



## Carolyn Bailey papers

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*C. Bailey*

INTERVIEWING THE CHILD  
(Questioning)

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. (*Ask if afraid, am I scary?*)

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. *Know what to expect.*

(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.

*moving around from behind desk*

→  
*Roll the parent*

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 touch 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.

*Prepare for court*

2.

( 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 respond 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~~ <sup>cannot</sup> at a time when a child comes to us in serious need of common sense and good judgement. )

DEPARTMENT OF POLICE  
CITY OF SAINT PAUL  
INTER-OFFICE COMMUNICATION

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TO: Recruit Academy Instructors  
FROM: Sgt. Mike Smith *MS*  
SUBJECT: Test Questions  
DATE: June 17, 1980

Enclosed you will find a copy of the test questions that I used on the quarter examinations for the last Recruit class. I have indicated the response analysis for each question, that is how students got the question wrong and how many chose each response. It is hoped that by looking over these results you will be able to make improvements in your lesson.

In most cases, I used the question exactly as you gave it to me. In some instances I modified your question, or included a question dealing with your topic which I obtained from another source.

I have made notations and requests concerning some of the questions. Make the necessary changes if possible. Please get a hold of me if you have any questions concerning these notations.

Thank you.

## SEX CRIMES

2<sup>nd</sup> QUARTER EXAM

25. A medical examination of a victim of rape should be given:  
-5  
5 a. Only within 24 hours after the crime.  
b. Even if the victim refuses.  
22 c. As soon as possible after the crime.  
d. Not after a week because all evidence has disappeared.
26. The purpose of photographing bruises which the victim received during a rape is:  
-1  
1 a. To show the rapist got mad.  
1 b. Because juries are impressed when they can visualize testimony.  
26 c. To preserve evidence supporting the victim's lack of consent.  
d. To prove the rapist is a liar.
27. The purpose in obtaining a pelvic examination of the victim of a rape is to:  
-1  
1 a. Treat any injuries the victim might have received.  
1 b. Determine if sperm is present.  
c. Determine if a venereal disease has been contracted.  
26 d. All of the above.  
e. All but one of the above.
28. If a six year old child is sexually molested, the decision regarding prosecution is determined by:  
-3  
3 a. Her parents.  
b. The child.  
c. The police officer.  
24 d. The County Attorney.  
e. The judge.
29. If a 21 year old woman is sexually molested, the decision regarding prosecution is determined by:  
-6  
6 a. The woman.  
b. Her husband.  
c. The police officer.  
d. The judge.  
21 e. None of the above.
30. 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:  
-25  
6 a. Tell them you cannot take a complaint unless you talk to their daughter.  
10 b. Write a Criminal Sexual Conduct report.  
9 c. Obtain complete details in order to substantiate an arrest.  
2 d. Explain to them that no crime has been committed.
31. Sperm, as evidence, may be present in cases of:  
-2  
1 a. Rape.  
1 b. Sodomy.  
c. Indecent exposure.  
25 d. All types of sex crimes.
32. Which of these circumstances are LEAST likely to involve a valid rape complaint?  
-3  
a. The victim was hitchhiking and accepted a ride from the suspect.  
b. The victim met the suspect in a bar and let him buy her several drinks.  
3 c. The victim wasn't wearing a bra.  
d. The victim was grabbed by the suspect while walking to church.  
24 e. None of the above contain sufficient information to make a judgment.

Maybe more emphasis needed?  
during class?  
or - rework the question.

- 2 25. A medical examination of a victim of rape should be given:
- 2 a. Only within 24 hours after the crime.
  - b. Even if the victim refuses.
  - 25  c. As soon as possible after the crime.
  - d. Not after a week because all evidence has disappeared.
- 12 26. If a rape victim informs you that she does not want her husband know about the complaint, you:
- 15  a. Do not tell the husband.
  - 1 b. Explain that this is not possible or practical.
  - 10 c. Try to persuade her that it is best to tell her husband.
  - 1 d. Refer her to a psychiatrist.
- 0 27. If a 21 year old woman is sexually molested, the decision to prosecute is made by:
- a. The woman
  - b. Her husband
  - c. The police
  - 27  d. The county attorney
  - e. The judge
- 2 28. 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.
  - 25  d. The victim refuses.
  - 2 e. All of the above.
- 3 29. Which contributes the most to the existence of rape?
- a. Short skirts
  - b. Sexual passion
  - 24  d. Need to act out violence
  - 3 e. Liquor
- 4 30. Regarding the myth that women enjoy rape,
- 1 a. Some do.
  - 24  b. The rapist himself frequently believes this.
  - 3 c. No one believes that anymore.
  - d. "Relax and enjoy it" type jokes are still good for a laugh.
- 10 31. The only professionals listed below that are not required by law to report child abuse are:
- a. Doctors
  - b. Police Officers
  - 17  c. Ministers
  - d. Teachers
  - 10 e. None of the Above
- 1 32. If a physician refuses to provide you with information regarding incest between a father and his ten year old daughter, you:
- 1 a. Accept this because a physician is privileged not to release information about a patient.
  - b. Arrest him.
  - 26  c. Explain that the law requires he report all such suspected cases.
  - d. Look at his files anyway.
- 4 33. The mother of a child who is a victim of incest is:
- a. Stupid.
  - 4 b. Also a victim of incest herself.
  - 23  c. To be considered highly unreliable.
  - d. Very helpful to the incest victim.

*Needs clarification in class*

33. 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.
- 27  c. Children are very suggestible.
- d. Children are scared of you.

34. Sexual assault is considered one of the most unreported crimes in the U.S. because:

- a. The victim is tormented by feelings of fear, guilt, and worthlessness.
- b. The criminal justice system can be very intimidating to victims.
- 3 c. The rapist may be known to the victim.
- d. The victim suffers continuing psychological trauma.
- 24  e. All of the above.

35. Child abuse, as defined in class, is:

- a. Not watching your kids.
- b. A child who is badly hurt.
- 26  c. Inflicted injuries by parents or guardians.
- d. A neighbor's child hitting your child with a shovel.
- 1 e. All of the above.

36. According to Minnesota detention law (M.S. 260.165), the persons who can take a child into immediate protective custody without a court order are:

- a. Doctors.
- 27  b. Police Officers.
- c. Ministers.
- d. All of the above.

37. Which is not a general characteristic of parents who physically abuse their children:

- 4 a. They expect too much from their children.
- b. The parents were abused themselves as children by their own parents.
- 17  c. They don't want their kids.
- 6 d. They have strict discipline of their children.

38. Which type of injuries are most likely to be child abuse?

- 3 a. Bumps on the forehead.
- 21  b. Leg fractures in infants.
- 2 c. Burns on the hands.
- 1 d. Diaper rash.

39. Under which circumstances could a child be taken into protective custody?

- 14  a. A child informs you that her father has raped her.
- 2 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.
- 11 d. All of the above.

40. The cause of Sudden Infant Death is:

- a. Heart failure.
- b. Respiratory infection.
- c. Pneumonia.
- d. Suffocation.
- 27  e. Unknown

*More emphasis on suffocation in class*

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.

# The Behavior-oriented Interview of Rape Victims: The Key to Profiling

By  
ROBERT R. HAZELWOOD

*Special Agent  
Behavioral Science Unit  
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"What is to be expected . . . is an understanding not merely of the deeds, but also the doers."<sup>1</sup>

In October 1981, a police department submitted an investigative report of a rape, requesting that a criminal personality profile of the unidentified offender be prepared. A synopsis of that report follows:

On October 5, 1981, Alicia, a 21-year-old Caucasian who resided alone, was asleep in her apartment. At approximately 2:30 a.m. she was awakened by a male, who placed his hand over her mouth and held a knife to her throat. The intruder warned her not to scream or resist and advised her that if she complied with his demands, she would not be harmed. He then forced her to remove her nightgown, kissed and fondled her, then raped her. After warning the victim not to call the police, he left. Ignoring the rapist's warning, she notified the police. The victim advised nothing had been stolen and that she could not provide a description of her assailant because he had placed a pillowcase over her head. The rapist was with the victim approximately 1 hour.

Needing additional information in order to complete a profile, the requesting agency was sent a set of questions specifically designed to elicit information from the victim concerning the rapist's behavior during the assault. The victim was reinterviewed, using the questions as a guide. As a result, a 9-page typewritten statement was obtained. Based on the new statement, a profile was prepared with opinion as to the offender's age, race, marital status, occupational level, arrest history, socioeconomic background, type and proximity of residence to victim, military history, approximate age and style of automobile, as well as certain personality characteristics. The rapist was subsequently arrested and confessed to a series of rapes. When the profile was compared to the offender, only the marital status was found to be incorrect.

## MOTIVATION

Since 1978, the FBI Academy's Behavioral Science Unit (BSU) has been assisting city, county, and State law enforcement agencies in their investigations of violent crimes by analyzing crime or crime scene data for offender behavior exhibited during the commission of those crimes. Previous publications by the BSU have addressed the development and use of profiling and related topics.<sup>2</sup> Hundreds of rape victims' statements submitted by police agencies seeking a criminal personality profile have been

reviewed. While the essentials of the crime were given, as well as a great deal of information concerning the offender's physical characteristics, there was a marked absence of information that would provide clues as to why the person was raping—that is, clues as to the offender's motivation (through his behavior) in carrying out the assault. As one study of convicted rapists and victims points out, rape is behavior which is primarily serving nonsexual needs.<sup>3</sup>

In an attempt to test this hypothesis, a set of questions was designed to elicit from the victim the behavioral aspects of the rapist. There is a definite need for the offender's physical description, but in addition, more attention should be devoted to the offender's behavior. In so doing, the purpose of the assault may become much clearer, thereby allowing the investigator better insight into the psychological and social aspects of the type of person he is seeking.

This article will deal with questioning the rape victim specifically for the purpose of determining the offender's motivational intent in the commission of the assault. Knowledge of why the rapist is committing the act provides clues to profiling the rapist.

## PROFILING THE RAPIST

In preparing a rapist profile, three basic steps are essential:

- 1) Careful interview of the victim regarding the rapist's behavior;
- 2) Analysis of that behavior in an attempt to ascertain the motivation underlying the assault; and

## "Law enforcement agencies should . . . develop appropriate policies in order to insure that the civil rights of the disabled elderly are maximized."

ble to qualified older persons. Local area agencies on aging and local departments of social services can provide detailed information about each of these programs.

### Summary

The foregoing represents only a small sample of the various laws applicable to the disabled elderly and certainly points to this population's overwhelming need to have access to qualified legal help. However, older persons may be reluctant to seek legal assistance because they fear retribution from agencies or persons on whom they totally depend or because they do not want to receive a "handout" or benefit that is reserved for the poor. In some cases, the elderly may be ashamed to report that they have been the victims of consumer fraud or exploitation. Some elderly may just be unaware that their problems require the services of a lawyer due to their isolated living habits. Police personnel can play a vital role in assisting the disabled el-

derly by ascertaining which law firms, local bar associations, and law schools are providing low cost or *pro bono* (free) legal services.

The Legal Services Corporation was created by Congress in 1974 to provide legal services to the poor or to those who cannot obtain the services of a private attorney because their case will not support a fee. The corporation administers a network of civil law office projects throughout the United States. Legal aid societies also render assistance to low-income clients. They are nonprofit and predate the Legal Services Corporation.<sup>43</sup>

Legal aid programs have generally been available to needy offenders, but they have consistently not been available to assist victims. Recent amendments to the Older Americans Act attempt to address this problem, but much remains to be done to protect the rights of victims. Police are usually the first societal agents to come to the aid of the elderly crime victim. They should also be the first to provide appropriate guidance with re-

spect to the availability of legal services.

Many additional legal issues concerning the aged and the role of the police exist. Law enforcement agencies should survey their community's needs and then develop appropriate policies in order to insure that the civil rights of the disabled elderly are maximized.

FBI

(Continued next month)

### Footnotes

<sup>31</sup> White House Conference on Aging, *Final Report Vol. 1: A National Policy on Aging* (Washington, D.C.: Department of Health and Human Services, 1981), p. 105.

<sup>32</sup> For an excellent overview of the critical issues involving the law and the elderly, see "Law and the Aged: A Symposium," *Arizona Law Review*, vol. 17, 1975, pp. 267-545.

<sup>33</sup> R. N. Brown, "Aging in America: A Bill of Rights for Nursing Home Patients," *Trial*, vol. 13, May 1977, pp. 22-28.

<sup>34</sup> Senate Special Committee on Aging and the House Select Committee on Aging, *Joint Hearing on Elder Abuse, Washington, D.C. June 11, 1980* (Washington, D.C.: U.S. Government Printing Office, 1980), p. 153.

<sup>35</sup> J. Regan, "Intervention Through Adult Protective Services Programs," *The Gerontologist*, vol. 18, 1978, p. 250.

<sup>36</sup> Northwestern Memorial Hospital, "Patient Care Administration: Do Not Resuscitate Orders," *Critical Issues in Health Law* (New York: Law Journal Seminars Press, Inc., 1978), p. 144.

<sup>37</sup> M. Rabkin, G. Gillerman, and N. Rice, "Order Not to Resuscitate," *Critical Issues in Health Law* (New York: Law Journal Seminars Press, Inc., 1978), p. 136.

<sup>38</sup> J. Montgomery, "The Economics of Supportive Services for Families with Disabled and Aging Members," *Family Relations*, vol. 31, 1982, p. 22.

<sup>39</sup> Arkansas Bar Association, *The Young Lawyers Section, Arkansas Senior Citizens' Handbook* (Little Rock, Ark.: Arkansas Bar Association, 1981), p. 1.

<sup>40</sup> *Ibid.*, p. 2.

<sup>41</sup> "Medicaid Fraud Continues," *Journal of Gerontological Nursing*, vol. 8, 1982, p. 353.

<sup>42</sup> W. Wishard, *Rights of the Elderly and Retired: A People's Handbook* (San Francisco: Cragmont Publications, 1978), p. 6/5.

<sup>43</sup> M. Bigel, *Program Development Handbook for State and Area Agencies on Legal Services for the Elderly* (Washington, D.C.: Administration on Aging, Department of Health, Education and Welfare, 1977), p. II-7.



(Photographs courtesy of the American Association of Retired Persons)



Special Agent Hazelwood

- 3) Compilation of a profile of the individual likely to have committed the crime in the manner reported and having the assumed motivation.

Interviewing the victim is the most crucial step in the process and is one that investigators can complete. The remaining steps are handled by profilers.

#### The Interview Atmosphere

Only the victim can provide the information necessary to complete an analysis of the crime. Therefore, it becomes essential for the investigator to establish a rapport with the victim through a professional and emphatic approach in order to help the victim overcome feelings generated by the rape, such as fear, anger, and guilt.

The interviewer must not allow his emotions to interfere with objectivity. During the interview, three personalities are present: The victim's, the criminal's, and the interviewer's. The investigator should view the crime through the eyes of both the rapist and the victim. Personal feelings about the offense, the victim, and the criminal will cloud the picture of the crime. By remaining objective, the investigator may be surprised as to what an analysis of the crime reveals about the responsible individual. An excellent example of why this is necessary is illustrated in the following incident:

In a large metropolitan area, a series of rapes had plagued the police over a period of months. In each instance, the rapist had controlled his victim through threats and intimidation. One evening, a hospital orderly went off duty at midnight and happened upon a male beating a nurse in an attempt

to rape her. The orderly went to her rescue and subdued the attacker until the police arrived. Predictably, he received much attention from the media and received a citation for bravery from the city. Shortly thereafter, the orderly was arrested for the series of rapes mentioned earlier. During interrogation, he was asked why he had rescued the nurse when he was guilty of similar offenses. He became indignant and advised the officers that they were wrong. He would never "hurt" a woman.

This offender equated "hurt" with physical trauma. He either failed to consider, or completely ignored, emotional trauma. Intent becomes clear only when the crime is viewed from the motivational standpoint of the criminal. Once a reasonably safe assumption is made as to why the rape occurred, it is probable that the person who has exhibited this need through rape can be profiled. The basis for this hypothesis lies in the axiom that behavior reflects personality. The manner in which an individual behaves within his environment portrays the type of person he is. A person's self-esteem, educational level, social interaction, and life goals are revealed by that person's behavior. In rape cases, descriptions of offender behavior enables the investigator to form an opinion as to the type of person responsible.

**“... it [is] essential for the investigator to establish a rapport with the victim through a professional and empathetic approach. . . .”**

It is not uncommon to encounter two rape cases from different investigative jurisdictions in the same day, with strikingly similar offender behavior. Obviously, the crimes were committed by different individuals, yet the assaults are almost identical. Why? As Groth, Burgess, and Holmstrom point out, “. . . rape is in fact serving primarily non-sexual needs.”<sup>4</sup> Therefore, if a similar need exists, it is probable that a similar assault will occur. In other words, each of the two rapists was satisfying a similar need. It should not be surprising that a comparison of the rapists after arrest many times reveals that they are as similar as their assaultive behavior.

#### **QUESTIONING FOR BEHAVIOR**

Three forms of behavior are exhibited by most rapists: Physical (force), verbal, and sexual. Categorizing the offender's behavior into these three areas presents a much clearer and less biased view of the offender. The interview must be conducted in a tactful, professional, probative manner. The investigator must impress upon the victim that he is concerned not only with the arrest and conviction of the offender but also with the victim's welfare. She has been involved in a life-threatening situation, and the importance of recognizing this cannot be overemphasized. The investigator should inform the victim that by his obtaining detailed and personal information, the identification of the offender may be expedited through a criminal personality profile.

#### **Method of Approach Used by Offender**

A rapist, in choosing a method of approaching and subduing his intended victim, chooses a method he believes to be most successful. Three categories of approaches were identified: “Con,” “blitz,” and “surprise.”

