's underclothes and any other clothing which might contain sperm, blood, or is torn and damaged in any way from a struggle or has other evidence. Any clothing items found at or en route to the scene, which would tend to substantiate the victim's story, should be retained. If the victim has her menstrual period at the time of the offense, which is not uncommon, be sure to preserve the sanitary napkins or tampax. Very often this evidence is lost when the victim or nurse disposes of it at the hospital.

There are unique problems in obtaining and retaining the evidence in a sex case. The chain of evidence poses special problems too since you are not likely to remove the victim's underclothing yourself or even be present at the time. Note who gives you the clothing, whether it is the victim herself, a relative or a nurse. If it is impossible for you to obtain the clothing, for example under circumstances where the victim would have to walk around with nothing on (good idea for hospital to keep extra supply of clothing available), be sure to tell the victim or her family not to wash or throw away any of these items. You might advise them to bring them to the station when they come in. Even if the victim has already washed the clothing, get it because this does not eliminate the possibility of evidence still being present. The Crime Lab has even identified sperm on a pair of panties which soaked all night in Hi-lex.

In quick review, when you have recovered clothing, mark and tag each item of clothing before placing them in separate evidence bags, avoiding contact between them. Develop the habit of marking items in the same place to facilitate locating the markings in court. Handle wet clothing in the same manner as you would clothing with wet blood on it. Do not rub the clothing together or in any way change the original condition of the clothing. Do not stuff clothing tightly in to a small bag or box. Don't cut through entry points, such as through bullet holes, on clothing. Be sure to note the disposition of the evidence on your report (and complete a property form).

4. Medical Examination

In all cases of rape, sexual intercourse with child, and incest, and in many cases of attempted rape, sodomy, and indecent liberties, get a medical examination of the victim. This is undoubtedly one of the most important real evidence in such crimes. If you have any doubt whatsoever about obtaining one, get it! Even if the victim has her menstrual period, this will not eliminate sperm, although a fresh laceration is difficult to

identify during this time.

It is most advisable that the victim be examined at S.P.R.H. because of the facility in obtaining the exact information necessary as well as a medical report at the earliest possible time. The doctors there are familiar with the purposes of these examinations and are aware of the possibility that they may be called to testify in court. Specific procedures are set up for the careful and sensitive handling of the victim of a sexual assault.

If the victim insists on being examined by a private physician, ask her to notify her doctor of her consent for the release of information and request that he send us a report as soon as possible. In these cases, impress on the victim the urgency in getting the examination. Since sperm can be located and identified generally within a 24 hour period after the offense, it is imperative that we do not lose this form of evidence because of confusion during this period of time. Without the medical examination, a rape complaint will not be prosecuted (even if there will not be fresh evidence available from the exam). Explain this to the victim if she is reluctant.

It is also important that the victim have a medical examination for her own protection. If the victim is reluctant to have an exam, explain that the examination will determine if she has contracted a venereal infection as a result of the contact. Usually even the most reluctant victim will cooperate if she realized this. The doctor will not give the victim his findings at the time of the exam, but we do inform them later of the results. If the victim should still refuse an examination, it is important to indicate this in the report with the reason given for her refusal.

Acquaint yourself with the medical procedures so that she can explain, reassure, and answer questions which the victim might ask about the exam. If she is given the "morning after" medication, it might be reemphasized that she should not discontinue taking these pills before five days even if she becomes nauseated, because it is not effective in preventing pregnancy unless taken for the full time period and if a delivery of a female child should result, the possibility that cervical cancer will be present is about 60%.

If the victim is under 18 years of age, it's a good idea to have the parents accompany the child for the examination or sign medical consent forms. However, if the parents are not available, the child can still be examined. On occasion, you can run in to difficulty here. Do not accept the intern's refusal to examine the child without the parents' consent. It has happened that an intern has been instructed about procedures in obtaining parental consent in examining juveniles and is not aware of the official hospital policy at S.P.R.H. There is no such law which requires parental consent or notification of medical examinations of minors.

The Ramsey County Welfare Dept. will pay for bills for examinations of rape victims who are Ramsey County residents providing the victim makes a report to the police. Even if the victim has hospitalization insurance which will cover expenses, she often does not want her employer to be informed of the purpose of the examination, which might result through group health insurance forms. The victim can make application to the Minnesota Victim's Reparation Act, but at the present time the amount is \$100 deductible.

V. Example - or - Search Warrants

A 24 year old woman was sleeping alone in her locked apartment located near University and Cromwell Avenues, when she was awakened by a man kneeling over her covering his face with a towel. In almost total darkness, he tied the victim spread-eagle to the bedposts with rope and clothing, held a knife at her throat, raped her, and then disappeared. When the victim worked loose, she called the police. From this sketchy information, what might be areas to check and process for evidence?
Photographs, source of entry (broken locks), nightgown, bed sheet & covers, rope and source of rope, finger prints, witnesses in building, time of arrival, camera disturbed.

VI. QUESTIONING THE VICTIM

- See material on "Obtaining Statements"

When you are sent on a call regarding a sex complaint, you face a unique problem in questioning your victim that is not common in other type of complaints. Insurance may cover theft, burglary or malicious destruction of property, but it's no compensation for physical and emotional injuries. There is no crime, other than Perhaps murder, where there is more emotional involvement than the sex crime, and there is no crime where there is greater interest in apprehending the offender. You get angry when someone invades your home and steals something that belongs to you, you get madder when they invade your person and hit you on the head, but there is no invasion more complete than those who intrude on the intimate sexual portions of the body. The victims of sexual assault can be expected to feel furious, frightened, suspicious, vindictive, helpless, and coupled with all the "hang-ups" we learn about sex, probably embarrassed, "dirty", humiliated, guilty, and many other strong and possibly conflicting emotions.

You will find that some of the victims of sex crimes will be hysterical, but if the victim is not hysterical, her mother - or her room mate - or the neighbor will be hysterical. Approach the victim slowly, patiently, and calmly, and you may find you have this same effect on others. Similarly, if you feel embarrassed, they will sense this and they will feel embarrassed. If you are informal and natural, the victim will be more likely to be at ease. Not all victims are Mary Poppins, but even the drunk victim will respond to a gesture of sympathy or an indication that you understand what she or he has been through. The big, burly, uniformed policeman may be the first person the victim has had a chance to react to since she has been forcibly attacked against her will. She may feel so angry at her attacker, who isn't there, that she begins to take it out on the policeman, but if he makes a simple comment, such as "I'm sorry this happened to you" or "You've really been through alot tonight. We'll try to make this as easy as possible for you." the victim will "melt". It doesn't take much under these conditions.

The victim should be seen privately. It should be a comfortable setting without distractions, if possible. If there is someone present who quite obviously is so emotional that he is disturbing and interfering with the questioning of the victim, see what you can do to separate them. This may apply when questioning teen-agers, who are often embarrassed to discuss sex in front of their parents. The presence of another person might also cause the victim to omit information or alter facts. This especially applies to husbands.

Most police officers are expected to be competent, so people will listen and follow directions. Take advantage of the public confidence that comes with your "authority". (This theory is implemented in questioning a suspect. Since many people assume the police know "everything", the suspect may easily be led to believe that you know more than you actually do.) 70% of what a doctor cures is likely Psychological in origin. When people are in trouble, they turn to police in all sorts of difficulty. (Ex. "It's best to get it out of your system and talk about it", "Now I want you to do a job for us", "We know that this is painful for the family too")

The police officer who sees the victim as soon as possible after the offense while her defenses are low has an advantage because she is more likely to be open and talk more readily. Allow the victim to give her account without interrupting if she talks spontaneously. Be patient and allow the victim to give information willingly and naturally. Avoid any suggestion of force (Ex. "Nothing will be done that you don't want to do"). Encourage the victim to talk, but be careful not to suggest things. Use a gentle approach. If approached quietly, the victim will be less disturbed and will show less effects from the offense later, even when it

may become necessary for her to testify in court.

Reassuring the victim doesn't take any more time and could save you time. It can make your job alot easier and is certainly helpful for the victim.

Let her know that our major function is to help and protect her. Because questioning can be routine, the officer should be careful not to create the feeling that he is not concerned (Ex. "Stick to the facts, ma'm").

Some very upset victims find some comfort in knowing that their experience is not unique, not that this is not just as difficult for them, but that it has actually happened to others who have "survived". This is especially true in cases where the victim believes a rapist or lewd phone caller has specifically selected them for a particular reason and may come back. Don't be flippant or in anyway mock the victim.

Each victim of course is different and must be handled differently. In one case, a 13 year old girl was so hysterical I couldn't get her head out of her mother's lap by any amount of reassurance or sympathy, until I had to get very firm with her, then she sat straight up.

It's wise to explain the reason for asking certain questions to avoid misunderstanding or confusion (Ex. bruises). Explain the procedures in handling the case so that she will know what to expect. Much of the fear in calling the police in such cases is because the victim has no idea what is going to happen when she calls. If she seems particularly concerned about court, you are in a position to clarify a few details and "de-mystify court".

There are many community resources which can aid victims (some more in one city than another). Use them. Refer the victim to these organizations. Ex. Family Nursing Service, Mental Health Center, Women's Advocates, etc. However, you must respect her confidence and cannot give her name out to any group or individual without her permission.

Describe the victim's emotional and mental condition as well as her physical condition in your report. The officer at the scene sees the victim at a critical time, and the description then may be important in the later investigation as well as to the prosecutor who wants this information when charging and prosecuting the case. Don't judge her, or her behavior. This is not our job. Our job is to obtain complete and accurate information and to take care of the victim as a citizen and taxpayer.

VII. Questioning Young Children - *See "Interview" material*

There are many sex offenses committed against young children, some that have not learned to talk yet. In one case a suspect was apprehended sitting and holding a two year old girl between his legs attempting to have intercourse with her. Quite obviously, you are not going to question the victim in such cases. However, where the victims can talk and can in some way understand what you are asking them, try to get what information is possible, even if you do not think this victim would be acceptable as a later witness in court. One of the criterias for competency as a witness is whether the child knows the difference between the truth and a lie, so that they qualify to take the oath. Coproboration is very important when the victim is under ten years of age (Ex. Butenhoff). Some children over the age of seven years are not considered competent, while some children younger than seven have testified.

It is a good idea before talking to the young child to first take a minute to explain to the parents why you are going to talk to the child. If the parents explain to the child that there is nothing to be afraid of and that he should answer the officer's questions, the child may be more likely to cooperate.

All the suggestions used in questioning children also apply to the questioning of adults but are of particular significance with children because of their limited intelligence. Your language should be appropriate with the victim's age,

*L.A. P.D.
research*

sex and intelligence. Avoid using words which might frighten small children, in the same manner as we avoid other trigger words. These include words such as "rape", "killer", etc. Keep your questions as short as possible and allow the witness to do the talking. It is important to get the answers from the young witness, but it is equally important that you are not telling him what happened. Wait for an answer. Some witnesses, particularly children take a little longer to answer. Questioning should be comfortable, private, and as unrushed as possible. Don't jump to conclusions as to what happened. I've been very surprised at answers many times. Don't put words in their mouths. Avoid yes and no answers. As a simple example, instead of saying, "Did he have blond hair?" ask, "What color hair did he have?" Children are very suggestible and may agree to anything you suggest. Use their own words. It's sometimes easier to check with the child or parents ahead of time to learn the child's own vocabulary for sexual organs and other pertinent words, then use them. You're going to come across many different kinds of usages. Throughout one statement, the victim and I referred to the man's "flashlight". If there is any doubt as to what a term means, clarify this, for example, by asking the child, "What else does he use his flashlight for? to which the child might answer, "To go to the bathroom". Example, "penetration. Do not ask leading questions, particularly in describing the actual offense.

VIII. Unfounded Reports

OMIT

We do receive a number of false reports, particularly pertaining to alleged sex crimes, and it can be important to be aware of this when taking the original complaint. Nationally about 18% of all rape reports were determined to be unfounded, but the basis for unfounding reports varies with each department. Some are entirely false and some reports are partially altered. Some false reports are very difficult to recognize, not only because we see some good liars but because some circumstances do not in the least appear suspicious. (Ex. 15 yr. old with nylon around throat). Do not include suspicions or opinions in original report.

You'll become acquainted with certain indications of false reports, such as a claimed loss of memory by the victim, exaggerated drama, a history of previous complaints made by the victim, contradictions, lack of cooperation, delay in reporting, and so forth. None of these in itself are sufficient to unfound a report, and often an actual offense might include any of these. One of the more common alterations is the teenager who is afraid her parents will be angry with her if she tells them she accepted a ride from a stranger so she reports she was kidnapped from the street, even though the attack did in fact take place. Such reports are particularly suspicious if the victim claims that nothing happened to her after the suspect went to all the trouble to forcibly kidnap her. Be alert to possible motives for false reports (Ex. pregnancy, Welfare payments, revenge, V.D., excuses for husbands and parents, assault or thefts during voluntary acts, desire for attention, mental illness, etc.).

Children are particularly adapt in making up false stories, especially since the parents and other adults are often so concerned about the poor victim that they don't think to challenge them. Their motives usually are fear of being reprimanded by their parents for being out late or disobeying in some other way.

It is because of the possibility of false reports that you should be careful to protect yourself from unfounded accusations. Try not to get in to embarrassing situations if you are alone with the victim (Ex. another female present when photographing). One method that has been used is calling in your time and mileage before and after driving a woman to a destination. This can be insulting to the woman.

IX. OBTAINING AN ACCOUNT OF THE OFFENSE

Your best basic rule in questioning any victim or witness in a Crime Against the Person is to obtain a step-by-step chronological account of what happened. Be accurate and complete. Details are important in reporting sex crimes, not only because a minor point may become significant but because it may help tie in various offenses which may be committed by the same suspect. Many sex criminals show a high degree of recidivism, and it is not likely that he will commit just one crime. Even small similarities in the Method of Operation, the description, and so forth may be helpful, in identifying the same suspect in several offenses.

In obtaining an account of the offense, try to picture the incident clearly. Try to get a clear picture from the remark "he grabbed me", for example. Unless you have jumped to conclusions, you can't! Grabbed from behind, in front, by the throat, arms, etc.?

See outline for specific info. in statements.

3. Frequent questions asked by the victim

It might be helpful to know a couple of the questions that are frequently asked by the victim or witnesses. Above all, they are concerned about confidentiality. You can assure them that we do not give out information at random concerning their identity or their complaint, and be very careful to avoid doing this. If the victim has some relationship to an employee of the Police or Fire Departments, obtain a "Silent Number". Such cases are not then distributed as are the other reports but are only available to those working directly on the case and the Chief of Police.

Victims often ask if this is going to get in the newspapers. Most seem to be sufficiently assured if you tell them that our papers never print the names of victims of sex offenses unless they are murdered, then of course they will not be adversely affected. They quite likely will print an account of the crime, referring only to the victim as a nineteen year old girl, for example.

Many of the victims and witnesses will ask, "Am I going to have to go to court?" This concern is understandable among sex victims since they are often embarrassed in discussing the matter with just the officer, to say nothing of a formal court setting with the suspect himself and others looking on. Most of our cases do not go to trial, but it is entirely possible and the victim must be willing to accept this possibility.

You can explain to the victims of felony complaints that we will want to get a statement from them the following day, and they can either call in or plan to be available. Many times they have been told to come in at 10:00 the next morning, and although this is convenient for us, it has led to some confusion after a busy weekend when a whole crowd shows up at one time. A statement consists of getting an account in the victim's own words, through questions and answers, that are recorded by a steno, typed, read, and signed by the victim.

III. ARREST - *See material on "Questioning the Suspect"*

You will have some calls on sex crimes during which you will have an opportunity to apprehend the suspect, question him or make an arrest. The rules of arrest apply here also, and you must give the situation careful consideration before making the arrest. When you arrive at the scene immediately after the offense, you may be in a good position to locate and identify the suspect. We have had some excellent work resulting in arrests accomplished by officers who have obtained the description of the suspect and his clothing and have combed the immediate area for him. If the victim believes the suspect to be in a specific area near by, be sure to check it out. We may not have another opportunity to get him. Be careful not to make premature arrests. We have had to release expositors and other misdemeanor offenders who have been brought in without a citizen's arrest or warrant.

If the suspect has been advised of his rights and wishes to give a statement, get a written statement from him at the time, before he changes his mind - after a night in jail, for example. Include and quote all his spontaneous and pertinent comments in your report. The suspect will usually give you one of several stories: If the victim is under 18 years of age, he either has never seen her before or he was just helping her across the street! If the victim is an adult, it's usually that the victim seduced him. Strangely enough, it is not unusual for the victim to report that the rapist indicated in various ways that he thought the victim, beat up and crying, actually enjoyed the rape! A mixture of the truth and lies is usually harder to beat than an outright denial.

In interviewing the assailant, sympathy can be an effective approach. The suspect can be treated similarly to the victim, and results are better if you tell them you understand what problems they might have.

14. B. The single, most important evidence in a rape in which the suspect was not previously known to the victim is the victim's identification of him. It is important that the value of this evidence is not reduced by carelessness or over-eagerness. The ideal identification is in a carefully arranged show-up with the suspect's lawyer present. This however is not always possible. The suspect may not voluntarily submit to the show-up and there may not be enough evidence without the victim's identification to affect an arrest. In such cases the victim can be taken to the suspect's place of employment and observe the suspect on the job or as he is leaving work along with many other employees, or similarly the suspect can be observed while at a meeting, classroom, public place or any other place where the conditions can be controlled to some extent and there are several others for a good comparison. There are occasions when we might be tempted to place a white suspect in a room full of Indians in full tribal costumes so that the victim can easily identify him, but the value of the identification is only as good as the conditions in which the victim made the identification, and good defense lawyers will prode away at every minor point of this evidence. If it looks like the victim, for example, will make her identification primarily on the glasses the suspect wore, it is wise to have all those in the show-up wear the suspect's glasses to minimize the argument that the glasses are merely a coincidence and the victim's identification means nothing more than this. Give the victim every opportunity to observe specific features which she recalls. In one of our last show-ups we had the suspect remove his shirt because the victim recalled vividly a "hairy" chest, and this confirmed the suspect's innocence because he had no hair. The suspect in custody may not legally refuse to participate in a show-up, but he has been known to physically resist, in which case other arrangements might be preferable (ex. Zaccardi).

The ^{rape} victim should not be confronted with the suspect alone by the officers immediately after the offense for an identification, for several reasons. The greatest disadvantage in this is that the victim does not select the suspect from others who similarly resemble him. The victim's mental and emotional state immediately after a crisis might also negatively affect the identification. Most victims object to having to directly confront the suspect, esp. in sex offenses, who also then observes them. There can be later repercussions on this from the victim or the family and friends. (vs. Robbery)

Sex suspect books
If photos of the suspect are available, the victim may identify and select the suspect from several similar pictures. Here again it is important that the victim is not shown the suspect's picture alone. If the victim makes an identification, mark the backs of the pictures and reserve them. Give the numbers and the names of these shown in your report. Our County Attorney is infuriated when the names of those shown in pictures are not included with the Ident. numbers. When pictures of the suspect are not available in police files, photos can often be obtained through school yearbooks, places of employment, the newspaper, organizations, ect. If no pictures are available, we use a polaroid camera in the Sex-Hom. office to obtain quick pictures if the suspect can be convinced to voluntarily submit to it. Out C.A. has told us it is not necessary to obtain the suspect's permission to take a picture if this can be done spontaneously outside the office without any force used.

C. The suspect's previous record may be significant... Rasmussen..Psychopathic Pers.

D. If the suspect is injured during the offense, obtain photos of the injuries and get a medical opinion as to redness, scratches, etc. If the victim's medical exam shows the presence of gonorrhoea, it is imperative that an exam be obtained of the suspect, and the stage of the infection determined, if possible, so that the defense does not attempt to show that the victim gave the suspect the infection, which has also happened. In the case where the victim may have been raped by several men (used to be a "gang bang", now "super train"), we can hope that it is the first man who raped her that had the gonorrhoea!

E. Secure the suspect's clothing worn at the time of offense if possible. Determine the victim's description of his clothing prior to this time to aid in the recovery and support her identification of his clothing later when it is recovered. Evidence on the suspect's clothing includes sperm, semen, blood, pubic hair, grass, leaves or other specimens from the scene of offense, fibers from the victim's clothing, etc.

Exchange
pubic hairs
during
intercourse

(probation)

Observe the victim's responses when viewing photos. You cannot be sure when reading a report how valid an identification or lack of identification may be. When a victim says instantly and firmly, "That's the man!", you know she's likely to be right. When an unsure victim pauses several times at one photo but says nothing, this may mean checking further on the suspect. Or if she sighs, "I wish this was the man that raped me," it tells you something about her.

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SPECIFIC SEX OFFENSE CLASSIFICATIONS AND HANDLING UNIQUE CHARACTERISTICS OF EACH

1. Indecent Exposure

One of the most prevalent sex offense is Indecent Exposure. These are males who sexually expose themselves inappropriately for purposes of sexual gratification. The exposing is an end in itself. The exposor frequently accomplishes this by driving a car near the victim or victims, asking directions, and, pretending not to hear, asking the victim to come closer to the car, and then exposing himself. The exposor may also hide in weeds or brush, stepping out at the opportune time. Some exposors become very bold, even appearing completely nude in snow banks, such as the fellow we get periodically on Mississippi River Blve. One important point to watch for is the behavior of the suspect just prior to the victim witnessing the exposing. Determine if the suspect did anything to gain the attention of the victim. This is especially significant in cases where the suspect exposes himself from a window or near a private home. The exposor will often knock, call out, make some kind of noise, flash on a light so that the victim looks at him. One man was acquitted in court because he claimed he was just going out to get the newspaper and he didn't intend for the victim to see him completely nude. Many excuses can be anticipated, including he caught himself in his zipper, he was just going to the bathroom, or his wife had just been masturbating him! Ex. at bus stop.

2. LewdPhone Calls

Lewd or nuisance phone calls are difficult to control, and although it is most common for the victim to receive only one isolated phone call, it seems to be very upsetting to most of those receiving the calls. They frequently are afraid that the caller is going to come over and harm them physically. It is our policy now to refer these calls to the phone company. However, you may be sent on calls of unusual significance, of repeated phone calls or where the caller has threatened to come right over. Lewd Phone Calls are written on General Reports, in contrast to Threatening Phone Calls, which are on Crime Against Person reports. In most cases these calls can be discouraged by advising the victim to simply hang up, not to prolong suspicious phone calls, or click the receiver and say something to the affect, "Operator, this is the call I want traced". The phone company has a tracing system where if the proper equipment is attached to the line, the call received is "locked in", so the caller is unable to disconnect the line and the call can then be traced. This is used only in the case of repeated and predictable calls, because the equipment is limited and considerable manpower to required to operate it around the clock. Ex. Dr. Peterson calls.

3. Suspicious Persons

You will receive various calls on suspicious people, prowlers, and peepers. Many of these you may be able to unfound, but do not be too quick to rule out the possibility that they may be related to another crime of which you are not aware. The information could be very valuable. Here is where we depend on you. Be alert. You're on the street where the action is. Many times these reports have been of great help to us. Ex. Thomas Hamilton= commendation. Even if the call is insignificant, these frequently are citizens who are conscientious and feel they are cooperating in fulfilling their duty to alert police, so they should be treated courteously. Many are just frightened and just need a minute of reassurance.

- See follow-up material on "Child Molester" & "Incest"

OBTAINING STATEMENTS FROM VICTIMS OF SEXUAL ASSAULT

Your best basic rule in questioning any victim or witness in a Crime Against the Person is to obtain a step-by-step chronological account of what happened. Be accurate and complete. Details are important in reporting sex crimes, particularly since such offenders show high recidivism and methods of operation can become significant. In obtaining an account of the offense, try to picture the incident without jumping to conclusions.

1. What are the circumstances which led to the offense? Explain how the victim happened to be in that particular situation so that the offense could have occurred. If she/he is on the street, where is she coming from and where is she going? If she's in a store or public place, what's she doing there?
2. Where did the victim first see the suspect? If on the street, from which direction did he/she come? If the victim previously arranged to meet the suspect, how and what were the circumstances? If the victim previously knew the suspect, how did she meet him, how long did she know him, and what was her relationship with him, including any prior sexual relationship with him.
3. Were there any witnesses prior to, during or after the offense? If the witnesses are known, obtain their names and addresses. If they are not, obtain any possible information that may assist in locating them.
4. Get a complete description of the suspect and his clothing. If there is no question of identity and if we have a police photo of

him, this may not be necessary, but in cases where the victim may know him, it may still be helpful to know his description at the time officers make an arrest as well as relating the suspect to possible other offenses.

5. Where was the victim when the suspect first approached her?
6. How did the suspect approach the victim? If the suspect grabbed the victim, exactly how did he do this? What was said?
7. Did the suspect take the victim to another area? If so, how was this accomplished? Was this with the consent of the victim? What route was taken, including paths, streets, and landmarks.
8. Was any form of transportation used? Describe the vehicle, if involved, in detail. Auto manuals can be helpful here in an attempt to determine the make and year of the car.
9. What is the exact time, date, and place of offense? This is essential in order to charge the complaint.
10. What physical force did the suspect use, how and where? If he hit the victim with his hand, was it his open hand or his fist. It is important to know where the victim was struck in order to tie this in with possible injuries.
11. Did the suspect use any weapon? Describe the weapon in detail to substantiate the victim's possible later identification of the weapon if it is recovered and to assist in the recovery of the weapon. Would the victim recognize the weapon if she saw it again? How much of the weapon did she see? Gun displays have been very helpful in identifying the weapon, particularly with

women who frequently are less familiar with guns than are men.

12. Specifically, how did the victim resist? If the victim did not resist, why not? Was she physically unable to do so, did she feel it was useless, was she afraid? If she was afraid, why? What caused her to be afraid? These questions must be answered to show the lack of consent, unless the victim's age, mentality or condition make the element of consent unimportant. Consider the three legal issues: lack of consent, force and penetration. Force includes threats. Lack of consent can be demonstrated in physical resistance, appeals for help and attempts to escape.
13. Did the victim do anything to attract the attention of others? Did she scream, cry, run or make any other noise or action that may have been noticed? If so, where was she when this occurred? Were there any houses in the vicinity. If so, get the address of the closest house. The relationship to a specific house address is generally the simplest method used in describing the location of an outdoor offense.
14. Describe the culminating offense. Use specific language, not unclear terms (such as "rape"). Victims often omit embarrassing details, such as additional sodomy offenses. Especially with young children, use the victims own terminology, and make it clear that the victim is describing a specific sexual offense. Young children may not know what intercourse is, so it is advisable to detail the specific action to demonstrate that the child knows what he/she is talking about. What the victim tells depends on whether the officer seems interested and concerned or unfriendly and impatient.

15. What was the duration of the offense? Most victims respond that "it seemed forever", but they can usually be more specific. Obtain specific times during the entire incident of which the victim might be aware.
16. What were the movements of the suspect and victim following the offense? In what direction did the suspect go? What did the victim do?
17. To whom did the victim first report the offense? Obtain their names and addresses because their testimony may corroborate the victim's report. Who called the police?
18. What is the exact time the victim made the report? The correct time of the report can be important, due to alibis and because a lapse in time between the offense and the report to police may be questioned by the defense. If there is a time lapse, determine the reason. Some victims have good reasons.
19. Be aware of pertinent information which should not be included in the original report, but may alert the prosecuting attorney. Unusual responses the victim may show which are not evident in reading the report may be helpful in the follow-up investigation and prosecution. Information on possible suspects should be included in supplementary reports so they do not complicate a trial with testimony irrelevant to the accused.

OBTAINING STATEMENTS FROM VICTIMS OF SEXUAL ASSAULT

Your best basic rule in questioning any victim or witness in a Crime Against the Person is to obtain a step-by-step chronological account of what happened. Be accurate and complete. Details are important in reporting sex crimes, particularly since such offenders show high recidivism and methods of operation can become significant. In obtaining an account of the offense, try to picture the incident without jumping to conclusions.