In the “con” approach, the offender approaches the victim openly with a subterfuge or ploy. Frequently, he will offer some sort of assistance or will request directions. He is initially pleasant, friendly, and may even be charming. His goal is to gain the victim's confidence until he is in a position to overcome any resistance she might offer. Quite often, for different reasons, he exhibits a sudden change in attitude toward the victim once she is within his control. In some instances, the motivation for the attitudinal change is the necessity to convince the victim he is serious about the rape. Other times, it is merely a reflection of inner hostility toward the female gender. This style of approach suggests an individual who has confidence in his ability to interact with women.

A person employing the “blitz” approach uses direct and immediate physical assault in subduing his victim. He allows her no opportunity to cope physically or verbally and will frequently gag, blindfold, or bind his victim. His attack may occur frontally or from the rear, and he may use disabling gasses or chemicals. The use of such an approach suggests hostility toward women. This attitude may also be reflected in his other relationships with females. The offender's interaction with women in nonrape relationships is likely to be selfish and one-sided, resulting in numerous, relatively short involvements with women.

In the “surprise” approach, the rapist either waits for the victim in the back seat of a car, steps out from behind a wall or the woods, etc., or he may wait until she is sleeping. Typically, this individual uses threats and/or a weapon to subdue her. This style suggests two possibilities: (1) The victim may have been targeted or selected, or (2) the offender does not feel sufficiently confident to approach the victim either physically or through subterfuge tactics.

#### **Offender's Control of the Victim**

Once the offender has physical control over his victim, his next task is to maintain that control. The manner used depends on the passiveness of his victim, his motivation in committing the assault, or a combination of the two factors. Four control methods have been observed: Mere presence, verbal threats, display of a weapon, and use of physical force.

Depending upon the emotional response and fear of the victim, it is very possible that the offender's mere presence will control the victim. This response may be difficult for a person removed from the actual situation to understand. Quite often we judge a victim's reaction on the basis of what we believe we would do, rather than taking into account the victim's personality, the circumstances surrounding the assault, and the victim's fear.

Many victims are intimidated by orders and threatening remarks promising physical violence if compliance is not forthcoming. Obtaining the context of these verbal threats (verbatim, if possible) and determining whether the threats were carried out are important in ascertaining the motivational factors behind the assault.

If a rapist displays a weapon, it is important to determine at what point he either displayed it or indicated that he had one? Did the victim see it? Was it a weapon of choice, such as a gun or switchblade, or of opportunity, such as a kitchen knife, screwdriver, etc.? Did he relinquish control of it—give it to the victim, put it down, or put it away—and did he inflict any physical injury with the weapon?

The use and amount of physical force in a rape attack is a key determinant of offender motivation. The interviewer should determine the amount of physical force, when it was employed, and the rapists' attitude prior to, during, and after its employment.

Because the amount of force used by a rapist provides valuable insight into the motivational needs of the individual, the interviewer should elicit from the victim a precise description of the physical force involved. Frequently, the victim will exaggerate when responding to this question, either because she wants to be believed or because she has never been struck or physically attacked before. An example would be the victim who, having never been slapped or spanked as a child or an adult, is slapped twice during a rape and reports that the attacker was brutal. Another victim may not distinguish between the sexual assault and the physical assault. For these reasons, four levels of physical assault

have been developed to assist in arriving at an opinion as to the amount of force used.

At the first level—minimal force—there is little or no physical force used. While mild slapping may occur, the force is employed more to intimidate than to punish. At this level, the rapist is typically not profane.

When the rapist employs moderate force, he will repeatedly slap or hit the victim in a painful manner, even in the absence of resistance. He typically uses profanity throughout the attack and is very abusive.

When excessive force is used, the victim is beaten, possibly on all parts of her body. She will have bruises and lacerations and may require hospitalization. Again, the rapist is very profane and directs personal and derogatory remarks toward the victim.

At the fourth level of physical assault—brutal force—the victim is subjected to sadistic torture, with instruments or other devices often being employed. Intentional infliction of physical and emotional pain is the primary aim of the offender; he is extremely profane, abusive, and aggressive. Frequently, the victim dies or requires extensive hospitalization.

The victim, when ordered to act, has two available options—comply or resist. Three methods of resistance have been identified: Passive, verbal, and physical. While most interviewers are alert to physical or verbal resistance by victims, they often tend to overlook or disregard passive resistance. Passive resistance is evidenced

when the victim does not resist physically or verbally but also does not comply with the rapist's demands. An example would be a victim who is ordered to disrobe, but without verbal or physical accompaniment, simply does nothing. Verbal resistance is offered by the victim screaming, pleading, refusing, or attempting to reason or negotiate with her attacker. While crying is a verbal act, it is not considered to be resistance in this context. Any physical act taken by the victim to preclude, delay, or reduce the attack is considered resistance. Hitting, kicking, scratching, gouging, or running are examples of this form of resistance.

#### **Offender's Reaction to Resistance**

People react to stressful situations in various ways. While rape is certainly stressful to the victim, it also creates stressors for the attacker, who fears being identified or arrested, being injured or ridiculed, or being successfully rebuffed. Therefore, it becomes crucial for the investigator to learn how the rapist reacted to any resistance offered by the victim.

Cases submitted for profiling indicate five rapist reactions: Ceasing the demand, compromising, fleeing, use of threats, and use of force. In some instances, a rapist who encounters resistance will not insist or attempt to force compliance. Instead, he will cease his current demand and move to another demand or phase of the attack. In other cases, the subject will compromise or negotiate by suggesting, or allowing the victim to suggest, alternatives. For instance, the rapist may demand or attempt anal sex, but upon encountering resistance, he will

## "A rapist reveals a great deal about himself and the motivation behind the assault through verbal activity with the victim."

alter his demand to vaginal sex with no further attempt at anal sex. The rapist sometimes leaves the scene of the assault after being resisted. This fleeing reaction is interesting in that it suggests the offender either had no desire to "force" the victim or was unprepared for the victim's reaction and/or the attention it might bring.

The offender may resort to threats, either verbal or physical, in an attempt to gain compliance. If the victim continues to resist, it is important to learn whether the offender followed through with his threatened action. Certain rapists resort to force only if they experience victim resistance. In these cases, the interviewer should determine the degree of force used and its duration.

### SEXUAL DYSFUNCTIONS

Coleman defines the term "sexual dysfunction" as an "impairment either in the desire for sexual gratification or in the ability to achieve it."<sup>5</sup> In a study of 170 rapists, Groth and Burgess determined that 34 percent of the offender population suffered a sexual dysfunction during the assault.<sup>6</sup> Many times, the victim is either not asked if a dysfunction occurred or the fact is simply noted without further inquiry.

The occurrence of offender sexual dysfunction, coupled with an investigative understanding of the dysfunction, may provide valuable information about the unidentified rapist.

When interviewing a rape victim, the investigator should be alert to the possibility that she may not volunteer such information because she does not consider it significant, she is embarrassed by the acts demanded to correct the dysfunction, or she is ignorant of such facts and did not recognize it as a dysfunction. For this reason, it behooves the investigator to explain the various sexual dysfunctions affecting males and their meaningfulness and inquire as to the occurrence of each type.

### Erectile Insufficiency

Formally classified as impotence, this type of dysfunction affects the males' ability to obtain or maintain an erection sufficient for sexual intercourse. Masters and Johnson describe two types of erectile insufficiency as *primary* and *secondary*.<sup>7</sup> Males suffering from primary insufficiency have never been able to maintain an erection sufficient for intravaginal ejaculation. While this type is relatively rare and not generally of concern to the investigator, it is discussed in the interest of completeness. In secondary insufficiency, the male is currently unable to obtain or maintain an erection.

Groth and Burgess identified a third form of insufficiency termed *conditional*. In such cases, the rapist is unable to become erect until there is forced oral and manual stimulation by the victim. BSU data suggest that the methods of resolution may not be limited to the ones aforementioned but may include any condition demanded by the offender. The required condition may be sexual acts, such as anal sex, anilingus, etc., or having the victim say certain words or phrases or dress in certain clothing.

Groth and Burgess compared erectile insufficiency among a group of rapists with a group of 448 non-rapist patients studied by Masters and Johnson. They found that in both instances, it was the most commonly experienced dysfunction.<sup>8</sup>

### Premature Ejaculation

"Ejaculation which occurs immediately before or immediately after penetration is termed premature ejaculation."<sup>9</sup> In their study, Groth and Burgess found that this dysfunction affected 3 percent of the rapists.

### Retarded Ejaculation

With retarded ejaculation, the rapist experiences difficulty in ejaculating or fails to ejaculate. Contrary to popular belief, the individual experiencing retarded dysfunction is not controlling seminal discharge and prolonging enjoyment, but is denied sexual gratification by his inability to ejaculate.

Groth and Burgess reported that 15 percent of the rapist population suffered retarded ejaculation.<sup>10</sup> Masters and Johnson found it to be so rare among their patients that they did not rank it with a percentage.<sup>11</sup> Failure to consider the possibility of retarded ejaculation may prejudice the victim's version of multiple and extended assaults.<sup>12</sup>

### Conditioned Ejaculation

The final type of dysfunction observed in cases submitted for profile is one on which there has been no research conducted. The rapist experiencing conditioned ejaculation has no

difficulty in obtaining or maintaining an erection and can ejaculate only after certain conditions have been met. Most often, the conditions involve particular sexual acts.

### TYPE AND SEQUENCE OF SEXUAL ACTS OCCURRING DURING AN ASSAULT

Holmstrom and Burgess suggest that documenting the kinds of sex acts that occur during rape helps us understand rape.<sup>13</sup> In determining the motivation behind a rape assault, it is imperative to ascertain the type and sequence of sexual assault. This may be difficult because of the emotional trauma experienced by the victim and her reluctance to discuss certain aspects of the crime because of fear, shame, or humiliation. Quite often, however, the investigator can overcome the victim's reluctance through a professional and empathetic approach. While it is common for interviewers to ask about vaginal, oral, and anal acts, they do not often ask questions pertaining to kissing, fondling, use of foreign objects, digital manipulation of the vagina or anus, fetishism, voyeurism, or exhibitionism on the part of the offender. In a sample of 115 adult, teenage, and child rape victims, Holmstrom and Burgess reported vaginal sex as the most frequent act but they also reported 18 other sexual acts.<sup>14</sup> Repetition and sequence of acts are infrequently reported. More commonly, the report is likely to state "the victim was raped, vaginally assaulted, or raped repeatedly."

Forced sexual acts may have various sociopsychological meanings.<sup>15</sup> By analyzing the sequence of the assault, it may be possible to determine whether the offender was acting out a fantasy, experimenting, or committing the sexual acts to punish or degrade the victim. For example, the acts of oral and anal sex are forced on a victim. If anal sex were followed by fellatio, the motivation to punish and degrade would be strongly suggested. In acting out a fantasy, the offender normally engages in kissing, fondling, and/or cunnilingus. If fellatio occurs, it generally precedes anal sex. With sexual experimentation, the offender is moderately forceful in his physical contact with the victim and is verbally profane and derogatory toward her. In this instance, fellatio may either precede or follow anal sex.

### VERBAL ACTIVITY OF THE RAPIST

A common stereotype of the male rapist's attack is that he uses physical force to attain power and control over victims. Not only do rapists use physically based strategies, but they also use a second set of strategies based on language.<sup>16</sup>

A rapist reveals a great deal about himself and the motivation behind the assault through verbal activity with the victim. For this reason, it becomes extremely important to elicit from the victim everything the rapist said and the manner—tone and attitude—in which it was said.

In a study of 115 rape victims, Holmstrom and Burgess reported 11 major themes in rapists' conversations, including "threats, orders, confidence lines, personal inquiries of the victim, personal revelations by the rapist, obscene names and racial epithets, inquiries about the victim's sexual 'enjoyment,' soft-sell depar-

tures, sexual put-downs, possession of women, and taking property from another male."<sup>17</sup>

Preciseness is important. For example, a rapist who states, "I'm going to hurt you if you don't do what I say," has, in effect, threatened the victim, whereas the rapist who says, "Do what I say and I won't hurt you," may be reassuring the victim in an attempt to alleviate her fear of physical injury and gain her compliance without force. An offender who states, "I want to make love to you," has used a passive and affectionate phrase which is indicative of one who does not want to harm the victim physically. Conversely, a statement such as, "I'm going to f--- you," is much more aggressive verbage with no affection intended and suggests hostility and anger toward women.

Compliments directed toward the victim, politeness, expressions of concern, apologies, and discussions of the offender's personal life, whether fact or fiction, indicates low self-esteem on the part of the offender. On the other hand, derogatory, profane, threatening, and/or abusive verbage is suggestive of anger and the use of sex to punish or degrade the victim.

When analyzing a rape victim's statement, the interviewer is advised to write down an adjective that accurately describes each of the offender's statements, for example, "You're a beautiful person" (complimentary); "Shut up b----" (hostility); "Am I hurting you?" (concern). This assists the interviewer in gaining a better insight into the offender's motivation and personality.

## **"In attempting to determine the experience level of the rapist, the investigator should determine what actions the offender took to protect his identity, remove physical or trace evidence, and/or facilitate his escape."**

### **VERBAL ACTIVITY OF VICTIM**

What a person says to his sexual partner during consenting intercourse can be either gratifying or harmful to a relationship. In a nonconsenting situation such as rape, the rapist may demand from the victim certain words or phrases that enhance the act for him. By determining what, if anything, the victim was forced to say, the interviewer is made aware of what gratifies the rapist and gains insights into the needs (motivation) of the offender. For example, a rapist who demands such phrases as "I love you," "Make love to me," or "You're better than my husband" suggests a need for affection or ego-building. One who demands that the victim plead or forces her to scream suggests a sexual sadist—one who enjoys the total and absolute control and domination involved. If the victim is forced to speak in a self-demeaning or derogatory manner, the offender may be motivated by anger and hostility.

### **SUDDEN CHANGE IN THE OFFENDER'S ATTITUDE DURING ATTACK**

The victim should be specifically asked whether she observed any change in the attitude of the rapist during the time he was with her. Did he become angry, contrite, physically abusive, or apologetic, and was this a departure from his previous attitude? If the victim reports an attitudinal change, she should be asked to recall what immediately preceded the change. A sudden and unexpected behavioral change may be reflective of a weakness or fear on the part of the offender, and it becomes important to determine what precipitated that change.

Factors which may cause such sudden behavioral changes include offender sexual dysfunction, external disruptions (a phone ringing, noise, or a knock on the door), victim resistance, a lack of fear on the part of the victim, ridicule or scorn, or even completion of the rape.

An attitudinal change may occur verbally, physically, or sexually. As previously mentioned, the rape is stressful not only for the victim but also for the offender. How he behaviorally reacts to stress may become important in future interrogations, and knowledge of the precipitating factor that caused the change is a valuable psychological tool to the investigator.

In attempting to determine the experience level of the rapist, the investigator should determine from the victim what actions the offender took to protect his identity, remove physical or trace evidence, and/or facilitate his escape. It may be possible to conclude from the offender's actions whether he is a novice or an experienced offender who may have previously been arrested for rape or similar offenses.

While most rapists take at least some action, such as wearing a mask or telling the victim not to look at them, to protect their identity, some go to great lengths to protect themselves from future prosecution. As in any criminal act, the more rapes a person commits, the more proficient he becomes in eluding detection. If a person is arrested because of a mistake and later repeats the crime, it is not likely that he will repeat the same costly error.

The offender's experience level can sometimes be determined from the protective actions he takes. The novice rapist is a person who is not familiar with modern medical or police technology and who takes minimal or obvious actions to protect his identity. For example, he may wear a ski mask and gloves, change his voice tone, affect an accent, order the victim not to look at him, or blindfold and bind the victim. These are common precautions a person not knowledgeable of phosphate tests or hair and fiber evidence would be expected to take.

When an experienced rapist is involved, the investigator may note factors in the offender's modus operandi which are indicative of one who has more than common knowledge of police and medical developments. The rapist may walk through the residence or prepare an escape route prior to the sexual assault, disable the victim's telephone prior to entry or departure, order the victim to shower or douche, bring bindings or gags rather than using those available at the scene, wear surgical gloves during the assault, or take or force the victim to wash items the rapist touched or ejaculated on, such as bedding and the victim's clothing.

As in all such subjective analysis, the projected experience level of the rapist is approximated, based on the offender's actions and the investigator's interpretation of those actions.

### **MISSING ITEMS**

Almost without exception, police record the theft of items from rape victims. All too often, however, investigators fail to probe the matter further unless it involves articles of value. The profiler is not only interested in if something was taken but why it was taken. The item stolen may provide in-

formation valuable in determining a characteristic about the criminal, providing an aid in the investigative process. In some cases, the victim initially may not realize something was taken, i.e., one photograph from a group or one pair of panties from a drawer. For this reason, the victim should be asked to inventory such items.

Missing items fall into one of three categories: Evidentiary, valuables, and personal. As previously mentioned, the rapist who takes evidentiary items—those he has touched or on which he has ejaculated—suggests prior rape experience and/or an arrest history for similar offenses. One who takes items of value may be experiencing financial difficulties, such as unemployment or employment in a job providing little income. The type of missing items may also provide a clue as to the age of the rapist. Younger rapists have been noted to steal items such as stereos, televisions, etc., while older rapists tend to take jewelry or items more easily concealed and transported. Personal items taken sometimes include photographs of the victim, lingerie, driver's license, etc. These types of items have no intrinsic value, but instead serve to remind the offender of the occurrence and the victim.

A final factor to consider is whether the offender later returns the item to the victim, and if so, why. Some do so to maintain power over the victim by intimidation, while others wish to convince the victim they meant no harm to her life and wish to convince themselves that they are not bad persons.

Rapists quite often target or select their victims prior to committing the crime. A series of rapes involving victims who were either alone or in the company of small children is a very strong indication that the offender was well aware of his victim's vulnerability, either through peeping or surveillance activities. He may also have entered the residence or communicated with the victim prior to the offense. For this reason, the investigator should determine whether the victim or her neighbors have experienced any of the following prior to the rape:

- 1) Calls or notes from unidentified persons;
- 2) Residential or automobile break-in;
- 3) Prowlers or peeping toms; or
- 4) A feeling that she was being watched or followed.