1. What are the circumstances which led to the offense? Explain how the victim happened to be in that particular situation so that the offense could have occurred. If she/he is on the street, where is she coming from and where is she going? If she's in a store or public place, what's she doing there?
2. Where did the victim first see the suspect? If on the street, from which direction did he/she come? If the victim previously arranged to meet the suspect, how and what were the circumstances? If the victim previously knew the suspect, how did she meet him, how long did she know him, and what was her relationship with him, including any prior sexual relationship with him.
3. Were there any witnesses prior to, during or after the offense? If the witnesses are known, obtain their names and addresses. If they are not, obtain any possible information that may assist in locating them.
4. Get a complete description of the suspect and his clothing. If there is no question of identity and if we have a police photo of him, this may not be necessary, but in cases where the victim may know him, it may still be helpful to know his description at the time officers make an arrest as well as relating the suspect to possible other offenses.
5. Where was the victim when the suspect first approached her?
6. How did the suspect approach the victim? If the suspect grabbed the victim, exactly how did he do this? What was said?
7. Did the suspect take the victim to another area? If so, how was this accomplished? Was this with the consent of the victim? What route was taken, including paths, streets, and landmarks.
8. Was any form of transportation used? Describe the vehicle, if involved, in detail. Auto manuals can be helpful here in an attempt to determine the make and year of the car.
9. What is the exact time ^{date} and place of offense? This is essential in order to charge the complaint.
10. What physical force did the suspect use, how and where? If he hit the victim with his hand, was it his open hand or his fist. It is important to know where the victim was struck in order to tie this in with possible injuries.
11. Did the suspect use any weapon? Describe the weapon in detail to substantiate the victim's possible later identification of the weapon if it is recovered and to assist in the recovery of the weapon. Would the victim recognize the weapon if she saw it again? How much of the weapon did she see? Gun displays have been very helpful in identifying the weapon, particularly with women who frequently are less familiar with guns than are men.

12. Specifically, how did the victim resist? If the victim did not resist, why not? Was she physically unable to do so, did she feel it was useless, was she afraid? If she was afraid, why? What caused her to be afraid? These questions must be answered to show the lack of consent, unless the victim's age, mentality or condition make the element of consent unimportant. Consider the three legal issues: lack of consent, force and penetration. Force includes threats. Lack of consent can be demonstrated in physical resistance, appeals for help and attempts to escape.

13. Did the victim do anything to attract the attention of others? Did she scream, cry, run or make any other noise or action that may have been noticed? If so, where was she when this occurred? Were there any houses in the vicinity. If so, get the address of the closest house. The relationship to a specific house address is generally the simplest method used in describing the location of an outdoor offense.

14. Describe the culminating offense. Use specific language, not unclear terms (such as "rape"). Victims often omit embarrassing details, such as additional sodomy offenses. Especially with young children, use the victims own terminology, and make it clear that the victim is describing a specific sexual offense. Young children may not know what intercourse is, so it is adviseable to detail the specific action to demonstrate that the child knows what he/she is talking about. What the victim tells depends on whether the officer seems interested and concerned or unfriendly and impatient.

14. What was the duration of the offense? Most victims respond that "it seemed forever", but they can usually be more specific. Obtain specific times during the entire incident of which the victim might be aware.

15. What were the movements of the suspect and victim following the offense? In what direction did the suspect go? What did the victim do?

16. To whom did the victim first report the offense? Obtain their names and addresses because their testimony may corroborate the victim's report. Who called the police?

17. What is the exact time the victim made the report? The correct time of the report can be important, due to alibis and because a lapse in time between the offense and the report to police may be questioned by the defense. If there is a time lapse, determine the reason. Some victims have good reasons.

18. Be aware of pertinent information which should not be included in the original report, but may alert the prosecuting attorney. Unusual responses the victim may show which are not evident in reading the report may be helpful in the follow-up investigation and prosecution. Information on possible suspects should be included in supplementary reports so they do not complicate a trial with testimony irrelevant to the accused.

1. Techniques in Determining Validity

A. Know the Facts. Get all the details from the ^{complainant} victim and witnesses. Carefully check scene for evidence. Check available resources for information on victim ^{& suspect}. Other agencies and departments may have valuable information. Landlords, neighbors, employers, relatives, and other associates of the victim ^{& suspect} may provide good insight.

B. Determine where the interview should take place. If you do not want someone fully prepared in his account and feel there is some advantage in catching him "off guard", stop out to see him where the circumstances will be most appropriate. If you want to assure privacy, that you will be able to talk to him alone and without interruptions, the office would best serve the purpose, where he is less comfortable and confident. Limit the questioning to as few people present as possible, particularly those who might inhibit the truth.

C. Overall Common Sense (Probability). When you are attempting to determine the validity of a report, first review all the known facts, then as objectively as possible, utilize your own life experiences in determining probability. Make a tentative assessment of the case and remind yourself of this when you start getting tangled up with deception. It's easy to become involved with someone who is very convincing. Don't get so intense in studying each detail that you don't pause to realize how ridiculous the whole picture is. (EX)

D. Motives for Lying. Sometimes the strongest indications of false reports are the obvious motives for lying. An Oklahoma prosecuting attorney gave an effective demonstration of motives for lying in court. His robbery case against the defendant had been going very well, when a sweet, little, elderly lady took the stand and testified that she was with the defendant the whole night that the robbery had taken place. The prosecutor realized that the jury had "fallen in love" with this old woman, and they would resent any harassment or outright accusation of lying against her, but he also knew that her alibi could lose his case, so when it was time for the prosecutor to cross-examine her, he stood up and quietly asked only one question, "Mrs. Jones, how long have you been the defendant's mother?"

E. Indications of Deception.

1) A claimed loss of memory for whatever reason is rarely valid. A person may claim he was too drunk, was struck on the head or was just too upset to remember what he did or what happened. Naturally normal memory does not encompass all details, and we cannot expect a person to recall everything; in fact if he recalls exactly what he did on a particular day in question three months ago, it is very suspicious. But you do expect, for example, a woman to remember where her baby was yesterday afternoon. When ever someone says he doesn't remember something very significant, you may be suspicious that he is lying. It is often effective in these cases immediately to attack this defensive maneuver by explaining impatiently, "What do you mean you don't remember? You couldn't possibly forget that" or "I know from experience that if someone says "not that I remember" that he's not telling the truth. Remember I will have to check your answers later." ^{OR SUBTLE INDICATIONS THAT YOU WILL DO THIS} his technique shatters the individual's stalling defense and convinces him that he cannot get away with half-truths about this behavior. Point out the "normal" to anyone who attempts to deceive in any of these manners. It backs them up against the wall so they are forced to answer.

2) Exaggerated drama is certainly questionable. An example of this is the young girl who describes her assailant as wearing a nylon stocking over his face with a gun in one hand and a knife in the other! Here again is where good common sense comes in.

LET THEM KNOW YOU'RE GOING TO CHECK ON THEM!

3) Histories of previous complaints or allegations may indicate deception or at least provide insight. If a victim has had her purse stolen five times, she is either lying or she is very reckless!

4) Inconsistencies in accounts can ^{be} discovered by taking a few minutes to check with others who have also discussed the offense with the victim, suspect, or witness, such as medical personnel, schools, and various social agencies who may all have information in a child abuse case, for example. *EX, P.S.I. on Michael Mathison*

F. Observe! A study of body language can be helpful. There may be obvious indications of deception, such as trembling, nervous movements, etc., *at appropriate times* in which case you might make the suggestion that he is displaying symptoms of guilt. This may destroy his confidence in his own ability to deceive.

G. There are roughly two groups of offenders, those who have strong feelings of guilt, remorse or realize they have done wrong, such as first offenders, accidental offenders, many sex offenders, and those who have committed offenses in anger, passion or revenge, and those offenders who are repeated or old offenders who have committed their offense for personal gain. The recidivists seldom can be influenced by sympathetic or emotional appeals and are most influenced by appeals to logic. They must be convinced that they cannot evade telling the truth. They have coldblooded attitudes toward right and wrong. They are more interested in the legal consequences of their confessions. They must be shown that proof of their responsibility or guilt is certain, before they will admit anything, or that they have more to lose by lying.

H. In attempting to obtain ^{Particular} information, you should adapt the role of one who is merely seeking the truth. In some instances, it is wise not to be obvious in your attempts to secure her or his admittance or they may be too frightened to tell the truth. I had one woman admit to me she had killed her child while under the impression the whole time that this really was not of significant interest to me.

^{Questions}
The attitude of the interviewer or interrogator is the key to success or failure. Retain a pleasant mood, but be serious. Radiate confidence and try to obtain cooperation. Keep the subject at ease. Avoid "trigger words" which suggest punishment (ex. murder). Take sufficient time, and be a good listener. If he feels that you are ready to drop the subject, he is encouraged to continue resistance, so be persistent and not quit when discouraged. Do not jump to conclusions or it may provide him with an excuse or explanation which is not accurate.

I. There are several approaches which can be used if you feel the victim ^{suspect or witness} is not telling you the truth. All approaches should be sincere.

1) An emotional appeal or sympathetic approach which I have found is very effective with victims who had made false complaints is the "minimizing her guilt". It might be pointed out to the victim that anyone else under similar circumstances might have done the same thing. This enables the individual to partly excuse herself and offers considerable relief to him. She seems to see an advantage in pointing out to you just how she came to make this particular mistake. She can recognize that you are not going to reject her or be mad if she does tell the truth.

2) Very often you will find that an individual may be ready and willing to tell the truth but because of a long and involved story which he has previously told she doesn't see how he can possibly discard this old story and start fresh by telling the truth. Now it is helpful if you can point out that neither you nor possibly others will feel any resentment because of the previous story and since the person now realizes the true situation and has had time to think the matter over carefully, he should go ahead and tell the true story. I frequently point out that it is not easy to admit you were wrong and now tell the truth,

and that it takes a "strong person" to do this, but that I'm sure they are capable of doing this. This is also similar to raising a question about someone's honor such as to a child, "I'm sure you're grown up enough to stand up to this" and puts him on the defensive to prove that he is not otherwise (ex. rapist).

3) If you are convinced they are lying, you can help him realize that it is of little use to deny it. You convey a confident attitude that there is no question about the matter, and you're only interested in getting the details and understanding their feelings, etc. Do not do this in a punishing or condemning manner or they will simply deny it and resent you. This must be matter-of-fact. If you outline the circumstances pointing to the subject's involvement, be careful not to let them interrupt and explain away each detail so that he builds up a defense piece by piece against the facts. Once he had launched a lengthy discussion of why the information (evidence) is not accurate, it is much more difficult to obtain the truth. You are then on the defensive and must punch holes in his story. With the "hardened" liar, you must sell the idea that it is so definitely established that a case can be proved in court ("There is no use getting yourself in any deeper by trying to lie about this thing"); the approach of "getting it off your chest" and relieving your conscience is not effective with this group but often helps with lying "victims".

4) Another defensive technique on the part of someone who is lying is the "I'll swear on a stack of Bibles" or the "I hope to drop dead this minute if it isn't true" routines. And don't fall for, "I was lying to you about the other thing but I swear this is true". Expressions of this kind are frequently used by those who are lying to lend strength to their claim of innocence. You may counter this by saying, "Don't bolster your story by swearing it is the truth. When ^{someone} a man is really telling the truth, it sounds like the truth when he tells it, and he doesn't have to swear to it."

5) One of the most disarming techniques in a case where the individual refuses to discuss the case at all is to concede to the person that he has a right to remain silent. You might then point out the incriminating significance of his refusal to talk. You can then sell him on the idea that you have a lot of information which may or may not be true, and he's leaving himself defenseless. "if you ^{give your side of the story} cooperate, some of this information might be straightened up and it won't be necessary to pursue talking to many other people, which might make it look even worse than it really is." This is in fact true. It is much easier for a victim who is lying to straighten it out right away than to prolong an investigation.

You have to count heavily on your size-up of each particular individual in using these approaches. It is very important when approaching a victim who has made a complaint to police that you are certain they are lying before you directly accuse them of this or subject them to most of these approaches. Until you know otherwise, the victim is entitled to the benefit of the doubt,

to recognize
the fact
rather than
questioning.

VII. TECHNIQUES OF CRIMINAL INVESTIGATION AND TESTIFYING

G. Investigation of Sexual Assault

General Learning Goal: The student will understand how to investigate a sexual assault.

1. The student will review and demonstrate that he/she understands Minnesota Statutes § 609.342, § 609.343, § 609.344, § 609.345, § 609.365, and § 617.23 (relating to sexual offenses).
2. The student will cite the reasons why rape and sexual assault is one of the most unreported crimes in the U.S.
 - a. Victim tormented by feelings of worthlessness and guilt.
 - b. Criminal justice system can be very intimidating to victim.
 - c. Rapist may be known to victim.
 - d. Continuing psychological trauma.
3. The student will understand the elements of sexual penetration.
4. The student will demonstrate that he/she understands the principal differences between 3 of the following assumptions vs. facts:
 - a. Assumption: Most rapes are the outcome of sudden impulse.
Fact: Most rapists plan their attacks.
 - b. Assumption: Most rapists attack their victim suddenly, without conversation.
Fact: The attack is usually preceded by some conversation.
 - c. Assumption: Rapes occur because of lack of sexual outlets for some men.
Fact: Many rapists have access to sex; what they wish to express is power, dominance, and control.
 - d. Assumption: Rape is a sex crime.
Fact: Rape is a crime of violence; sex is generally not its primary goal.

QUESTIONING THE SEXUAL ABUSER

1. Preparation

Before questioning, be sure that you know all the facts available. There will obviously be facts that you receive during questioning that you may want to check later, but there are many resources you can utilize so that you are more aware before you even approach the person to be questioned.

- A. Get all the details from your referral source. Pursue specifics.
- B. Obvious resource for initial information is your own records. Files on closed cases should be immediately available and often contain valuable history.
- C. Other agencies may have considerable information on the family of which you are unaware. These could include community center, Probation Office, Dept. of Education, police files, etc. The abuser is frequently a known criminal, and it could be dangerous!
- D. Associates of the abuser, such as landlords, neighbors, employers, relatives, etc often have helpful information.

2. Location of Questioning

Generally, suspects should not be questioned in familiar surroundings. The office, especially at the police station, gives the questioner the greatest advantage for several reasons. The person to be questioned is less comfortable and confident in your office than on his own home grounds. When questioning, you want the person to fix his attention on you. A moment when he leaves the room or is otherwise interrupted gives him relief from questioning and a chance to pull himself and his story together. The office assures privacy and that the questioning will not be interrupted by children, etc. It is wise not to allow people to come and go from the room and to limit the interview to as few people as possible. When there are other people in the room, the person being questioned may not feel free to talk, especially if it is his wife, parents or other relatives. Also, the office in itself contributes to creating a more official atmosphere and sense of authority, and the significance of this alone may cause the person to be more apprehensive about lying. However, depending on the specific circumstances, if you want to gain insight in to family relationships, home conditions, etc., a visit to the home may be helpful. If you do not want someone fully prepared in his account, there is some advantage in catching him "off guard" and stopping out unexpectedly. Usually, if an arrest is not indicated at the time, abusers can be persuaded to come in to the office voluntarily (some excuses given for delaying).

3. Why do suspects confess? Because they are in a state of mind which leads them to believe cooperation is the best course of action to follow. As long as they believe they can escape detection or punishment, they will NOT be persuaded to cooperate. When questioning abusers, remind yourself that children rarely lie about sexual abuse and emphasize to the abuser that you believe the child ("I know this happened; now what can we do about it?").

It is easy to feel resentment when the suspect resists, but if you look at the situation, you must conclude that it is completely normal for him to offer many forms of resistance. Learn to expect resistance and develop an understanding attitude. Establish a friendly atmosphere, but never let the suspect develop any doubt about your competence and your complete control of the questioning. Never allow yourself to be put on the defensive. Let's face it; we hear alot of lies, and some of them are very difficult to recognize. Any one of us, being experienced and intelligent, should be very convincing liars, but many abusers have grown up in settings that are conducive to lying and they've become very good at it!. Be aware of this when assessing.

4. Establish "rapport". When we confide our troubles, we usually go to clergy, close friends, people that will understand and sympathize. There is a natural inclination to be formal with strangers, which increases skepticism and resistance. Establish a friendly attitude by: 1) Identifying self. 2) Commenting on a topic of apparent interest to the subject. 3) Talk for a period about everyday subjects that are non-threatening. 4) Be informal and easy-going. 5) Display pleasant expressions. 6) Don't show suspicion immediately. 7) Appear interested and sympathetic. 8) Don't begin questioning until he appears cooperative. 9) Re-establish rapport at any time the questioning breaks down, hostility appears, etc. The subject can be influenced by the attitude conveyed in questions. Example: (friendly) "How are you this morning, John? Have a cigarette." (stern) "Do you expect a jury to believe that!"

5. Deal with fears and apprehensions.

- 1) Strong fear of punishment. "I am not going to arrest you now. I wouldn't have asked you to come in if I were." Perhaps mention an appointment for a treatment evaluation.
- 2) Fear of involving friends, neighbors, co-workers, etc. In dealing with a concern about reputation, emphasize confidentiality, that you do not intend to inform certain others, that others are more forgiving with an admission of problems, etc.
- 3) Employment. Frequently they express fear of losing their jobs. Suggesting that their job is a positive thing for them and that you would gain nothing from their losing this can be helpful.
- 4) Recognize "guilt drives", the desire that some may have to be punished. Don't rationalize nor amplify this need. Many respond to reassurance that they are not "all bad" and an attempt to build their existing low self-esteem.

6. Remember the basic 7 W's. The way in which a question is asked is the primary tool in any interview. The basic, most powerful and greatest key in obtaining all information is: What, When, where, Why, How, Who, and Which.

7. Questioning Techniques:

- 1) Begin with "easy" questions that are not hostile nor embarrassing.
- 2) Ask questions in systematic order of occurrence.
- 3) Ask only one question at a time.
- 4) Give ample time to answer. Don't rush.
- 5) Try to help remember, but don't suggest answers. Be careful not to imply any particular answer by facial expressions, gestures, method of asking, etc.
- 6) Repeat or rephrase questions if necessary to get the facts.
- 7) Be sure you understand the answers. Ask to interpret.
- 8) Give opportunity to qualify answers.
- 9) Separate facts from inferences.
- 10) Get comparisons to ascertain accuracy of judgement. Example: age.
- 11) Get all the facts. Almost every witness can provide additional information beyond the initial account.

8. Controlled-Answer Questioning Technique: This technique can be used when questioning someone whom you suspect will lie in order to obtain admissions but should not be used in attempting to obtain valid information from a child, reporter, etc.

- 1) Stimulate a person to admit knowledge. Example: "Would you describe what happened when you went in the liquor store?" vs. "Did you go in the liquor store?"
- 2) Stimulate to agree to give information. Example: "Since you weren't involved, I'm sure you wouldn't mind discussing it, would you?" vs. "Do you object to telling me what you know?"

Avoid negative construction when making a request. Examples: "Do you refuse to answer?" "You never have been arrested, have you (implied no)?"

One of the most disarming techniques in a case where the person refuses to discuss the matter at all is to concede that he has a right to remain silent. The interviewer

can then point out the incriminating significance of his silence, refusal to talk. You can then convey that you have considerable information, which may or may not be true, and he's leaving himself defenseless ("Do you want to present your version?") or "If you want to discuss this, some of this information might be straightened out (or we can better understand why you ~~this~~ did this), and it may not be necessary to pursue talking to many other people, which might make it look even worse than it really is."

9. Cross-examination: This is exploratory questioning to test correctness, conflicting information, determining completeness, and under-mining self-confidence during deception. Are the answers vague, evasive, conflicting or inaccurate. Repeat the questions in a different manner and get details at random. It is appropriate here to use suggestive questions and inferences. If they are lying, they will frequently concur while filling in details, and inconsistencies can be pointed out. Ask about known information as if it were unknown, and ask about unknown as if it were known.

Specifically explore vague or evaded portions of admissions. Be suspicious that even slight details are important or possibly detrimental.

Point out conflicts after all questions are asked, so that they build up a large number of lies before they realize it. Ask for explanations, and revised information should get the same scrutiny as the original lie.

10. Grouping of Abusers: For purposes of questioning, there are generally two groups of abusers. The largest group are those people who have strong feelings of guilt, remorse or realize they have done wrong. This group will often respond to the sympathetic approach or emotional appeal. This approach involves "minimizing his guilt", but the interviewer should be careful not to justify what they have done. This enables the person to explain their actions, but should not excuse responsibility, and it offers considerable relief to him. Discussing early childhood problems, sex, and financial concerns are helpful here. Those feeling guilt often respond to sympathy ("It sounds like it's been rough for you"). Find something positive to say about him, but be sincere. Example: Job, Home.

The second group are most often diagnosed as psychopaths, who display no apparent guilt or remorse. These may include habitual offenders, pedophiliacs, those who justify on religious beliefs, etc. They seldom can be influenced by emotional appeals, but must be logically convinced that they cannot evade telling the truth. They are more interested in the legal consequences of their admissions, and they must be shown proof of their responsibility and an advantage to admitting it. The interviewer should always display confidence, but with group, you must sell the idea that it is so definitely established that a case can be proven in court. "There is no use getting yourself in any deeper by lying about this". The approach of "getting it off your chest" and relieving your conscience is not effective with this group. Their outstanding characteristic which can be used in questioning is the fact that they are selfish. They will provide information if they can be convinced that there is some selfish advantage in telling the truth. Help them to realize that it is of little use to deny it. Convey a confident attitude that you are only interested in getting the details and understanding their feelings, explanations in the matter. Avoid a punitive or condemning manner, or they will simply deny it and resent you. This must be matter-of-fact. If you outline the circumstances pointing to their involvement, be careful not to allow them to interrupt and explain away each detail so that he builds up a defense piece by piece against the facts. Once they have launched a lengthy discussion of why the information is not accurate, it is much more difficult to obtain the truth. You are then on the defensive and must punch holes in his story.

11. Recognize factors leading to admissions.

- 1) Desire for sympathy. They express a "raw deal in life", have "no one to turn to, feel no good, etc. Build on this need and encourage them to talk about their troubles (getting the "whys").
- 2) Remorsefulness. Here again they are searching for relief of guilt and respond to "rapport"/ understanding. Suggest that they need "peace of mind" to relieve their distress and begin change.
- 3) Pride. It is helpful to point out that it is not easy to admit this, and that it takes a "strong person" to do so, but that you are sure that they are capable of doing this. This is also similar to raising a question about honor, such as to a child, "I'm sure you're grown up enough to stand up to this", and it puts them on the defensive to prove that they are not otherwise.
- 4) Questions about consequences are the most certain signs that admissions should be pursued. Look for signs of weakening, and stay with him. First try to obtain admissions of less important details.

Rationalize with them and appeal to intelligence. "If you were the officer and you had this information, what would you think?"

- 5) Claimed loss of memory. For whatever reason, this is often not valid. A frequent escape used by abusers is alcoholic black-outs. It may be helpful acknowledge the possibility of black-outs but that it is not likely that they would not recall some of what happened when the action is so significant. Emphasize that we want to understand why and that drinking is merely another symptom of underlying problems and not an explanation. If he is not chemically dependent, emphasize that this is not something easily forgotten and that you know from experience that most people who say this simply do not want to face the problem. Pointing out the "normal" may back them up against the wall so that they are forced to answer.
- 6) Inconsistencies. These can be discovered by doing background prior to questioning and through back-tracking details. Point them out. Adapt the role of one who is merely seeking the truth.
- 7) Attempts to lend credibility. A defensive technique on the part of someone who is lying is the "I'll swear on a stack of Bibles" or the "I hope to drop dead this minute if it isn't true" routines. And don't fall for, "I was lying to you about the other thing, but I swear this is true". Expressions of this kind are frequently used by individuals who are lying to lend strength to their claim of innocence. You might say, "Don't bolster your story by saying or swearing it is the truth. When a man is really telling the truth, it sounds like the truth, and he doesn't have to swear to it."

12. Document admissions. When they do admit, document it and render it as irreversible as possible through formal statements, other corroboration, witnesses to the admission, et cetera. The more the admission is confirmed, the less likely they are to retract.

Psychological Factors The Overlooked Evidence in Rape Investigations

“. . . the major coping task of the rape victim is not to avoid sexual contact but to survive.”

By

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The rape investigation is frequently one of the most challenging and frustrating tasks a police investigator can undertake. When the victim is beaten into insensibility and requires immediate medical treatment or is discovered half dead, nude, and tied to a tree, an investigator can reasonably conclude that a criminal offense has occurred. The investigator is then tasked to collect and preserve evidence and to identify the perpetrator(s). Fortunately, a large percentage of rapes reported to police involve little, if any, physical injury to the victim. The major task confronting the investigator is to prove that the sexual act occurred “by force and without consent.”

Juries have been reluctant to convict accused rapists unless the victim was clearly brutalized. Thus, the victim with scars on her body left

by a knife-wielding rapist will have little trouble proving her case, while the woman who bears only the mental scars is unlikely to see justice done.

This problem is exacerbated when the behavior of the victim during and after the incident is in some manner contrary to what is traditionally expected of someone who has just experienced a “fate worse than death.” Woe be unto the rape victim who, for reasons of shock, fear, humiliation, or confusion, waits more than a matter of minutes to report her ordeal. Even if she reports the incident within minutes, investigators and jury members are likely to be skeptical of her report if she appears calm and collected. Similarly, she is expected to engage in at least passive resistance; submissive acts during the incident are very often equated with consent.

This situation is changing rapidly, however. Behavioral scientists studying both rapists and their victims have made some rather startling findings about the behavior of rape victims. Many of these findings expose traditional views of “appropriate” victim

behavior as having been based solely on myths and misconceptions inherited from bygone eras. These studies have emphasized the life-threatening nature of the rape episode, which is often difficult for males to understand. Yet, evidence indicates that females are affected by fear to a much greater extent than males.¹

The typical rape victim’s behavior is terror-induced, pseudocalm, and detached during the rape episode. One prominent researcher found:

“The first and immediate response of all individuals to sudden unexpected violence is shock and disbelief. When realization sets in, the vast majority of victims then experience fright which borders on panic. This fright-panic response is especially true when the individual feels his life to be in imminent danger. In violent crimes, particularly crime where there is prolonged contact with the criminal, such as in the crime of rape, the feeling of impending peril

will remain an important factor affecting all facets of society—business, science, medicine, commerce, military, education, law, and recreation. In all of these areas except recreation, video technology is only one element of a total system. This one element produces a more efficient, and therefore, more productive system.

In the area of recreation, video technology becomes the system, and as such, efficiency and productivity are in doubt. Uniqueness and easy accessibility of video games (amuse-

ment and gambling) caused a surge of unanticipated popularity, and as with any explosive occurrence, problems developed.

The first problematic symptom was a rise in the crime rate, which affected the judicial and law enforcement systems. A second wave of problematic symptoms, which affected the mental and physical health systems, appeared as an addiction to play video games. The major concern of this symptom is that the elements of this alleged addiction are similar in

nature to those of a problem gambler.

The video game industry is dynamic. Constant change is necessary to retain the high interest level it now enjoys. If the interest factor subsides to the level of other amusement-type devices, the initial problem area may disappear. However, the video gambling device will remain an issue until these devices are defined, using this concept's technical terminology relative to the existing statutes or the re-drafting of new legislation. **FBI**

Table 4
DISPLAY CHARACTERISTICS

"Dwarfs Den"	"Draw Poker"
1. Four-digit display meter, upper left-hand corner of screen, records credits for each coin inserted.	Four-digit display meter, upper left-hand corner of screen, records credit for each coin inserted.
2. Two-digit display meter, upper right-hand corner of screen, records credits played per game.	Two-digit display meter, usually lower right-hand corner of screen, records credits bet per hand.
3. "Wild Dwarfs" come into play when specific number of credits played.	"Wild Jokers" come into play when specific number of credits are bet.
4. Designated winning combinations:	Designated winning combinations:
Thin Twins.....	Pair Aces
Double Twins.....	Two Pair
Triplets.....	Three of a Kind
Green Brothers.....	Flush
Lavender Gang.....	Flush
Blues Brothers.....	Flush
Red Brothers.....	Flush
Generation.....	Straight
Family.....	Full House
Quadruplets.....	Four of a Kind
Solid Generation.....	Straight Flush
Quintuplets.....	Five of a Kind
Fat Generation.....	Royal Flush

The display and play characteristics of "Dwarfs Den," though labeled differently, are identical and perform the same function as those of an electronic video display "Draw Poker" device.

Footnotes

¹¹ The majority of noncasino devices can be converted to the casino type with minimal modification.

¹² B. Lampa, "Security and Control of the New Microprocessor Slots," *Public Gaming Magazine*, July 1982, pp. 15-17.

¹³ J. Scarne, *Scarne's New Complete Guide to Gambling* (New York: Simon and Schuster, 1979).

¹⁴ L.B. Nadler and T. Meeland, "Pathological Gambling and Military Readiness: Its Nature, Prevalence, Impact, and Resolution," *National Foundation for Study and Treatment of Pathological Gambling*, September 1982.

¹⁵ *Commonwealth of Pennsylvania v. Two Electronic Poker Games*, Pa. Sup. Ct. J#133-83, p. 2, which gives only free games as a reward for successful play are nevertheless gambling devices *per se* when they also possess a knockdown button and a meter to record the number of free games knocked down.

¹⁶ Art. 27, Annotated Code of Maryland, sec. 264B.

¹⁷ B. Kurtz, "Our 'cades: Troublemakers? Use Sugar instead of Vinegar," *Play Meter Magazine*, August 15, 1982.

¹⁸ 15, USC, 1171-143-1. 1.



Mr. Griffiths

to the victim is deliberately produced by the criminal. He shows the victim a knife or a gun, sometimes hits the victim, and always makes extreme verbal threats to the victim's life unless she complies. When a victim experiences fright bordering on panic there is a heightened distortion of perceptive thinking and judgment. All behavior is directed at self-preservation. Most learned behavior seems to evaporate, and the victim responds with the adaptive and innate patterns of early childhood. I have called this response traumatic psychological infantilism."²

Thus, the major coping task of the rape victim is not to avoid sexual contact but to survive.

Examination of a victim's coping strategies by mental health professionals can often result in expert testimony that explains questionable actions the victim may have taken. To preserve such evidence properly, the interviewing officer should document not only the sequence of events but also the coping behavior of the victim during the attack.

Victim Coping Strategies During Sexual Attacks

The first coping behavior expected by the public of a rape victim is physical resistance. A major study revealed, however, that only about one-fourth of rape victims physically struggle with their attackers.³ Even many of those who initially struggle quit when they realize they cannot escape. The majority opt for verbal

tactics, such as stalling for time, reasoning with the assailant to try to change his mind, trying to gain his sympathy, flattering him, bargaining with him, trying to change his perception of them, verbal aggression, or joking and sarcasm. While the rape is in progress, some victims try screaming and crying in the hope of attracting help, while others talk quietly with their assailant in hopes of avoiding additional violence. Then, when the attack is over, the victim may have to bargain with the rapist for her freedom by promising not to report the incident or not to move for a specified time. Other victims adopt cognitive strategies, such as concentrating on how to escape, how to keep calm, or how to avoid injury. They may also recall advice given to them by others about what to do in a rape situation or how they have handled violent situations in the past. Some concentrate on the rapist's physical description, vehicle, and remarks to provide leads for the police. Finally, many victims simply comply with the rapist's demands as a strategy to "speed it up . . . get it over with."⁴

This behavior may readily be misinterpreted as consent by persons not familiar with the psychodynamics of stress in violent situations. In point of fact, research disclosed that:

"The behavior of the vast majority of women during their contact with rapists demonstrates this traumatic psychological infantilism. In the atmosphere of primal terror, not only do people submit, but also psychological infantilism, with its consequent helplessness, makes it appear to the outsider that their behavior was friendly and cooperative. It is a response of frozen fright that

"The source of most psychological evidence of force lies in the nature of the victim's reactions after the incidents."

confuses everyone; the rapist, the victims's family, her friends, the police, and even the victim herself. . . . The frozen fright response of psychological infantilism looks like cooperative behavior. The victim may smile, even initiate acts, and may appear relaxed and calm. But frozen fright has its roots in profound primal terror. The individual submits in order not to be killed."⁵

The response is similar to that observed in many animals when in danger of imminent attack from others of their own species. Many times, they will expose their most vulnerable parts to the attacker in a apparent attempt to prevent further violence.⁶

Reasons for Delayed Reports

After the rapist departs, the victim must decide whether to report the incident to the police. If she reports the rape, no matter what her mental status, she'd better hurry, since ". . . evidence showing the presence of 'fresh complaint' has been allowed . . . on the theory that if a woman is actually sexually violated, she will report that violation at the earliest available opportunity, and that undoubtedly she will be a study in hysteria when she does so."⁷ In the past, it was a truism among many legal experts that a lack of a fresh complaint was tantamount to a false complaint. However, modern case law considers the rape victim's delay in reporting the crime as simply a factor to be weighed when determining the credibility or consent of the victim. Delays in reporting the commission of a rape may be easily overcome with a credible explanation of the delay.⁸

The principle of "fresh complaint" does not take into account the shock, humiliation, confusion, and fear the victim may be experiencing immediately after the incident. The numbing fear that produces traumatic psychological infantilism is not easily dissipated. As one psychologist who was raped at gunpoint reported, "I felt endangered everywhere. Every noise startled me. Every leaf was camouflage for an assassin. For months a friend of mine described [me] searching the faces on the street as if to ask, 'Are you the one?'"⁹

Another psychological factor which may prevent the victim from promptly reporting the rape is a perverse sense of gratitude. This response is very similar to certain aspects of the "Stockholm Syndrome" observed in hostages. Indeed, the situations are very similar. The rape victim becomes a hostage of the rapist, forced to do his every bidding in order to survive. Although most rape episodes are considerably shorter than the typical hostage incident, time becomes very subjective for the victim. Most rape victims report that the attack seemed interminable.¹⁰ Therefore, depending on the nature of the attack and the victim's psychological makeup, the victim may either identify with the offender or transfer feelings of gratitude, kindness, or understanding. Since the rapist has complied with the victim's ultimate wish—he allowed her to "live"—she may not report the incident at all or report it only after time has diminished

the impact of the incident and her gratitude for being released. Therefore, a delayed report must be viewed in the light of the original Stockholm hostage incident, in which the hostages refused, years later, to testify; a female hostage even married one of the hostage takers.

The stressors involved in a rape situation are clearly equivalent of those experienced by hostages. In fact, the third edition of the *Diagnostic and Statistical Manual of Mental Disorders* (DSM-III) of the American Psychiatric Association associates rape with "a recognizable stressor that would evoke significantly symptoms of distress in almost everyone."¹¹ Other similar stressors are military combat, floods, earthquakes, car or airplane crashes, bombings, torture, and death camps. Thus, the investigator interviewing a rape victim must understand the victim's point of view of the incident in order to document the reasons behind those otherwise puzzling aspects of her behavior.

Although expert testimony can not explain much of the rape victim's behavior which would otherwise damage her credibility, the jury is still faced with an extremely difficult task in having to arrive at a verdict when the vast majority of evidence presented consists basically of "her word against his."

Fortunately, an entirely new category of psychological evidence is becoming available to make the task of proving force easier in the absence of corroborating physical evidence. Recent studies have identified specific stress reactions in victims which may be linked to the crime of rape and

thus serve as a basis for corroborating their testimony. The police investigator should be familiar with the nature of such stress-related evidence and with ways to develop and document such evidence to serve as a basis for substantiating the victim's allegations when other traditional evidence is not available.

The Rape Trauma Syndrome

The source of most psychological evidence of force lies in the nature of the victim's reactions after the incident. This pattern of reactions is so specific and so universally observed by mental health professionals in dealing with rape victims that it was labeled the "rape trauma syndrome" by the first researchers to extensively study such victims.¹²

The rape trauma syndrome ". . . is the stress response pattern of the victim following forced, non-consenting sexual activity. It consists of somatic, cognitive, psychological, and behavioral symptoms resulting from an active stress reaction to a life threatening situation."¹³ It usually has two phases.

The first phase begins about the time the victim is released by, or escapes from, her attacker. It is characterized by disorganization, in which the victim's life is disrupted by the impact reactions of the rape incident. Depending on the severity of the attack, the victim may experience feelings of shock or disbelief, followed by or alternating with fear and anxiety. She will then usually develop one of two styles of coping with her emotions: An expressed style in which she displays her feelings by crying, sobbing, smiling, and becoming restless or tense; or a controlled style in which she masks her feelings behind a

calm, composed, or subdued appearance. The number of victims adopting either style is approximately equal.¹⁴ Regardless of the style the victim develops, questions concerning her feelings about the incident will elicit a wide gamut of responses, ranging from fear, humiliation, and embarrassment to anger, revenge, and guilt.

The second phase of the rape trauma syndrome typically begins about 2 to 3 weeks after the attack and is characterized by reorganization. Here, the victim tries to reassemble her lifestyle, integrating the rape experience into it. During this phase, she will attempt to cope with the rape with psychological and behavioral reactions directed toward assuring herself that she will not again be so victimized.

To collect this evidence, the investigator must be cognizant of the specific diagnostic criteria used by psychologists to document this disorder.

The Posttraumatic Stress Disorder

The rape trauma syndrome is now accepted as a subcategory of the specific type of anxiety disorder classified as the "posttraumatic stress disorder" in the DSM-III. Accordingly, the DSM-III diagnostic criteria will be presented, followed by examples often resulting from the rape trauma syndrome, and where appropriate, suggestions for eliciting this type of information during interviews. These examples have been gleaned from the writings of noted mental health professionals, such as those referenced in the footnotes. The major concern in gaining such information is, of course,

to avoid "leading" the victim into describing symptoms she hasn't experienced because she believes that the interviewer expects her to undergo such feelings. Therefore, it is essential to use indirect questioning techniques to elicit such information.

The first major criterion noted in the DSM-III is the *existence of a recognizable stressor that would evoke significant symptoms of distress in almost anyone*. Rape is specifically mentioned as such a stressor in the DSM-III. Therefore, the task of the investigator is to inquire about any other traumatic event that might recently have occurred in the victim's life. The absence of such events will help establish that the rape is the sole source of the victim's symptoms.

The DSM-III lists the second major criterion necessary to substantiate this disorder as *reexperiencing of the trauma as evidenced by at least one of the following:*

Recurrent and intrusive recollections of the event—Rape victims are frequently plagued by their inability to keep from thinking about the incident. The victim can be encouraged to report such a phenomenon by a non-directive comment such as, "I don't imagine it's easy to forget something like this."

Recurrent dreams of the event—Nightmares characterized by violence either to the victim or in her presence are commonly reported. At first, the theme of the dream may be similar to the actual event, in which the victim wishes to do something but then wakes up before acting. As the victim adjusts to the trauma, the theme of the dream may change, with the victim gaining mastery of the situation by being able to fight off or even muti-

“Phobic fears of crowds, elevators or stairs, people behind them, or of being alone are typical victim reactions, depending on the circumstances of the rape.”

late or kill her assailant. A third type of dream may involve symbolic representations of some theme from the rape, which will require a qualified mental health professional to interpret. The investigator should inquire whether the victim has had any trouble with sleeping or dreaming since the incident and should carefully document the content of any dream the victim is willing to discuss.

Sudden acting or feeling as if the traumatic event were reoccurring because of an association with an environmental or ideational stimulus—Often, victims will complain of momentary panic after seeing something they associate with the incident or something they regard as threatening, such as a strange man “acting suspiciously.” They may take action to rid themselves of things which remind them of the incident, such as discarding the purse, shoes, or other items they were wearing during the attack. When informed that it will be necessary for police to temporarily obtain their clothing for evidence, they may express a desire not to have it returned. Victims attacked in their homes may even go so far as to discard furniture present during the attack, which they may associate with the incident.

The third major criterion of the posttraumatic stress disorder is *numbing of responsiveness to or reduced involvement with the external world, beginning some time after the trauma*. Many rape victims directly report that they were in a state of shock, felt numb, or that it didn't feel real. They may typically state that they just can't believe it happened.

Other evidence of this criterion can be shown by at least one of the following:

Markedly diminished interest in one or more significant activities—Many victims who once enjoyed sports, walking, and outdoor activities will stop participating in such activities. They may fear that such activities will expose them to danger again. Some victims, especially those attacked outdoors, become phobic of the outdoors and become, in effect, immobilized. They may request friends or relatives to accompany them on routine errands, such as grocery shopping. Conversely, those attacked in their homes or other buildings may feel trapped indoors and seek to be outside or at some other location, such as the workplace.

Feeling of detachment or estrangement from others—Victims frequently describe feeling isolated and estranged from others. One victim described how she “. . . went through the ritual of talking to people. It always seemed as if I were talking through glass or underwater.”¹⁵ Another stated that she preferred to “. . . stay in my own little world by myself, now.”¹⁶

Constricted affect—This refers to a *withdrawal from life*. Rape victims who previously displayed outgoing, “life of the party” personalities may become very defensive and rigid in their behavior. They may refuse to attend social functions, quit work or school, even withdraw from their families. Interviews with friends, coworkers, and family members may be used to document such behavior changes.

The final DSM-III criterion calls for at least two of the following symptoms that were not present before the trauma:

Hyperalertness or exaggerated startle response—Rape victims often develop paranoid feelings. They may believe they are being watched or followed. One victim's mother reported that she wouldn't go to bed until she checked the locks on every door and window in her house at least three times. Another victim reported that she now slept with her clothes on so she could run out of the house if attacked. They may believe others can tell they were raped just by looking at them. They may also run or scream when they feel endangered, such as upon hearing footsteps behind them, being confronted with a “suspicious” man, etc. They frequently will panic and jump or scream upon being startled by an unexpected noise or touch. Also, they will often withdraw convulsively from even a casual touch by a male. The interviewing officer can often observe these reactions directly or might mention that the victim seems “jumpy” and ask if this has been a problem or source of embarrassment for her.

Sleep disturbance—Rape victims often report they are unable to sleep or awaken shortly after falling asleep, then be unable to get back to sleep. Victims who were attacked in their sleep may awaken each night at the time they were attacked.

Guilt about surviving when others have not or about behavior required for survival—Guilt is an especially characteristic feeling among rape victims. Because of society's traditional attitude of blaming rape on the victim, she may accept those standards and impose this judgment on herself. She may also blame herself for her inability to get away from participating in the

crime, even when she clearly had no alternative.

Memory impairment or trouble concentrating—Due to the nature of the rape episode, the victim normally experiences a crisis reaction which results in cognitive, affective, and behavioral disruption. The victim may experience difficulty in remembering details of the incident, especially during the hours immediately following the attack. She may remember being bound, for example, but be unable to remember whether her hands were tied in front of her or behind her back. Her recollection of the details surrounding the attack may prove faulty, and she may be inconsistent in responding to questions about such details. Unfortunately, such inconsistency is often interpreted by the interviewing officer as an indication of deception when it is, in fact, a result of the rape trauma. Details which may have been forgotten or unclear to her at the time of the initial interview will often be recalled in greater detail during the followup interviews after the impact reactions have subsided.

Avoidance of activities that arouse recollection of the traumatic event—Women who were picked up at bars or clubs and later raped may avoid frequenting such establishments. Phobic fears of crowds, elevators or stairs, people behind them, or of being alone are typical victims' reactions, depending on the circumstances of the rape. Descriptions of

such phobic reactions can be elicited during later interviews by mentioning what happened to the victim could really change her outlook on whatever her activity or location when the incident took place.

Intensification of symptoms by exposure to events that symbolize or resemble the traumatic event—Victims who were forced to engage in oral sex may gag when eating or have difficulty in swallowing, singing, or speaking. They may also experience "anniversary" reactions on the day or time of the month the incident occurred. Another event symbolizing the rape for some victims is sexual activity. The victim may abstain from sexual relations for an indefinite period or markedly decrease her sexual activity. Slightly over 25 percent of such victims reported such a decrease, however.¹⁷ Conversely, some victims increase their sexual activity, possibly to gain security from the associated cuddling and holding.¹⁸ The interviewing officer should avoid probing the victim for such intimate details, but should be aware that an apparent attitude or promiscuity in the victim after the incident may result from her increased need for security.

Additional Rape Trauma Symptoms

In addition to the criteria which specifically support a DSM-III diagnosis of posttraumatic stress disorder, there are several other symptoms which are associated with the rape trauma syndrome. They include loss of appetite or eating problems, rapid mood changes, depression, excitability, frequent crying, or frequent loss of temper. Many victims also complain of nausea and may state that they become nauseated just thinking about

the rape. In the reorganization phase, many victims will change residence, remove their name from mail boxes, and discontinue telephone service or change to unlisted numbers. Usually, such measures are taken due to the haunting fear that the rapist will return or will take revenge because the incident was reported. Many victims also experience a need to "get away" and will take trips or visit relatives they don't usually see often.

Collecting Rape Trauma Evidence

More than one interview with the rape victim will be necessary to observe and document evidence of the rape trauma syndrome. The initial interview will, of course, concentrate on the details of what happened, but its scope should be expanded to encompass the feelings and reactions of the victim.

A second interview should be scheduled with the victim about 2 to 3 weeks after the incident. This interview will be useful in clearing up details that might not have been covered in her initial statement; however, the main emphasis of the interview should be on her reactions and lifestyle since the rape. Observations and information reported by the victim which are consistent with the rape trauma syndrome should be thoroughly documented in the investigator's notes. Finally, a third interview should be held at least 6 to 8 weeks after the incident in order to collect psychological evidence consistent with the reorganization phase of the rape trauma syndrome.

“Accusative interrogation tactics have absolutely no place in the interview, unless it is blatantly obvious that the victim is falsifying the entire report.”

Techniques For Interviewing Rape Victims

When interviewing the rape victim, the investigator should try to establish rapport by using knowledge of the psychodynamics of violence to mitigate the tendency (learned from experience in interrogations) to view confused, evasive, or contradictory behavior as evidence of deception. While obtaining the details of the incident, the investigator should ask the victim to relate her feelings during the incident and her reasoning behind actions she took or did not take. The “just the facts, ma’am” attitude that is laudable under other circumstances will be counterproductive in a rape interview, since it tends to limit the flow of information about the psychological impact of the event and may even further traumatize the victim if she interprets this as skepticism or hostility. Remember, at this point in the investigation, a maximum amount of empathy and concern for the victim is required. By expressing interest and sympathy, the investigator not only facilitates the collection of psychological evidence but lessens the impact of the rape aftermath by demonstrating concern for her as a person rather than as a mere source of evidence, or worse, as an additional problem.

If any of the victim's coping strategies even remotely aided the investigation, she should be praised for thinking of them. A question that often haunts the rape victim is, “Did I do the right thing?” If she is aware her strategies were beneficial, the victim may be able to overcome feelings of fear and guilt resulting from perceived ineffectiveness. The interviewing officer must also understand that a victim who is undergoing impact

stress reaction may not be able to talk about certain aspects of the incident. She should never be forced into lying about some detail she may not clearly remember or be too traumatized to discuss. She should be informed that if there is something she can't bear to talk about, she should simply say so, and the matter will not be pursued at this time. However, she should also be aware that any false statement about the incident, no matter how insignificant, may cast doubt on her testimony. Of course, it is frustrating not to be able to obtain all of the details immediately, but since two or three additional interviews will be conducted, the investigator will find that the victim will remember and relate willingly more details after the shock of the incident has subsided. Accusative interrogation tactics have absolutely no place in the interview, unless it is blatantly obvious that the victim is falsifying the entire report.

Documenting Psychological Evidence

All observations and information provided by the victim and other witnesses about changes in her lifestyle should be documented in the investigator's notes. Investigators, though, should not attempt to draw conclusions or make diagnoses that they are professionally unqualified to make. Any actual diagnosis must be made by a qualified mental health professional. Ideally, the victim will receive followup counseling from such a professional, but many don't. Even when evidence from psychological counseling sessions is unavailable, the mental health professional can, in many jurisdictions, rely on other evidence (such

as the investigator's observations) in arriving at a conclusion.

The Admissibility of Psychological Evidence

Questions remain on the admissibility of psychological evidence in support of the victim's testimony, although the bulk of appellate decisions in this area have been favorable. As a general rule, expert testimony may be admitted to explain psychological aspects of sex crimes that are beyond the experience of the average juror,¹⁹ or for “. . . explaining superficially bizarre behavior by identifying its emotional antecedents.”²⁰ Such evidence, when corroborating a victim's testimony, was deemed admissible, “. . . as would be a doctor's testimony in a personal injury case that a party's physical behavior was consistent with a claimed soft tissue injury, although such an injury was not objectively verifiable.”²¹

Evidence of the rape trauma syndrome for rebutting defendants claims of consent has been admitted and affirmed on several occasions. One such decision stated, “. . . the literature clearly demonstrates that the so-called ‘rape trauma syndrome’ is generally accepted to be a common reaction to sexual assault.”²² However, not all appellate decisions have upheld the admissibility of rape trauma evidence, especially when offered along with an expert opinion that the victim was, in fact, forcibly raped. Such testimony was held to be “. . . a legal conclusion which was of no use to the jury” because it “gave a stamp of scientific legitimacy to the truth of the complaining witness's fac-



Officer Weaver conducts a performance evaluation with a dispatcher handling a hot pursuit involving several units.

Training and Evaluating the Police Communications Dispatcher

“The key to ensuring optimal performance of all dispatch personnel is intensive training.”

By
WILLIAM C. WEAVER, JR.

*Training Coordinator
Dispatch Division
Police Department
Houston, TX*

Throughout the police profession, there are important choices to make among competing demands. With limited resources and personnel, any department is hard pressed to maximize its efforts in all areas of operation. It is difficult, however, to think of any function in a police department that is more critical than the dispatch function.

Several studies conducted by different research institutions have de-

termined that approximately 95 percent of all police work performed by a department's patrol force is first received, screened, and assigned over police communications systems.¹ Additionally, it has also been stated that of the total number of calls for service, approximately one-third to one-half result in the dispatch of at least one patrol unit.² The remaining service requests are handled either by dispatch personnel themselves, diverted

tual testimony."²³ Nor have all courts agreed that the rape trauma syndrome is generally accepted in the scientific community. One court held that "the scientific evaluation of rape trauma syndrome has not reached a level of reliability that surpasses the quality of common sense evaluation present in jury deliberations."²⁴ The same court was split in a later case, however, with dissenting justices stating that "such evidence is probative on the issue of consent and thus helpful to the jury in resolving the conflicting facts of this case concerning that issue."²⁵ One court upheld the admissibility of a rape crisis counselor's testimony, even though she had not personally counseled the victim, but had merely read documents pertaining to the case and observed the victim testifying in court.²⁶

Conclusion

Forcible rape produces psychological stressors which are among the strongest possible in human experience. To cope with these stresses, victims are reduced to a primitive, childlike state of mental functioning in which the logical faculties of the adult conscious mind are suspended and all behavior is purely survival oriented. Their behavior is therefore often difficult to understand without expert interpretation. Moreover, these stressors damage the psyche and lead to quantifiable ideational and behavioral

changes specifically characteristic of rape victims. Police investigators who are cognizant of the coping behavior and posttraumatic stress reactions of rape victims will be more effective in conducting followup investigations as they will collect additional evidence which may be used to substantiate the element of force. Also, by being concerned with the victim's feelings and reactions, they will reduce some of the trauma associated with the investigation and will encourage victims to cooperate more fully in subsequent prosecutions. Thus, by becoming familiar with a few psychological principles, the police investigator can, in some instances, become the eyes and ears of the expert whose testimony may easily mean the difference between seeing justice done and allowing a dangerous criminal return to society to prey on additional innocent victims. **FBI**

Footnotes

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- ⁴ *Ibid.* p. 416.
- ⁵ *Supra* note 2, p. 30.
- ⁶ *Ibid.*, p. 31.
- ⁷ J.L. Ross, "The Overlooked Expert in Rape Prosecutions," *University of Toledo Law Review*, vol. 14, No. 3, 1983, p. 708.
- ⁸ *State v. Van Doren*, Mo. App., 657 S.W. 2d 708 (1983); *State v. Baker*, Or. App., 610 P.2d 840 (1980); *State v. Berry*, N.H., 373 A.2d 355 (1977).
- ⁹ D. Metzger, "It Is Always the Woman Who Is Raped," *American Journal of Psychiatry*, vol. 133, No. 4, 1976, p. 406.
- ¹⁰ *Supra* note 3, p. 416.
- ¹¹ *Diagnostic and Statistical Manual of Mental Disorders*, American Psychiatric Association, 3d ed., p. 238.
- ¹² A.W. Burgess and L.L. Holstrom, "Rape Trauma Syndrome," *American Journal of Psychiatry*, vol. 131, No. 9, 1974, p. 981.

¹³ A.W. Burgess, "Rape Trauma Syndrome," *Behavioral Sciences & The Law*, vol. 1, No. 3, 1983, p. 97.

¹⁴ A.W. Burgess and A. Lazare, *Community Mental Health: Target Populations* (Englewood Cliffs, NJ: Prentice-Hall, 1976), pp. 240-241.

¹⁵ *Supra* note 9.

¹⁶ *Supra* note 12, p. 103.

¹⁷ J. Norris and S. Feldman-Summers, "Factors Related to the Psychological Impacts of Rape on the Victim," *Journal of Abnormal Psychology*, vol. 90, No. 6, 1981, p. 565.

¹⁸ *Supra* note 13, p. 105.

¹⁹ *State v. Harwood*, Or. App., 609 P.2d, 1312 (1980).

²⁰ *State v. Middleton*, Or. App., 648 P.2d 1296, 1300 (1982).

²¹ *Ibid.*

²² *State v. Marks*, Kan., 647 P.2d 1292, 1299 (1982).

²³ *State v. Saldana*, Minn., 324 N.W. 2d 227, 231 (1982).

²⁴ *Ibid.* p. 230.

²⁵ *State v. McGee*, Minn., 324 N.W. 2d 232, 234 (1982).

²⁶ *United States v. Hammond*, 17 M.J. 218 (C.M.A. 1984).

Bailey

VII. TECHNIQUES OF CRIMINAL INVESTIGATION AND TESTIFYING

G. Investigation of Sexual Assault

General Learning Goal: The student will understand how to investigate a sexual assault.

1. The student will review and demonstrate that he/she understands Minnesota Statutes § 609.342, § 609.343, § 609.344, § 609.345, § 609.365, and § 617.23 (relating to sexual offenses).
- ✓ 2. The student will cite the reasons why rape and sexual assault is one of the most unreported crimes in the U.S.
 - a. Victim tormented by feelings of worthlessness and guilt.
 - b. Criminal justice system can be very intimidating to victim.
 - c. Rapist may be known to victim.
 - d. Continuing psychological trauma.
3. The student will understand the elements of sexual penetration.
- ✓ 4. The student will demonstrate that he/she understands the principal differences between 3 of the following assumptions vs. facts:
 - a. Assumption: Most rapes are the outcome of sudden impulse.
Fact: Most rapists plan their attacks.
 - b. Assumption: Most rapists attack their victim suddenly, without conversation.
Fact: The attack is usually preceded by some conversation.
 - c. Assumption: Rapes occur because of lack of sexual outlets for some men.
Fact: Many rapists have access to sex; - what they wish to express is power, dominance, and control.
 - d. Assumption: Rape is a sex crime.
Fact: Rape is a crime of violence; sex is generally not its primary goal.

G. Investigation of Sexual Assault (Cont.)

5. The student will identify the correct procedures for conducting a preliminary rape (sexual assault) investigation. These procedures will minimally include:
 - a. Record the time of arrival.
 - b. Determine the location and condition of the victim.
 - c. Determine if the suspect is still at scene.
 - d. Summon an ambulance, if needed. (Officer should accompany victim.)
 - e. Protect the crime scene.
 - f. Identify and separate witnesses.
 - 1) Obtain valid I.D. from witnesses.
 - 2) Obtain preliminary statements.
 - g. Initiate crime broadcast, if applicable.
6. The student will demonstrate that he/she knows the correct methods for continuing the rape (sexual assault) investigation.
 - ✓ a. Interview victim and witnesses separately.
 - ✓ b. Interview victim in privacy.