Frequently, rapists who do target or select their victims have prior arrests for breaking and entering, prowling, peeping tom activities, and/or theft of feminine clothing.

## CONCLUSION

Rape is a deviant sexual activity serving nonsexual needs. Through an analysis of the offender's verbal, sexual, and physical behavior, it may be possible to determine what needs were being served and to project personality characteristics of the individual having such needs. It must be remembered that the only available source of information about such behavior is the victim; therefore, it is necessary to establish a rapport with the victim through empathy and professionalism. One must isolate personal feelings about the crime and the criminal and view the crime through the eyes of the rapist.

If, in fact, behavior reflects personality, it would seem obvious that a set of questions designed specifically to elicit behavioral information would be the first step in the analysis of a rape. The questions set forth in this article were developed and refined over a period of 4 years and have been found to be of inestimable value in understanding the personality involved in the crime of rape.

FBI

## Footnotes

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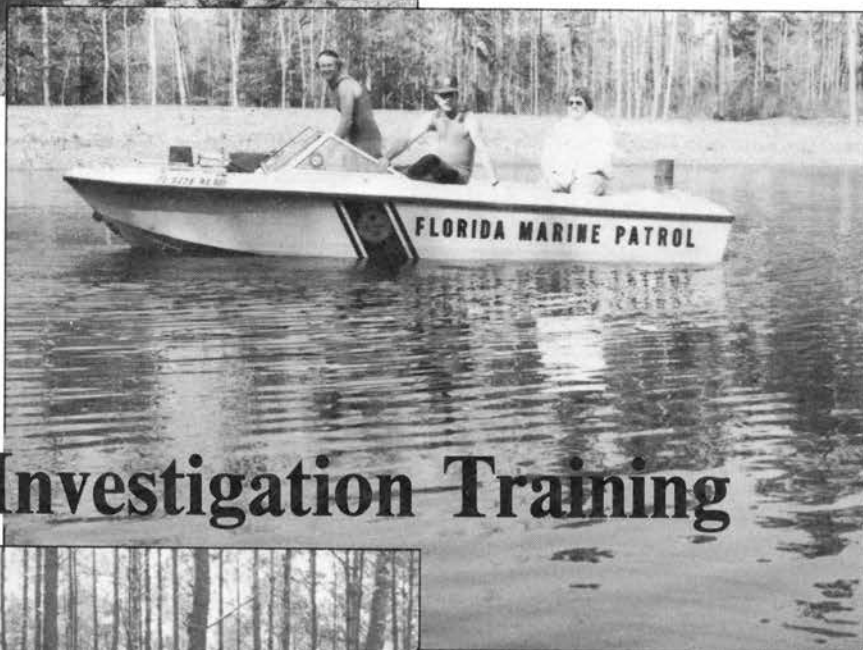
## Training



**“This program has been exp techniques of handling unde all techniques of search and**

*A dock with a diving platform and boat ramp permits students to receive instruction in basic diving and boat handling procedures.*

*Students practice approach, maneuvering, boarding, inspection, and boat handling on patrol boats.*



# Underwater Investigation Training



By  
**RON STEVERSON**  
and  
**ALAN LAMARCHE**  
*Instructors*  
*Lively Criminal Justice Training*  
*Academy,*  
*Quincy, Fla.*

*Training personnel prepare to sink a car to be used for teaching deep vehicle search and recovery techniques.*

Published by the Minnesota Program for Victims of Sexual Assault

## TWO VIEWS OF SEX OFFENDER'S TREATMENT PROGRAM

*Editor's Note:* On Saturday, November 21, 1981, four women counselors for sexual assault victims met with 27 men incarcerated for sexual offenses. The men are involved in the Transitional Sex Offender Program at the Minnesota Correctional Facility-Lino Lakes. Below are two perspectives of the meeting; one written by the Program's Director, Dr. Nancy Steele, and the other is written by Cherri McLain, director of the sexual assault program at the Mid-Minnesota Women's Center.

by Dr. Nancy Steele

Director, Transitional Sex Offender Program

On Saturday, November 21, 1981, four women counselors for sexual assault victims met with 27 men incarcerated for sexual offenses. The men are involved in the Transitional Sex Offender Program which is operating within the confines of the Minnesota Correctional Facility at Lino Lakes. Both groups were concerned with understanding the causes of the problem and the feelings of people involved in a sexual assault both at the time of the crime and in the weeks and months afterward.

At the time of the offense, whether it was rape, incest or child molesting, most of the men could describe an emotional crisis that was going on in their lives. They were losing their job, in financial distress, disturbed in their relations with wives and/or girlfriends, sometimes a baby was coming or newly arrived, they had just moved or made other major changes in their lives that were stressful to them at the time. One of the men wrote this account of his crime after the visit from the victim counselors: "During my crime, I told my victim to  
(STEELE, Continued on next page)

by Cherri McLain

Director of the Sexual Assault Program  
Mid-Minnesota Women's Center

At first glance, sex offenders and counselors who provide services for those who survive rape would seem to be alien to each other. What could women who are volunteer advocates possibly gain from meeting and talking with convicted sex offenders? It was during a talk with one volunteer that the idea of visiting the sex offender program at Lino Lakes took form. Who better to get answers from than those who perpetrated the crime.

During the drive to Lino Lakes, all of the women expressed apprehension. Each had their own stereotypical offender and expected to find him behind the wire and locked doors of the prison. One question which the women wanted to ask was, "What made the rapist rape?" Another question was, "Why did you choose a specific person?"

The first question was answered in a variety of ways. Many offenders spoke of frustration, anger, loneliness, low self-esteem, and powerlessness. Some talked of their own victimization as children and  
(McLAIN, Continued on next page)

*Editor's Note:*

This issue of the *MN Exchange* has been published with funding from the National Council of Jewish Women (NCJW), Greater Minneapolis Section. NCJW is the oldest major Jewish women's volunteer organization in the United States and is dedicated in the spirit of Judaism to education, community service, advocacy and social action. NCJW's programs are devoted to improving the quality of life for all people particularly the disadvantaged, children and youth, women and the aging.

Delegates to their 34th National Convention in March, 1981 adopted a resolution in support of programs and systems of services to meet the needs of women in crisis including victims of sexual assault.

The staff of the Minnesota Program for Victims of Sexual Assault wishes to sincerely thank the National Council of Jewish Women, Greater Minneapolis Section, for their concern for sexual assault victims and their generosity in publishing this newsletter.



A Project of the Minnesota Department of Corrections

(STEELE, from page 1)

shut up, I just want to talk to you and nobody ever loved me. I didn't realize why I said that until the victim counselors came to visit . . . when I had an argument with my wife minutes before my crime, I had to do something with that burden or I felt my mind would explode so I attempted rape as a way to release all that frustration and anger . . ."

Most of the men were totally inadequate in their ability to appropriately express anger, love or their fears and weaknesses to women they cared about. They typically handled conflicts by withdrawing, many times abusing chemicals and occasionally exploding with an overreaction of rage. For many of them, the ability to honestly, openly discuss their feelings, problems and areas of mutual concern with women was totally lacking.

When committing the assaults, they viewed victims as impersonal objects representing their frustrations with other women they cared for but dared not get angry with. They picked their victims because of accessibility and ease of control and the ability to dominate. One man said that he first attempted to grab and rape a woman who talked to him, expressed concern for him and offered to try and help him; she became human and he couldn't harm her; he left. Later that same evening, he raped another woman. The men stressed that the victims did not cause the rape, that any woman that happened to be available at that time and place could have been a victim.

The men had many questions about victims: how did victims feel about what happened to them and how were they being helped? Several expressed a desire to talk to their victims to apologize, to try and explain their actions. However, most seemed to think this would be futile and just further harassment to the victim.

Another man wrote this after their visit: "... during this group I wanted to cry and get mad . . . I was raped by two men at knifepoint at the age of 17 in jail. I am now 24 and trying to find out why I tried to rape a woman knowing what I would put her

through." Before their visit he had been ashamed of his own victimization and afraid of discussing it in the group. Like any victim, he needed to talk about it, and now he has been able to start the process. The women from their experience in counseling with victims, could make the feelings and thoughts of the victims human and real to the men. The men began to really see and feel the pain and trauma they had inflicted on others.

As far apart as the two groups seemed at the outset, the overall feeling at the end of the meeting was that they did have much in common and that their overall objectives and goals are similar. It is hoped that other groups involved with counseling victims will consider visiting the Transitional Sex Offender Program in the future — the experience thus far appears to have been productive and rewarding to both offenders and victim counselors.

(McLAIN, from page 1)

young adults. Another man talked of trying to attain unrealistic goals and constantly failing. Most of the men tried to minimize their crime.

One common answer was given when the men were asked why a specific woman was chosen. They said she was not chosen, she just happened to be there. She just happened to be the last woman off the bus or she just happened to be walking on the sidewalk. When I asked one man what he would have me tell a victim, he replied, "It's not your fault. You did nothing to provoke it and you could have done nothing to prevent it."

The men asked us how victims felt about them. What could they do to help the women they had hurt? Many of the men wanted to contact the victim and express his sorrow, shame and remorse. Any type of contact initiated by the offender was discouraged.

Because of the experience at Lino Lakes, the advocates are equipped to answer those difficult questions of "Why me?" and "What did I do to provoke it?" In this way, they can offer better service to those who are traumatized by sexual assault.

## Statewide Response

**Quarterly Statistics** — During the first quarter of fiscal year 1982 (July 1 — September 30, 1981) the twenty-six sexual assault programs receiving grants from the Department of Corrections provided services to 772 victims of sexual assault. This represents a 27 percent increase over the same period last year. This number includes 251 child victims under the age of 18 years.

**American Indian Perspectives on Sexual Assault** — Over 100 persons attended a conference entitled "American Indian Perspectives on Sexual Assault," which was held on November 18 and 19, 1981 in Grand Portage, Minnesota.

The program included basic information on adult and child sexual abuse as well as presentations relating to specific American Indian concerns. Discussion took place regarding sexual violence in the Indian community, spiritual counseling issues and federal, state and tribal laws relating to sexual assault cases. Attending were American Indian representatives from most reservations in Minnesota as well as American Indian social service providers from the Twin Cities and throughout the state.

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."

DETENTION REPORT

Juvenile \_\_\_\_\_ Age \_\_\_\_\_ D.O.B. \_\_\_\_\_

Address \_\_\_\_\_ County \_\_\_\_\_ State \_\_\_\_\_

Parents/Custodian Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Juvenile was taken into custody at (place) \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Officer: \_\_\_\_\_

Department: \_\_\_\_\_ For the following reason(s): \_\_\_\_\_

This officer/detaining person believes that detention of juvenile is necessary because there is reason to believe ( ) his health or welfare is immediately endangered; ( ) his conduct represents a danger to himself; ( ) his conduct represents a danger to others; ( ) he would not remain in the custody of his parent/guardian or custodian; ( ) he would not appear in court as directed; based upon the following facts: \_\_\_\_\_

Juvenile was placed at (place) \_\_\_\_\_ Date: \_\_\_\_\_

Time: \_\_\_\_\_

Based upon the reasons and facts, which I hereby certify as true and correct to the best of my knowledge and belief, this officer/detaining person requests the Court issue its order detaining juvenile. I further certify that the notifications required by statute, checked off below, have been given as required.

\_\_\_\_\_  
(signature of officer/detaining person)

\_\_\_\_\_  
(department)

NOTICES TO PARENT

- ( ) Given by officer/detaining person
- ( ) Given by Detention Supervisor
- ( ) Reason for Detention
- ( ) Place of Detention
- ( ) Right to an initial visit at any time
- ( ) Right to subsequent visits at reasonable times.
- ( ) That juvenile may be detained no more than 36 hours, excluding Sundays and holidays, unless a petition has been filed and the Court orders detention after a hearing.
- ( ) I have been unable to give the required notices to the parent for the following reason(s): \_\_\_\_\_

NOTICES TO JUVENILE

- ( ) Given by officer/detaining person
- ( ) Given by Detention Supervisor
- ( ) Reason for Detention
- ( ) Place of Detention
- ( ) Right to telephone parent and attorney immediately upon placement in detention
- ( ) That juvenile may be detained no more than 36 hours, excluding Sundays and holidays, unless a petition has been filed and the Court orders detention after a hearing.

To be completed by the Officer/Detaining Person. Original to Court, yellow to Detention Supervisor, pink to juvenile, blue to parent, green to officer/detaining person.

DETENTION SUPERVISOR'S REPORT

TO THE COURT \_\_\_\_\_ DATE \_\_\_\_\_

I hereby certify that \_\_\_\_\_ was received  
(name)

at \_\_\_\_\_ on \_\_\_\_\_  
(place) (date)

at \_\_\_\_\_ M., delivered/placed here by \_\_\_\_\_  
(time) (officer/detaining person)

I further certify that the notifications required by statute, checked off above, were given.

\_\_\_\_\_  
(Signature)

DETENTION REPORT

Juvenile \_\_\_\_\_ Age \_\_\_\_\_ D.O.B. \_\_\_\_\_

Address \_\_\_\_\_ County \_\_\_\_\_ State \_\_\_\_\_

Parents/Custodian Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Juvenile was taken into custody at (place) \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Officer: \_\_\_\_\_

Department: \_\_\_\_\_ For the following reason(s): \_\_\_\_\_

This officer/detaining person believes that detention of juvenile is necessary because there is reason to believe ( ) his health or welfare is immediately endangered; ( ) his conduct represents a danger to himself; ( ) his conduct represents a danger to others; ( ) he would not remain in the custody of his parent/guardian or custodian; ( ) he would not appear in court as directed; based upon the following facts: \_\_\_\_\_

Juvenile was placed at (place) \_\_\_\_\_ Date: \_\_\_\_\_

Time: \_\_\_\_\_

Based upon the reasons and facts, which I hereby certify as true and correct to the best of my knowledge and belief, this officer/detaining person requests the Court issue its order detaining juvenile. I further certify that the notifications required by statute, checked off below, have been given as required.

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(signature of officer/detaining person)

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(department)

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To be completed by the Officer/Detaining Person. Original to Court, yellow to Detention Supervisor, pink to juvenile, blue to parent, green to officer/detaining person.

DETENTION SUPERVISOR'S REPORT

TO THE COURT \_\_\_\_\_ DATE \_\_\_\_\_

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(name)

at \_\_\_\_\_ on \_\_\_\_\_  
(place) (date)

at \_\_\_\_\_ M., delivered/placed here by \_\_\_\_\_  
(time) (officer/detaining person)

I further certify that the notifications required by statute, checked off above, were given.

\_\_\_\_\_  
(Signature)

DETENTION REPORT

Juvenile \_\_\_\_\_ Age \_\_\_\_\_ D.O.B. \_\_\_\_\_

Address \_\_\_\_\_ County \_\_\_\_\_ State \_\_\_\_\_

Parents/Custodian Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Juvenile was taken into custody at (place) \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Officer: \_\_\_\_\_

Department: \_\_\_\_\_ For the following reason(s): \_\_\_\_\_

This officer/detaining person believes that detention of juvenile is necessary because there is reason to believe ( ) his health or welfare is immediately endangered; ( ) his conduct represents a danger to himself; ( ) his conduct represents a danger to others; ( ) he would not remain in the custody of his parent/guardian or custodian; ( ) he would not appear in court as directed; based upon the following facts: \_\_\_\_\_

Juvenile was placed at (place) \_\_\_\_\_ Date: \_\_\_\_\_

Time: \_\_\_\_\_

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(signature of officer/detaining person)

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(department)

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DETENTION SUPERVISOR'S REPORT

TO THE COURT \_\_\_\_\_ DATE \_\_\_\_\_

I hereby certify that \_\_\_\_\_ was received  
(name)

at \_\_\_\_\_ on \_\_\_\_\_  
(place) (date)

at \_\_\_\_\_ M., delivered/placed here by \_\_\_\_\_  
(time) (officer/detaining person)

I further certify that the notifications required by statute, checked off above, were given.

\_\_\_\_\_  
(Signature)

*Attitudes changing.*

### **Sex Signals**

When is a young man justified in forcing a girl to engage in sex?

According to the preliminary results of a UCLA study of 432 teenagers, 54% of the males believe he is justified if "she has led him on, or gets him sexually excited, or if they have fooled around a little before, or if she says 'yes' and changes her mind."

Surprisingly, 42% of the young females polled agreed.

The three-year study, funded by a grant from the National Center for Prevention and Control of Rape, should be completed next year. It hopes to shed some light on the male-female sexual attitudes that frequently lead to "non-stranger rape," the most common form of forced sexual intercourse in our society.

### **Children of the Rich**

Italian terrorists have assassinated at least 100 people this year, and no one really seems to know why.

More than 800 terrorist-suspects are incarcerated in Italian jails as of

this writing. According to police authorities, they consist of three groups: (1) criminals who terrorize for money, kidnapping the wealthy and holding them for ransom; (2) neo-Fascists who murder left-wing radicals because they disagree with them politically; and (3) the highly educated, philosophically disillusioned sons and daughters of the rich.

This last group is the most dangerous, because they have sympathizers in the government and even when apprehended can rely upon their parents to provide them with the best lawyers.

According to Dr. Franco Ferrarotti, a sociologist at the University of Rome and author of several books on terrorism, Italy's terrorist movement draws most of its recruits from students, intellectuals and workers.

As in West Germany with the terrorist Baader-Meinhof Group, many of Italy's most violent terrorists are the offspring of leading politicians who are determined to preserve the order their children are determined to destroy. **P**

*Also, Michigan study.*

*(over)*

2 legislative acts for victims:

Victims Reparations

Reporting - Peoria

Male victims too.

Major revisions were made during the 1975 legislative session in the Minnesota sex crime laws. A few of the important changes are outlined below:

1. Criminal Sexual Conduct, Sections 609.341 to 609.351, is divided into four degrees with penalties ranging from 5 to 20 years.
2. The age of consent has been lowered from 18 to 16 years (to 13 years if the actor is not more than two years older than the victim.)
3. Sex differentiation has been eliminated and the victim and the actor may be of either sex.
4. Sexual intercourse where consent has been obtained by fraud, fake marriage, under pretense of medical treatment, etc., are not prohibited under the new sections.
5. Several changes have been made in admissibility of evidence, no need to prove resistance by the victim, evidence of victim's previous sexual conduct usually not admissible, and testimony of complainant need not be scrutinized any more closely than in any other felony trial, are but a few of the new rules.
6. For the first time in Minnesota sex crime defenses include a reasonable mistake as to age of victim.
7. Another departure from Minnesota tradition is the defining of severe mental anguish as personal injury and may make a sex crime punishable by a more severe sentence.
8. Counties are now responsible for the costs of medical examinations made for the purpose of gaining evidence for criminal sexual conduct.
9. Provisions have been made for mandatory 3 years imprisonment for subsequent offenses or completion of a treatment program for anti-social sexual behavior at the discretion of the court (no such programs are currently available in this state).
10. An attempt was made to repeal laws prohibiting adultery, fornication, sodomy, and bestiality but they remain in effect and some overlapping and conflict has resulted.

It is felt that the changes listed, are significant therefore, it is urged that this new legislation be reviewed by all law enforcement personnel.

(3) If the child is over the age of 14 years, to imprisonment for not more than 10 years.

Subd. 5. **Consensual acts.** Whoever, in cases not coming within the provisions of subdivisions 2 and 3, voluntarily engages in or submits to an act of sodomy with another may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both.

[1967 c 507 s 4]

609.294 **BESTIALITY.** Whoever carnally knows a dead body or an animal or bird is guilty of bestiality, which is a misdemeanor. If knowingly done in the presence of another he may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$1,000 or both.

[1967 c 507 s 5; 1971 c 23 s 42]

609.31 **LEAVING THE STATE TO EVADE ESTABLISHMENT OF PATERNITY.** Whoever with intent to evade proceedings to establish his paternity leaves the state knowing that a woman with whom he has had sexual intercourse is pregnant or has given birth within the previous 60 days to a living child may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than \$2,000, or both.

[1967 c 507 s 8]

609.32 **PROSTITUTION.** Subdivision 1. **Definitions.** (1) "Prostitution" means engaging or offering or agreeing to engage for hire in sexual intercourse, as defined in section 609.29, or sodomy as defined in section 609.293, subdivision 1.

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

Subd. 2. **Acts Prohibited.** Whoever intentionally does any of the following may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$10,000, or both:

(1) Solicits or induces another under the age of 18 years to practice prostitution;

or  
(2) Being a parent, guardian, or other custodian of the person of a child under the age of 18 years consents to his being taken or detained for the purposes of prostitution.

Subd. 3. **Other acts prohibited.** Whoever intentionally does any of the following may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both:

(1) Keeps a place of prostitution; or  
(2) Leases or otherwise permits premises owned by him or under his control to be used as a place of prostitution; or  
(3) Solicits or induces another over the age of 18 years to practice prostitution;

or  
(4) Solicits another under the age of 18 years to have sexual intercourse or to commit sodomy with a prostitute or admits him to a place of prostitution; or  
(5) Engages as a prostitute in an act of sexual intercourse or sodomy with another under the age of 18 years; or

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

Subd. 4. **Further Acts Prohibited.** Whoever intentionally does any of the following may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both:

(1) Engages in prostitution; or  
(2) Is supported in whole or in part by the earnings of a prostitute; or  
(3) Solicits for a prostitute, directs, takes, or transports another to a prostitute or place of prostitution, or brings a prostitute to him, for the purpose of sexual intercourse or sodomy with a prostitute; or  
(4) Hires or offers or agrees to hire another person to engage in sexual intercourse or sodomy.

[1967 c 507 s 9] (Approved April 11, 1974 Session Laws, Chapter 507, Sec. 1 and 2)

- (3) A threat to unlawfully injure a trade, business, profession or calling; or
- (4) A threat to expose a secret or deformity, publish a defamatory statement or otherwise to expose any person to disgrace or ridicule; or
- (5) A threat to make or cause to be made a criminal charge, whether true or false; provided, that a warning of the consequences of a future violation of law given in good faith by a magistrate, peace officer, or prosecuting attorney to any person shall not be deemed a threat for the purposes of this section.

Subd. 2. **Sentence.** Whoever violates subdivision 1 may be sentenced as follows:

(1) To imprisonment for not more than 90 days or to payment of a fine of not more than \$300, or both if neither the pecuniary gain received by the violator nor the loss suffered by the person threatened or another as a result of the threat exceeds \$100, or the benefits received or harm sustained are not susceptible of pecuniary measurement; or

(2) To imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both, if such pecuniary gain or loss is more than \$100 but less than \$2,500; or

(3) To imprisonment for not more than ten years or to payment of a fine of not more than \$10,000, or both, if such pecuniary gain or loss is \$2,500, or more.

[1963 c 753 art 1 s 609.27; 1971 c 23 s 40]

**609.275 ATTEMPT TO COERCE.** Whoever makes a threat within the meaning of section 609.27, subdivision 1, clauses (1) to (5), but fails to cause the intended act or forbearance, commits an attempt to coerce and may be punished as provided in section 609.17.

[1963 c 753 art 1 s 609.275]

**609.28 INTERFERING WITH RELIGIOUS OBSERVANCE.** Whoever, by threats or violence, intentionally prevents another person from performing any lawful act enjoined upon or recommended to him by the religion which he professes is guilty of a misdemeanor.

[1963 c 753 art 1 s 609.28; 1971 c 23 s 41]

#### SEX CRIMES

**609.293 SODOMY.** Subdivision 1. **Definition.** "Sodomy" means carnally knowing any person by the anus or by or with the mouth.

Subd. 2. **Aggravated sodomy.** Whoever under any of the following circumstances commits an act of sodomy upon another or causes him to participate in any act of sodomy, without the other's consent, commits aggravated sodomy and may be sentenced to imprisonment for not more than 30 years:

- (1) The victim's resistance is overcome by force; or
- (2) The victim's resistance is prevented by reasonable fear of immediate and great bodily harm to the victim or another; or
- (3) The victim is unconscious, physically powerless to resist, or incapable of giving consent through mental illness or defect and the condition is known or reasonably should have been known to the actor.

Subd. 3. **Sodomy.** Whoever commits an act of sodomy upon another or causes him to participate in an act of sodomy, with the other's consent obtained under any of the following circumstances may be sentenced to imprisonment for not more than ten years:

- (1) He misleads the victim as to the nature of this act being committed; or
- (2) The victim's will to resist is destroyed by drug or intoxicant and the condition is known or reasonably should have been known to the actor.

Subd. 4. **Sodomy upon or with child.** Whoever commits an act of sodomy upon or with any child under the age of 18 years, not his spouse, whether or not the act is also a violation of subdivision 2 or 3 and notwithstanding the consent of the child, may be sentenced as follows:

- (1) If the child is under the age of ten years, to imprisonment for not more than 30 years; or
- (2) If the child is ten years of age but under the age of 14 years, to imprisonment for not more than 20 years; or

**609.24 SIMPLE ROBBERY.** Whoever, knowing he is not entitled thereto, takes personal property from the person or in the presence of another and uses or threatens the imminent use of force against any person to overcome his resistance or powers of resistance to, or to compel acquiescence in, the taking or carrying away of the property is guilty of robbery and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$10,000, or both.

[1963 c 753 art 1 s 609.24]

**609.245 AGGRAVATED ROBBERY.** Whoever, while committing a robbery, is armed with a dangerous weapon or inflicts bodily harm upon another is guilty of aggravated robbery and may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$20,000, or both.

[1963 c 753 art 1 s 609.245]

**609.25 KIDNAPPING.** Subdivision 1. Acts constituting. Whoever, for any of the following purposes, confines or removes from one place to another, any person without his consent or, if he is under the age of 16 years, without the consent of his parents or other legal custodian, is guilty of kidnapping and may be sentenced as provided in subdivision 2:

- (1) To hold for ransom or reward for release, or as shield or hostage; or
- (2) To facilitate commission of any felony or flight thereafter; or
- (3) To commit great bodily harm or to terrorize the victim or another; or
- (4) To hold in involuntary servitude.

Subd. 2. Sentence. Whoever violates subdivision 1 may be sentenced as follows:

- (1) If the victim is released in a safe place without great bodily harm, to imprisonment for not more than 20 years or to payment of a fine of not more than \$20,000, or both; or
- (2) Otherwise to imprisonment for not more than 40 years or to payment of a fine of not more than \$40,000, or both.

[1963 c 753 art 1 s 609.25]

**609.255 FALSE IMPRISONMENT.** Whoever, knowing he has no lawful authority to do so, intentionally confines or restrains a child not his own under the age of 18 years without his parent's or legal custodian's consent, or any other person without his consent, is guilty of false imprisonment and may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than \$3,000, or both.

[1963 c 753 art 1 s 609.255]

**609.26 DETAINING OWN CHILD.** Whoever intentionally detains his own child under the age of 18 years outside the state of Minnesota, with intent to deny another's rights under an existing court order may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than \$2,000, or both.

[1963 c 753 art 1 s 609.26; 1967 c 570 s 1]

**609.265 ABDUCTION.** Whoever, for the purpose of marriage, takes a person under the age of 18 years, without the consent of the parents, guardians or other person having legal custody of such person is guilty of abduction and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both.

[1963 c 753 art 1 s 609.265]

#### CRIMES OF COMPULSION

**609.27 COERCION.** Subdivision 1. Acts constituting. Whoever orally or in writing makes any of the following threats and thereby causes another against his will to do any act or forbear doing a lawful act is guilty of coercion and may be sentenced as provided in subdivision 2:

- (1) A threat to unlawfully inflict bodily harm upon, or hold in confinement, the person threatened or another, when robbery or attempt to rob is not committed thereby; or
- (2) A threat to unlawfully inflict damage to the property of the person threatened or another; or

## INTERVIEWING THE VICTIM OF SEXUAL ASSAULT

(Crisis Intervention)

Not surprisingly long ago, NOBODY discussed what we have been here to talk about. SEX was a dirty word, and RAPE - rape didn't <sup>even</sup> exist. There were all kinds of arguments to prove that rape didn't exist. After all, <sup>you can't help but enjoy rape - who doesn't love sex?</sup> women enjoy rape in spite of themselves, nice girls don't get raped, the rape victim asks for it, and of course, there are still people who don't even believe rape is possible ("Have you ever tried to thread a moving needle?").

Even today, women are taught to be "ladylike" and shocked by things that aren't so nice or are related to sex. Some sex offenders use this. For example, the exposer builds his excitement in an almost sadistic manner from the horrified responses he receives from women when he exposes himself. - And do we get shocked! It's like we didn't know they were different from us. (example)

Because of all of these and many more attitudes which magnify the guilt and complex emotional responses which the victim feels, interviewing the victim of a sexual assault is a particularly difficult task which must be done with sensitivity and an awareness of what this experience means to the victim. If the victim is given full consideration, information obtained is also likely to be more complete and accurate. The victim is the single most important piece of evidence, and the same thing that preserves the victim as a person is the same thing that preserves evidence for court. (EX. POLK CO. CENTER)

Every victim responds differently, and each must be handled individually, but there are some common responses and needs of victims that can guide us in talking with them.

1. Immediately, the victim needs to feel safe. Victims often are very frightened and feel very vulnerable. The police are uniquely good responding to this need because they have authority and the ability to respond to an emergency quickly. Let the victim know that you are there to help and protect her ("Are you alright?" "Are you hurt?"). Reassuring the victim doesn't take any more time and could save you time. The victim is <sup>often</sup> terrified. She's terrified about what has already happened to her, she's terrified of what's happening to her now, and she's terrified of what's going to happen to her. She doesn't know the system, - except what she sees on T.V. I mean, how would you like Starsky and Hutch combing through your apartment? Those guys drive their cars through brick buildings! Or how about talking to Kojac if he thinks you're holding out on him? The victim may be scared her attacker will come back to get her. If it is possible, take steps to protect her (ex. Women's Advocates). Reassure her if this is unlikely. Most of all, be honest about it. Be honest about EVERYTHING.

Victims of forcible attacks feel a loss of control, <sup>ex. officer losing badge & gun.</sup> so it is very important that the victim is reassured as soon as possible that she has regained control of the situation. "I'm officer --. May we come in?" "We will explain what you can do, we may even advise you, but nothing will be done that you don't want to do." Avoid any suggestion of force. Tell the victim what to expect. It is much less frightening if it's predictable ("Tomorrow a detective may call you and ask you to come in to give a statement"). Explain the line-up or any other part of the process with which the victim will be confronted and why it is necessary. Help her to understand why a medical examination is advisable - or any other area about which she is confused.

3. The victim needs an opportunity to ventilate, to talk about it and get it out of her system. This is often to a person in authority, who will listen, understand and be objective. <sup>Better to remain with just one officer & avoid repeating</sup> Some victims who have never told anyone find a need to call ten years later just to talk to someone about it. If a victim is allowed to talk about it shortly afterwards, she is much more likely to be open about it, cooperate, and should remember

(Victim cannot be forced)

more about the offense. Without talking about it, in time, the victim tends to repress, forget descriptions, etc. Repression can become chronic, so that the victim carries <sup>transfers</sup> over her fear to the extent that she is afraid to go out of the house, etc.

Keep in mind when questioning the victim that people experiencing crisis cannot be expected to behave rationally, and their perception often is distorted. How many victims have no conception of periods of time during a crime and respond, "It seemed like forever, but it probably took two minutes"? People have a tendency to regress in crisis, to act more child-like and may do dumb things. The purpose of the law is to <sup>also</sup> especially protect the weak or defenseless, who are most often victims. Even if the victim did nothing foolish, she often feels guilty that she should have done something or she did something wrong. "If only I hadn't gone there tonight, none of this would have happened." The victim can project or transfer this guilt feeling to the police, "If you'd gotten here quicker, you might have caught him."

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. Acknowledge that the victim 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"). 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 <sup>intoxicated</sup> 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 was 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 <sup>really</sup> 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.

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. Encourage the victim to talk, but be careful not to suggest things. It is important to get the answers from the victim, 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 in crisis. 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 victims are not clear as to what sodomy, conningus, 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! (Police officers, don't use "private parts") <sup>omit</sup> It can be tough for victim's to describe their experience in what they think are "proper words". They know you 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. Yesterday 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 "weinger" <sup>so that</sup> until the child and mother got the point that it was okay. Sometimes you might want to be direct. "There's nothing wrong with that word. Lots of people use it. I've heard it lots of times." <sup>Ask the child re. who's present.</sup> <sup>INCEST</sup>

Encourage the victim 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. EX.

*Basis in statement  
also step-by-step  
chronological  
account*

Don't dwell on "prosecution", especially initially. Obtain info. & evidence. Question of prosecution can come later & the victim may not even need to make this decision (don't emphasize) this decision when case may likely not be accepted by Co. Attny. anyway - if it isn't, explain why the best you can). 3.

"did he you?" = "incest"

Avoid trigger words, such as rape or insinuating in any way that the victim is responsible for the assault ("What did you expect hitchhiking?") <sup>attitude hurts us</sup>

All of us who serve the victims of sexual assault <sup>legal, police, law enf., & counseling</sup> must work together as one consistent and coordinated team. Our purposes are the same -- to help the victim, and, if possible, prevent further sexual assaults against more victims. We can no longer operate in our own little segment independently of each other. The victim deserves a highly professional chain of competent links that serves her smoothly and responsively.

A new attitude is emerging. Earlier, with horrified withdrawal, victims often were discouraged from <sup>reporting</sup> evoking their rights to justice even to the extent of being too ashamed to talk about it to anyone. Today's victim is being given the credit that she <sup>or he</sup> deserves, that of a person with the capabilities, guts, to overcome the trauma of the attack and to deal with the whole criminal justice system and make it work for her or him.

Statement: (formal + longhand)

1. From statement should be able to get sufficient facts & valuable leads to further conduct your investigation. <sup>"my word against his"</sup>
2. What people they saw, what they did before & after offense = corroboration
3. Keep questions as short as possible & allow victim to do the talking.
4. It is important that you get the <sup>information</sup> answers from the person questioned, (don't put words in their mouths), but it is equally important that you are not telling them what ~~what~~ happened. Do not attempt to theorize how the crime was committed (ex.) "After he grabbed you..." when he may in fact not have grabbed = "what did he do?"

It is important that the entire process with which the victim is confronted functions as a well coordinated unit, and that each professional is fully aware of the needs of the victim and how he/she, in ~~their~~ <sup>his/her</sup> own unique field, can better serve the victim. Ex. The victim of incest very often feels a great deal of guilt, and if ~~each~~ <sup>every</sup> person within the system with whom she deals can ~~in~~ convey "Look, you're not to blame; you're not responsible," the full impact is much greater. There are several ~~areas~~ <sup>areas</sup> where the police can be uniquely effective. - 1, 2, 3.

## MYTHS AND FACTS ABOUT SEXUAL ASSAULT

*Myths about sexual assault prevent many victims from reporting and seeking assistance in working through the trauma of the assault.*

**We must work to discard these myths:**

**MYTH:** Most sexual assaults are provoked by the victim.

**FACT:** Though provocation may consist of only "a gesture" according to the Federal Commission on Crimes of Violence, only 4% of reported sexual assaults involve precipitative behavior on the part of the victim.