(Be sensitive and understanding and remember that victims are interviewed not interrogated.)
 - ✓ c. Attempt to establish rapport with victim.
 - ✓ d. Use sympathetic body language and explain the necessity for asking sensitive questions.
 - ✓ e. Obtain a detailed account of crime.
 - ✓ f. Determine suspect's:
 - 1) Statements/actions.
 - 2) Special characteristics/oddities.
 - 3) Unusual M.O.
 - g. Determine if the crime scene or evidence has been altered or contaminated.
 - h. Note and document (photograph) victim's condition.

G. Investigation of Sexual Assault (Cont.)

7. The student will demonstrate that he/she recognizes the correct procedures to follow if a suspect is taken into custody. These procedures will minimally include:
 - a. Recording any spontaneous statements.
 - b. Separation of multiple suspects.
 - c. Removing from and preventing entry of suspect into crime scene.
 - d. Preventing communication between suspect(s), victim, and witnesses.
 - e. Photographing suspect(s).
 - f. Preservation and collection of evidence.
8. The student will identify the correct way to handle any alibis which are offered by suspect(s).
9. The student will demonstrate that he/she understands the correct field identification procedures.
10. The student will demonstrate the correct methods for reconstructing the crime.
11. The student will demonstrate that he/she understands the correct methods for identifying, collecting and preserving evidence in a rape (sexual assault) investigation.
12. The student will demonstrate, will cite the correct procedures for providing medical treatment and obtaining evidentiary specimens from the victim.
13. The student will state the correct definition of 'comparison samples' and identify the correct procedures for obtaining them.
14. The student will cite the importance of specific and factual reporting in sexual and rape cases.
15. The student will demonstrate that he/she understands the importance of thoughtfully explaining to the victim what she can expect to happen as the case proceeds.

123 S. 12th St. - Great Taping - 339-1651
7th Fls.
(bet. Marquette + 2nd Ave.) Illusion Theater -
Rm. 309 Bill Roberts
Henn. Center for Arts - 339-4944
6th + Hennepin

ROUGH COPY OF DIALOGUE

Alfred Harrison -
933-1258

Mary Sue Moses -
871-9495

Officer: Police Dept.
Female: A man is trying to break in my door. I don't know who he is. He said, "Let me in!"
Officer: He's doing what?
Female: He's trying to break in my door.
Officer: What is your address?
Female: My address is 2930 Sherman.
Officer: What's your name, ma'am?
Female: [REDACTED]
Officer: [REDACTED], I want you to stay on the telephone with me, okay?
Female: Okay. (Officer dispatches squad in background)
Officer: Where are you now?
Female: I locked the front door, and I'm upstairs in the bedroom.
Officer: Is there anyone with you?
Female: No, just my baby.
Officer: (dispatching in background) [REDACTED] are you still there?
Female: No answer, then .. He's in the house! (distressed) He broke through the door!
Officer: Okay. 2930 Sherman. (Tells squad loudly in background that he broke in)
Officer: [REDACTED] are you still there?
Female: Yes.
Officer: Shut the bedroom door, lock it if you can, and come right back to the telephone.
(Time Lapse)
Officer: [REDACTED]
Female: Yes.
Officer: Stay on the phone with me now. Do you have the door shut?
Female: Yes. I locked it.
Officer: Are you okay?
Female: Yes.

Officer: We're on the way.

Pause -

Officer: [REDACTED]

Female: Yes.

Officer: We have them coming now.

Female: He's downstairs. He broke down the door.

Officer: What?

Female: (pause) He's at the door.

Officer: What?

Female: He's at the door. He's here! He's here!

Officer: Are you still with me?

Female: Yeah.

Officer: Tell him you've got the police on the phone.

Female: (Turning away from phone) I've got the police on the phone.

Who are you? Why are you here?

Officer: (in background) He's in the bedroom with her!

Female: (in background) I've got the police on the phone.

I've got the police on the phone.

Why are you here? Why are you here? Why? Why?

Please. Please don't hurt me. Please don't hurt me.

Why? Why?

I don't know you.

Please don't kill me. Please don't kill me.

Why? Why me?

Who are you? Why are you doing this to me?

Why? You don't even know me.

No. Nooooooooooooo!

Ohhhhhhh. Oh God!

What is your name? Why are you here? I don't even know you.

Who are you? Why are you here? How do I know you?

What is your name?

Officer: [REDACTED]

(in background, female:) Ohhhhh (crying)
Please, please, Ohhhh.
screaming.

Sex Crime Evidence

1. Intro.- I was uncomfortable when I was asked to talk to you because I ~~was aware~~ ^{am know} that many of you have a great deal of experience and expertise in sex ^{or should I say} working on sex crimes. I didn't want to hash over training that most of you know well, so I thought I'd comment on a few areas relating to evidence & identification procedures ^{where} we seem to have the most problems. ^{ask for comments & questions.}
1st as an introduction, we thought we'd show slides.....

2. The officer at the scene of a sexual assault case has 2 primary responsibilities:

- 1) To assist and protect the victim
- 2) Properly investigate the case, gathering and preserving evidence necessary for possible prosecution.

A fine balance of these 2 roles is important. The victim who is treated with consideration and an awareness of the physical & emotional experience he/she has had will be of far more assistance in the investigation. The victim is our single most important evidence, & the same thing that preserves the victim as a person preserves our evidence for court.

As in an assault or possible homicide, the officer arriving at the scene must first take care of the victim. EX. Fire Dept. moving body with rigor.
Evidence must be preserved but not at the expense of the victim. EX. Midway Center - victim waited 2 hours for processing before being taken to hospital.

usually both purposes can be met with little problem.

3. ~~The~~ the officer who arrives to process the scene should take a minute to explain to the victim what he will be doing. She hasn't the slightest idea what it's all about, except what she sees on television. EX. Starsky & Hutch, ^{but there to do a job but without taking any more time} can be good P.R. EX. Coreoran + 92 yr. victim.

Explain (ex: in short time, can bathe)

4. Some from smaller departments may have the full responsibility of handling the entire case. In such situations, it is helpful if one officer handles the questioning & assistance to the victim throughout, while the other partner handles the evidence.

5. Unique problems in photographing ^{victim} ~~witness~~ ^{is part of the scene of the crime.}

a. privacy (ex. hall call room)

b. protecting officer & victim with witness. "doctor"

6. Search warrants probably as prevalent in sex crimes as all others.

Advantage in sex crimes... in addition to all other evidence available in other crimes, unique evidence to sex. Sperm can be analyzed on all surfaces. Don't underestimate. EX. pants soaked all night in Hi-lex; (all sex cases) EX. sperm on tennis shoes.

Follow sperm as do chain of evidence - Kleenex for wiping, etc. EX. sperm inside blouse.

EX. Wnt for towels,

7. Law.

8. Michigan research

9. Poem?

female off
sodomy
statute
question - at scene



DISCUSSION GUIDE

REALITY OF RAPE

Objectives

1. To provide law enforcement officers at all levels with more understanding about the severity of the rape crisis situation.
2. To demonstrate both a sensitive and insensitive attitude of law enforcement officers on first response.
3. To demonstrate effective interview techniques utilized by an officer for deescalating the woman's emotional crisis, and gathering critical information for his report.

About the Film

Reality of Rape is a shocking film. It is designed to make the officer aware of the nature of this crime and the importance of attending to the victim's emotional needs as his first responsibility. The film does not preach. It should only be shown when discussion time is available since there are many issues that are presented, many of which are not obvious. We strongly urge thorough preview of the film by the discussion leader prior to group showing.

Synopsis

The woman is cold and tired of waiting for her bus. She knows that hitch-hiking can be dangerous, but she knows that she isn't going to get into a car with anyone who looks suspicious.

The man looks safe and friendly. He seems pleasant enough until he begins to tell her about his past. She denies to herself that this really means anything, and chalks it up to the way some young men try to impress a woman by talking about how tough they are. She is uneasy, but stays on her side of the seat and remains noncommittal.

She experiences some apprehension when he turns off the main street. Her fear is replaced by embarrassment when he chides her for holding stereo-

typed views of ex convicts. She apologizes for insulting him. She is reassured when he stops at the church.

She is shocked by his strength when he seizes her. She is horrified by what he is saying. Her main reaction is the terror that she is going to die. She realizes that she has told him too much about herself, and that he can revenge himself easily if she tells anyone about him. All she wants is to get free and to live.

She is repulsed by his demands on her. Shame and guilt fill her mind as she realizes how foolish she has been to get into such a situation. His slap terrifies her even more.

He throws her out of the car in a state of shock. The only thoughts that penetrate her daze are to get away, to get clean and go get help. She seeks help at the church. As she cleans up, she begins to pull herself together to regain control of herself.

The first officer is angry at the rapist and frustrated that people get hurt because they do dangerous things. His attention is focused on obtaining evidence to apprehend and convict the man. He doesn't know what to say to the woman, so he asks routine questions. He feels a flash of frustration when she tells him she was hitch hiking. He remembers all the times he has warned young women not to hitch hike. He is relieved to turn her over to his partner. The girl perceives the officer as cool, distant and disapproving. Her worst fears about being held responsible for what happened because she was hitch hiking are being supported. She is fearful when she enters the room to talk with the second officer.

The second officer also feels awkward and uncomfortable. He sees that the victim is upset and wants to put her at ease, although he's not exactly sure

how to do it. He learns from the overheard conversation with his partner that she was hitch hiking, so he knows there is no likelihood that the criminal is still in the vicinity. Therefore, he can afford to be patient about asking any questions. He watches her carefully, trying to gauge when she has calmed down enough to be able to cooperate with him.

The woman is expecting an ordeal of questions. She is surprised when she hears the gentleness and the concern in the officer's voice. She feels that he really cares about what has happened, and tries to cooperate with him. She feels safe and protected. The questions come slowly, and she has time to think about each one. Soon she is responding freely to them.

DISCUSSION QUESTIONS

Scene #1

1. Hitch-hiking placed the victim in danger, but did not justify the man's attack. (How sympathetic are you toward the victim? Was she asking to be raped by hitch-hiking? If you are unsympathetic, should you give the victim less assistance than if you were more sympathetic?)
2. The officers may have had some strong emotional reactions to the scene. (How did you feel as you watched this scene?)
3. The man gained control of the woman by terrifying her and leading her to believe that her life was in danger. (The woman did not resist to any great extent. Was this really rape?)
4. The woman has many feelings of terror. The sexual acts are secondary to her fear of death. (Some people say that rape is primarily an assault and that sex is a secondary consideration as far as the victim is concerned. Based on this film, what is your opinion?)
5. The victim has faced death, and been forced to submit to a degrading experience. She is emotionally overwhelmed, hurt and dazed. (What psychological needs is this victim experiencing? How would you recommend that the first officer on the scene respond to her? Be specific.)
6. Her emotional state does not differ, except in degree, from that of the other victims. (How does she differ from the other victims in terms of her emotions?)

The following points are related to the second scene.

1. The first officer is uncomfortable with the woman, so he asks routine questions. (How do you account for the first officer's behavior?)
2. The first officer's questions reinforce the victim's fears that she is going to be held responsible for what happened to her. (What effect did the first officer's remarks and questions have on her?)
3. The second officer did many things to help the victim recover her feelings of safety: He spoke slowly and softly; he gave her some control over the interview; he directly reassured her about her safety; he assumed a pose of listening; he expressed his awareness of her upset; he shared his procedure with her; he let her know that he was uncomfortable also. (What did the second officer do to help reassure her? Be specific.)
4. Police officers often go to rape calls unsure of just what they are going to do for the victim. Consequently, they often fall back on routine report taking. (What priorities do you think you would set for yourself if you respond to a rape call?)
5. The second officer made many errors, if we are comparing him to the ideal interviewer. Yet, he left a generally positive impression on the victim. (The second officer did not do a perfect job. What else might he have done to help the victim? Did his errors affect the outcome greatly?)
6. The trainees may feel that they would not be able to do a good job if confronted with a rape victim. (What are your feelings as you think about taking a rape report? What can you do to prepare yourself to be more effective with such victims?)

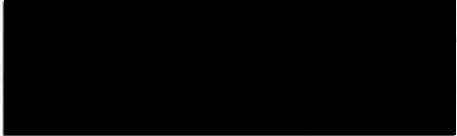
Produced by: The filmmakers, Inc.

At 12:30 in the afternoon on August 6, 1976, a sixteen year old girl was kidnapped at knifepoint off a busy street by a man wearing a ski mask. As he forced her in to a car, he repeatedly told her that she was going to get "what she deserved". She fought and scratched her attacker, but he succeeded in raping her. During this time, she became sick and vomited in his car, which made him very angry. As he yelled, "I'll teach you", he slashed away with the knife, cutting her over her entire body.

Two days after the attack, she wrote a poem about her experience, which I would like to read because it shows the insight this child has.

that she gave me

RAPE!!!

- ① He was all so mysterious
I'm not sure why,
But when I think of him
I ~~just~~ start to cry!
- ② Walking all alone
Then came a knife in my back,
I was going to go crazy
But told myself not to crack.
- ③ He pushed me into the car
My eyes they couldn't see,
I asked, "Oh my God,
Why is this happening to me?"
- ④ The car was stopped
I'm not sure where,
He started ripping my clothes
I knew I'd ~~seen~~ be bare.
- ⑤ I didn't know what to do
So I started to cry,
He said, "Shut-up
Or you'll know the reason why!"
- ⑥ I sat there quietly
Not knowing what to do,
~~then~~ I started to struggle
That was something new!
- ⑦ I soon stopped fighting
Not wanting to die,
I felt like dirt
Just wanting to cry.
- ⑧ After he finished
I got very sick,
So he used his knife and...
I knew the memories would stick.
- ⑨ He was finished with the knife
So he started the car,
He later threw me out
But I knew help wasn't far.
- ⑩ I was soon helped
Many people were involved,
No matter how many
The problem is still unsolved.
- ⑪ But we didn't stop trying
We're going to follow his trail,
We'll bring him to court
And lock him in jail.
- ⑫ My life is not over
I still must live,
I can't always take
I also have to give.
- ⑬ ~~So~~ RAPE is something terrible
That could happen to you,
But don't give up
There's always something you can do.
- ⑭ So don't hide from the problem.
You can't run away,
He may go to jail
But the memories will stay!!
- ⑮ ~~So~~ let me tell you people
This story is true,
It happened to me two days ago
Don't let it happen to you!!!!!!!
- 

OUR POLICE FORCE

(Dedicated to Homicide Staff at St. Paul Police Department)

They're always there when you need them
They always have something to do,
You ~~really~~ can't say they're lousey
Because they're really a super crew.


Some sit behind a desk all day
Some are out on the street,
No matter how they work their job
It's a force you just can't beat.

They work on many cases
Such as murder, theft, and rape,
But when they're caught and put away
They make sure they can't escape.

They really are nice people
Others call them pig,
But if you sit and realize
Crime is really something big.

So that's why we need our Police Force
So they can fight the crime,
Some may think it takes minutes
But it takes more than just time.

They need our co-operation
And our information too,
And count on our faith and trust
That's what makes them a wonderful crew!!!!!!



Bk + white photos - prob in it with color?

Spontaneous remark of child admissible

Child taking the stand - rebuttal,

Charge uninformed parent?
neglect

HAROLD NETKOW
ANOKA Co Sheriff's Office
325 E Main St
Anoka Minn 55303

Bob Kessler, ^{now} FBI Academy.
Behavioral Science
Unit

Homicidal Behavior

Sex-related, rape-kill situations

Psychological profiling - not used enough
because not ample experts. Behavioral Sci. Unit
Glaring prob is few ^{well} trained in Forensic
Psychiatry

FBI ^{acts as} clearing house for bizarre sex crimes
occurring through-out US (figure 35+
for Theodore Bunde).

1st encounter "legal insanity". In last ten
yrs., defense attys have turned up many
more cases of "multiple personalities" than
ever recognized by psychiatrists. 95%+ bull.

Hillside strangler - def faking in hypnosis.

Son of Sam killer, NYC - not necessarily insane.
Was a "loser". Shot 6-8 people in mite.
Totally inadequate sexually that he could
not relate to any women of any age.
Said he heard voices, grandeur - playing in
to expectations of psychiatrists, who diagnosed
paranoid schizophrenia.

Has interviewed many mass killers & felt none were insane.

To Berkowitz:

Knock off the crap about demons, etc. -

Reason I committed these crimes is because I couldn't get laid.

Sought jobs in low emp. - security, auxiliary police for power - authority. Strange, violent ~~murders~~ movies. 1st killing - leaves note but not much attention. More killings - "son of Sam".

Psy thought "key" to his personality - he said I made it up to get something with press.

John Gacy - ego-maniac; loved publicity, notoriety & fame. 13 psy testified ranging from psychotic to insane. "Temporarily insane 33 times".

For 6 yrs., very careful, premeditation, covered self, and yet claimed he was uncontrollable.

Few psychotics possess enough frame of mind to conceal evidence. Best defense for insanity.

Is possible to psychological profile case.

Easier to tie in to specific suspect in a small area. Narrow to workable population.

At scene - mutilation, place of asset,
how long alive during torture, positioning,
foreign objects, method of death (most
often by strangulation or beating by psychopath).

"Organized" type = long time + series evident.
Early apprehension are disorganized, psychotic types.

Guilt-laden, remorseful rapists - "inipel"
begin with fetishes. Often unsuccessful
sexual assaults. Obsessive-compulsive.
Leave identifying evidence.

Can't profile "normal". ^{Commitat} Whim. vs. disabled
who fall in to patterns.

Prob is most psy look at nuisance crimes
(fetishes) as harmless but do progress. Do not
downplay any case on face value.

Confessed killers often display -
Total denial through defense mechanism
after many years to cope with themselves.

* Organized, aggressive violent often use the
disguise of police authority to lure.
Imp. part of profiling. Ex Gacy's car looked
like Squad and used police reuse.

- 1. "Normal level of behavior" (70% of society)
Acc. to James Coleman.
- 2. "Neurotic" behavior - 10% (category dissolving)
in touch with reality but have anxiety problems and can function most of time etc bizarre behavior occasionally.
- 3. "Psychotic" - 1 1/2 - 2%. Should be hospitalized. Delusions, hallucinations. Measurable loss of reality = inability to govern behavior + motivations become lost. Even a psychotic often knows right + wrong. History of conning psy., cops. Sirhan Sirhan a paranoid schizophrenic 95% of assassins, suffering from paranoia, & yet found sane in court - probably not responsible for what he did. He actually thought he would be proclaimed a hero.

Definition needs to be cleaned up.

XY never impacted court system.

"I cannot live outside these prison walls".

- 4. "Personality Disorders" - 18%. Many choose not to adhere to rules of society. Sociopath/psychopath - no guilt, high intelligence, useful in rt place (ex. military), no appreciation for rts of others. Best describes some of these killings. "Organized, disorganized + mixed rapists" avoids pigeon holing psy. personality. basis for establishing profile.

Murders for rage, etc. will not keep souvenirs as would those who relive fantasies.

video tape: (Ed Kemper, Santa Cruz, Calif.)

Organized sex killer - psychopath. Uncomfortable with women, assaults after death. Killed G.M., M, 1 college students

IQ 140. Chose "aggressive, better than thou" women. 6'9", 295# ^{Frightening, towering}. Isolated.

F deserted when 7 yrs. Sexual fantasies were more satisfying than reality.

Destroyed inanimate objects, then animals, then people. Dismembered heads & hands to prevent identification, ballistics

Personality disorders - deeply ingrained.

No such thing as a mass murdering female of victims who are not known to her.

* Psychopaths rationalize behavior (ex. "getting rid of trash in society"). Absolutely no remorse. many have poor father image.

Ego-maniac often curious as to progress in case & may call police to inquire.

Minute detailed fantasy planning of killings. Logical. "Get high" on meticulous, potential problems and how to deal with them. Knew long before fantasies were too strong & would start to carry out.

Loves attention & talking about crimes.

Cannot get heavy or critical or turn off. Look of admiration encourages them. So hung up in ego will make incriminating statements.

*
Note for
sup defense

V. Talking to neurotics may be effective but ridiculous with psychopaths. Psychopaths primary concern is themselves (if a victim dashed for help or attracted a witness, all said would not have killed). Premeditate over weight in rear of car (ex. amt of gas + body weight).

Richard Trenton Chase, Sacramento, Calif.
Jan., 1978

Disorganized type. Fetish break-ins, missing dogs over several weeks. Schiz tend to be thin.

More bizarre & unusual = easier to profile.

Systems in courts is disordered re. sanity-insanity pleas. Guilt or innocence should be devoid of sanity pleas, & sanity hearings should be jury of professionals.

4-14-80

John Paquette
BCA Training Center

Examples of MO characteristics:

where, language, weapon, type of victim,
act, fetish, time, etc.

Look at yours and neighboring jurisdictions.

Look at potential victim pools which are not
being tapped. When is suspect available
to rape? = work, family patterns.

Can't look at rape as individual case,
but MO profile = cluster cases.

"Psychological Profiles" - ^{LA.} looked at those
arrested for psy. characteristic, similarities

Categories of rapists:

1. Aggressive aim - purpose to defile women
Love-hate relationships with women.

Smooth, neat - "suddenly turned on me."
Friendly approach.

2. Sexual aim - to prove they're a man
"Good, quiet boy". Uses weapon so does not
have to use force.

3. Views world distortedly. Actually
believes v. loved rape.

Don't assume rapist is operating on the
same level as is familiar to you.

"Southern Belle Syndrome" - if I submit in
the heat of passion, it's okay (no planned birth control).

Situational rape - a mis-match in expectations.
(don't make judgements)

"There's a lot of people running around with mixed-up attitudes, and the sad part about it is a lot of them are raising kids".

Can't convict on level of probable cause. Must continue to investigate beyond a reasonable doubt.

Search for corroboration on all aspects of the crime.

Don't be deceived on sex-murders by myths about victims (elderly), penetration (not necessary), etc.

"masochistic karinging" - "You always hurt the one you love."
Often positioned mirrors. Usually some type of escape mechanism.

Incest:

Reassure reporting party that their name will not be revealed (unless subpoenaed).

Parents not required to be present (victims are not suspects)

Child victims are often scolded by parents following offenses and held responsible.

To: Team Members

From: Gretchen

Here's a working draft of the team's assumptions in incest cases - please review & give me any comments, suggestions, etc - thanks - GSK

Guidelines for Incest Cases

Working Assumptions, Child Abuse Team

March 1976

Initial Intervention:

The victim is telling the truth

Incest is invariably damaging to the victim and other family members

The protection of the victim and other children is the primary concern

The victim, when reporting, will need immediate, individual and ongoing support.

If unprotected, the ^{reporting} victim is often subjected to physical abuse and/or verbal rejection

Other siblings of both sexes are usually, or will become sexually involved unless there is effective intervention.

Physical abuse of spouse and children is often present concurrently

Chemical dependency on the part of the father is usually present

Mother should be considered unreliable and a direct participant in the incest.

Father will not be cooperative ~~of~~ or changeable without external control. Hence he should be immediately separated from the family. Criminal as well as juvenile court action should be initiated.

Drastic initial intervention (removal of father and of all children) is correlated with more favorable outcome. ~~Immediate~~ ^{immediate} removal of all children and securing legal supervision or custody of all children is recommended.

If victim is expected to be a "reliable witness" she needs to be separated from parents, and provided with intensive support.

Treatment Planning:

Families are ~~often~~ ^{usually} uncooperative, hence treatment plans should be mandated by juvenile court.

These families tend to be very tightly knit in pathological ways, and will often, regardless of our goals, become reunited.

Thus it is important to evaluate the family members individually and as a unit, and to relate to the family ties in the treatment planning and execution.

The mother is best seen as a passive participant whose emotional bond is to her husband. She will require ongoing, intensive intervention if the goal is to enable her to protect her children from her husband and to assume her role as mother.

The victim will also be emotionally tied to the abusing father. Her feelings of responsibility, guilt, attachment and rejection must be dealt with directly and immediately. She must be provided with support apart from the family constellation.

Effective treatment will involve at least two years of intensive activity with family members.

If the victim is allowed to return home, this should be under court ordered supervision, on a

trial basis, with individual and
family therapy resumed or continued
by mandate of the court

1 "Section 1. Minnesota Statutes 1974, Chapter 626, is
2 amended by adding a section to read:

3 626.555 REPORTING OF MALTREATMENT OF MINORS.
4 Subdivision 1. PUBLIC POLICY. The legislature hereby
5 declares that the public policy of this state is to protect
6 children whose health or welfare may be jeopardized through
7 physical abuse, neglect or sexual abuse; to strengthen the
8 family and make the home safe for children through
9 improvement of parental and guardian capacity for
10 responsible child care; and to provide a safe temporary or
11 permanent home for physically or sexually abused
12 children.

13 In addition, it is the policy of this state to require
14 the reporting of suspected physical or sexual abuse of
15 children; to provide for the voluntary reporting of neglect
16 of children; to require the investigation of such reports;
17 and to provide protective and counseling services in
18 appropriate cases.

19 Subd. 2. DEFINITIONS. As used in this section, the
20 following terms have the meanings given them unless the
21 specific content indicates otherwise:

22 (a) "Sexual abuse" means the subjection by the child's
23 parents, guardian, or person responsible for the child's
24 care, to any act which constitutes a violation of Minnesota
25 Statutes, Sections 609.291, 609.292, 609.293, 609.295, or
26 609.296.

27 (b) "Neglected child" shall have the meanings defined
28 in Minnesota Statutes, Section 260.015, Subdivision 10.
29 Nothing in this section shall be construed to mean that a child
30 is neglected solely because the child's parent, guardian or other

1 person responsible for his care in good faith selects and depends
2 upon spiritual means or prayer for treatment of care of disease
3 or remedial care of the child.

4 (c) "Physical abuse" means:

5 (i) Any physical injury inflicted by a parent, guardian or other
6 person responsible for the child's care on a child other
7 than by accidental means; or

8 (ii) Any physical injury that cannot reasonably be explained by
9 the history of injuries provided by the parent, guardian
10 or other person responsible for the child's care.

11 (d) "Report" means any report received by the local
12 welfare agency pursuant to this act.

13 Subd. 3. [PERSONS MANDATED TO REPORT.] A professional
14 or his delegate who is engaged in the practice of the
15 healing arts, social services, hospital administration,
16 psychological or psychiatric treatment, child care,
17 education, or law enforcement who has knowledge of or
18 reasonable cause to believe a child is being physically or
19 sexually abused shall immediately report the information to
20 the county welfare agency or police department. The police
21 department, upon receiving a report, shall immediately notify
22 the local welfare agency. Nothing in this subdivision shall be
23 construed to require more than one report from any institution,
24 facility, school, or agency. Any person not required to report under
25 the provisions of this subdivision may voluntarily report to the
26 local welfare agency or police department if he has knowledge of or
27 reasonable cause to believe a child is being neglected or subjected
28 to physical or sexual abuse. The police department, upon receiving
29 a report, shall immediately notify the local welfare agency.

1 Subd. 4. [IMMUNITY FROM LIABILITY.] Any person participating
2 in good faith and exercising due care in the making of a report
3 pursuant to this act shall have immunity from any liability, civil
4 or criminal, that otherwise might result by reason of his action.

5 Subd. 5. [FALSIFIED REPORTS.] Any person who willfully
6 or recklessly makes a false report under the provisions of
7 this act shall be liable in a civil suit for any actual damages
8 suffered by the person or persons so reported and for any
9 punitive damages set by the court or jury.

10 Subd. 6. [FAILURE TO REPORT.] Any person required by
11 this act to report suspected physical or sexual child abuse
12 who willfully fails to do so shall be guilty of a misdemeanor.

13 Subd. 7. [REPORT.] An oral report shall be made immediately
14 by telephone or otherwise. An oral report made by a person
15 required under subdivision 3 to report shall be followed as soon
16 as possible by a report in writing to the appropriate police
17 department or local welfare agency. Any report shall be of
18 sufficient content to identify the child, the parent, guardian,
19 or other person responsible for his care, the nature and extent
20 of the child's injuries and the name and address of the reporter.
21 Written reports received by a police department shall be forwarded
22 immediately to the local welfare agency.

23 Subd. 8. [EVIDENCE NOT PRIVILEGED.] No evidence regarding
24 the child's injuries shall be excluded in any proceeding arising
25 out of the alleged physical or sexual abuse on the grounds of
26 either a physician-patient or husband-wife privilege.

27 Subd. 9. [MANDATORY REPORTING TO A MEDICAL EXAMINER OR
28 CORONER.] When a person required to report under the provisions
29 of subdivision 3 has reasonable cause to believe a child has died
30 as a result of physical or sexual abuse, he shall report that

1 information to the appropriate medical examiner or coroner instead
2 of the local welfare agency or police department. Medical examiners
3 or coroners shall notify the local welfare agency or police
4 department in instances in which they believe that the child
5 has died as a result of physical or sexual abuse. The medical
6 examiner or coroner shall complete an investigation as soon as
7 feasible and report the findings to the appropriate law enforcement
8 authorities and the local welfare agency.

9 Subd. 10. [DUTIES OF LOCAL WELFARE AGENCY UPON RECEIPT OF A
10 REPORT.] The local welfare agency shall immediately investigate
11 and offer protective social services for purposes of preventing
12 further abuses, safeguarding and enhancing the welfare of the
13 abused or neglected minor, and preserving family life whenever
14 possible. When necessary the local welfare agency shall seek
15 authority to remove the child from the custody of his parent,
16 guardian or adult with whom he is living. In performing any of
17 these duties, the local welfare agency shall maintain appropriate
18 records.

19 Subd. 11. [RECORDS.] All records maintained by a local
20 agency under this section, including any written reports filed
21 under subdivision 7, shall be private. The records shall be
22 collected and maintained in accordance with the provisions of
23 Minnesota Statutes, Sections 15.162 to 15.168, and an individual
24 subject of a record shall have access to the record in accordance
25 with those sections, except that the name of the reporter shall be
26 disclosed only by the local agency (a) if the report is found to
27 be unsubstantiated or (b) upon court order if the report is
28 found to be substantiated.

29 Records maintained by local agencies under this section must
30 be destroyed as follows:

1 (a) All records relating to reports which, upon investigation,
2 are found to be unsubstantiated shall be destroyed immediately;

3 (b) All records relating to reports which, upon investigation,
4 are found to be substantiated shall be destroyed 7 years after the
5 date of the final entry in the case record; and

6 (c) All records of reports which, upon initial investigation
7 cannot be substantiated to the satisfaction of the local agency may
8 be kept for a period of one year. If the local agency is unable
9 to substantiate the report within that period, all records
10 relating to the report shall be destroyed immediately.

11 Sec. 2. Minnesota Statutes 1974, Section 626.554, is repealed."

AN ACT

S.F.No. 188
CHAPTER No.

130

1
2 relating to crimes; correcting references in the
3 laws relating to criminal sexual conduct; amending
4 Minnesota Statutes 1976, Sections 246.43,
5 Subdivision 1; 609.11, Subdivision 1; 609.195;
6 609.293, Subdivision 5; 609.32, Subdivisions 1, 3,
7 and 4; 609.341, Subdivision 10; and Section
8 626.556, Subdivision 2; repealing Minnesota
9 Statutes 1976, Section 609.293, Subdivisions 2, 3,
10 and 4.

11

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

13 Section 1. Minnesota Statutes 1976, Section 246.43,

14 Subdivision 1, is amended to read:

15 246.43 [SEX OFFENDERS.] Subdivision 1. [CONVICTION OF

16 SPECIFIED OFFENSES; PRESENTENCE EXAMINATIONS.] If a person

17 who is 18 years of age or older at the time of his

18 apprehension is convicted under sections ~~609.291, 609.292,~~

19 ~~609.293, 609.295, 609.296~~ 609.342, 609.343, 609.344,

20 609.345 , or 609.365, or is convicted under section 609.17

21 of an attempt to commit an act proscribed by sections

22 ~~609.291, 609.293, or 609.295~~ 609.342 or 609.344 , or is

23 convicted of an act otherwise within the scope of one of

24 these provisions occurring prior to its effective date, the

25 court shall commit him to the commissioner of public welfare

1 of the department of public welfare or shall order any other
2 state, local, or private agency that the court may deem
3 adequate to make said examination for a presentence social,
4 physical and mental examination. The court and all public
5 officials shall make available to the examining person,
6 agency or commissioner upon his request all pertinent data
7 in their possession in respect to the case.

8 Sec. 2, Minnesota Statutes 1976, Section 609.11,
9 Subdivision 1, is amended to read:

10 609.11 [MINIMUM TERMS OF IMPRISONMENT.] Subdivision 1.
11 All commitments to the commissioner of corrections for
12 imprisonment of the defendant are without minimum terms
13 except when sentence is to life imprisonment as required by
14 law and except that any commitment following the defendant's
15 first conviction of an offense wherein he had in his
16 possession a firearm or used a dangerous weapon at the time
17 of the offense shall be for a term of not less than one year
18 plus one day, nor more than the maximum sentence provided by
19 law for the offense for which convicted, and except that any
20 commitment following defendant's second or subsequent
21 conviction of an offense wherein he had in his possession a
22 firearm or used a dangerous weapon at the time of the
23 offense shall be for a term not less than three years, nor
24 more than the maximum sentence provided by law for the
25 offense for which convicted, and such person shall not be
26 eligible for parole until he shall have served the full
27 minimum sentence herein provided, notwithstanding the
28 provisions of sections 242.19, 243.05, 609.12 and 609.135.
29 The offenses for which mandatory minimum sentences shall be
30 served as herein provided are: aggravated assault,
31 burglary, kidnapping, manslaughter, murder in the second or
32 third degree, ~~rape~~ robbery, ~~sedition~~ criminal sexual conduct

1 in the first, second or third degree, escape while under
 2 charge or conviction of a felony, or discharge of an
 3 explosive or incendiary device,

4 Sec. 3. Minnesota Statutes 1976, Section 609.195, is
 5 amended to read:

6 609.195 [MURDER IN THE THIRD DEGREE.] Whoever, without
 7 intent to effect the death of any person, causes the death
 8 of another by either of the following means, is guilty of
 9 murder in the third degree and may be sentenced to
 10 imprisonment for not more than 25 years:

11 (1) Perpetrates an act eminently dangerous to others
 12 and evincing a depraved mind, regardless of human life; or

13 (2) Commits or attempts to commit a felony upon or
 14 affecting the person whose death was caused or another,
 15 ~~except rape or sodomy~~ criminal sexual conduct in the first
 16 or second degree with force or violence within the meaning
 17 of section 609.185,

18 Sec. 4. Minnesota Statutes 1976, Section 609.293,
 19 Subdivision 5, is amended to read:

20 Subd. 5. [CONSENSUAL ACTS.] Whoever, in cases not
 21 coming within the provisions of ~~subdivisions 2 and 3~~
 22 sections 609.342 or 609.344, voluntarily engages in or
 23 submits to an act of sodomy with another may be sentenced to
 24 imprisonment for not more than one year or to payment of a
 25 fine of not more than \$1,000, or both.

26 Sec. 5. Minnesota Statutes 1976, Section 609.32,
 27 Subdivision 1, is amended to read:

28 609.32 [PROSTITUTION.] Subdivision 1. [DEFINITIONS.]
 29 (1) "Prostitution" means engaging or offering or agreeing to
 30 engage for hire in sexual ~~intercourse~~ penetration, as
 31 defined in section ~~609.29~~ 609.341, subdivision 12 ~~or~~
 32 ~~sodomy as defined in section 609.293, subdivision 1~~,

1 (2) A "place of prostitution" is a house or other place
 2 where prostitution is practiced or from which prostitution
 3 is promoted.

4 Sec. 6. Minnesota Statutes 1976, Section 609.32,
 5 Subdivision 3, is amended to read:

6 Subd. 3. [OTHER ACTS PROHIBITED.] Whoever
 7 intentionally does any of the following may be sentenced to
 8 imprisonment for not more than five years or to payment of a
 9 fine of not more than \$5,000, or both:

10 (1) Keeps a place of prostitution; or

11 (2) Leases or otherwise permits premises owned by him
 12 or under his control to be used as a place of prostitution;
 13 or

14 (3) Solicits or induces another over the age of 18
 15 years to practice prostitution; or

16 (4) Solicits another under the age of 18 years to ~~have~~
 17 engage in sexual intercourse or to commit sodomy
 18 penetration with a prostitute or admits him to a place of
 19 prostitution; or

20 (5) Engages as a prostitute in an act of ~~sexual~~
 21 ~~intercourse or sodomy~~ prostitution with another under the
 22 age of 18 years; or

23 (6) Transports a prostitute from one place of
 24 prostitution within the state to another such place within
 25 or without the state, or brings a prostitute into the state,
 26 for the purpose of prostitution.

27 Sec. 7. Minnesota Statutes 1976, Section 609.32,
 28 Subdivision 4, is amended to read:

29 Subd. 4. [FURTHER ACTS PROHIBITED.] Whoever
 30 intentionally does any of the following may be sentenced to
 31 imprisonment for not more than one year or to payment of a
 32 fine of not more than \$1,000, or both:

1 (1) Engages in prostitution; or

2 (2) Is supported in whole or in part by the earnings of
3 a prostitute; or

4 (3) Solicits for a prostitute, directs, takes, or
5 transports another to a prostitute or place of prostitution,
6 or brings a prostitute to him, for the purpose of sexual
7 ~~intercourse or sodomy~~ penetration with a prostitute; or

8 (4) Hires or offers or agrees to hire another person to
9 engage in sexual ~~intercourse or sodomy~~ penetration .

10 Sec. 8, Minnesota Statutes 1976, Section 609.341,
11 Subdivision 10, is amended to read:

12 Subd. 10. "Position of authority" includes but is not
13 limited to any person who is a parent or acting in the place
14 of a parent and charged with any of a parent's rights,
15 duties or responsibilities to a child, or a person who is
16 charged with any duty or responsibility for the health,
17 welfare, or supervision of a child, either independently or
18 through another, no matter how brief, at the time of the
19 act.

20 Sec. 9, Minnesota Statutes 1976, Section 626.556,
21 Subdivision 2, is amended to read:

22 Subd. 2. [DEFINITIONS.] As used in this section, the
23 following terms have the meanings given them unless the
24 specific content indicates otherwise:

25 (a) "Sexual abuse" means the subjection by the child's
26 parents, guardian, or person responsible for the child's
27 care, to any act which constitutes a violation of sections
28 ~~669.291, 669.292, 669.293, 669.295~~ 609.342, 609.343,
29 609.344 , or ~~669.296~~ 609.345 .

30 (b) "Neglected child" shall have the meanings defined
31 in section 260.015, subdivision 10. Nothing in this section
32 shall be construed to mean that a child is neglected solely

1 because the child's parent, guardian or other person
2 responsible for his care in good faith selects and depends
3 upon spiritual means or prayer for treatment or care of
4 disease or remedial care of the child.

5 (c) "Physical abuse" means:

6 (i) Any physical injury inflicted by a parent, guardian
7 or other person responsible for the child's care on a child
8 other than by accidental means; or

9 (ii) Any physical injury that cannot reasonably be
10 explained by the history of injuries provided by the parent,
11 guardian or other person responsible for the child's care,

12 (d) "Report" means any report received by the local
13 welfare agency pursuant to this section.

14 Sec. 10. Minnesota Statutes 1976, Section 609.293,
15 Subdivisions 2, 3, and 4 are repealed.

16 Sec. 11. This act is effective the day after final
17 enactment.

ST. PAUL POLICE TRAINING UNIT

Lesson Plan

COURSE: St. Paul Police Academy (Recruits)

TITLE: Sexual Assault

INSTRUCTOR: Carolyn Bailey (Sergeant)

TIME: 3 hours (August 25, 1977)

INSTRUCTIONAL AIDS: 16 mm projector & screen, photographs

STUDENT EQUIPMENT: None

HANDOUTS: Procedural Manual, "Sexual Assault, A Statewide Problem"

REFERENCE MATERIALS: Departmental Manual, State Criminal Code
"Rape & Its Victims", U.S. Dept. of Justice

COMMENTS: (Include objectives, procedures, assignments)

Overall Objective:

To train police recruits to appropriately respond to community complaints of sexual assault.

Instructional Objectives:

1. The recruit will be able to attain a passing score in a relevant examination some time following this class.
2. The recruit will respond during instruction with appropriate answers, questions, and comments.

See attached sheet for specifics.

Instructional Objectives:

(Sexual Assault)

1. When asked when a medical examination of a victim of rape should be given, the recruit will answer, "As soon as possible after the crime."
2. When asked what is the purpose of photographing bruises which the victim received during a rape, the recruit will state, "To preserve evidence supporting the victim's lack of consent."
3. The recruit will list the purposes of obtaining a pelvic examination as: Treat any injuries the victim might have received, determine if sperm is present, and determine if a venereal disease has been contracted.
4. The recruit will state the most significant element in a complaint of indecent exposure from the suspect's house is intent.
5. If a rape victim informs the recruit that she does not want her husband to know about the complaint, the recruit will state he/she would keep the report confidential.
6. The recruit will state that the decision regarding prosecution in a case where a six year old child is sexually molested is determined by the county attorney.
7. The recruit will state that neither a 21 year old victim, her husband, the police officer, nor the judge determine if there is to be prosecution regarding her sexual molesting.
8. If the parents complain that a 56 year old man has been secretly dating and having sexual intercourse with their 16 year old daughter, who has now become pregnant, the recruit will explain that no crime has been committed.
9. The recruit will state that sperm may be present in all types of sex crimes.
10. The recruit will state that pelvic examination of rape victims should NOT be obtained if the victim refuses but may still be indicated if the victim has her menstrual period, is more than 24 hours after the crime or if the victim is under five years of age.

Introduction:

1. The film, "Rape Investigation" (by Dr. Robert Flint), will be shown.
2. The recruit will be familiarized with the nature of sexual assault and the problems of dealing with the victims of sexual assault in a previous class (See lesson plan on "Sexual Assault Victim Awareness").
3. Depending on the nature of the sex crime, much of the training on other types of offenses may apply in addition to the unique aspects of sex crime investigations, which will be discussed at this class (Clarify with example).
4. Areas of confusion regarding the criminal sexual code will be reemphasized, as a supplement to the classes on law.

Explanation:

The officer has two primary responsibilities in responding to calls following sex crimes: 1) to assist and protect the victim, and 2) to properly investigate the case, gathering and preserving evidence necessary for possible prosecution.

1. On responding to a call, the officer must first determine what crime took place, and the time and location of the crime.
2. The officer must preserve the crime scene.
 - a. Photographs of the scene may be indicated.
 - b. The scene should be processed for evidence.
3. Specific evidence should be retained.
 - a. Since the element of consent is involved in all forcible sex crimes, all evidence of a struggle should be preserved.
 - 1) Injuries to the victim (and/or suspect) should be photographed, treated, if indicated, and described in the report.
 - 2) All evidence which corroborates the victim's account should be retained. Examples will be given.
 - b. A breathalyzer examination of the victim (and/or suspect) may be indicated. Instances when this is appropriate will clarify this.
 - c. The presence of sperm is of significant evidentiary value in a sex crime.
 - 1) Sperm may be found on clothing or other items in proximity, which should be preserved.
 - 2) A medical examination of the victim is advisable in complaints of rape, incest, and many sodomy, child molesting, and indecent assault cases. Procedure and purposes in obtaining the medical exam will be discussed. The victim should be examined as soon as possible after the offense.
4. There are unique problems in questioning the victim of sexual assault. Methods will be discussed. The officer will also be prepared as to what to expect.

(next page)

- a. A step-by-step chronological account of the offense should be obtained. Aspects in properly obtaining statements on sex crimes will be summarized.
 - b. Specific information required in the complaint will be detailed.
 - c. Questions frequently asked by victims will be provided with the appropriate answers to prepare the recruit.
5. The officer may have immediate contact with the suspect.
- a. The suspect may provide evidence, which should be collected.
 - 1) An identification may be indicated (at the scene, show-up or photos). Precautions should be taken. In a sex crime the primary defense is either a lack of consent or the defendant is not the suspect = identification.
 - b. Photos of the suspect may be indicated.
 - c. The suspect may offer a statement.
 - d. The suspect's clothing may be relevant evidence.
6. Unique characteristics of misdemeanor sex crimes and their relevance will be discussed.

Summary:

1. Key points will be re-emphasized.
2. A case example with class participation in itemizing evidence and methods of handling calls will be done.

Criterion Test (Sexual Assault)

1. A medical examination of a victim of rape should be given:
 - a) Only within 24 hours after the crime.
 - b) Even if the victim refuses.
 - c) As soon as possible after the crime.
 - d) Not after a week because all evidence has disappeared.

2. The purpose in photographing bruises which the victim received during a rape is:
 - a) to show the rapist got mad.
 - b) because juries are impressed when they can visualize testimony.
 - c) to preserve evidence supporting the victim's lack of consent.
 - d) to prove the rapist is a liar.

3. The purpose in obtaining a pelvic examination of the victim of rape is to:
 - a) Treat any injuries the victim might have received.
 - b) Determine if sperm is present.
 - c) Determine if a venereal disease has been contracted.
 - d) all of the above.
 - e) all but one of the above.

4. In the case of an indecent exposure from the suspect's house, the most significant element of the complaint is:
 - a) the suspect's age.
 - b) the conditions of the house.
 - c) Intent
 - d) the witnesses age.

5. If a rape victim informs you that she does not want her husband to know about the complaint, you:
 - a) Keep the report confidential.
 - b) Explain that this is not possible or practical.
 - c) Try to persuade her that it is best to tell her husband.
 - d) Refer her to a psychiatrist.

6. If a six year old child is sexually molested, the decision regarding prosecution is determined by:
 - a) Her parents.
 - b) The child
 - c) The police officer
 - d) The County Attorney
 - e) The judge.

7. If a 21 year old woman is sexually molested, the decision regarding prosecution is determined by:
 - a) The woman.
 - b) Her husband.
 - c) The Police Officer.
 - d) The judge
 - e) None of the above.

(next page)

8. If the parents complain that a 56 year old man has been secretly dating and having sexual intercourse with their 16 year old daughter, who has now become pregnant, you:
 - a) tell them you cannot take a complaint unless you talk to their daughter.
 - b) write a Criminal Sexual Conduct report.
 - c) obtain complete details in order to substantiate an arrest.
 - d) explain to them that no crime has been committed.

9. Sperm, as evidence, may be present in cases of:
 - a) Rape.
 - b) Sodomy.
 - c) Indecent exposure.
 - e) All types of sex crimes.

10. Pelvic examinations of rape victims should NOT be obtained if:
 - a) the victim has her menstrual period.
 - b) it is more than 24 hours after the crime.
 - c) the victim is under five years of age.
 - d) the victim refuses.
 - e) all of the above.

THE TYPING OF BLOOD GROUP SUBSTANCES

INTRODUCTION

PURPOSE

To present in brief form the collection and preservation of evidence requiring blood or secretor grouping, the methods used by the Laboratory, and the statistical data of blood grouping.

CONTROLS:

If any blood group comparisons are to be made it is absolutely necessary that liquid blood samples are submitted from:

1. All victims
2. All suspects
3. All other persons involved.

While it is important to establish if a stain could have come from a particular individual, it is equally important to establish that the same stain could not have come from another involved person.

In cases involving secretor grouping of body fluids, such as seminal stains, it is necessary that saliva samples as well as blood samples be received from all persons involved to determine their secretor status.

GENERAL COLLECTION AND PRESERVATION PROCEDURES

Blood stains and seminal stains deteriorate rapidly if stored or sealed in a damp condition, therefore samples should be:

1. Air dried before packaging.
2. Packaged securely in paper bags.
3. Labeled sufficiently for identification.
4. Always try to submit article itself if it is blood stained rather than attempting to remove the blood.

SPECIFIC COLLECTION AND PRESERVATION PROCEDURES

1. Liquid Blood at Crime Scene
 - A. Collect sample into red stoppered blood tube or test tube using eye dropper or pasture pipet. Seal and mark.
 - B. Because liquid blood pools have been exposed to bacteria also use clean cloth squares or sterile gauze to soak up some of the blood. Air dry thoroughly and seal into a paper or manila envelope.
2. Damp pools (non liquid)
 - A. Collect by scraping and place in a screw top wide mouth jar. Dry thoroughly, seal and mark.
3. Crusts of blood
 - A. If sufficient in size scrape onto a piece of paper - fold paper to form packet - place in manila envelope - seal and mark.
 - B. If sample cannot be scraped remove with one-half inch long cotton threads dampened with water. Try to saturate each thread used with the blood available.
4. Clothing
 - A. Air dry over large pieces of clean paper so that other trace material will not be lost.
 - B. Seal separately into paper bags - mark for identification

TESTING PROCEDURE FOR BLOOD

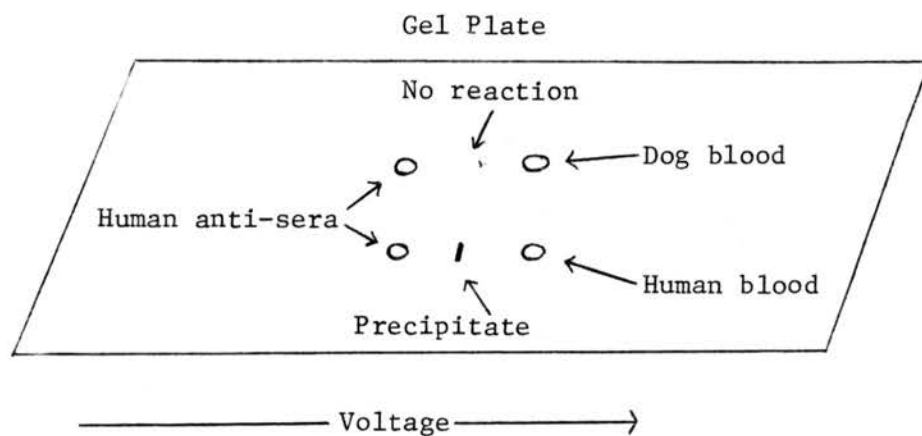
BENZIDINE TEST

The benzidine test is a color test that strongly indicates the presence of blood if positive. The suspected stain is lightly swabbed with a Q-tip, a drop of benzidine solution is then added to the Q-tip followed by a drop of 3% hydrogen peroxide. A dark blue color developing immediately is considered a positive reaction for blood.

PRECIPITIN TEST

This test determines if a bloodstain is of human or animal origin. If a stain is of animal origin the more common animal families can usually be distinguished. The Precipitin Test involves the reaction of an extract of the stain with commercial anti-sera specific for the particular species to be tested, for example anti-human, anti-rabbit, etc. Stain extracts and the specific anti-seras are placed on a gel plate in adjacent wells. Corresponding stain and anti-sera give fine precipitates in the gel between the two wells. The Precipitin Test is performed either by diffusion through an ouchterlony gel plate or by electrophoresis. Electrophoresis involves the applying of a voltage through the gel plate which drives certain proteins in the stain extract and anti-sera together forming the lines of precipitate.

Example:



ABO BLOOD GROUPING

Chemical structures are present on the surface of red blood cells called blood group antigens. These antigens stimulate the production of other chemical structures called antibodies. In the ABO system antigen and antibody combinations give rise to four blood groups.

- A - 42% - has "A" antigen and anti-B antibody *A + H factors*
- B - 10% - has "B" antigen and anti-A antibody *B + H "*
- O - 43% - has anti-A and anti-B antibodies *= H secretor factor*
- AB - 5% - has "A" and "B" antigens *A, B + H factors*

Blood stains can be grouped in the ABO system by either the Lattes Slide or Absorption-Elution methods. The Lattes Slide technique involves the reaction of antibodies present in the blood stain with antigens present in known type A and type B liquid blood. This reaction (Visual clumping of red blood cells) is called agglutination. The antigen-antibody reaction is observed microscopically indicating which antibodies are present in the stain. For example, a stain of blood group type A will cause liquid type B blood to agglutinate showing the presence of anti-B antibody.

The Absorption - Elution method detects the antigens present in a blood stain. A portion of the stain is extracted in ammonia solution and a small amount of this solution is dried in three wells of a glass plate. Each stain is then covered with an excess of anti-A, anti-B and anti-H antibody solution (antisera) for about two minutes during which time corresponding antigen-antibody complexes are formed. The uncomplexed antisera are removed by washing the slide leaving only complexed antibodies behind. The complexed antibody is eluted into a solution of red blood cells of known antigen content by low heat. The antigens present in the stain are then determined by a microscopic examination of each well for the eluted antibody-blood cell antigen reaction (agglutination or clumping).

ENZYMES AND PROTEINS

By the use of electrophoresis and electrofocusing several enzyme and protein types can be determined in a liquid blood sample or in a dried blood stain.

The many different combination of types can often provide valuable scientific evidence that can be used to either exclude or include individuals as having deposited blood at a crime scene.

Presently our laboratory uses six enzyme and two protein systems to help characterize a blood stain. A single drop of blood will usually provide sufficient quantity to do all the blood grouping tests we presently have the capability of doing. If all systems can be run on a given blood stain, then at least 99.6% of the population will be eliminated as a source of that stain.

Page 6 lists the enzyme and protein systems which can presently be done by our laboratory. Each of the common forms of the enzyme or protein system are listed with its corresponding frequency of occurrence listed for W - White, B - Black, and I - Indian populations. In some cases insufficient data exists to give accurate frequency data at this time. In addition to the types listed many rare variants exist and if found can greatly aid in reducing the possible source of a blood stain.

Enzymes & Protein in Blood identified.

- 6 -

<u>GLO 1</u>	<u>W</u>	<u>B</u>	<u>I</u>
1	19	14	-
2	32	45	-
2-1	49	41	-

<u>EsD</u>	<u>W</u>	<u>B</u>	<u>I</u>
1	76	82	68
2	1	1	5
2-1	23	17	27

<u>ADA</u>	<u>W</u>	<u>B</u>	<u>I</u>
1	90	97	-
2	0.2	0.05	-
2-1	9.8	3	-

<u>EAP</u>	<u>W</u>	<u>B</u>	<u>I</u>
A	12	5	7
B	36	58	50
C	0.2	0.01	0.5
BA	43	35	37
CA	5.4	0.49	1.5
CB	3.4	1.5	4.0

<u>AK</u>	<u>W</u>	<u>B</u>	<u>I</u>
1	92.4	98.7	-
2	0.1	0.01	-
2-1	7.5	1.3	-

<u>HP</u>	<u>W</u>	<u>B</u>	<u>I</u>
1	15	28	-
2	38	18	-
2-1	47	40	-
2-1M	-	11	-
0	-	3	-

PGM — routinely tested in semen

1+1+	38.0 %
1-1-	1.6
2+2+	3.2
2-2-	0.7
1+1-	16
1+2+	22
1+2-	9
1-2+	5
1-2-	2
2+2-	2.5

(1 person can only contribute 2 bands)
Anything different from known victim must come from suspect.
Usually in 20% range of possibility.

<u>Gc</u>	<u>W</u>	<u>B</u>
1S	33.5	2.2
1F	2.3	53.6
2	7.3	1.5
1F1S	17.4	21.5
2-1S	31.3	3.6
2-1F	8.2	17.6

APPLICATION OF BLOOD GROUP DATA

In a recent burglary a suspect broke a window to gain entry and cut himself on the glass. Then while in the store he was interrupted by the store owner and a struggle occurred. The store owner was stabbed and the suspect escaped.

A short time after the incident the suspect was apprehended with blood stained clothing and a bloody knife. What can be done with the blood stains?

<u>Description</u>	<u>ABO</u>	<u>GLO I</u>	<u>EsD</u>	<u>PGM</u>	<u>ADA</u>	<u>EAP</u>	<u>AK</u>	<u>Gc</u>	<u>HP</u>	<u>%</u>
Blood-Suspect	A	1	2-1	1+1-	1	BA	1	2-1F	2	0.003
Blood-Victim	A	2-1	1	1+1+	1	BA	1	1S	2	0.27
Blood on glass	A	1	2-1	1+1-	1	BA	1	2-1F	2	0.003
Suspect's knife	A	2-1	1	1+1+	1	BA	1	Inc	Inc	2.1
Suspect's jeans	A	1	2-1	1+1-	1	BA	1	2-1F	2	0.003

From the above blood grouping it can be seen that the suspect's blood group combination of factors occurs in only 3 of 100,000 people. The victim's blood group occurs in about 3 of 1,000 people. Also from the blood grouping we can say that it is consistent that the blood on the glass and jeans came from the suspect and that the blood on the knife is consistent with having come from the victim.