**MYTH:** Only women who walk alone at night are sexually assaulted.

**FACT:** Studies show that 1/3 to 1/2 of sexual assaults are committed in the victims home.

**MYTH:** Sexual assault occurs only among strangers.

**FACT:** In nearly 65% of reported sexual assault cases the victim and offender know each other in some way.

**MYTH:** No person can be sexually assaulted against their will.

**FACT:** Studies indicate that in 75% of sexual assault cases the victim is faced with a weapon or threat of death or great bodily harm.

**MYTH:** Sexual assault is an impulsive, uncontrollable act.

**FACT:** 58% of sexual assaults are planned in advance by the offender.

**MYTH:** Sexual assault is primarily a sex act.

**FACT:** Sexual assault is primarily an act of violence. It is sexual only in its method; the intent is violence.

## PROTECTION

*There is no typical sexual assault and likewise no sure method of protection. However, consideration of a plan that you might be capable of carrying out if attacked could be the best preparation.*

Also consider these suggestion:

- Lock doors and windows--in your home and car
- Don't open your door to strangers; require identification of all service personnel
- When leaving your house in the evening, leave outside and garage lights on--when returning have your key ready, and if being dropped off by friends ask them to wait until you are inside and safe
- If followed, drive to the nearest police or fire station; if walking, cross the street or run to closest lighted residence or business; don't be afraid to turn around and look at who is following you.
- Try to park in well lighted, busy area, and when returning to your car, have someone accompany you--always check inside before getting in
- If attacked, assert yourself, cry for help, or better yet, yell fire-- above all, use your common sense **Do not fight against a weapon**--your life is the most important thing.
- If you receive obscene or nuisance phone calls, notify police and then the telephone company

*For further information contact:*

**The Rapeline Program**

913 Third Ave. S.E.

Rochester, Minnesota 55901

289-0636

The Rapeline is funded by the Dodge/Fillmore/Olmsted Community Corrections System.

## THE RAPELINE A Service to Victims of Sexual Assault



**24 hours**  
In Rochester call  
**289-0636**

To call FREE from Dodge Center, Kasson/Mantorville, and Hayfield (Dodge County) or Spring Valley, Preston, and Rushford (Fillmore County), ask operator for:

**ZENITH-0636**

## SEXUAL ASSAULT

*Sexual assault is legally defined as any sexual contact to which one party does not consent. It is a humiliating, terrifying, often brutal crime that violates a person's innermost psychological being.*

Consider these facts about sexual assault:

- Victims are female and male; male victims are not necessarily homosexual.
- Victims can be any age and from any background--young children or elderly adults, rural or urban--no one is immune.
- Wives can be assaulted by their husbands; children by their parents.
- Sexual assault is an act of violence; 85% of offenders use some form of overt force.

## THE VICTIM

*Every victim responds to the sexual assault in a different way, but every victim has certain real needs--whatever her/his age, sex or circumstances.*

These may include such things as:

- Immediate physical protection
- Medical attention, in the form of emergency procedures, an evidentiary examination, or venereal disease and pregnancy testing.
- Emotional support and reassurance--the psychological damage resulting from sexual assault can oftentimes be more devastating and lasting than any physical injury incurred.
- Help with small, immediate details--a ride to the hospital or police station, or just someone to listen

## THE RAPELINE

*The Rapeline is a pilot project of the Dodge/Fillmore/Olmsted Community Corrections System. It is staffed with professionals and volunteers who have been trained to help victims meet their needs and cope with the wide range of problems that result from sexual assault. All Rapeline services are free of charge.*

Through the Rapeline victims can obtain:

- Twenty-four hour crisis phone answering and rapid referral to other cooperating emergency agencies if necessary
- Direction and advocacy services with regard to law enforcement agencies and other legal personnel
- Information and advocacy services on medical matters
- Whatever emotional support or counseling that is necessary to deal with the victim's feelings about herself/himself, or those of family or friends

There are a variety of options a victim can exercise in trying to cope with any or all of her/his needs or problems. Members of the Rapeline staff strive to help the victim define these options and then give support and encouragement to the ones chosen. The purpose of such an approach is to return to the victim the feeling that she/he is once again in control of her/his life.

## VOLUNTEERS

*The Rapeline relies upon volunteers to assist victims through the crisis telephone line, to provide advocacy and counseling, and to provide information to the community through public speaking. Rapeline volunteers participate in on-going training and attend regular meetings. Rapeline needs new volunteers. If you are interested in vital and meaningful volunteer involvement, please call 289-0636.*

## THE COMMUNITY

*The Rapeline works with all agencies in the three-county area to improve and help coordinate all systems (e.g. medical, legal, social) working for the victim.*

The Rapeline also:

- Furnishes speakers to civic, school, church and professional groups to increase public knowledge and awareness about sexual assault and to dispel the myths that surround it.
- Provides training, through workshops and forums, to other professionals in the community (e.g. health care workers, social workers and the ministry) who may want to improve their skills to better aid victims of sexual assault.
- Works to cooperate with city and county law enforcement officials to aid the victims and curtail the crime.
- All services of Rapeline are provided to residents of Dodge, Fillmore and Olmsted Counties.



Jan Polley -

1939 Curtis

55113

S L D

Cathleen Fernbock

310 Center

874-6122

"A Call for Help"

## THE MINNESOTA PROGRAM FOR VICTIMS OF SEXUAL ASSAULT

*A program sponsored by the State Department of Corrections through a grant from the Governor's Commission on Crime Prevention and Control.*

The Minnesota Program for Victims of Sexual Assault has as its primary aim the delivery of comprehensive services to sexual assault victims through a coordinated statewide network.

The Program has as its objectives:

- to establish a statewide support and referral service for victims of sexual assault
- to provide direct victim assistance in pilot project areas
- to schedule training programs for criminal justice personnel, health care professionals, social service agencies, and others in contact with victims of sexual assault
- to increase public understanding and sensitivity to the problems of sexual assault and its victims through media, literature, programs and forums
- to provide a statewide clearinghouse on programs, materials, services, and resources for and about victims of sexual assault.

The Minnesota Program for Victims of Sexual Assault will provide to any agency, organization, group or individual within the State of Minnesota assistance with specific programs for victims as well as workshops, forums or information about the problem of sexual assault.

## THE 1975 MINNESOTA CRIMINAL SEXUAL CONDUCT LAW

Classifies criminal sexual conduct into four degrees depending on the degree of force and nature and extent of injury to the victim.

Stipulates that the victim's testimony need not be corroborated.

Provides that the victim need not prove resistance.

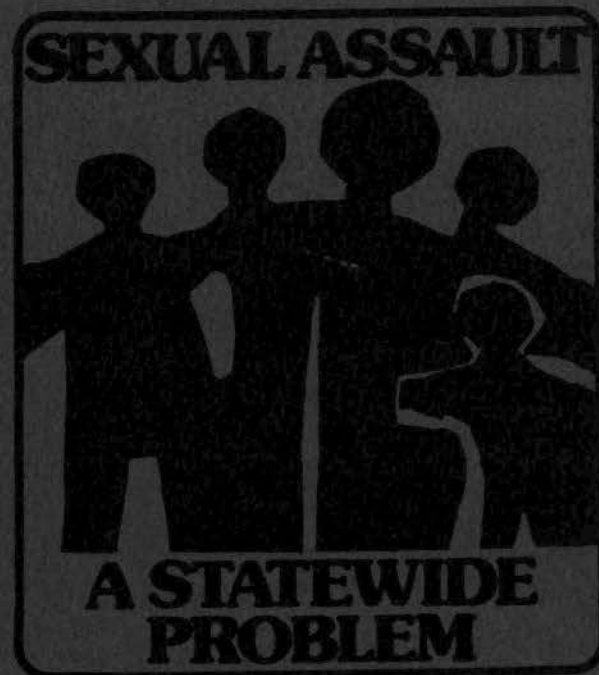
Provides that, with a few exceptions, evidence of the victim's prior sexual behavior is not admissible in court.

Provides that medical costs arising from examining the victim for purposes of gathering evidence be paid by the county in which the offense was committed.

For further information contact:

*The Minnesota Program for  
Victims of Sexual Assault*  
430 Metro Square Building  
St. Paul, Minnesota 55101  
(612) 296-7084

Funded by LEAA Grant #4317013675



SEXUAL ASSAULT is a humiliating, terrifying and often brutal crime, an act which violates a person's innermost physical and psychological being. No one deserves to be sexually assaulted, but it can and does happen. How you will respond when it does happen — to a loved one, a friend, a co-worker, yourself — will depend in great part on what you have thought about sexual assault beforehand. Each victim responds to the sexual assault in a different way but every victim needs strong support from family and friends as well as from medical, police, legal and social service personnel. It is our hope that with this support each victim may be able to come through the experience a stronger person. It is to this end that we are committed.

SEXUAL ASSAULT is a violent crime which is primarily an aggressive rather than a sexual act. It is any sexual activity which a person is forced into without his/her consent. It includes rape, same-sex assault, child sex abuse and incest. The victim of sexual assault may be young or old, male or female, single or married, urban or rural — no one is immune.

In 1976 there were 724 reported rapes in Minnesota. But the FBI estimates that only one in every five to ten sexual assaults that occur is ever reported to the police. And the reporting rate of child sex abuse, same-sex assault, and incest is probably even lower.

## MYTHS AND FACTS ABOUT SEXUAL ASSAULT

*Myths about sexual assault prevent many victims from reporting and seeking assistance in working through the trauma of the assault. We must work to discard and dispel these myths.*

**Myth:** Most sexual assaults are provoked by the victim.

**Fact:** Though provocation may consist of only "a gesture" according to the Federal Commission on Crimes of Violence, only 4% of reported sexual assaults involve precipitative behavior on the part of the victim.

**Myth:** Only women who walk alone at night are sexually assaulted.

**Fact:** Studies show that 1/3 to 1/2 of sexual assaults are committed in the victim's home.

**Myth:** Sexual assault occurs only among strangers.

**Fact:** In nearly 65% of sexual assault cases the victim and offender know each other in some way.

**Myth:** No person can be sexually assaulted against their will.

**Fact:** Studies indicate that in 75% of sexual assault cases the victim is faced with a weapon or threat of death or great bodily harm.

**Myth:** Only women are victims.

**Fact:** Although most victims are female, there is an increase in the number of children and men reporting. Any vulnerable man, woman or child is a potential victim.

**Myth:** Sexual assault is an impulsive, uncontrollable act.

**Fact:** 58% of sexual assaults are planned in advance by the offender.

**Myth:** Sexual assault is primarily a sex act.

**Fact:** Sexual assault is primarily an act of violence. 85% of offenders use some form of overt violence or force.

## PREVENTION TECHNIQUES

*No one method of prevention is completely effective in every situation. Allowing yourself to consider what you would do if attacked may be the best preparation. Consider, also, the following suggestions:*

Lock your doors and windows — car and home.

Don't open your door to strangers: require identification of all service personnel.

Whenever possible avoid walking alone at night.

Don't be caught off guard — be prepared to run and scream.

If attacked, assert yourself. Use your common sense. Do not fight against a weapon — your life is most important.

Hitchhiking can be dangerous. If you must hitchhike try to travel in pairs and be cautious with whom you accept a ride.

A training course in physical self-defense and assertiveness may be of help.

## WHAT TO DO IF YOU HAVE BEEN SEXUALLY ASSAULTED

**REMEMBER:** *You are not to blame for having been sexually assaulted.*

Report the assault to the police immediately whether or not you choose to prosecute. You may save someone else from being victimized in the future.

Do not bathe, douche, change clothes, clean up, or in any other way destroy possible evidence.

Call a hospital or private physician to get an emergency medical exam for treatment of injuries, V.D. and pregnancy; and an evidentiary exam which is required if you decide to prosecute.

Call a friend, family member or a sexual assault crisis center, if available, for support.

Write down details about the assailant and circumstances of the assault as soon as possible.

## THE VICTIM OF SEXUAL ASSAULT NEEDS YOUR SUPPORT

**Law Enforcement Personnel:** Encourage victims to report assault by providing an accepting, caring, and non-judgmental atmosphere when victims do report and when conducting investigations.

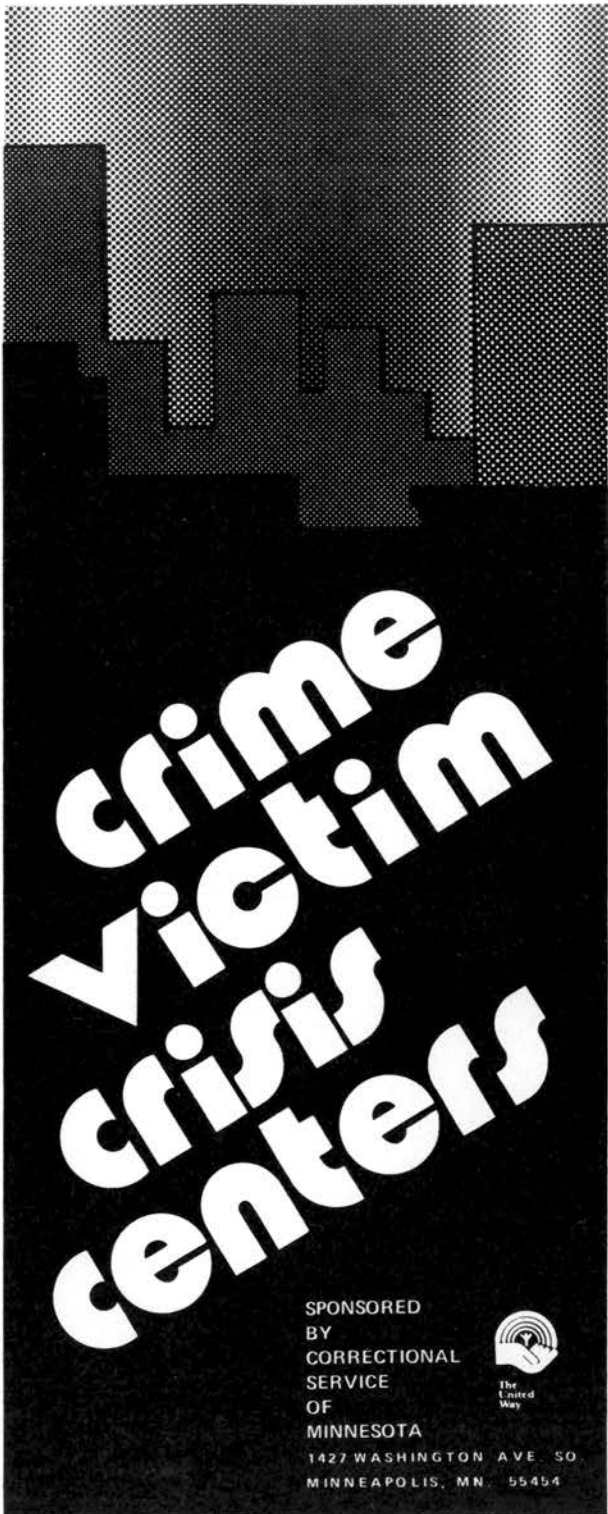
**Medical Personnel:** Provide a thorough emergency medical examination and gather the best evidence for possible use in prosecution so that the victim begins to regain a sense of control over his/her life.

**Social Service Personnel:** Provide the victim with whatever emotional support and personal counseling is necessary to deal with his/her feelings of personal self-worth, as well as the feelings of family and friends and society's attitudes in general.

**Legal Personnel:** Provide the victim with the best prosecution possible in the light of the new law to assure that the victim of an assault does not also become a "victim" of the legal system.

**Family and Friends:** Allow the victim to work through the crisis at his/her own pace by offering support in the decisions the victim makes as well as by listening to the victim in a sensitive, non-judgmental way.

**Concerned Citizens:** Organize interested individuals and groups in your community to dispel the myths about sexual assault, increase awareness of "rape situations" and how to avoid them, and assure that needed services are provided in your community for victims of sexual assault.



## CRIME VICTIM CRISIS CENTER

A new outreach service to residents of the St. Paul West Seventh Community, Highland Park, Macalester-Groveland, and Merriam Park

offering

24-hour assistance to anyone who has been the victim of a crime.

### CALL US WHEN:

you, a friend, or relative has been the victim of:

Burglary

Assault

Vandalism

Purse-snatching

Auto theft

Robbery

Homicide or manslaughter

Fraud

Other crimes committed against you or your property.

NOTE: All Victim Crisis Center personnel will carry picture ID cards. Please request to see this identification.

For 24-hour assistance, call:

# 226-1019

or stop in at

CRIME VICTIM CRISIS CENTER

175 South Western Avenue  
St. Paul, Minnesota 55102

\* \* \* \* \*  
\* *VICTIMS HAVE RIGHTS TOO!* \*  
\* \* \* \* \*

### SERVICES WE PROVIDE

- 1) Support and help with the after-effects of crime.
- 2) On the spot emergency services (ex: repair of broken windows or locks, transportation, etc.).
- 3) Referrals to agencies that provide additional assistance (food, shelter, clothing, counseling, legal aid, witness assistance, etc.).
- 4) Help in making private insurance claims and applications for reparations (reimbursements from the State for medical expenses and lost work time).
- 5) Help in determining what legal steps may be taken, if you choose.
- 6) Help in reducing the chances of being victimized.
- 7) Assistance with court proceedings if the victim becomes a witness.

This service is sponsored by Correctional Service of Minnesota and is funded by the State Department of Corrections and Northwest Area Foundation.

— PLEASE NOTE —

CLAIMANT'S NAME WILL  
NOT BE USED IN PRESS  
RELEASES UNLESS PRIOR  
CONSENT IS GIVEN.

*Copies of this pamphlet can be obtained by writing to the:*

Crime Victims Reparations Board  
702 American Center Bldg.  
160 East Kellogg Blvd.  
St. Paul, Minnesota 55101



MINNESOTA DEPARTMENT OF

**PUBLIC SAFETY**

Highway Building, St. Paul, 55155



# ?

**Are  
You  
an  
Innocent  
Victim  
of a**

**Violent  
Crime**

Here's how you can obtain reparations . . .