SECRETOR TESTING

1. Secretor testing *80% are secretors.*

The testing for the presence or absence of ABH group specific substances (antigens) in body fluids other than blood. This includes such fluids as saliva, semen, vaginal secretions, and perspiration.

A, B, H (o) secretors factors

2. Controls needed
 - A. Blood from all parties involved - *to determine blood types (are secretors)*
 - B. Saliva from all parties involved - *to determine if have any factors.*
All secretors have H factor

Semen can be detected with 72 hrs., usually not after 36 hrs.

3. Collection of controls

All controls should be collected as outlined in the hand out sheet explaining the use of the BCA sexual assault evidence collection kit. This sheet is included at the end of this outline.

SEMINAL FLUID

1. Collection procedures

- A. Wet stains - Mark their location since seminal stains may be very difficult to locate after they dry.
- B. Dried stains - Handle very carefully with a minimum of folding or disturbance of the stained area. Do not touch suspected stains as perspiration may result in contamination.
- C. Packaging - Be certain that all articles are dry. Place in paper bags.

TESTING PROCEDURE FOR SEMEN

ACID PHOSPHATASE

A color test that strongly indicates the presence of semen. Solution A (1.5% calcium and naphyl phosphate in buffer) is added to a portion of suspected stain or stain extract. An equal amount of solution B (1.5% fast blue B in buffer) is then added. The development of a purple color is a positive reaction for seminal fluid.

FLORENCE TEST

This is a microscopic crystal test that strongly indicates the presence of semen. When a drop of Florence reagent is added to a drop of stain and characteristic crystals form, it is almost certain that semen is present in the stain.

MICROSCOPIC

The detection of intact spermatazoa under the microscope proves a stain to be seminal fluid.

PRECIPITIN TEST

The precipitin test can also be used to determine if a stain is human semen. It is used in place of, or in addition to, the microscopic search for intact spermatazoa. The precipitin test for semen is carried out in the same manner as the precipitin test for blood using stain extract and anti-human semen antiserum.

SECRETOR GROUPING (ABSORPTION - INHIBITION)

About 80% of the population secrete the same ABO antigens in their body fluids as are found in their blood. These individuals are called "secretors" and their fluids can be ABO grouped. The remaining 20% of the population do not secrete ABO antigens in their body fluids and are therefore called "nonsecretors". These body fluids include vaginal secretions, saliva, and semen. The Absorption-Inhibition method is used to determine the ABO type of stains deposited by secretors or to show that a stain is from a non-secretor. The Absorption-Inhibition technique is similar in principle to the ABO test for blood but using amounts of antibody less than excess. If corresponding antibody is added to the antigen in the stain extract then an antibody antigen complex is formed using up the added antibody. The absence or presence of any uncomplexed antibody is determined by the addition of red blood cells of known antigen and resultant agglutination. Example: A type B saliva stain extract absorbs all the anti B antibody added. When type B cells are added, no clumping is observed since no anti B antibody is left in solution. This indicates that B antigen was present in the stain.

PGM

Seminal fluid contains the same form of the PGM enzyme that is found in that individual's blood. Vaginal fluid sometimes contain the PGM enzyme and since seminal stains found at a scene can be a mixture of seminal and vaginal fluid, the possibility of mixtures of PGM types must always be considered. In cases of possible interferences it may be necessary to obtain a control vaginal sample for PGM testing.

SUGGESTED USE OF EVIDENCE KIT

Physician: This kit was designed to assist you in collecting evidentiary specimens which will be examined by the Minnesota Bureau of Criminal Apprehension Laboratory.

SUMMARY OF SAMPLES FROM SEXUALLY ASSAULTED VICTIMS

- | | |
|--------------------------------|---------------------|
| 1. Blood | 5. Vaginal aspirate |
| 2. Saliva | 6. Foreign matter |
| 3. Hairs | 7. Clothing |
| 4. Swabs - Vaginal, anal, etc. | |

SAMPLE COLLECTION

1. Blood Draw a tube of blood in vactainer provided.
2. Saliva Have patient place gauze square in his/her mouth for one minute. Have patient place gauze on ~~paper~~ paper ~~and~~ and allow to air dry. After saliva is dry, use paper to transfer gauze to manila envelope, identify, seal and initial. No one but the patient should touch the saliva sample.
3. Swabs Swab the vaginal vault with a dry swab. This swab should be used to make a smear on the glass slide marked "vaginal smear". When swab and slide have air dried, place slide in slide holder and swab in envelope marked "vaginal swab", seal, and initial. Swabs should also be taken and slides made of other suspected areas such as oral cavity, anal/rectum, and skin surfaces if necessary. Use envelopes and slides marked "miscellaneous" for these samples and mark appropriately. (Do not chemically fix slides or use saline to moisten swabs prior to use.)
4. Vaginal Aspirate
After the dry swabs have been collected, a saline washing (3 ml.) of the vaginal cavity should be collected and sealed in container provided.
5. Pubic Combing
Comb pubic area with comb provided collecting any hairs which are removed by the combing. Place hairs in envelope marked "pubic combings", seal and initial.
6. Fibers or foreign matter
Collect all material on the patient's body which may have originated from someone or something other than the patient. For example: leaves, fibers, hairs, etc. Place material in envelopes marked "miscellaneous" and identify source, seal and initial.
7. Pulled Head Hairs
Pull at least 12 strands of the patient's hair from various regions of the head. Place hairs in envelope provided, seal and initial.
8. Pulled Pubic Hair
Pull 6 - 8 pubic hairs and place in envelope provided, seal and initial. (Patient may pull own pubic hairs.)
9. Clothing
Place undergarments of victim and other clothing that could contain evidence from the suspect in clean paper bags, seal and initial. (Be sure to dry clothing before packaging if necessary.)

Best material for analysis is clothing (victim's) put on immediately after rape.

INTERVIEWING CHILDREN

Information from children must be very carefully obtained. Children can be more observant than adults, but they are not always capable of differentiating between what they saw and what they heard. You must be very specific.

Children are quite susceptible to suggestion. They will adopt expressions of others or respond with answers that they believe are desired, rather than relating only facts. Their greatest shortcoming stems from their lack of experience to interpret what is observed.

Always attempt to find out who talked to the child about the matter prior to your doing so. Obtain comments or instructions received from those persons who conducted previous interview.

Children often tire quickly and should not be questioned when fatigued. Waiting to check or obtain other sources of information can also help evaluate the child's statements.

Because of extreme suggestibility and desire for approval, it may be desirable to record what is said with a steno or tape.

In cases of more than one child, interview the one most likely to give details first (oldest, outgoing, etc.). Occasionally there might be a purpose in bringing them briefly together.

Characteristics of good questions: 1) short 2) clear and easily understood. 3) Avoid frightening words. 4) precise; calls for specific or exact answer. 5) discerning; relevant.

Questions should require narrative answers. Questions requiring a "yes" or "no" answer may be acceptable when summarizing or verifying, but should not be used when seeking new information.

Questions involving double negatives are confusing and suggest answers opposite to the correct ones. Example: "Didn't you not stop at the stop sign before entering the intersection?"

Avoid complex questions: 1) Too complicated to understand. 2) Covers more than one subject. 3) Requires more than one answer. 4) Requires complicated answer. Examples: "Illumination is required to be extinguished before these premises are vacated" = "Turn lights out when you leave". "What did you do when you left, and how much did you pay for the bus?"

The most efficient means is questions which progress from the general to the specific.

You will rarely get the right answer the first time you ask for numbers or quantities of anything. To get more specific answers on time, location or material, change your reference point. This is especially necessary with children, who may not know streets, measurements, etc. Compare the item to known quantity ("Was he as tall as I am?").

Questioning Techniques:

1. Begin with "easy" questions that are not hostile nor embarrassing.
2. Ask questions in systematic order of occurrence.
3. Ask only one question at a time.
4. Give ample time to answer. Don't rush.
5. Try to help remember, but don't suggest answers, and be careful not to imply any particular answer by facial expressions, gestures, method of asking, etc.
6. Repeat or rephrase questions if necessary to get facts.
7. Be sure you understand the answers. Ask to interpret.
8. Give opportunity to qualify answers.
9. Separate facts from inferences.
10. Get comparisons to ascertain accuracy of judgement.
11. Get all the facts. Almost every witness can provide additional information.

INTERVIEWING THE CHILD

It is advisable that only one person questions the child, and, unless there is a specific reason, no one else should be present. In the case of the adolescent or teen-aged victim, the presence of a parent can seriously curtail the information received. With a very young child, the presence of another person that is close to the child may be just the reassurance the child needs to talk freely, but consider this carefully. Ask the child in private how she feels about this, if it is feasible. If the parents are present, the child can feel more comfortable requesting privacy if a comment is made by the officer, such as "Most teen-agers are embarrassed with their parents present because they care about them, do not want to subject them to this, and would rather be alone", which is true. There are some definite disadvantages to having the mother present during questioning of the child in an incest case, including inhibiting what the child tells. However, if the child is under twelve years old, if the mother's attitude at this time supports the child, and if the mother's visible emotional reactions do not disturb the child, there can be some value in having the mother present with the very young child. As new information unfolds spontaneously, the mother is again forced to face the reality and the extent of the problem. She may verbally help the child to feel less guilty, etc. at this time, even though she may later turn against her. The mother may also provide corroboration as she learns details of the offense. Keep in mind, however, that the mother can interfere with the questioning. The mother often is very passive until she learns about the incest, then becomes defensive because of her guilt in failing to protect her child and frequently from her actual negligence. Similarly, if there is someone present who quite obviously is disturbing or interfering with questioning, see what you can do to separate them (example).

Try to avoid taking notes if possible because this distracts a small child and you lose contact with them. A tape recorder allows freedom to concentrate attention on the child while still getting accurate quotes, which are even more essential with a young child. Since recorders can frighten small children, the recorder can be hidden until the questioning is finished, then show the child they have been recorded as though it were a game, playing the child's first few words and telling them how well they've done. This recording can later be played to the child prior to trial to refresh the memory.

Before getting in to pertinent questions, establish a relationship with the child and let them know you are their friend (Ex. showing jail). If you don't relax the child, you won't get the information. The officer must consider the emotions of the child. Put the child at ease through pleasant, friendly conversation that shows you are interested in the child as a person and that there is no reason to be afraid.

The child's short attention span sets a time limit on questioning. The interviewer must move quickly without appearing to do so.

Explain to the child what you are going to do ("I am going to ask you some questions like they do at school. If you don't understand the question, ask me about it."). Tell her what a steno is if you are calling one in (ex. shorthand). It is much less frightening if it's predictable.

Approach the child slowly, patiently, and calmly, and you may find you have this same effect on others. Keep questions as short as possible, and wait for answers. Some children take a little longer to answer. Use body language to hold their attention and encourage them to talk, such as leaning over to be on their same level.

If you are informal and natural, the child will more likely be at ease. Similarly, if you feel embarrassed talking about sex, the child will sense this and feel embarrassed. Acknowledge that she might feel embarrassed ("I know some of these questions might be hard to talk about, but I'll try to make it as easy as possible for you."). Reinforce them, and help them to feel they are doing well, both during and after the questioning ("I couldn't catch you on any questions!"). Then they feel they have accomplished something, and they will be eager to cooperate with you in the future, if it should become necessary (ex. mother apprehensive re. court and child anticipating it).

Allow the child to give her account without interrupting if she talks spontaneously. Be patient and allow the child to give information willingly and naturally. Encourage the child to talk, but be careful not to suggest things. It is important to get the answers from the child, but it is equally important that you are not telling her what happened. Use open-ended questions and avoid yes and no answers. (Example). Children especially are very suggestible but so are many adults. Don't jump to conclusions as to what happened. I've been very surprised at answers many times. Don't put words in their mouth. Use their own words (Ex. "penetration"). Use language that is appropriate for the age, sex, and intelligence of the victim. Most children are not clear as to what sodomy, connilingus, anus, rectum, etc. mean. Don't say, "Did he perform an unnatural act on you?" They may think an unnatural act is kissing on the neck or jumping off a bridge! Don't use vague terms, such as "private parts"! I consider my armpit as private. It can be tough for a child to describe her experience in what they think are "proper words". They know they don't say asshole to a cop, but the only word they may know for intercourse might be "balling". So what have they got left? (demonstrate embarrassment, "...you know"). Help them to feel comfortable giving their account in their own words, and don't react to unusual terms. Accept and clarify them if it is necessary (ex. flashlight). Last week I talked to a nine-year old girl that had been raped, and every time she used the word "weiner", her mother shuttered "ichhh", and the child cringed. I ignored the mother and repeated a question using her term "weiner" so that the child and mother got the point that it was okay. Sometimes you might want to be more direct. "There's nothing wrong with that word. Lots of people use it. I've heard it lots of times."

Encourage the child to talk freely and don't try to redefine the situation as being either more or less alarming than she sees it. The best way to get a person to cry is what? Say, "Don't cry!" Children especially are responsive to others reactions (example). Avoid trigger words, such as "incest", "rape", etc., which may alarm the child.

In questioning the child, you want to accomplish two basic purposes:

- 1) Analyze the child to determine her credibility as a witness. What does the child actually know and will the child qualify as a witness = accuracy and ability. The competency of a witness is determined by their ability to differentiate truth from fiction. Generally, under seven years no, 7-10 years maybe, 10 + probably. The officer can assist the county attorney through the statement with such questions as, "Can you make up a lie for me so I'll know you know what a lie is?" Then, "Have you told me any lies?" (example)
- 2) Obtain the basic elements of the crime. In the case of small children, even the required time and place of the offense can become a problem. If possible, relate the offense to other events that can be checked. Determine the most recent offense, the first contact and generally the extent of the offenses.

The best basic rule in obtaining information is to get a step-by-step chronological account of what happened. With a small child, it is not necessary to go in to a lengthy discussion about sex. If the crime has been established and the child has demonstrated to be credible, this should be sufficient.

After all this, there is one ray of hope in the incest case. At least, the child knows who the suspect is!

There has been a tendency to over-react to incest as a nameless sexual evil with disasterous effects. It is important to response to the victim of incest with warmth, objectivity, and acceptance of the child, so that the child is not bound up in sexual fears and the entire process which follows is not demoralizing and ineffective. We can help the child recognize the fact that sex is simply a part of life, one of the ways in which people relate to one another. It has the potential for either good or bad. If we are irrational about sex, it is not because sex is an irrational force but because we choose to be irrational. We dare not choose to be irrational at a time when a child comes to us in serious need of common sense and good judgement.

INVESTIGATION OF CHILD ABUSE

1. Determine all the facts in the incident.
Is it deliberately inflicted injury? Consider:
 - a) The time interval between the occurrence of the injury and the time the parents seek necessary medical help. Example. Don't let this deceive you, however, because many parents after they have severely beaten their children, are terrified, panicky, and their first thought is to get medical help.
 - b) Document the injuries. Observe the physical condition of the child, and record it. Obtain photographs of injuries where possible (most significant evidence). Obtain complete medical information, including the physicians estimate on the time and cause of injury, before any intensive questioning of parents. Time is especially significant in child abuse cases because it allows you to determine who may have been with the child during the time of injury (time provided by parent is often vague). Obtain the medical history.
2. Collection and Preservation of evidence:
Visit the scene of the injury at the earliest possible time (often involve the claim of a fall from the crib, high chair, etc.). Look it over carefully and determine probabilities. There may be evidence of other neglect (Example: children not sleeping in beds). Evidence which is inadmissible in criminal court may be admissible in Juvenile Court. Measurements and photos can be taken before the scene is disturbed (if there is no emergency, such as in a death). It may be wise on initial contact not to interrogate the parents but allow them to describe the incident freely. "Routine" investigation eliminates many permission difficulties. If a weapon is involved, obtain this (example: hanger). Canvass the neighborhood. This may also include a former neighborhood, school, etc. Police laboratory evidence may be helpful (blood, fingernail scrapings, etc.). Record checks on all family members from all sources should be obtained.
3. Establish identify of person responsible. This may be known through above. Include proper questioning of the parents. If a child is present, consider the attitude of the parents toward him and the child's response. There may be obvious rejection, blame (unwanted pregnancy). The battered child is frequently eager to please (ex. 2 yr. old in hospital). Keep in mind the significant information re. "battered child syndrome" during investigation and questioning: (careful)
 - a). Many abusers were beaten as children.
 - b). Abusing parents often have high expectations, are discipline oriented. Ask about discipline; what do you do when..?
 - c) Abusing parents may complain agitatingly of difficulties with the child (esp. crying bugs them).
 - d). Where's the husband and wife?
 - e). Did a crisis exist at the time of injury?Focus on the parent when questioning them. They frequently have no concept of the child's needs. Obtain a detailed chronological account of the incident.
4. Immediate protection of the child. Particularly demanding in child abuse because we have the responsibility to protect while investigating or servicing.

5. Juvenile Court.
6. Adult Prosecution
7. Team Process.

During the investigation, we must overcome:

1. Preconceived notions.
2. Personal feelings and attitudes (shock and disgust). Resist temptation to tell them to "shape up".
3. Temptation to accept parents' deception (ex. one time incident).

Look over the whole picture, review all the facts, then as objectively as possible, utilize your own experiences to determine probability (ex. my three sons never got hurt while sleeping in crib during the night. It is easy to get involved with the parents, so remind self not to so intensely study detail while the whole picture looks ridiculous (ex. 3 mo. foster child, with multiple fractures).

VII . THE POLICE INVESTIGATION

There are two basic situations with which police officers must be concerned when investigating a sex offense.

The first situation confronting the officer is to deal appropriately with the emotional distress of the victim and the victim's family. The second situation is to properly investigate the case and preserve the evidence for possible prosecution.

The following guidelines are ways in which police officers are trained and which can most effectively satisfy both the needs of the victim and the needs of the prosecution, which need not be inconsistent. A victim who is treated with kindness and patience and who understands what the officer is doing and why, will be of far more assistance in the investigation and will usually be a better witness for the prosecution. At the same time, a thorough investigation at first will produce a stronger case for trial than the situation where the initial investigation is sketchy and a detective must later attempt to reconstruct evidence that has disappeared or been destroyed.

The guidelines here are of particular use to the police officer who responds to the victim's complaint, and whose initial investigation often provides the bulk of the prosecution's evidence at trial.

A. IMPORTANT PRINCIPLES:

1. In the crisis situation, the police officer is both a social worker providing human services and a trained investigator. Both roles are equally important.
2. The victim of a sex offense is always humiliated, defensive, and distrustful, and may also be angered,

afraid, or hysterical. The victim might also be in shock and appear absolutely calm and collected.

a. In dealing with the victim of a sex offense, the officer will be patient and explain what he is doing and why so that the victim understands the need for each step in the investigation procedure. The officer will offer alternatives, such as "would you like to tell me what happened here or would you like to sit down first," so that the victim feels some control of the situation. The victim will be far more willing to cooperate and be able to offer real assistance to the investigation only when it is understood what is needed and why. A successful prosecution can only result if the entire truth is known and if the victim feels further victimization by police, accurate and full details may be lost.

✓ 3. The victim's family is likely to show emotions ranging from silence to hysteria to vicious anger. The victim's parents, spouse or lover may react with anger because they feel helpless to correct the situation. That anger may be turned against the victim by blaming the victim for whatever happened.

a. The officer will not interview the victim in the presence of family or friends except when dealing with a very small child, in which case the parent will be asked to encourage the child to tell the story without permitting the parent to tell it for the child. The victim usually will not be

as candid if family or friends are present, and may not want family to hear the details at all, so the officer should briefly inform the family generally what happened and suggest that they should not inquire into details unless the victim volunteers them. To do otherwise could lead to confusion and problems with the investigation.

- b. The officer will contact a relative or close friend for the victim if desired, and request that person to meet either at the hospital after the medical examination or some place else that is convenient and at a time that will not interfere with the initial investigation. The officer must make sure that someone is present to comfort and be with the victim once the investigation has been completed. However, care must be taken to not let family or friends interfere in any way with the investigation.

- ✓ 4. Ordinarily, the only witnesses to a sex offense are the victim and the assailant. Corroborating evidence, which is evidence tending to prove the crime ultimately charged, is often necessary to achieve a conviction, although not required by law. However, a jury ~~will~~ *is less likely* ~~to~~ *to* convict a defendant unless there is some corroborating evidence in addition to the victim's testimony. There ^{frequently} *is* not much corroborating evidence available in a sexual assault case. Unfortunately,

what available evidence there is, is most often subject to rapid destruction such as sperm, blood stains, dirty or messy clothing or hair, minor abrasions or scratches, physical evidence to identify the scene, or evidence of a struggle. Even minor details such as the victim's recollection that there was a red light bulb in the ceiling of the room to which the defendant took the victim, if proven, will provide very important corroborating evidence. It is therefore essential that every bit of possible evidence be preserved and gathered immediately.

5. In a sex offense, statements by the victim soon after the crime about what happened and the identity and description of the assailant are admissible in court to corroborate the victim's testimony. In Minnesota, such statements made by the victim soon after the offense are admissible as evidence of the victim's prompt complaint, which is a specific exception in sexual assault cases to the general exclusionary rule against hearsay evidence. They are admissible basically because of the principle that an immediate statement made under the influence of an exciting or traumatic event before the individual has an opportunity to reflect or to fabricate a story is likely to be reliable. Frequently, the police officer is the first person to whom the victim tells the story in any detail. If the police officer's interview with the victim occurs reasonably soon after the crime or reasonably soon

after the victim was able to reach safety, the officer will be able to testify at trial what the victim related to him. It is therefore important for a police officer initially interviewing the victim to make a complete report of the story, but he should make it in his own words rather than attempt to recall quotations that might later be used to embarrass the victim, who may not remember the exact words used originally.

confusing

6. The officer who initially interviews the victim should do his best to report the details of what the victim informs him but should not attempt to question the victim about minute details not volunteered. If he does, the victim is likely either to clam up or to tell him a partial story which will later cause problems in any trial. The initial investigating officer, under that stressful situation, will not have the time to establish the same kind of rapport with the victim that the investigating detective will later be able to establish, so the inquiry concerning details should be left to the detective and the prosecutor.
7. The detective must discover the entire story and the complete truth about the incident. A victim will usually withhold important intimate details about the offense because of embarrassment or because some aspect of it, such as sodomy, was very repugnant. Evidence of prior sexual conduct is no longer allowed under Minnesota law except in very limited circumstances. The fear of having one's past sexual behavior laid bare before the world is no longer possible. Only in rare

instances will previous sexual conduct be admitted into evidence in court, such as previous activity with the assailant. The initial investigating officer needs to achieve sufficient rapport with the victim so that when he leaves, he is personally convinced as to whether or not a crime occurred, he is confident the victim has given him an accurate description of the suspect, and he has gathered or preserved and turned over to detectives all available physical evidence and the names of any potential witnesses. The detective, on the other hand, must develop a rapport with the victim to enable him to be convinced that he knows everything about the offense and everything about the victim that is relevant to the case.

B. DUTIES OF THE OFFICERS INVESTIGATING A SEX OFFENSE

1. Dispatcher:

The police dispatcher receiving a call about a sex offense will advise the victim to wait wherever the victim is for a police squad. If in a safe place, he will advise the victim not to comb hair, clean up, change clothes or bathe. If possible, the dispatcher should keep the victim on the line and let the victim know when the squad has arrived to answer the call so as not to be further frightened by the arrival of the police.

2. Police Officers investigating a sex offense generally:

- a. Never write a joint report with another officer -- each officer must always write his own.
- b. If one officer has interviewed the victim, the other officer shall direct questions to him rather than subjecting the victim to repeated police questioning.
- c. As soon as one police squad has arrived and has the situation under control, all other squads should leave the scene immediately to avoid confusion both at the scene and at trial. The sergeants or detectives squad and the laboratory squad will be called, and should be the only squads present in addition to the initial squad of patrolmen.
- d. Officers, when writing reports, should never use ambiguous or qualified language such as the "alleged" victim: Such language sounds like the officer does not believe the story and a defense attorney will destroy the officer with cross-examination at trial. Officers should report completely, but not attempt to quote the victim

directly. Paraphrasing the victim's statement in the officer's own words is advised so the victim will not appear to be lying when the victim cannot recall word for word what the officer was told.

- e. Officers dealing with the victim should be honest about their own feelings. In other words, if embarrassed and uncomfortable, he should say so! The victim will be more comfortable knowing the officer is human.
- f. The officer will photograph the victim before any clothing is removed or before any cleaning or straightening up of the victim is done. Close-up photographs will be taken of any injuries to the victim, no matter how minor. The officer will need to obtain the assistance of the crime laboratory for the photographs of the victim and to process the scene. However, if the crime laboratory is unavailable, the evidence must be protected at the scene and the officer must take pictures himself. The pictures will be used to illustrate to the jury the victim's physical condition at the time immediately following the assault.
- g. If the officer accompanies the victim to the hospital for a medical examination, he should ask the examining doctor and any crisis center counselors who are present not to question the victim at all about the details of what happened. Obviously, the doctor must find out all relevant information for his medical examination, but ordinarily does not need to question about the lurid details of the crime itself. The officer should ask the doctor to take swabs for sperm and other tests

and if there is any bloody clothing or blood stains at the scene, ask him to take and preserve a blood test as well. These will be preserved for possible analysis.

3. Duties of the first squad responding to a sex offense complaint:
- a. The officers who initially respond to a sex complaint usually provide the bulk of the evidence for the prosecution. The initial investigation is probably more important for a sex offense than for any other kind of case. Upon arrival, one officer will undertake the sole responsibility for dealing with and questioning the victim while his partner will assume primary responsibility for preserving the scene, gathering evidence, and seeking assistance from detectives and the crime laboratory.
 - b. The officer who interviews the victim will determine the exact time that the offense occurred to enable himself and the detectives to obtain all of the available evidence and to prevent phony alibis by the suspect.
 - 1) Investigative procedure will be explained to the victim. He will explain the need to hear what happened and that he needs a full description and any identifying characteristics of the suspect. He will explain what kinds of evidence he needs to enable the victim to assist him, that he must know the exact location of the offense, and that the victim will have to undergo a medical examination, both to discover and treat any injuries and to gather evidence for a possible prosecution.
 - 2) He will take notes of what the victim tells him to make his report as complete and accurate as possible,

not only to assist the detective with further investigation, but to assist himself and the prosecutor at trial.

- 3) The officer will stay with the victim throughout the initial investigative procedure, which means staying until she/he is free to return home, at which time he will deliver the victim to a family member or friend, if possible. The officer will answer the questions of other officers at the scene or he will present their questions to the victim himself, rather than permit other officers to question the victim. The officer will do this until the investigating detective can take over and take the detailed statement. The officer will seek to obtain not only the facts, description of the suspect and his identification if available, but also ascertain whether the victim has any injuries. The officer will make sure the victim's injuries and person are photographed and will take the victim to the hospital and remain there until the victim has finished at the hospital. He will obtain all clothing. The officer can be relied upon and is available should the victim need him.
- c. The officer will ask the victim to be available the next day because a detective will want an interview and a formal statement.
- d. The officer will obtain the names, addresses and phone numbers of all witnesses who saw the victim before the incident, who may have seen the victim with the suspect, anyone who may have seen or heard any part of the incident itself, and everyone to whom the victim spoke after the incident

and before the officer arrived. Statements from those individuals will have to be taken and may provide corroborating evidence at trial.