## PURPOSE OF THE MINNESOTA CRIME VICTIMS REPARATIONS LAW (Minn. Statutes 299B.01-299B.16)

To provide innocent victims of violent crime with compensation for loss of earning or support and out-of-pocket loss for injuries sustained as a direct result of a crime committed against their person. Out-of-pocket loss means reasonable medical care or other services necessary as a result of injury. In the event of the death of the victim, reasonable medical care plus reasonable expenses incurred by a legal representative of deceased for funeral, burial or cremation.

## Who Is Eligible?

An innocent victim of a violent crime against his or her person.

A dependent or legal representative of an innocent victim who has met death as a result of a violent crime.

## How Can I Recover Reparations?

By filing a Preliminary Claim Form with the Board. Forms can be obtained from your local law enforcement agency or by writing to the Crime Victims Reparations Board, 702 American Center Bldg., 160 East Kellogg Blvd., St. Paul, Minn. 55101, or calling (612) 296-7080.

## How Much Can I Recover?

Up to a maximum of \$10,000. There is a \$100 deductible and further deductions for amounts received or to be received as a result of the injury:

- (a) from or on behalf of the offender,
- (b) under insurance programs of any kind — Blue Cross/Blue Shield, Group Health, Workmen's Compensation, loss of wage insurance, etc. (except life insurance contracts),
- (c) from public (city, county, state, or federal) funds.

## What Must I Do To Be Eligible For Reparations?

1. *Must* report crime to law enforcement agency where crime was committed within five days of the event. If crime could not be reasonably reported within five days of its occurrence, then within five days of the time when a report could reasonably have been made.

2. *Must* be completely cooperative with the law enforcement agency.

3. *Must* be an *innocent* victim of crime.

4. *Must* file a Preliminary Claim Form with Crime Victims Reparations Board within *one year* of the happening of the event.

## What Happens After I File?

Your claim is assigned to a member of the Board. It is then processed, investigated and evaluated. An award is then made or the claim is denied. It is possible for a claimant who urgently requires funds to request that an *emergency award* be made prior to final determination of whether an award is made or the claim denied.

An aggrieved claimant can appeal the decision of a Board member to the entire Board if he makes such an appeal in writing within 30 days after being notified of an award or denial of his claim.

## Is There Any Expense To Me?

No.

## Is The Loss of Personal Property Covered?

No.

This publication is designed to acquaint Minnesota citizens with the existence and scope of the law providing for innocent victims of violent crime against their persons to recover reparations.

RAPE SENSITIVITY TRAINING

EX. Quis. (Statistics) 1 yr ago 55,000 rapes

10 yrs =  
581%  
increase

<sup>last yr alone</sup> Nationally rapes increased 11% <sup>across the country</sup> last year. During the previous five years rapes jumped 55%. Until last year, St. Paul reflected similar statistics. <sup>approximated</sup> It is estimated that there are approximately 150 rapes every 24 hours in Los Angeles. <sup>many</sup> It is believed that actual figures are even higher, since it is generally accepted that many rapes are not reported. Estimates go as high as only one in ten rapes are reported, but such figures are totally unreliable since there are no reported statistics on unreported offenses! However, we do frequently learn of unreported rapes during the investigation of reported complaints or through the confession of a rapist. Women have given many reasons for not wanting to report rapes. She may be too upset to want to talk about it at all or for various reasons may not want to talk about it to authorities, -police, hospital, etc. She may simply want to <sup>forget it</sup> forget it (write it off as a bad experience?). She may be afraid because of threats by her assailant to kill her, etc. if she reports to police. She may feel too ashamed, too "dirty" or too guilty. She may feel that she behaved in such a way as to contribute to the offense, so does not want to prosecute. She may be concerned about any one of areas in which she will become involved if she reports (ex. woman with illegitimate child who feared cross-examination).

Not referring to individual reports

There has been a growing awareness the last ~~couple~~ <sup>few</sup> years in the problems which the victim of a rape must face from the moment the rape is initiated until well beyond the possible disposition in court. Many cities, <sup>incl. St Paul</sup> such as Philadelphia, Atlanta, Chicago, and N.Y.C. are taking a hard look at their handling of rape cases and are trying to make changes as indicated. Detroit established a special executive rape team shortly after the Mayor's secretary was raped in the City-County building.

~~Some women's groups are discouraging rape victim's from reporting to police because of the long, painful process in which they become involved. This seems like defective thinking - if there's something wrong with the process, change it, don't run away from it! The best way to help potential rape victim's is to stop or prevent rape, and the only way to stop rape is to apprehend rapists, and rapists are apprehended by reporting rapes! The Rape Counseling Center in Mpls. is a group of women volunteers, whose primary purpose is to be supportive to rape victims. There have been some problems in the past in our dept. with the Center, which has on occasion conveyed an anti-reporting viewpoint as well as other areas of disagreement.~~

~~Last fall a group of trained professionals in Ramsey County who are directly involved in the whole process affecting the rape victim formed a committee to look at the procedures, etc. and determine if changes, improvements or new services are indicated. I am the official representative on this committee from our police department. Mrs. Ann Adams, from S.P.R.H. who is co-chairman of the committee will discuss this group more with you in a few minutes.~~

Meanwhile, ~~two weeks ago~~ the legislature passed a bill directly pertaining to rape victims (discuss the law).

Basically, the representatives from the committee have three purposes this morning!

① To give some practical information which may be helpful in dealing with ~~the~~ <sup>the</sup> rape victim as well as to familiarize you with some changes which have been made in procedures in handling the victim.

② Through the discussion, and I say discussion because we'd

like everyone to participate, maybe we'll <sup>increase</sup> ~~all~~ renew our awareness and understanding of the rape victim. ~~and~~ If we can better understand how others feel, we can handle them more appropriately, our job is easier, they feel better, and it looks alot better in court. Sometimes while routinely doing our job, we <sup>can</sup> need to be reminded of other's ~~people's~~ feelings. A <sup>trubale</sup> couple weeks ago, I was routinely questioning a woman who had just blasted her husband twice with a shotgun when I suddenly realized that ~~in being very objective,~~ I was not really tuned in to her reactions. Here was a woman who had just murdered her husband, was very worried what her children would think of a "murderess", and was scared of <sup>death</sup> what was going to happen to her. When I looked at her reality, I ~~was better~~ <sup>was</sup> able to handle her; she felt better, and I got the information necessary for Grand Jury ~~this week.~~

You might ask, "Why be sensitive to the rape victim?" The guy who's wife has just been murdered or the little old lady beaten and robbed in her own home can be just as upset. All people should be handled with sensitivity. The rape victim does have special problems not present in the man who has his wallet stolen in the bar, for example. The rape victim is a good place to begin. Perhaps if we're aware of their ~~rape victims~~ <sup>feelings,</sup> we'll think again about other victims.

We recognize that there are individual differences and that one officer can, for example, quiet a couple on a domestic call, while another officer can walk in and rile everyone up all over again. Many of you have a certain innate "charm" in handling people. -But we all are learning. We can <sup>will be able to</sup> handle a situation much better now than before we came on the job. We learned in recruit school, and we learned plenty from alot of experience. ~~and, because we have some sense,~~ We keep on learning. And the best officers learn the most!

<sup>omit</sup> (3) Third, and this could be the most important purpose, we want suggestions from you on what can be done, ~~because~~ you are "where it's at" ~~and saw help alot.~~

We will begin with Ann Adams explaining the group so you have a better idea of what it's all about. Then, a rape victim will speak about what her experiences meant to her, then we'll move to the Emergency Room of S.P.R.H. with Dr. Dutt and Jan Polley. After coffee break, Cathy O'Connors and Karen Klinefelder, counselors at the Mental Health Center who see rape victims who want further counseling, will give some suggestions on handling the victim, etc.

✓ It's not easy for this group to get up in front and talk <sup>about this</sup> ~~with you~~ today. It's not easy for anyone to talk to a bunch of police officers, and it's especially not easy for the victim of a rape. So I give them alot of credit and hope you can appreciate this situation.

I can't tell you all to imagine what it's like to be raped. ~~You'd probably get turned on thinking about it.~~ But I can introduce you to Joan McGrath. I first met Joan when we both spoke at a Rape Workshop in Mpls. ~~last fall.~~ <sup>yo</sup> Not only is Joan articulate, but she has an unusual <sup>she</sup> ~~capability~~ <sup>has</sup> of expressing her feelings so that others can understand it. <sup>to</sup> Joan had the judges, defense attorneys, doctors, etc. in the audience spell-bound. I am very grateful that she has agreed to come today. (Respect + friends)

G.

Y. Investigation of Sexual Assault:

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

review and

Minn Stats.

1. The student will demonstrate that he/she understands learning objectives ~~II-041-45~~, (relating to ~~criminal sexually conduct~~ offenses).  
§609.342, §609.343, §609.344, §609.345, §609.365 and §607.2
2. The student will cite the reasons why rape and sexual assault is one of the most underreported 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. *aggression & violence.*
  - D. Assumption: Rape is a sex crime.  
Fact: Rape is a crime of violence; sex is generally not its primary goal.

*Questionable,  
how  
relevant?*

- H. Note and document (photograph) victim's condition.
7. The student will demonstrate that he/she recognizes the correct procedures to follow if a suspect is taken into custody. These procedures shall 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 the he/she understands the importance of

thoughtfully explaining to the victim what she can expect to happen as the case proceeds.

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. *description*
  - 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 the crime.
  - F. Determine suspect's:
    - 1) Statements/actions.
    - 2) *General* Special characteristics/oddities.
    - 3) Unusual M.O.
  - G. Determine if the crime scene or evidence has been altered or contaminated.

Lesson Plan

COURSE: St. Paul Police Recruit Academy

TITLE: Sexual Assault Victim Awareness Training

INSTRUCTOR: Carolyn Bailey

TIME: 2 ½ hours

INSTRUCTIONAL AIDS: 16 MM projector & screen

STUDENT EQUIPMENT: none

HANDOUTS: Brochures on "Sexual Offense Services"

REFERENCE MATERIALS

COMMENTS: (Include objectives, procedures, assignments)

General Learning Goal:

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 and knowledge of sexual assault through discussion of cultural attitudes and misunderstandings as well as the known facts about sexual assault.

To provide practical information regarding procedures and to assist in servicing the victim of sexual assault.

Instructional Objectives:

1. When asked to make a judgement about the validity of a rape complaint based on the victim's precipitating behavior, the student will state that he/she cannot make such a judgment.
2. The student will cite some of the reasons why rape and sexual assault is considered one of the most unreported crimes in the U.S.
  - a. Victim is tormented by feelings of fear (of the assaulter), guilt, and worthlessness. The victim may be too embarrassed to discuss details of the offense.
  - b. The criminal justice system can be very intimidating to victim.
  - c. The rapist may be known to the victim.
  - d. The victim suffers continuing psychological trauma.
3. The student will be able to identify at least three of the following myths about sexual assault:
  - a. When asked what person deserves to be sexually assaulted,

- the student will respond, "None".
- b. Regarding the myth that women enjoy rape, the student will state, "No person enjoys being raped, but the rapist frequently believes this."
  - c. When asked if most rapes result from sudden impulse, the student will state that most rapists plan their attacks.
  - d. When asked what contributes the most to the existence of rape, the student will respond, "The need to act out violence. Sex is generally not the primary goal of the rapist. Many rapists have sexual outlets but wish to express power, dominance, and control."
  - e. When asked about the incidence of rape, the student will recognize that most rapists are previously acquainted with the victim, most rapes are preceded by some conversation, and most rapes occur indoors.
4. When asked how to overcome the suggestibility of children, the student will state, "Use open-ended questions".

Introduction:

1. The film, "Someone Else's Crisis" (segment on rape) will introduce this 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? Why would someone not report a rape; would you? The spokesperson will summarize the group's conclusions to the entire class, and the class will respond.
3. A general background of the problem of sexual assault will be presented. The objectives of the session will be summarized.

Explanation:

1. The staff at Sexual Offense Services will assist in the above and will describe their 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.
  
7. Sexual Assault is considered one of the most unreported crimes in the U.S. because:
  - a. The victim is tormented by feelings of fear, guilt, and worthlessness.
  - b. The criminal justice system can be very intimidating to victim.
  - c. The rapist may be known to the victim.
  - d. The victim suffers continuing psychological trauma.
  - e. all of the above.

ST. PAUL POLICE TRAINING UNIT

Lesson Plan

COURSE: St. Paul Police Recruit Academy  
TITLE: Investigation of Sexual Assault  
INSTRUCTOR: Carolyn Bailey  
TIME: 3 hours  
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

COMMENTS: (Include objectives, procedures, assignments)

General Learning Goal:

The student will understand how to investigate sexual assault.

Instructional Objectives:

1. The student will identify the correct procedures for conducting a sexual assault investigation. These procedures will include:
  - a. Record the time of arrival.
  - b. Determine if the victim needs any immediate medical assistance and transport to hospital if indicated.
  - c. Determine if and what crime occurred and obtain the basic elements of the crime.
  - d. Obtain description of the suspect, attempt to identify the suspect and determine the suspect's location.
  - e. Protect the crime scene. Identify evidence at the scene, protect and photograph, retain appropriate evidence, and note in report.
  - f. Identify, separate, and question witnesses.
  - g. Initiate police broadcast on radio, when applicable.
  - h. Transport victim for pelvic examination, when indicated.
2. The student will demonstrate that he/she knows the correct methods of interviewing the victim.
  - a. Interview victim in privacy.
  - b. Attempt to develop a relationship with victim so that she/he feels comfortable and can trust officer.
  - c. Explain to the victim the purpose in questions and what the victim can expect during investigation.
  - d. Will not make judgements about the victim nor express personal opinion in report.
  - e. Will obtain a chronological account of offense.
  - f. Document victim's condition in report and through photographs, when visible evidence is present.

3. When asked when a medical examination of a victim of rape should be given, the student will answer, "As soon as possible after the crime".
4. When asked what is the purpose of photographing bruises which the victim received during a rape, the student will state, "To preserve evidence supporting the victim's lack of consent".
5. The student 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.
6. If a rape victim informs the student that she does not want her husband to know about the complaint, the student will state he/she would keep the report confidential.
7. The student will state that pelvic examination of rape victims should NOT be obtained if the victim refuses but may be still 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.
8. The student 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.
9. The student will state that sperm may be present as evidence in all types of sex crimes.
10. The student will state the most significant element in a complaint of indecent exposure from the suspect's house is intent.
11. 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 student will explain that no crime has been committed.

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.
  - d) 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.

SIGNALS OF SEXUAL ABUSE \*

1. Unexpected sexual utterance or behavior, especially in very young children.
2. Limited or no involvement in after-school activities.
3. Vague resistance to visiting or being alone with abusers.  
Fear of going home.
4. Adolescent prostitution.
5. Moderate to severe depression or anxiety, esp. young children.  
Suicide attempts.
6. Unusual accumulation of money, candy, favors, etc.
7. Dramatic change in school behavior.
8. Alcoholism of one or both parents.
9. Excessive fear of males, of being touched.
10. Running away from home.
11. Report by parent of molestation by a stranger.
12. Lighting fires.
13. Mutism.
14. Nightmares.
15. Excessive masturbation.
16. Regression.

REAL OR SOMATIC PHYSICAL COMPLAINTS:

1. Unexplained abdominal pain.
2. Body mutilation.
3. Adolescent pregnancy.
4. Venereal infections (oral, anal, genital).
5. Vaginal discharge.
6. Pain or burning on defecation or urination. Fecal soiling.
7. Gagging response.
8. Persistent sore throat, unexplained lesions.

9. Signs of physical abuse.
10. Parent vague and overly concerned about discharge, blood on pants, etc. Compulsive interest in child's sexual anatomy.
11. Sudden weight gain or loss. Compulsive eating disorders.
12. Chemical abuse.

\* Any single symptom may not be significant or may be symptomatic of other problems.

SUGGESTIONS ON QUESTIONS RE. SEXUAL ASSAULT

1. For evidenciary purposes, under clothing worn by victims at the time of a sexual assault should:
  - A. Be put together carefully in air-tight container.
  - B. Placed separately in paper bags.
  - C. Not be necessary as evidence.
  - D. Always contain sperm if it is a valid complaint.
2. The most effective identification of a rape suspect is made by:
  - A. Bringing suspect to victim immediately after the rape.
  - B. Showing five photos to victim.
  - C. Asking victim if suspect is the one who committed the offense.
  - D. A police line-up with several similarly appearing persons and the defense attorney present.
3. Victims who report rape are:
  - A. Hysterical.
  - B. Calm and controlled.
  - C. Uncooperative.
  - D. May be all of above.
4. Which statement about sexual assault is recognized as TRUE:
  - A. Victims often behave in such a way as to cause the sexual assault.
  - B. Many victim actually enjoy the sexual assault.
  - C. Rapists lack sexual outlets.
  - D. Most rape victims are between 20-30 years old and pretty.
  - E. None of the above.
5. The presence of sperm:
  - A. Verifies that rape occurred.
  - B. Is necessary for criminal prosecution.
  - C. May exist in any sex crime.
  - D. Can only be determined on smooth surfaces.

Carolyn -

a Janet Polley  
called; she said  
she won't be able to  
keep the speaking  
engagement for  
11-12-79. Her

numbers are

636-4796 (home)

373-5470 (work)

Greg

CRIME LABORATORY  
St. Paul Department of Police  
St. Paul, Minnesota

CRIME SCENE CHECK LIST

DATE \_\_\_\_\_ COMPLAINT NO. \_\_\_\_\_

LABORATORY NO. \_\_\_\_\_

OUTDOOR SCENE

1. Weather:

clear

cloudy

rain

snow

\_\_\_\_\_ A.M.     dark     daylight

\_\_\_\_\_ P.M.     dark     daylight

2.  Department personnel present: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Outdoor measurements:

photos

castings

footprints

trace evidence

tiremarks

physical evidence

weapons

4. Evidence recovered:

fingerprints

blood

cartridge casings

paint

tools

semen

toolmarks

hair

tool impressions

other

INDOOR SCENE1. Point of entry:

Door:     front     side     rear     other

Door opening:  inward     outward

Door facing:  N.     S.     E.     W.

Door was:     locked

unlocked

forced open

opened with key

Window facing:  N.     S.     E.     W.

Window was:     locked

forced open

shattered

unlocked AND  open  closed

2. Window shades were:  fully open

drawn closed

other

3. Lights were:     on     off

Located:  overhead

standing floor lamp

table lamp

wall mounted

other

4. Weapon:     hand gun

long gun

knife

club

ligature

other



Itemized visible jewelry: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Itemized visible miscellaneous articles: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

10. Body location:
- |                                      |                                   |                                  |
|--------------------------------------|-----------------------------------|----------------------------------|
| <input type="checkbox"/> 1st floor   | <input type="checkbox"/> hallway  | <input type="checkbox"/> kitchen |
| <input type="checkbox"/> 2nd floor   | <input type="checkbox"/> stairway |                                  |
| <input type="checkbox"/> other floor | <input type="checkbox"/> front    |                                  |
| <input type="checkbox"/> bedroom     | <input type="checkbox"/> rear     |                                  |
| <input type="checkbox"/> living room | <input type="checkbox"/> basement |                                  |
| <input type="checkbox"/> dining room | <input type="checkbox"/> other    |                                  |

11. Photos:  body  room  other

12. Evidence recovered:
- |  |                                |                                     |
|--|--------------------------------|-------------------------------------|
| <input type="checkbox"/> fingerprints      | <input type="checkbox"/> blood | <input type="checkbox"/> residuals  |
| <input type="checkbox"/> cartridge casings | <input type="checkbox"/> paint | <input type="checkbox"/> sink trap  |
| <input type="checkbox"/> tools             | <input type="checkbox"/> semen | <input type="checkbox"/> sewer trap |
| <input type="checkbox"/> toolmarks         | <input type="checkbox"/> hair  | <input type="checkbox"/> sweepings  |
| <input type="checkbox"/> tool impressions  | <input type="checkbox"/> other | <input type="checkbox"/> other      |

MORGUE

- 1. Conditions of body:  I.D. photo  
 photos  
 wound notations  
 wound measurements  
 wound photos

- 2. Clothing:  torn  
 soiled  
 good condition

Complete inventory: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 3. Jewelry: Complete inventory: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 4. Pocket contents: Complete inventory: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Purse/wallet contents: Complete inventory: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6.  fingerprints and palmprints                       fingernail scrapings

hair sample       head       pubic

T.M.D. test       lead residual test       needle marks

tattoos (where located): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

scars (where located): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

7.  defense wounds

right hand

left hand

right forearm

left forearm

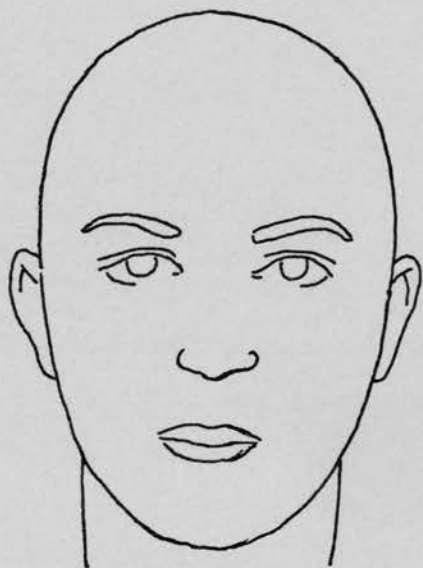
8. Evidence recovered:  bullet

knife

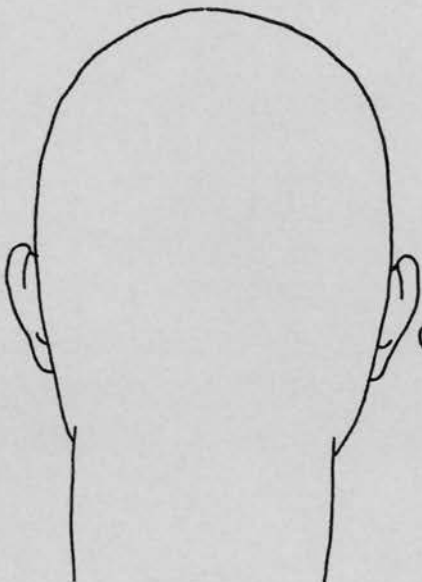
clothing

other

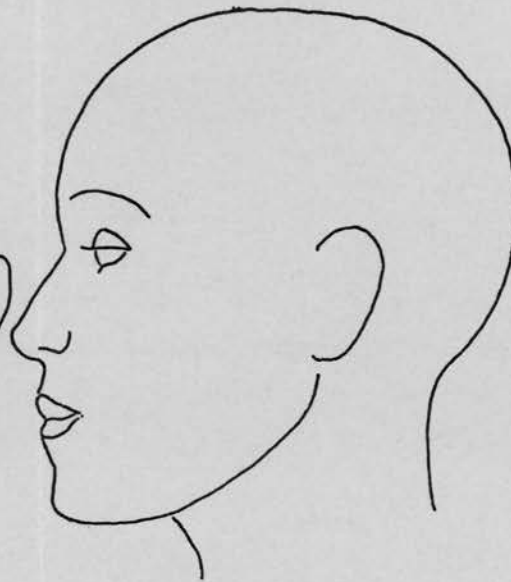
9. DEPUTY CORONER \_\_\_\_\_



FRONT  
(FACE)



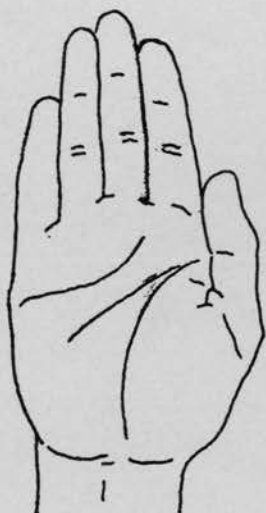
BACK



LEFT SIDE

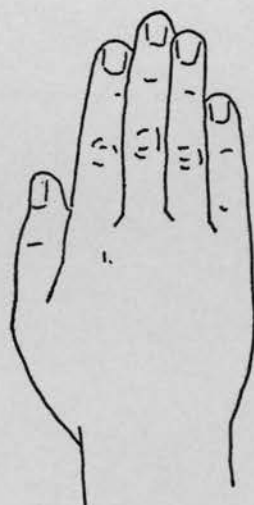


RIGHT SIDE

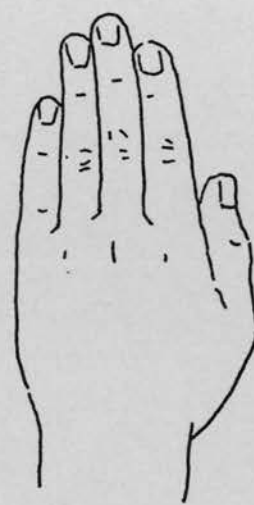


FRONT  
(PALM)

RIGHT



BACK

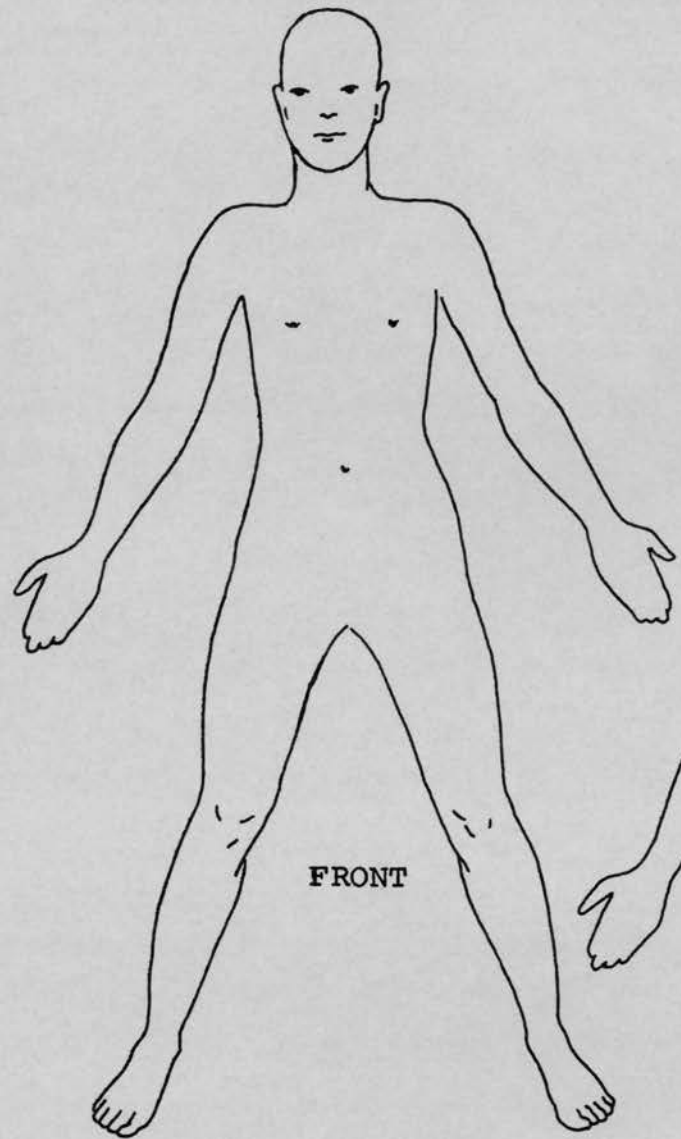


BACK

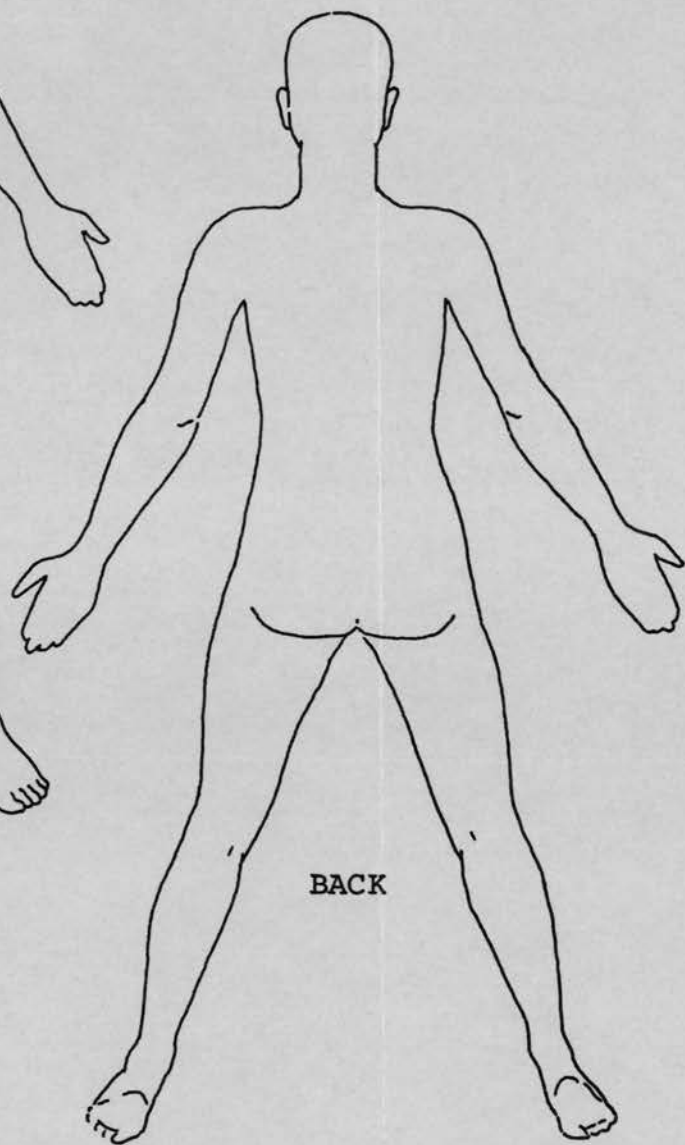
LEFT



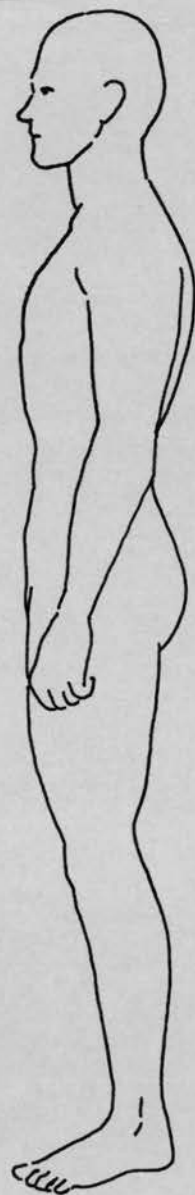
FRONT  
(PALM)



FRONT



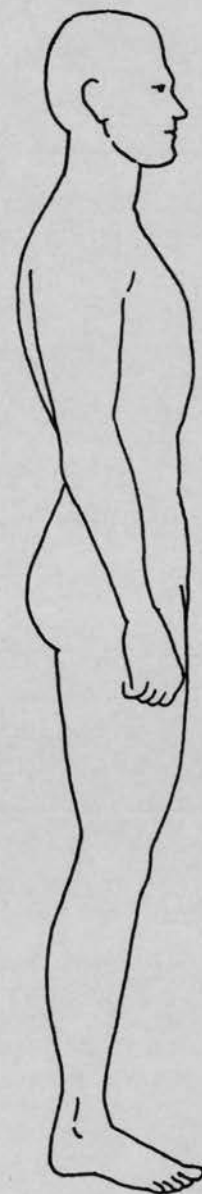
BACK



LEFT

SIDE

RIGHT



QUESTIONS FOR GROUP DISCUSSION:

1. Why do you think people commit sexual assault?  
What can be done about it?
2. If you were a victim of sexual assault, would you report it to police? Why or why not? Would you want your wife, mother, sister or close friend to report it? *if they were victims?*
3. How do you think the criminal justice system can be improved to serve the victim of sexual assault?
4. What are some of the myths and misunderstandings about sexual assault?
5. What feelings do you think you would have if you were sexually assaulted? How do you think many women who are victims feel? How can the police officer help? *before, during & after*

# Program For Battered Women

by Nancy Rehwaldt, Dept. of Corrections  
Public Information Staff Writer

Victim was sitting on the bed and accused stood up and grabbed her by the hair on the top of her head. Accused pulled victim's head down and kneed her in the face. Accused then struck her on the right eye. Accused struck a glancing blow to victim's left forehead. Victim walked into the bathroom and stood over the sink, bleeding from the nose. Accused followed her into the bathroom and then either hit or pushed victim against the wall so that the protruding corner of a wall struck her in the head and the middle of her back.

The above report is one of about twenty cases filed with the St. Paul Police Department during a one-week period in the month of May. The woman, and many others like her, are often forced to live in fear and shame after becoming victims of what is described in one national magazine as "the single most unreported crime in the country".

According to a report submitted by the Battered Women Study Committee of the St. Paul Community Planning Organization, the battered woman "is threatened, attacked, and beaten within the 'privacy and comfort' of her own home, often within view of her children,



and usually within close proximity to her neighbors and friends. She is assaulted by the man with whom she lives and upon whom she depends for support."

Still, the report continues, "the battered woman has traditionally been dismissed as having an individual or family problem, most appropriately dealt with on a private basis. As a result, the problem of physical abuse to women has remained hidden within the community. Within the past year, however, the plight of battered women has begun to surface as an issue for public attention in communities throughout the country."

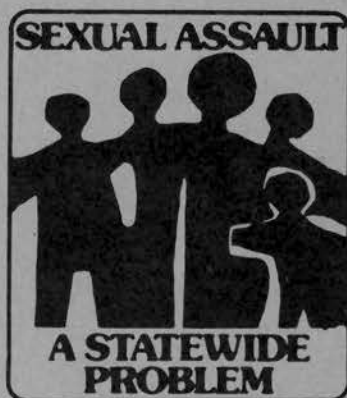
In Minnesota, two of the programs offering help to battered women are Women's Advocates in St. Paul and the Harriet Tubman Shelter in Minneapolis. Both of these organizations offer emergency shelter, food, clothing and emotional support as well as an advocacy program, resident's child care activities, counseling, legal and health information and community education for women in the Twin City area.

"Although establishing crisis centers is not considered the long-range solution to the problem, shelters are gaining recognition in a number of communities as an approach to meeting an immediate need of many physically abused women who have no place else to go" according to the Community Planning Organization report.

The Minnesota Legislature passed a bill last session providing grant money to establish 4 pilot programs for battered women in Minnesota. The Department of Corrections, which will administer the grant money, has begun efforts to establish an advisory task force which will review all programs requesting funding. The task force will also recommend 5 people for appointment as program coordinator, and will advise the Commissioner of Corrections and the project coordinator on the implementation of the new Minnesota Program for Battered Women.

The new program is the result of significant lobbying efforts of many concerned citizen groups, including The Consortium on Battered Women, who have helped in generating awareness about the lack of support services for battered women.

As directed by the Legislature, the Department of Corrections will be collecting data on the incidence and extent of the problem throughout the state. □



# Minnesota Program For Sexual Assault

*by Eileen Keller, Assistant Director, Minnesota Program for Victims of Sexual Assault, Dept. of Corrections*

The Minnesota Program for Victims of Sexual Assault is a legislatively mandated program sponsored by the Minnesota Department of Corrections and funded through a grant from the Governor's Commission on Crime Prevention and Control. The Program is unique in the nation because it is the only statewide program aimed at providing comprehensive services to victims of sexual assault. Funded as of August 1, 1975 the program has provided direct assistance to over 2500 victims, trained approximately 9200 law enforcement, legal, health care and human service personnel, educators, crisis line volunteers and victim advocates, and provided community education programs for nearly 37,000 other persons.