4. Detectives:

- a. Burglaries that are committed where there is no evidence of theft or intended theft will be cross-referenced to and handled like sex cases because they are often committed by sex offenders.
- b. One detective or supervisor will act as coordinator to read and assign all sex offense cases and burglary cases where there was no evidence of theft or intended theft. Similar cases will all go to the same detective because sex offenders tend to repeat their crimes and this will make solving such crimes more likely.
- c. One detective will be assigned to be responsible for each sex offense case from the beginning of the investigation through trial.
- d. Identification Procedures:
A lineup is always better to use than photograph identification. If there is not a suspect, photographs will not be shown to a victim unless it is a last resort, because the victim may well point out one or more pictures looking like the assailant, which will make any subsequent identification by the victim worthless in Court and will probably prevent prosecution of the suspect. REMEMBER, more than a mere identification of the suspect by the victim is needed to obtain a conviction.

5. Gathering the Evidence: Checklist In Sex Offense Cases

Most of the evidence will be preserved and gathered by the investigating officers, with the exception of intimate details to be learned from the victim by the detective assigned to the case.

a. Obtaining facts:

- 1) Victim- name, age, home and work addresses and phone numbers, permanent (family) address, marital status, number of children including illegitimate children, source of income, current friends' names and addresses, date of last intercourse and identity of partner, dates of any prior sexual assaults, details about any prior relationship with the suspect and its duration.
- 2) Offense- Exactly when it occurred, where it occurred, just how it occurred, what happened prior to its occurring and what happened after it occurred, as well as any reason for its occurrence, if one can be ascertained.
- 3) Suspect- Name and address, if known, or full and complete description:

Did the victim previously know or see the assailant before, and if so, for how long or when? How, at what time, where, and why did the victim meet up with the suspect on the date in question, did the victim ever date the suspect before, did the victim ever have conversation with, flirt with, or have any sexual contact, including kissing, with the suspect before or on the date in question? Obtain details of all conversations the victim had with the suspect on the date in question.

- 4) Witnesses- Obtain names, addresses and phone numbers of all parties who saw the victim before the incident, who saw or heard any part of the incident, who saw the victim with the suspect, or who talked with the victim after the incident and before the police arrived. Each of these individuals should be interviewed by the detective and statements taken from anyone with relevant information or to whom the victim stated what happened before the police arrived. This is in order to preserve the victim's statements of prompt complaint and for such individuals to report in testimony at trial.
- 5) Photographs-
- a) Victim- If the victim has not changed clothing or cleaned up, be sure that full length photographs are taken, showing any damage or messing of clothing or hair before you take any of the clothing. Get close-up photographs of any injuries to the victim's person, no matter how minor.
- b) Scene- If the scene is available without a search warrant, ask the crime laboratory to take detailed photographs of the scene, and to make a complete diagram of the scene where the incident occurred. The initially responding officers must protect the scene and see to it not only that photographs are taken and a diagram is made, but also that any relevant articles are seized and property inventoried as well as fingerprint examinations made. If it is impossible to get the laboratory officers at the time, make sure that the scene is preserved until they can get there, and

warn the victim not to disturb anything if the scene is in the victim's home. Obviously, if a rapist enters the victim's apartment through a window, any finger print evidence will be destroyed if officers or the victim are touching the window frame or window. If the scene is not available, but can be ascertained, the detective should obtain a search warrant to investigate the scene and to photograph and make a diagram of it, as well as to seize any relevant articles including any items identifying the room or area that the victim recalls and can describe.

6) Physical evidence from victim-

a) As stated, take all of the victim's clothing before letting the victim go home again or take the victim home to change and then obtain the clothing worn during the assault.

7) Medical examination of the victim- This must be done by a licensed or resident physician (an intern cannot always be qualified as a medical expert in Court and therefore should not conduct the examination).

- a) The officer(s) should never be present in the examining room, and he should so inform a physician who mistakenly believes that his presence is necessary to conduct a legally proper examination.
- b) Encourage the victim to sign a Medical Waiver, authorizing the release of the medical reports to the appropriate police and prosecuting agencies. Inform the victim that there is no obligation to prosecute by reporting the crime or by signing the medical waiver.

- c) The medical examination should include the ordinary pelvic examination, blood and urine samples for VD and pregnancy tests, blood pressure, pulse, temperature, etc. Any evidence of abrasion, bruises, scratches, or other injuries should be photographed (by the doctor or by a nurse if they are located in private areas) and reported by the doctor in detail. If anal or oral intercourse occurred, the doctor should make the appropriate examinations for the presence of seminal fluid.
- d) The officer should receive the following evidence from the doctor or nurse:
- (1) Victim's clothing (everything) unless the victim must be taken home to get other clothing first.
 - (2) Photographic film to be developed by police if photographs have been taken at the hospital.
 - (3) Fingernail scrapings in sealed containers, if relevant.
 - (4) Pubic hair combings together with the comb used, in a sealed envelope.
 - (5) Victim's saliva sample on a 2" x 2" sterile gauze in a sealed container.
 - (6) 2 tubes of victims blood (1 serum tube and 1 Oxylate tube) for police lab testing for blood-type. The victim's blood may also be used to test for blood alcohol and/or the presence of certain drugs, such as barbiturates.
(The blood must be refrigerated.)

- (7) Urine sample if it is suspected that the victim may have been given or may have taken any drugs other than alcohol- urine must also be refrigerated.
 - (8) A 2" x 2" gauze in a sealed and labeled container from the vagina. If other body orifices are involved, e.g., the anus or oral cavity, these will be included in separate containers. This test is usual for laboratory sperm typing, and can be used for acid phosphatase testing.
- e) All evidence received must be marked with the victim's name, date, hospital number, name of person taking evidence, name of any other person in the chain of evidence, and the name of the officer receiving it.
 - (1) Properly inventory all items taken, making sure that items needing refrigeration are properly preserved.
 - f) The purposes of the various laboratory tests follow this section.
- 8) Physical evidence from the suspect - In addition to photographs of the suspect's person, clothing and any injuries, and the taking of the suspect's clothing, a search warrant should be obtained for a blood sample and samples of head, chest, or pubic hair if relevant to evidence found on the victim or at the scene of the crime, to be analyzed at the BCA for further identification of the suspect. If the suspect is arrested shortly after the crime, and appears to be intoxicated, an immediate blood test should be done to determine the alcohol or drug level, and a detective

should consider making a video tape of his interview with the suspect to show that the suspect understands what is going on and is capable of making decisions.

Sex offense investigations present some unique problems in gathering and preserving the evidence so that the case for prosecution will be as strong as possible. Proper procedure in the investigation is particularly important because of the difficulty of obtaining a conviction in a sex case, even with a relatively strong case. The patrolman's efforts are more essential and important in a sex case than they usually are in any other felony case. In addition, police officers have the extra problem of dealing with the victim's emotional crisis, as well as conducting the crime investigation itself.

C. THE SEXUAL ASSAULT LABORATORY TESTING

Hennepin County Medical Center, the Minneapolis Police Department, the Hennepin County Attorney's Office, and the Neighborhood Involvement Program Rape Counseling Center, jointly developed the following medical evidentiary procedures:

The victim will be asked to report the incident to the Police and will later make the decision whether to prosecute. Many victims first think they will not prosecute but decide days or weeks later to prosecute. If the victim has had a medical evidentiary examination, the victim will have a legally correct foundation for prosecution, should he/she later decide to prosecute.

The medical examination has three goals:

- (1) Tests to determine and treat the full extent of the victim's injuries;
- (2) Care for the victim's emotional needs; and
- (3) To obtain legally correct evidence.

If a person is sexually assaulted and goes to the hospital, he/she will first be asked by the hospital to sign a waiver authorizing a complete medical examination and releasing the examination records to the police. The waiver in no way obligates the victim to prosecute.

The following medical questions will be asked of the victim by a nurse and/or doctor, where applicable. Some of the questions can be embarrassing, but they are important for the victim's medical well-being, as well as being important if he/she decides to prosecute.

- (1) Are you having pain, internal or external bleeding?
- (2) How old are you? (At Hennepin County Medical Center, if you are 16 years or older, you make the decision as to who knows about your assault...parents, guardian, relatives.)

- (3) When was your last menstrual period and the length of your normal menstrual cycle, as well as any menstrual abnormalities?
- (4) When was your last pap smear? (If you desire, you can have a pap smear with the exam.)
- (5) Are you using any birth control method? What method or device are you using?
- (6) Are you taking any drugs or medication? Were you drugged by your attacker?
- (7) When did you last have sexual relations before the sexual assault?
- (8) What was the time and date of the sexual assault?
- (9) Did the attacker force you into several kinds of sexual acts? (This is very common, although often embarrassing to talk about.)
- (10) Did ejaculation occur? If so, where on your body is the sperm or seminal fluid?

These are the tests which will be performed at the hospital:

(Prepared by Garry F. Peterson, M.D., Forensic Pathologist, Deputy Hennepin County Medical Examiner, Minneapolis, Minn. Pathologist, St. Paul-Ramsey Hospital, St. Paul, Minnesota.)

- (1) Fingernail scrapings, if foreign substance is observed under your fingernails:

Material removed from beneath fingernails may occasionally have value. Fibers, hairs, bits of skin, blood, etc., which have been recovered may be matched microscopically, chemically, or serologically (by blood group) to material from the scene, the assailant, etc. Broken fingernails may occasionally be matched with nails found at the scene or on the assailant's clothing.

(2) Wood's Lamp Examination of any areas on the victim's body where sperm or seminal fluid may have been deposited:

Examination of sperm or seminal fluid under the Wood's Lamp may occasionally be of value. Seminal fluid usually fluoresces in a pale yellow to a violet color; while the fluorescence is not distinctive and does not necessarily reflect the presence of seminal fluid, it may suggest areas on the body for examination.

(3) Pubic Hair Examination:

This test seems to be the one that most surprises people. Hair has 22 characteristics and can be matched. Microscopically, hairs may be somewhat distinctive and the assailant may be ruled in or ruled out by their presence, although the test can never positively determine that a particular hair came from a particular assailant. If pubic hair from the attacker is found on the victim, the hair can be important evidence. For the purposes of the test, preliminary combing is necessary at the time of the original examination. A comb is used to pick up the attacker's pubic hair (as well as the victim's). The comb and hairs are put into a container and the actual testing is done by the Minnesota State Bureau of Apprehension through coordination with the Police Department. If a suspect is picked up, the pubic hair will be matched to him, if possible, and if foreign hairs were found on the victim's body. In order to perform the necessary tests for matching, samples of the victim's head hair and pubic hair, as well as head hair and pubic hair from the suspected assailant must be taken. Since the head and pubic hair of a particular person do not change

with time, however, the patient may be able to return at a later time to have head and pubic hair samples taken at the hospital. This may even be done under local anesthetic inasmuch as 20 hairs with roots must be plucked from the pubic area, head, or any other area of the body where the hair which is the subject of testing is located. A search warrant should be obtained in order to take head, chest, or pubic hair samples from the suspect. The same search warrant may also authorize taking a blood sample for blood type testing.

(4) Sperm Motility:

Material from the vagina (or other body areas) can be examined under the microscope for sperm cells. If the sperm have been deposited recently (within the past six hours), they may still be alive (motile), and move about on the slide. A second slide is also made and stained with various dyes. The stained slide can often detect immotile sperm as long as 24 hours after intercourse. Stained specimens have two advantages. First, they may be cover-slipped and preserved indefinitely for review at a later time, even in court, and, secondly, this procedure will often detect sperm which are not picked up on the unstained motility specimen.

Presence and possible motility of sperm at the time of the initial examination is important. Sperm usually become immotile (dead) after approximately six hours in the vaginal vault and presence or absence of motility may be important if they are consistent with the stated time of the incident. False positives may occasionally be encountered if material is sampled from the endocervical mucous, which is physiologically part of the upper reproductive tract. Because of this, sperm

remain motile in the cervical mucous for extended periods of time and may cause confusion.

(5) Sperm Typing:

Under certain circumstances, it is possible to determine blood types of the attacker from sperm found on or in a victim. Body secretions (e.g., saliva, perspiration, mucous, vaginal secretions and seminal fluid) in approximately 80% of persons (secreters) contain blood group material for the ABO system, so that a secreter's blood type (O, A, B, or AB) can be determined from an analysis of such a body secretion. Depending upon the blood types of both the victim and the assailant, and depending upon whether either or both of them are secreters, material retrieved from the vagina has the potential of including or excluding a particular assailant. For the test, material from the vagina is collected on a gauze pad and actual threads from the pad are employed in a modified immunodiffusion procedure. Saliva samples from the suspect and the victim are used to determine secreter status. The saliva samples are quickly taken by having the victim (and the suspect, through use of a search warrant) moisten a sterile 2x2 gauze pad with saliva. Blood samples from both the victim and suspect are needed to establish their blood types. This test is especially valuable in excluding a wrongly accused suspect, but can also be helpful in corroborating the victim's identification of the suspect. The saliva samples and the blood samples should all be taken to the Minnesota Bureau of Criminal Apprehension (BCA), where the testing will be performed. The blood samples must be kept refrigerated.

(6) Acid Phosphatase:

Acid Phosphatase is an enzyme found in the secretions of the male prostate gland. It is found in extremely high concentrations in seminal fluid. Its presence definitely confirms recent sexual intercourse, and since it is independent of the spermatozoa, it can be especially useful where the assailant is sterile or has had a vasectomy. It may also be positive after sperm can no longer be detected and is detectable from 18 to 36 hours after secreted.

(7) Mouth, Anal and Body Surface Examination:

If oral sodomy or anal sodomy was involved in the assault, or if seminal fluid may have been deposited someplace on the body other than in the vagina, swabs will be taken and properly prepared from each part of the body where seminal fluid may have been deposited to determine the presence of sperm and acid phosphatase and for sperm typing, just as such tests are taken from the vagina.

(8) Toxicology Testing:

It is important to tell the physician whether the victim has been drinking or has taken any other drugs. If the victim has, blood and possibly urine tests will be taken to determine just how intoxicated the victim is. This will be important evidence in the event the defense attorney attempts to establish that the victim was so intoxicated as to have consented to the act. In addition, if the victim was forced to drink alcohol or take other drugs, the crime committed will be of a higher degree.

(9) GC Culture (Gonorrhea Testing):

Swabs for culture for phosphatase positive colonies are taken from the cervix, the urethra, and the rectum. Taking samples

from the three sites decreases the number of false negatives. Cultures taken at the initial examination will only rule out pre-existing gonorrhea. Re-culture in approximately 72 hours is necessary to detect gonorrhea contracted at the time of the assault. The cultures must be carefully plated and grown in a suitable atmosphere. Care must be taken to begin culture immediately after the sample is taken.

(10) VDRL -- Venereal Disease (Syphilis) Test:

A blood test for syphilis is important. An immediate VDRL will only detect a pre-existing venereal disease. However, the follow-up in 30 to 45 days will detect syphilis contracted at the time of the assault. Prompt treatment for syphilis is important to prevent permanent physical damage.

(11) Urine Test for Pregnancy:

An immunologic urine test for pregnancy can be important in establishing whether the victim was pregnant at the time of the assault, or determining whether she subsequently became pregnant. If there is a possibility that the victim could get pregnant from the attacker, the victim and the doctor will decide whether the victim should take the "morning after pill", which is D.E.S. therapy. This medication is highly effective in preventing pregnancy; however, it is remotely possible that a pregnancy could occur in spite of the medication. Should this happen, an abortion is indicated because of the serious effects on the development of the fetus from the D.E.S. therapy. If the victim should take this medication, the victim may experience a feeling of nausea (feeling sick to your stomach). If it is severe, the victim should call the Ob-Gyn Clinic at the Hennepin County Medical Center or the emergency room where

the victim was examined for advice. The victim should not stop taking the medication. It is necessary for the victim to take the entire five-day supply for it to be effective.

(12) Photos:

In addition, close-up photos may be taken of any injuries. A photo of an injury is strong evidence for the jury.

Follow-up:

- (1) Three days later the victim should have a test to see if he/she contracted gonorrhea from the attacker.
- (2) Thirty days later the victim should have a test to see if he/she contracted syphilis from the attacker.
- (3) If the victim fails to have a menstrual period within seven weeks of her last menstrual period that preceded the assault, she should have a pregnancy test performed. The pregnancy test can be taken at any number of clinics; refer to the directory and abortion information in this pamphlet.

Los Angeles County
Ad hoc Committee on Rape

RECOMMENDATION: THAT PATROL OFFICERS RESPONDING TO AN INITIAL REPORT OF RAPE BE INSTRUCTED TO IMPLEMENT CLEAR AND SPECIFIC PROCEDURES AND PRIORITIES DESIGNED TO MINIMIZE THE INTERFERENCE OF INAPPROPRIATE TRADITIONAL ATTITUDES TOWARD SEX AND SEX ROLES, IN THE PROCESS OF SEX CRIME REPORTING, AND TO AUGMENT VICTIMS' WILLINGNESS AND ABILITY TO REPORT FULLY AND ACCURATELY.

- ...Priority #1: To determine the need of victim or others present for protection or immediate attention to physical or emotional emergency conditions and arrange accordingly.
- ...Priority #2: To provide the means and/or bases for effective communication, including:
 - (a) An appropriate translator; when necessary, a bilingual officer
 - (b) () Allowing the victim, without interference, to tell what happened in her own words. This account should be recorded in its essence, using the victim's own words.
- ...Priority #3: Before questioning, officers should *explain* to victim the need to ask very personal, intimate, and detailed questions.
 - (a) When feasible, female patrol officers should initiate this interview. Otherwise, the victim should be offered availability of a female officer for intimate questioning.
 - (b) The victim should be offered the choice of having her husband, a friend, or other supporting party, such as a lay advocate, present--*AFTER* being advised of intimacy of questions to be asked.
 - (c) Any other person or persons whose presence is requested by the victim should be *courteously* advised beforehand of the need to refrain from interjecting any commentary during questioning of the victim, with assurance that they will have an opportunity for input afterwards. Any changes indicated by subsequent discussion, and with the victim's agreement, should be *added* to the report.
- ...Priority #4: Reporting officers should complete and file for investigation *ALL* reports alleging sexual assault of any sort, even by a husband.

Specifically, wherever the elements of any illegal sex act or assault are alleged, reporting officers should NOT be responsible for specific discretionary judgment of the victim's credibility as a witness or the merits of the case for prosecution.

Persons who fabricate rape reports or who have alcohol problems or sexual fantasy delusions may in most instances need referral/assistance beyond the competence of patrol officers to determine. Sex crime investigators will be better able to determine the facts and attempt to refer such individuals for suitable assistance.
- ...Priority #5: To advise victims and significant others of what to expect subsequent to the reporting process.

- (a) Victims should be advised of the purposes of the immediate medical examination and of its limitations.
- (b) Victims should be advised that investigating officers will contact them within 24 to 48 hours, and asked how this may most readily be arranged.

...Priority #6: Before leaving the victim, officers should indicate supportive concern and availability of help.

- (a) Officers should express positive assurance to victim that reporting the crime was the right thing to do.
- (b) Officers should also indicate the availability of immediate help for the victim for various problems and provide her with an appropriate 24-hour telephone number for emergency referral.

(Local law enforcement 24-hour information services should be provided with phone numbers for Rape Crisis Hotlines and other emergency referral services so that patrol officers may provide these phone numbers to any victim of any serious crime.)

Rape victims should not be left alone without some number to call for help with other than law enforcement problems or needs!

PREVAILING PROCEDURES

In the interest of immediate response, both the Los Angeles County Sheriff's Office and the Los Angeles Police Department have called for initial response to a report of rape by the nearest available patrol officers.* These officers question the victim to make an initial determination of whether a crime has, in fact, been committed, and if so, specifically what crime or crimes, and by whom.

To make their reports, the patrol officers must obtain information about the various sexual acts committed to determine what statutes may have been violated, and on specific patterns of contact, including physical or verbal threats, requests and sexual preferences, to comprehend the "M.O." of the offender for purposes of identification and apprehension. The report must contain the victim's account of the crime in terms which specifically describe any acts alluded to in various statutes so that they may be legally established.

When victims need immediate medical treatment, or assistance in obtaining a medical examination for evidence, the patrol officers will transport the victim to an emergency medical facility. The officers will wait to obtain any evidence gathered during the examination, but Sheriff's Deputies and L.A.P.D. Officers do not physically observe this examination. Before the officer leaves the victim, he informs her that an investigating officer will contact her within the following 24 to 48 hours.

* As of July 11, 1974, the Los Angeles County Sheriff initiated a program whereby a lady deputy is dispatched to take the initial report of rape from the victim and take the victim to the hospital for emergency service as well as collection of evidence.

L.A.P.D. has indicated such a program would be unrealistic for the City at this time, as they have only 5 women among their 3,500 patrol officers, and only 150 other women officers on call.

PROBLEMS / NEEDS

Victim complaints about the conduct of local law enforcement officers focus primarily upon the attitude of the reporting officers, and relate to:

- (1) The kinds of questions asked.
- (2) Requests for specific details when well-known terms for the acts committed were given.
- (3) Questioning processes which indicated disbelief in the victim's "story."
- (4) Frequent interruptions during the questioning to give the officers time to write down all of the information.

Committee examination found that the type of questioning victims find most offensive is necessary to law enforcement. The consistency of victim resentment, and misunderstanding, of these procedures suggests strongly that:

- (1) Victims of rape are often in a frame of mind which renders them highly sensitive, and therefore resistive, to objective questioning about the experience and about their own participation in it.
- (2) Reporting officers have little or no special training in the psychological implications of sexual assault. Unsure of the victim's often ambiguous or seemingly contradictory statements, they may attempt to compensate by:
 - (a) exaggerated "objectivity," which is dehumanizing for the traumatized victim, and which may aggravate the victim's feeling of alienation;
 - (b) well-intentioned "flattery" of the victim's sexual attractiveness, which may be taken as callously insulting by the person just brutally assaulted as a sex object; or
 - (c) an attitude of cynical doubt, or even denial, that the woman was a helpless "victim" of any crime at all.

We cannot expect patrol officers to resolve basic tensions and conflicts between the sexes in the process of taking a rape report. However, procedures which clearly indicate to officers the most effective techniques for relating positively with the victim's needs and crisis condition would probably be as well received by officers as by victims.

Rape is a critically dehumanizing experience. Officers can assist by communicating intelligently and sympathetically with the victims as fellow human beings, and by briefly explaining the reasons behind the detailed questioning required for a rape report.

Rape victims are usually in a "crisis state"--stunned, numbed, angry, and helpless. Officers can assist by being relaxed and confident, and thus reassuring.

Rape is brutally aggressive. A manner which is informative and requesting of the victim's assistance--rather than aggressively demanding it--can greatly facilitate the reporting process.

Victims often do not understand that emergency medical examination is usually primarily for purposes of gathering evidence. By informing victims of the purposes and limitations of the examination, officers can further a "fellow-human" helping relationship with victims.

The more relaxed and confident officers are, the more reassurance they will provide to victims by their own demeanor, and the less defensive both will become. Procedures clearly stipulating the optimal approach will assist reporting officers to feel "relaxed and confident" in interviewing rape victims. Moreover, if the reporting officers were required only to determine that some crime or sexual assault was committed--and not to confront victims with the "infuriatingly irrelevant" details of statutory definitions--the immediate contact relationship would be far less conflict-producing.

RECOMMENDATION: THAT LAW ENFORCEMENT AGENCIES THROUGHOUT THE COUNTY BE ENCOURAGED TO ESTABLISH SPECIALIZED SEX CRIME INVESTIGATING UNITS AND LOCALLY STATIONED TEAMS TO INVESTIGATE ALL REPORTS OF RAPE AND OTHER FORMS OF SEXUAL ASSAULT.

- ...Specialized sex crime investigating officers should conduct interviews with all victims of alleged rape within 24 to 48 hours of the rape report.
- ...Specialized sex crime investigators should have major responsibility for determining the validity of a charge of rape under the specific circumstances and existing statutes.
- ...Sex crime investigators should provide to victims verbal and written explanations of medical and legal procedures in sex crimes, gathering of evidence, court procedures, and information on community supportive services available to victims and their families.
- ...Where rape is not an apparently legal charge in a case of sexual assault or molestation, Sex Crime Investigating Specialists, rather than patrol officers, should explain and indicate to victims more suitable charges and/or other indicated action.

STAFFING

- ...So that interviewing of female victims of sex crimes is routinely conducted by female investigators, at least 50% of the staff of sex crime investigating units and/or teams should be qualified female officers, including female officers bilingual in languages appropriate to local area population needs.
- ...Investigators of both sexes should be selected by a process which would screen out any officers whose attitudes toward women or their own sexuality would incline them toward hostile, punitive, or judgmental treatment of rape victims, or toward prurient interest in sex crime investigation. (Mental health professionals could be of assistance in developing such a selection process.)
- ...All officers assigned to sex crime investigating units and Teams should receive special training in sex crime investigatin techniques and instruction by qualified mental health professionals in:

- Symptoms and effects of psycho-sexually traumatizing experiences
- Principles and dynamics of crisis intervention
- Psychopathology of sex offenders
- Psychology of sex--and rape--facts vs. myths, sex stereotypes, and irrelevant moral judgments

SERVICE REFERRAL FUNCTION

- ...Specialized investigators should actively encourage victims of rape to avail themselves of suitable counseling services and should provide all victims routinely with verbal or written information on available local resources for:

Rape crisis intervention and counseling
Venereal disease and pregnancy testing and termination services
Neighborhood Community Health Center locations and services
Financial help for victims of violent crimes
Other supportive community services for rape victims, including
volunteer advocates

CURRENT PROCEDURES

When a patrol officer turns in a report of rape, an investigating officer at the local station of the division where the crime occurred is assigned to the case.* Within 24 to 48 hours, the investigator makes contact with the victim by phone, if she has one, and if possible interviews the victim at her home. During this interview the investigator goes over all elements in the initial report with the victim to confirm their accuracy, adds details if any are revealed which had been omitted, and checks for additional evidence.

The investigator also interviews any possible witnesses to the crime and checks with neighbors to see what, if anything, they saw or heard immediately before, during, or after the crime was committed--any unusual activity, strange car, or suspicious person. He or she also interviews anyone else the victim may have contacted immediately following the incident.

Bruises on the victim's body are usually more visible by the second day than they were at the time of the initial report. The investigator may wish to have photographs taken by a police photographer. The situation in Sheriff's and L.A.P.D.'s photographic studios is one of privacy, with only those areas exposed which need to be photographed. A female photographer is usually available during the day, and whenever the situation calls for it a woman officer will be present.

If any new evidence is found, the investigating officer refers this to the crime lab and checks to see that the "print man" has been contacted if indicated. He may also request that checks be made through the computer system, the Department of Motor Vehicles, etc., regarding any suspect or suspicious car. If the victim can describe the suspect, the investigator arranges for her to come into the station to view mug shots and/or have a composite picture drawn by an artist.

Pursuant to a report of rape, a disposition is made--i.e., the report is "cleared" by arrest if and when an arrest is made. (A single arrest may clear a number of reports of crimes apparently perpetrated by the same individual.) If it is found that the crime did not occur (e.g., the complainant subsequently states that her report was in error--she was angry, drunk, etc., and not actually raped), the report is classified "unfounded." The category "cleared other" is broad--so broad that it is difficult to know what circumstances are involved without reviewing the follow-up report itself. It may be used if it

* As of July 11, 1974, the Los Angeles County Sheriff's Department assigns a female investigating officer to conduct all future contacts with victims of rape. As of March 14, 1974, L.A.P.D. has ensured that sworn female personnel are available to respond, where appropriate or on request of rape victims, "for the purpose of assisting uniformed officers or investigators."

was found that the victim's report was lacking in significant elements of the reported crime or where there was insufficient evidence to support the victim's report of a crime having been committed. In the latter case, the crime may indeed have been committed, but without sufficient evidence to support a charge against the alleged offender as determined by the District Attorney.

In a very small percentage of reported rape cases, it is found that the crime did not occur. The *FBI Uniform Crime Reports* for 1972 indicates that 15 percent of reported rapes nationwide were "unfounded," but investigator Pat Smith of Los Angeles Police Department's Rape Investigation Detail reports that preliminary findings indicate no more than perhaps one percent of reported rapes in Los Angeles City in 1972 were unfounded.

If the victim's complaint stands, and if there appears to be sufficient evidence that the crime occurred as stated, the investigator will try to locate the suspect. If found, the suspect will be questioned and, if cooperative, the suspect may participate for victim identification. With probable cause, however, he may also be booked before this process. Where questioning or results of a lineup, fingerprints, etc., do not clear the suspect arrested on probable cause, the investigator will present all the information on the case to the District Attorney, and request that a complaint be filed against the suspect for the crime.

Although the investigating officer may receive and transmit any information subsequently given to him, his investigation is essentially completed at the time that a complaint against a suspect is sought. The investigating officer will usually appear at the preliminary hearings and in a subsequent trial, if any.

The entire process involving law enforcement might take from a week to over a year. Intensive involvement by investigating officers with the victim will usually not exceed a week from the time of the crime report. When the suspect is not identified and located readily, the victim may be contacted by investigators, usually by telephone, if possibly relevant information suggests additional questions. Or the victim may be asked to call in any overlooked or subsequently gained information of possible value in identifying or apprehending the suspect. It is possible that a victim, having gone through this process, will never hear from the investigators again.

PROBLEMS / NEEDS

A major problem in investigating a reported rape is to gather evidence that the crime occurred. While corroborating evidence is not required by law, it is necessary in fact to obtain a complaint against a suspect, and critical for obtaining any conviction. It must also be shown that the "alleged victim" resisted sufficiently to manifest non-consent or that her resisting was prevented or overcome by threat or force or other effective means.

If the victim was bound or badly beaten, there will usually be little difficulty in establishing that she was sexually assaulted. However, a majority of victims submit to rape rather than risk their lives or a severely damaging beating.

In practice, if a victim was not beaten, but the rapist was a total stranger and she did not accept a ride or other courtesy from him, or if he broke into her home or apartment, especially if he also robbed her, and she reported the crime

immediately, and medical evidence supporting her charge was obtained, the investigator may be confident that a charge may be sustained--if the identity of the offender can also be clearly established and the suspect located.

Most reported rapes committed by strangers are either planned in advance or committed in the process of another crime when the opportunity to do so with impunity presents itself. Rape is not usually committed in front of--or with the likelihood of interruption by--uninvolved witnesses. The victim's own recollections about such details as the offender's exact words, sequence of acts, her tactile perceptions of his facial or body hair, physical proportions, and manner of threat or demand may be the only means by which to ascertain his identity.

However, when an investigating officer first interviews a victim of forcible rape, within 24 to 48 hours of the crime, she will usually still be in a state of life crisis. Unable to find any positive resolutions for the brutal, humiliating, and psycho-sexually disabling implications of the experience, she may understandably be trying to push the experience from her mind. Questioning by the investigating officer may seem to represent a threat to this self-protecting process. If the investigator's questioning is assertively demanding of answers--especially if the officer is male--it may re-evoked the hostile male force employed by the rapist, and thus greatly aggravate her defensiveness.

Rape is a crime of violence. It is not likely to be experientially recalled in an orderly chronological sequence. There may be significant gaps and inconsistencies in the victim's reporting of it. The time period during which a victim experienced intense pain and fear for her life may be greatly exaggerated. To get at the truth, the investigator will need to understand the psychological concomitants of crisis and allow the victim to tell the events as she experienced them without critical reproach for illogical inconsistencies. On the other hand, an overly protective approach may increase a victim's reluctance to report acts or transactions about which she feels especially ashamed or degraded.

To create a climate that will allow the victim of rape to bring forth information about the humiliating and "shameful" acts involved in the sexual assault requires non-suggestive skill, patience, and sensitivity.

Our laws with respect to rape make submission without protest virtually synonymous with "consent." Moreover, public attitudes often misconstrue a woman's accepting a ride or a date with an acquaintance, or certainly with a stranger met in a bar, inviting him in her home, or going into his, as implied consent to participate in sexual acts with him. These attitudes are also reflected among law enforcement agents.

According to the *FBI Uniform Crime Reports*, an average of 15% of rapes reported nationwide are "...determined by investigation to be unfounded. This is caused primarily due to the question of the use or threat of force frequently complicated by a prior relationship between victim and offender."

Rape hotline counselors report that a large portion of callers who did not report being raped were raped by men with whom they had accepted a date. Often these victims experienced greater subsequent problems in social/sexual orientation than victims raped by strangers.

Studies have shown that in nearly half of reported rapes, the suspect was an acquaintance, friend, relative, "boyfriend," or "date" of the victim. Clearly there is a critical need for investigators capable of objectivity toward women,

without the interfering biases of inappropriate traditional attitudes, sex roles, or sexual mores.

To increase reporting of actual rapes, it is essential that investigators, as well as reporting officers, clearly recognize the human right of women to seek and enjoy friendship, assistance, and companionship of males, and even romantic "exploration," with or without consenting to participate in explicit sexual acts. Sympathies for a rejected ex-lover of a rape victim must not interfere with recognition that the human right to consent to sexual involvement includes the right of the woman, as well as the man, to end that involvement.

The process of altering attitudes which promote and foster the physical and psychological abuse of females as sex objects must include reasonable enforcement of laws against such abuse by men who merely exploit the sexual opportunities afforded by these general attitudes--men who perhaps would not commit such a crime of violence if they perceived it as criminal violence. After sentencing Inez Garcia to five years to life for killing a man she claimed had helped another man rape her, a male juror explained to the press, "*After all, he [the manslaughter victim] wasn't trying to hurt anyone--he was just trying to show her a good time.*" This statement indicates the tragic need for the brutality of rape to be *clearly* impressed upon many otherwise "decent and law-abiding" male citizens.

To accomplish this will require the skilled efforts of investigators capable of and willing to transcend personal sex-role identification or bias and work with objective sensitivity to bring about more effective enforcement of laws against rape.

ST. PAUL POLICE TRAINING UNIT

Lesson Plan

COURSE: St. Paul Police Recruit Academy

TITLE: Child Abuse

INSTRUCTOR: Carolyn Bailey

TIME: 3 1/2 hours (August 22 and 23, 1977)

INSTRUCTIONAL AIDS: 16 mm Projector & screen, carousel slide projector & slides, photos. Film, "A Call for Help".

STUDENT EQUIPMENT: None

HANDOUTS: Brochures on Sudden Infant Deaths

REFERENCE MATERIALS: "The Battered Child", by Drs. Ray Helfer and Henry Kempe

COMMENTS: (Include objectives, procedures, assignments)

Overall Objectives;

To train police recruits to handle complaints and patrol investigations of child abuse.

To teach recruits to recognize abuse to children when they have contact with it.

Instructional Objectives:

1. The recruit, when asked what is the definition of child abuse, will answer, "Inflicted injuries by parents or guardians."
2. When asked who are the only persons that can by law take a child in to immediate protective custody without a court order, the recruit will answer, "Police officers".
3. The recruit, when asked who are the only professionals involved that are NOT required by law to report child abuse, will answer, "Ministers".
4. When asked what he would do if a physician refused to provide information regarding incest between a father and his ten year old daughter, the recruit will respond, "Explain that the law requires he report all such suspected cases."
5. When asked what are the general characteristics of parents who physically abuse their children, the recruit will list, "They expect too much from their children, the parents were abused themselves as children by their own parents, and they have strict discipline of their children."

(see next page)

Introduction:

1. A series of slides illustrating abuse to various children with accompanying histories will be presented.
2. Child abuse is defined as any inflicted injury to children by a parent or guardian responsible for the child's care.
3. Child abuse has become more widely recognized in the past decade. The police officer must be alert to the prevalence of such crimes, particularly since many of these crimes go undetected.
4. These crimes are difficult to recognize and prove primarily because:
 - a) Most abused children are younger than four years old, often are unable or afraid to tell someone about it.
 - b) Parents who beat their children are often very deceptive.
 - c) Children do accidentally injure themselves in many ways, and parents can frequently invest reasonable explanations for inflicted injuries.
 - d) Child abuse usually occurs in the absence of witnesses.
5. The officer should be alert to the possibility of child abuse when seeing any of the following:
 - a) A significant time lapse between the time of the injury and the time the parent may have sought medical help.
 - b) Inconsistencies exist in the explanation of injury.
 - c) The explanation of the injury does not satisfactorily account for the injury.
 - d) Various types of bruises may be caused in specific ways.
 - e) Fractures of the long bones in small children, especially infants, may be particularly significant.
 - f) Repeated injuries to a child may indicate neglect even if abuse is not substantiated.
 - g) Burns and other types of injuries will be explained.
 - h) Characteristics of the "battered child syndrome" may increase suspicion.
6. The up-dated laws regarding child abuse will be explained, which include the mandatory reporting law, the applied criminal code, and the authority of solely the police officer to detain a child in protective custody. Detailed application and examples of when this is appropriate and how to take a child in to protective custody will be given (including completing forms).

Explanation:

1. The patrol investigation of child abuse will be chronologically explained.
 - a) Determine all the facts in the incident.
 - b) Document the injuries (photographs, medical data, observation, etc.)
 - c) Collection and preservation of evidence includes examining scene, retaining physical evidence, processing scene where indicated, canvassing neighborhood, talking to witnesses, etc.
 - d) Establish identity of person responsible or attempt to determine who was caring for the child when injured.
 - e) Immediate protection of the child may be indicated, especially in incest.

2. The Child Abuse Team is a multi-disciplined approach to the identification, assessment and treatment of child abuse. Agencies involved include the police, MHC, SPRH, RCWD, RCNS, CA, etc.
3. The unique aspects of incest and sexual abuse within the family will be described.
4. The patrol investigation of incest will be detailed.
 - a) Such cases most often involve the need to place the child outside the child's own home. Procedures and forms will be explained.
 - b) The mother of the incest victim should be considered highly unreliable. All possible evidence from her, including statements, should be obtained immediately by the officer at the scene.
 - c) For other patrol procedures, see Lesson Plan on Sexual Assault.
5. Techniques in interviewing the physically and sexually abused child will be high-lighted.
6. The film, "A Call for Help" and subsequent training on patrol procedures for Sudden Infant Deaths will be given to complement material to be presented in other training on Homicide & Death Investigation.

Criterion Test

(Child Abuse)

1. Child abuse as defined in the class is:
 - a) not watching your kids.
 - b) a child who is badly hurt.
 - c) inflicted injuries by parents or guardians.
 - d) a neighbor's child hitting your child with a shovel.
 - e) all of the above.

2. According to the Minnesota detention law (statute # 260.165), the persons who can take a child in to immediate protective custody without a court order are:
 - a) doctors
 - b) police officers
 - c) ministers
 - d) all of the above.

3. The only professionals involved that are not required by law to report child abuse are:
 - a) doctors
 - b) Police officers
 - c) ministers
 - d) none of the above

4. If a physician refuses to provide you with information regarding incest between a father and his ten year old daughter, you:
 - a) accept this because a physician is priveleged not to release information about a patient.
 - b) arrest him.
 - c) explain that the law requires he report all such suspected cases.
 - d) look at his files anyway.

5. Which is NOT a general characteristic of parents who physically abuse their children:
 - a) They expect too much from their children
 - b) The parents were abused themselves as children by their own parents.
 - c) They don't want their kids.
 - d) They have strict discipline of their children.

6. The mother of an incest child is:
 - a) stupid.
 - b) also a victim of incest herself.
 - c) to be considered highly unreliable.
 - d) very helpful to the incest victim.

7. Which type of injuries is most likely to be child abuse?
 - a) bumps on the forehead.
 - b) leg fractures in infants.
 - c) burns on the hands.
 - d) diaper rash.

(see next page)

8. Under which circumstances could a child be taken in to protective custody?
- a) a child informs you that her father has raped her.
 - b) You find four small children with their mother in a filthy house where garbage and trash are throughout.
 - c) A young child tells you he is hungry, and his mother says she has no money to buy food.
 - d) All of the above.
9. The cause of Sudden Infant Death is:
- a) heart failure.
 - b) respiratory infection.
 - c) pneumonia.
 - d) suffocation.
 - e) unknown.
10. The present documented leading cause of death in infants between the ages of two weeks and one year is:
- a) child abuse.
 - b) birth defects.
 - c) Sudden Infant Death.
 - d) heart ailments.

ST. PAUL POLICE TRAINING UNIT

Lesson Plan

COURSE: St. Paul Police Recruit Academy

TITLE: Sexual Assault Victim Awareness (Rape Sensitivity)

INSTRUCTOR: Carolyn Bailey

TIME: 2 1/2 hours, August 24, 1977

INSTRUCTIONAL AIDS: 16 mm projector & screen

STUDENT EQUIPMENT: none

HANDOUTS: brochures on "Sexual Offense Services"

REFERENCE MATERIALS: _____

COMMENTS: (Include objectives, procedures, assignments)

Overall Objectives:

To help the recruits understand how the victims of sexual assault might feel so that, as officers, they can handle these victims more appropriately.

To increase the recruits awareness of the significance of sexual assault through discussion of cultural attitudes and misunderstandings.

To provide practical information regarding procedures and to assist in servicing the victim.

Instructional Objectives:

1. When asked to make a judgement about the validity of a rape complaint based on the victim's precipitating behavior, the recruit will state that he/she cannot make such a judgement.
2. When asked what contributes the most to the existence of rape, the recruit will respond, "The need to act out violence."
3. The recruit, when asked what is a major characteristic to keep in mind when questioning children, will answer, "Children are very suggestible."
4. When asked how to overcome this suggestibility of children, the recruit will state, "Use open-ended questions."
5. Regarding the myth that women enjoy rape, the recruit will states, "The rapist himself frequently believes this."
6. When asked what women deserve to be raped, the recruit will answer, "None".

Outline (Rape Sensitivity)

Introduction:

1. The film, "Someone Else's Crisis" (segment on rape) will introduce the session.
2. The class will be divided in to six discussion groups, each group selecting their own spokesperson. Each group will be given a subject for discussion, which will include: What are some of the myths about rape? What was your response to the film? How can the system be improved to help victims of sexual assault? The entire class will respond.
3. A general background of the problem of sexual assault will be presented.
Rape has shown the largest increase of any major crime both in our city and throughout the country. Over 55,000 rapes were reported in the U.S. last year, and estimates are that 150 rapes occur every 24 hours in Los Angeles alone.

There has been a growing awareness the last few years in the problems which the victim of sexual assault encounters from the moment the assault is initiated until well beyond the disposition in court.

The objectives of the session will be summarized.

Enplanation:

1. Joan McGrath, a rape victim, will vividly relate her own personal experiences and what this has meant to her.
2. Jan Polley, S.P.R.H. social worker, will explain in detail the procedure in the Emergency Room for examining victims of sexual assault and how the victims respond to this.
3. Mary Maloney, Director of Sexual Offense Services, and Ann Fisher, Program Associate, will describe this program, the services available and the methods of referral.

Criterion Test (Rape Sensitivity)

1. Which of these circumstances are LEAST likely to involve a valid rape complaint?
 - a) The victim was hitch-hiking and accepted a ride from the suspect.
 - b) The victim met the suspect in a bar and let him buy her several drinks.
 - c) The victim wasn't wearing a bra.
 - d) The victim was grabbed by the suspect while walking to church.
 - e) There is insufficient information to make a judgement.

2. Which contributes the most to the existence of rape?
 - a) Short skirts
 - b) sexual passion
 - c) need to act out violence
 - d) Liquor

3. One major characteristic to keep in mind when questioning children is:
 - a) children don't like to talk.
 - b) children don't like police officers.
 - c) children are very suggestible.
 - d) children are scared of you.

4. To countermand the above characteristic of children:
 - a) approach the child slowly, quietly and patiently.
 - b) be nice.
 - c) use open-ended questions.
 - d) don't make faces.

5. Regarding the myth that women enjoy rape:
 - a) some do.
 - b) the rapist himself frequently believes this.
 - c) no one believes that any more.
 - d) "relax and enjoy it" type jokes are still a good laugh.

6. The following woman deserves and expects to be raped:
 - a) the alcoholic.
 - b) the prostitute.
 - c) the hitch-hiker.
 - d) none of the above.
 - e) all of the above.

General over-view of police role as it pertains to the victim of sexual assault.

RAPE SYMPOSIUM

The officer at the scene of a sexual assault case has 2 primary responsibilities. 1) To assist & protect the victim. 2) Properly investigate the case, gathering & preserving evidence necessary for possible prosecution.

When the victim of a crime, including rape, calls the police, a squad car is dispatched to the scene, and a brief initial report is taken. This report includes the general circumstances leading to the offense and the basic elements of the crime. In a rape case or any Crime Against the Person where the scene of the crime is not immediately known, an attempt is made with the victim to determine the exact location where the crime occurred. It is essential for prosecution to know the exact time and place of the crime (example of problems in this).

It is rarely necessary for the victim to confront her assailant directly during the investigation. Every effort is made to protect her from this upsetting experience. In the case where an identification of the assailant is necessary, the victim might be asked to select the offender from several photographs or to attend a show-up (commonly recognized as a line-up). At our department, the show-up is conducted with the suspect behind a screen, readily visible to the victim but the victim cannot be seen by him. A comparison selection also protects the innocent who might be accused and insures the admissibility of the evidence.

In a carefully prepared case, all corroborating evidence is retained. This includes anything which supports the commission of the crime and the victim's account of rape. Clothing which may contain sperm, is torn or dirty should be held by police. A medical examination of the victim is given to establish legal evidence that the crime occurred and to protect the victim from venereal disease, possible pregnancy, treat injuries, etc. This is generally given in the county hospital because they are most familiar with the necessary procedures, although the victim may choose to see her private physician. There is an urgency in this examination, particularly since sperm is detectable usually within 24 hours. (Next speaker will cover the medical aspects.)

After the scene investigation is completed, the report is forwarded to the Detective Division, in our department the Sex-Homicide Unit, where it is assigned to a specific investigator. (Give composition of unit) A detailed statement is then taken from the victim. In all cases assigned to me, in most serious cases or where the victim may be particularly disturbed or request a woman; I will take the statement. It might be pointed out, however, that in our unit, as in many Sex Units, the men are selected for a particular aptitude for questioning and relating to women. The problem of available women to conduct these interviews may be resolved in the near future with most police departments qualifying women to take the patrolman examinations. As a State Law Enforcement Instructor, I do train all our recruits, as well as Evidence Schools involving suburban police, on the investigation of sex crimes, which includes appropriate methods of interviewing victims. Every effort is made to make this as easy as possible for them. The purpose for asking particular questions is explained, such as pointing out when asking about resistance the need to clarify for legal requirements. At no time should any action be taken in the investigation which is against the will of the victim. Time should be taken to explain the entire procedure so the victim knows what to expect.

The facets of the investigation certainly are not fun for the victim, but the real trauma of the forcible rape is the rape itself. There are areas in the process which can be improved, but sometimes we lose sight of what initiated the entire upsetting chain of events, the rape. If rape is as frightening, horrifying, and degrading as it is sincerely described by many victims, it simply cannot be true to say that the medical examination, for example, is worse than the rape. I can't believe that ANYTHING is worse than some of the rapes I have investigated.

Not by law necessary

or in smaller towns

explanation of procedure

by police

selected

officer

knows what to expect

Myths of false accusation

I might mention that about one in four of the rape reports our dept. receives are unfounded. This does not mean that we use our own perogative to decide that the report is not a rape. This means that one in four victims told me that she lied and was not actually raped. It should be recognized that these women who lie may be as upset as are the actual victims. They give many reasons for lying, most of them very important and real to them. They should be questioned quietly, without accusing or humiliating them. It is important that these reports be unfounded as early as possible for two reasons: 1) if no crime occurred, it is less disturbing and easier for the victim if an investigation is not initiated. 2) Valuable investigative time can be lost which might be more profitably spent in apprehending actual offenders.

also may be part of lies & damaging (ex.)

Since we have found that rapists frequently commit a series of crimes, the best rape prevention is the apprehension, and treatment if possible, of the rapist. The only way to apprehend the offender is to report the crime. This is the most effective means of identifying the offender. Some victims might argue, "How are they going to catch him anyway?" The police may be aware of a great deal more than the victim, such as previous related offenses, distinctive M.O.'s, etc. This should not be the victim's need to decide. Protection is made more difficult due to lack of treatment facilities for rapist, etc. Ex. parole

Intro

I would like to briefly refute, based on my own experience, some common myths and attitudes toward rape. Although they may reflect a male-dominated society, the views are often surprisingly supported by women:

most damaging for purposes of

1. "A woman can't be raped!" "There's no such thing as rape", "Have you ever tried to thread a moving needle?" Of course, few here would support such a view, but there are those who actually believe this? Rape exists if the victim physically resists or does not resist due to fear. In the majority of cases in our city, rape is accomplished without physical resistance due to fear by the victim, which makes it easier for the rapist and more difficult to prove in court, but just as disturbing to the victim, if not more so.

2. "Women really want to be raped!" "Relax and enjoy it!" Now, I certainly don't need to say which sex dreamed up this preposterous assumption. It is not an uncommon delusion of the rapist to believe that his victim enjoyed the rape in spite of herself. The rapist has been known to ask his victim, who may be hysterical and bleeding, if she will date him the next night! Not a request of victim

3. "The woman who is raped got just what she deserved!" "She asked for it." The theory behind the "victim-precipitated rape" is that the man interpreted the woman's behavior as a direct invitation for sex; in other words there is justifiable rape. Subscribing to this theory, women should wear gunny sacks to their ankles, never accept a drink from a man, and never, never invite him up to her apartment, or she will "get herself in to the situation" and "ask to be raped". This ridiculous argument can be compared to the "victim-precipitated robbery", for example, where bank tellers shouldn't keep so much money around or they ask to be robbed.

This attitude above all creates the guilt feelings which victims may have because they themselves wonder if the rape is their fault. This is also the attitude that some victims may receive from accusing husbands, particularly if there is already some marital difficulty. The defense attorney may effectively defend his client if he can challenge the victim's virtue, insinuating she seduced the rapist. I personally believe even a prostitute has a right to say no, but juries are reluctant to send a man to prison for stealing what is easily available. V. needs support, partic during court actions (ex. report to my dept)

4. "All rape victims are beautiful." This statement especially discriminates against the victim because it implies she seduced him unconsciously with her beauty and it really wasn't his fault! This statement simply is not true. Rape victims are young and old, pretty and ugly, and they cannot be stereotyped

Each responds differently to the offense and should be handled differently. (over)

Police reflect the attitude of the community
but they know rape happens.

I might also add, "Neither can the police be stereotyped." This week I read an article in the paper which quoted a chairman of a Commission on the Status of Women, who was criticizing an incredible ad, and then said it "reinforces the attitude of police that rape is the woman's fault and they do little to help women afterwards". This infuriates me, and I resent anyone alleging ~~this is~~ ^{what is} my attitude or the attitude of everyone with whom I work.

Attitudes toward rape do seem to be changing. Ten years ago it was very difficult to prove a rape charge unless the victim was a 65 year old nun with witnesses. This year a man was convicted in St. Paul after he burglarized an apartment and raped a woman who was in bed with her boyfriend. ^{EX. Mathisen - Hitchhiker} Seminars such as this, increased publicity, women's liberation groups have all contributed to a growing awareness and understanding of rape.

— SOS

- not only because these myths are commonly recognized by all of us but because they are so absurd it's fun to knock them.

now I ask you,
Gentlemen, if you were grabbed by a group of dirty, stinky escaped convicts, tied to a tree, punched a few times and raped annually, would you get turned on?!

This stems from ingrained community attitudes, such as the unsupported theory that men can't control their sexual behavior, and it was up to the woman to set the limits. I can't even remember who told me this when I was a kid, but I sure knew it!

16.

they are cooperating in fulfilling their duty to alert police, so they should be treated courteously. Many times these reports have been of great help to us. I might give a good example of this. ~~Last year we had a man who entered private homes at about 3:00 on Thursday and Friday afternoons while the housewife was visible outside shoveling snow or doing other chores. He cut down the clothesline and waited in the basement for the woman to return inside, at which time he bound and raped her. No one had ever seen his face because he wore a pillowcase over his head with holes cut at the eye level, and he covered the victim's face so she had difficulty breathing. Since we had no idea what this man looked like, it is interesting to hear how we finally were able to apprehend him. In one home the attacker stole a coin collection he had placed in a pillow case belonging to the victim. At least two weeks later a citizen thought it was strange when he noticed another man park his car near him and remove some coins from a pillow case, so he took down the license number and reported to police. An alert police officer realized the possible significance of this and covered it completely in a report. It developed that the owner of this car had a previous conviction for a similar offense, and through further investigation, we were able to locate the gun and other evidence, and the suspect confessed to the offenses. The officer that wrote the Suspicious Man report received a commendation.~~

4. Molesting and Indecent Liberties

There is no such crime as molesting, but this had been used as a general classification to distinguish disorderly conduct of a sexual nature. The effem molester usually is sent to court for disorderly or lewd conduct. Molesting as we now classify it consists of molesting or attempting to molest a child over the clothing. There is a great deal of confusion between Molesting and Indecent Assault classifications. Indecent Assault is a felony and entails sexually molesting under the clothing. If the victim is under 16 years of age indecent assault also includes cases where the suspect does not touch the victim but has the victim sexually touch him, such as in the case where a child is lured into putting his hand in a pocket with a large hold. These offenses frequently occur within a child's own neighborhood by someone who lives nearby or within the victim's own home or the home of a friend where they are considered to be protected. However, we even had an indecent assault committed on the escalator at Wards during a busy hour.

When under 16, law applies with or without consent

See Child Molester

5. Incest

Incest is sexual intercourse between relatives as defined by the law, generally including all relationships nearer than 1st cousins. These are "blood" relationships and do not include step-fathers, etc., as is often confused in our police reports. Despite strong laws and emotional feelings against incest, this offense occurs much more often than is generally recognized. Father-daughter incest is much more frequent than mother-son. It is generally believed that brother-sister incest is the most frequent type, but this is much less likely to come to attention of the police than other forms (sever disturbing consequences). Many cases between father & daughter occur over

additions

light bulbs

screams - witnesses

direct evidence in your presence
of victim's state & phys cond on your arrival
(partic. if evidence disappears such
as redness from strangulation)

activity

when under 15, can apply
with
without
consent

Dr. Bill M... ..

① Long periods of time with no action by the mother, either, because she unconsciously refuses to recognize ~~fact~~ ^{fact} it or she consciously does not want to give up her husband and feels guilty toward the child. Ex. Fern. You should keep in mind at the time of a call (usually made by the wife) that in the vast majority of these cases, the wife will not cooperate in following through with prosecution. ~~Her~~ ^{Her} testimony is highly unreliable. The wife is more likely to have called the police out of anger than concern for the welfare of her daughter. She will often say she wanted treatment for her husband and does not want him to go to prison. (Process re. commitment at KWD excluded criminal behavior, etc.).

6. The Child Molester or Pedophilia is the adult male who has sexual contact without force with children under 12 yrs. not their daughter. Most victims are pre-puberty, so the initial difference with the child molester is his willingness to accept a sexual partner that does not have the commonly attractive characteristics.

In a study, 29% were drunks and many blacked out, not remembering offense. 12% are mentally

The average age of the first conviction is 27 yrs.

Contrary to public opinion, affection does not exist between the molester & child, and the molester is typically promiscuous, not maintaining contact with only one & ^{the} same child. ~~the~~

The major characteristic of the child molester is sexual deprivation. He is often

retarded at the level of childhood sex
play.

The molester ^{often} lacks a conscience and
feels the laws should not and do not
apply to him. (see pg. 18)

The majority of child molesters are
known to ^{the} victims. Only 5% injure their
victims, and these molesters are vicious.

Of the child victims who did not resist the attack:

1. Many were lured by money, candy, & promises (etc)
2. Many knew their attackers, who had already gained their confidence. Old rule for chn. that they "should not talk to strangers" would not apply with many of our offenders, particularly as the offenses become more serious.
3. In many cases, the assailant has approached the child carefully so as not to arouse fear.
4. Some of our child victims have already had sexual contact before the attack and some desired experience out of curiosity. Some of these children show a great need for affection.

It may be surprising to note that the children who have had sexual relations with adults often show less fear and emotion than might be expected. On the contrary, they may be very frank & objective and only tend to develop become upset when they see the horrified reaction by adults. This is why questioning of these children must be objective and show no apprehension. Most of these children adjust well after the crime. Those who do not may have had other problems prior to the crime (ex. Fulton's victim).