In addition to three staff members at the state level the program funds two pilot projects with separate staff in Ramsey and Hennepin counties, each of which provides direct services to victims, extensive training and coordination of personnel who work with victims, and education of the general public on the nature and scope of sexual assault.

In order to facilitate the coordinated efforts of local communities throughout the state as they develop services for victims of sexual assault, program staff have participated in interdisciplinary planning meetings in several Minnesota communities including Moorhead, Brainerd, Virginia, Hibbing, Duluth, Winona, Bemidji, Rochester, Washington County, Dakota County, Carver County, and Chisago County. Additionally, state staff provide on-going assistance with local areas as they develop training and public education programs. The program has contracted with three persons to coordinate local efforts on a regional basis in Brainerd, Rochester and Moorhead. The program also coordinates its efforts with sepa-

rately funded programs in St. Louis and Blue Earth counties.

As part of its training effort the program sponsored an intensive two-day statewide interdisciplinary conference in November, 1976 for 350 law enforcement, medical, legal human service and crisis line personnel from throughout the state. Similar regional training seminars were held in Bemidji (March, 1977) and Rochester (April, 1977). Presented for the purpose of increasing awareness of the problems facing sexual assault victims the seminars included topics such as community attitudes; the needs and feelings of the victim; the child as victim; the role and responsibility of police, medical, legal and counseling personnel; the 1975 Criminal Sexual Conduct Law; and techniques in community organizing. Specific training workshops were also provided on police procedures, the medical examination, prosecution and counseling of sexual assault victims.

Another major effort of the program's training component is the distribution of a 128-page procedural manual, *Sexual Assault: A Statewide Problem*, which addresses the needs of the sexual assault victim as well as recommends procedures for medical, law enforcement, legal and human service personnel. Distribution of the manual to date has approximated 4000 copies throughout Minnesota.

In order to increase public understanding of the problem of sexual assault and develop sensitivity to the needs of the victim, as well as to make available information on existing services, the program staff, along with many dedicated members of a speakers' bureau, provide educational programs and forums to professional, business, civic and church groups as well as educational institutions throughout the state. Over 600 such programs have been presented in the past two years. The program produced a slide/tape show, "A Crime of

Excuses from opposers:

CHECKS	LIST SINGLY	DOLLARS	CENTS
1	I caught my penis		
2	in my zipper, & I		
3	was just trying to get		
	it out.		
4	It was just a dildo,		
5	I <del>was</del> needed a shower		
6	so I went outside		
7	nude in the rain,		
8	& it felt so good,		
	I was rubbing myself.		
9	I was just running		
10	from the shower		
11	to the basin to get soap,		
12	I was just trying to		
13	prove I was a man		
14	'cause they think I'm gay.		
15	I'm afraid of women		
16	so I was trying to		
17	build up my courage,		
18	I don't know how to		
19	have sex with my new		
	wife, so I had to prove		
	I could do something		
	right.		
	<b>TOTAL</b>		
	I was doing a research		

ENTER TOTAL ON THE FRONT OF THIS TICKET

Project & taking photos of their response.

DEPOSIT TICKET

**CAROLEN F. BAILEY**  
11 EAGLE RIDGE ROAD 483-1444  
NORTH OAKS, MN 55110

DATE \_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_  
SIGN HERE FOR CASH RECEIVED (IF REQUIRED)



CASH	CURRENCY		
	COIN		
LIST CHECKS SINGLY			
TOTAL FROM OTHER SIDE			
<b>TOTAL</b>			
LESS CASH RECEIVED			
<b>NET DEPOSIT</b>			



22-10/960

USE OTHER SIDE FOR  
ADDITIONAL LISTING

BE SURE EACH ITEM IS  
PROPERLY ENDORSED

DELUXE  
ND-17

CHECKS AND OTHER ITEMS ARE RECEIVED FOR DEPOSIT SUBJECT TO THE PROVISIONS OF THE UNIFORM COMMERCIAL CODE OR ANY APPLICABLE COLLECTION AGREEMENT.

C. Perirectal Area:

D. Rectum:

LABORATORY SPECIMENS SENT:	ORAL	PENILE	RECTAL
COMPLETE:	Yes <input type="checkbox"/> No <input type="checkbox"/>		Yes <input type="checkbox"/> No <input type="checkbox"/>
GC ONLY:	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
REPORTED TO POLICE:	Yes <input type="checkbox"/> No <input type="checkbox"/>		

MEDICATIONS GIVEN:

SUMMARY OF FINDINGS:

EXAMINING PHYSICIAN'S SIGNATURE

RECOMMENDED FOLLOW-UP: ( TO BE FILLED IN BY STAFF PHYSICIAN)

	YES	NO	
Repeat Gc smear and culture	<input type="checkbox"/>	<input type="checkbox"/>	_____ (location)
VDRL	<input type="checkbox"/>	<input type="checkbox"/>	_____ (date)
Psycho-Social Assistance	<input type="checkbox"/>	<input type="checkbox"/>	_____ (how)
			_____

LABORATORY RESULTS:

1. Sperm:	Present	Absent
2. Seminal Fluid:	Present	Absent

Date received from Lab: \_\_\_\_\_

NAME:

ST. PAUL-RAMSEY HOSPITAL

AGE:

SEXUAL OFFENSE MEDICAL REPORT

A#:

EMERGENCY MEDICINE DEPARTMENT

DATE & TIME OF ASSAULT: \_\_\_\_\_

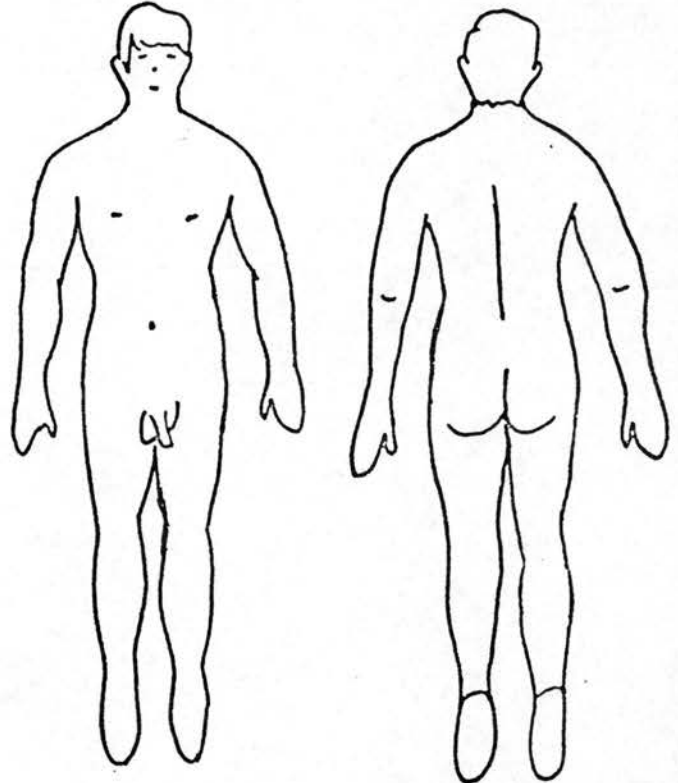
DATE & TIME OF EXAM: \_\_\_\_\_

EXAMINED BY: \_\_\_\_\_

POLICE DEPARTMENT: \_\_\_\_\_

HISTORY:

NON-GENITAL INJURIES - (DESCRIBE & DRAW):



PREVIOUS RECTAL INTERCOURSE WITHIN 48 HOURS:

YES  NO

EXAMINATION OF SKIN FOR SEMINAL FLUID: (WOOD'S LIGHT)

1. Fluorescence: PRESENT  ABSENT

2. Specimen sent to lab: YES  NO

EXAMINATION OF GENITALIA AND RECTUM (DESCRIBE TRAUMA & BLEEDING):

A. Penis:

B. Scrotum & Testicle:

D. Cervix:

E. Anus & Rectum:

F. Hymen — Intact: Yes  No  Size of Opening:  
Ruptured: Old  Recent  If recent, describe nature, location and  
approximate age of rupture:

Douche after assault? Yes  No  G. C. Culture only? Yes  No

Reported to Police? Yes  No  Complete Lab Specimens  
sent? Yes  No

PREGNANCY PREVENTION COUNSELING

	YES	NO
Diethylstilbestrol	<input type="checkbox"/>	<input type="checkbox"/>
High Dose IV Estrogen	<input type="checkbox"/>	<input type="checkbox"/>
IUD Insertion	<input type="checkbox"/>	<input type="checkbox"/>
Menstrual Extraction	<input type="checkbox"/>	<input type="checkbox"/>
Await Menses	<input type="checkbox"/>	<input type="checkbox"/>
None Needed	<input type="checkbox"/>	<input type="checkbox"/>

I have counseled this patient regarding possible side effects and complications of these medications.

\_\_\_\_\_.M.D.

MEDICATIONS GIVEN:

SUMMARY OF FINDINGS:

EXAMINING PHYSICIAN'S SIGNATURE

LABORATORY RESULTS:	1. Sperm:	Present	Absent
	2. Seminal Fluid:	Present	Absent

Date received from Lab: \_\_\_\_\_

NAME: \_\_\_\_\_

AGE: \_\_\_\_\_

A#: \_\_\_\_\_

ST. PAUL — RAMSEY HOSPITAL

SEXUAL OFFENSE MEDICAL REPORT

EMERGENCY MEDICINE DEPARTMENT

DATE & TIME OF ASSAULT: \_\_\_\_\_

DATE & TIME OF EXAM: \_\_\_\_\_

EXAMINED BY: \_\_\_\_\_

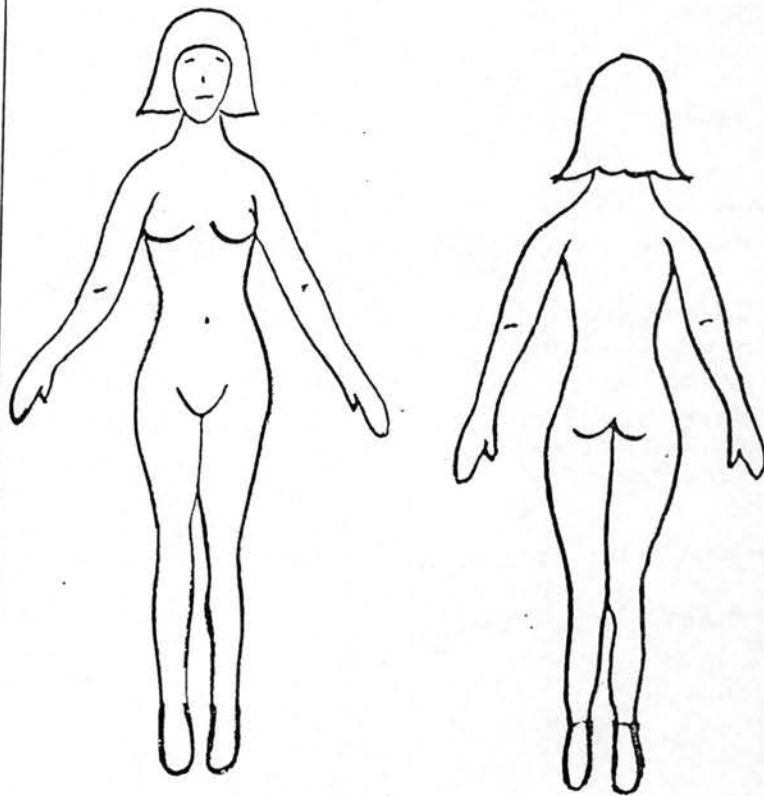
POLICE DEPARTMENT: \_\_\_\_\_

LAST MENSTRUAL PERIOD: \_\_\_\_\_

PREVIOUS SEXUAL INTERCOURSE WITHIN  
48 HOURS: YES  NO

NON-GENITAL INJURIES — (DESCRIBE AND DRAW):

HISTORY:



— PLEASE NOTE —

CLAIMANT'S NAME WILL  
NOT BE USED IN PRESS  
RELEASES UNLESS PRIOR  
CONSENT IS GIVEN.

*Copies of this pamphlet can be obtained by writing  
to:*

Crime Victims Reparations Board  
702 American Center Bldg.  
160 East Kellogg Blvd.  
St. Paul, Minnesota 55101  
(612) 296-7080  
1-800-652-9747



MINNESOTA DEPARTMENT OF

**PUBLIC SAFETY**

Highway Building, St. Paul, 55155



**Are  
You  
an  
Innocent  
Victim  
of a**

**Violent  
Crime**

If so, you can obtain financial help . . .

## PURPOSE OF THE MINNESOTA CRIME VICTIMS REPARATIONS LAW (Minn. Statutes 299B.01-299B.16)

To provide innocent victims of violent crime with compensation for loss of earnings or support and out-of-pocket loss for injuries sustained as a direct result of a crime committed against their person. Out-of-pocket loss means reasonable medical care or other services necessary as a result of injury. In the event of the death of the victim, reasonable medical care plus reasonable expenses of deceased for funeral, burial or cremation, plus loss of support to dependents of the deceased victim.

## Who Is Eligible?

An innocent victim of a violent crime against his or her person.

A dependent or legal representative of an innocent victim who has met death as a result of a violent crime.

## How Can I Recover Reparations?

By filing a Preliminary Claim Form with the Board. Forms can be obtained from your local law enforcement agency or by writing to the Crime Victims Reparations Board, 702 American Center Bldg., 160 East Kellogg Blvd., St. Paul, Minn. 55101, or calling (612) 296-7080.

For persons living outside of the 7-county Metro Area free calling zone, use the free state in-wats phone number, 1-800-652-9747.

## How Much Can I Recover?

Up to a maximum of \$25,000. There is a \$100 deductible and further deductions for amounts received or to be received as a result of the injury:

- (a) from or on behalf of the offender,
- (b) under Hospitalization programs of any kind — Group Health, Workmen's Compensation, loss of wage insurance, etc. (except life insurance contracts),
- (c) from public (city, county, state, or federal) funds.

## What Must I Do To Be Eligible For Reparations?

1. *Must* report crime to law enforcement agency where crime was committed within five days of the event. If crime could not be reasonably reported within five days of its occurrence, then within five days of the time when a report could reasonably have been made.

2. *Must* be completely cooperative with the law enforcement agency.

3. *Must* be an *innocent* victim of crime.

4. *Must* file a Preliminary Claim Form with Crime Victims Reparations Board within *one year* of the happening of the event.

## What Happens After I File?

Your claim is assigned to a member of the Board. It is then processed, investigated and evaluated. An award is then made or the claim is denied. It is possible for a claimant who urgently requires funds to request that an *emergency award* be made prior to final determination of whether an award is made or the claim denied.

An aggrieved claimant can appeal the decision of a Board member to the entire Board if he makes such an appeal in writing within 30 days after being notified of an award or denial of his claim.

## Is There Any Expense To Me?

No.

## Is The Loss of Personal Property Covered?

No.

This publication is designed to acquaint Minnesota citizens with the existence and scope of the law providing for innocent victims of violent crime against their persons to recover reparations.

## A BRIEF OUTLINE FOR TAKING A SEX HISTORY

The interviewer should be comfortable with her/his own sexuality, clear about her/his sexual attitudes, knowledgeable about the range of human sexual behavior, aware that there may be some new variation that she/he may not be familiar with, open to listening and learning and in agreement with the basic assumptions regarding a positive attitude towards sexuality as spelled out by the University of Minnesota Medical School's Program in Human Sexuality and those adopted in November, 1979 by the Board of Lutheran Social Service.

It is helpful to assume the position that the person interviewed has "done everything" or has explored the full range of sexual behavior rather than selecting out certain behaviors to check on and leaving out others, and thus missing some important data.

It is helpful to make statements about the behavior rather than ask questions, i.e. "Tell me about your sexual experiences with animals." Also, it is important to avoid "yes" and "no" type questions, rather, when a question is appropriate, ask an open ended question i.e. "How did you learn about sex in your family".

Finally, it is important to first establish a comfortable relationship with the client and then proceed moving from behavior to behavior, from less threatening to the usually more threatening, from the general to the specific, and from present behavior to earliest childhood back to the present.

After some measure of relationship and trust has been established, the therapist may proceed by either stating that they will be exploring aspects of the clients sexual life, experience, attitudes and feelings relating the need for such discussion to the client's goals in therapy. An alternative would be to weave the history into one or two sessions as seems appropriate and helpful to the client.

During the course of taking the history, it is important to ask for details about setting, nature of the experience, the scenario, specifics regarding sensations, attitudes and emotions. Asking about the age of the participants, dates, setting and scenario can be helpful in reducing the client's tension in discussing such intimate experiences. It also assists the client in placing his/her experiences in perspective and taking an important step in viewing her/his sexuality from a wholistic health position. Establishing such a foundation can enable a client to confront painful and traumatic experiences of sexual dysfunctions in a manner that can lead to their resolution.

If a client resists or is evasive about a particular behavior, remain respectful and sensitive and either approach from a different direction or leave the door open for later discussion by acknowledging that perhaps the two of you can discuss this area again later.

The history may be as follows:

- A. Presenting problem and current sexual outlets and relationships.
- B. First awareness of sex - how sex was learned in their family.
  1. Privacy - bathroom, etc.
  2. Nudity - dress and undress of family members

A BRIEF OUTLINE FOR TAKING A SEX HISTORY

Page 2

- C. Masturbation - How did it happen
  - From/with who
  - Early experiences
  - Present behavior
  - Attitude towards
  
- D. Seeing and being seen nude by/with opposite sex - How did it happen
  - From/with who
  - Early experiences
  - Present behavior
  - Attitude towards
  
- E. Sexual experiences with opposite sex - How did it happen
  - From/with who
  - Early experiences
  - Present behavior
  - Attitude towards
  
- F. Seeing and being seen nude by/with same sex - How did it happen
  - From/with who
  - Early experiences
  - Present behavior
  - Attitude towards
  
- G. Sexual experiences with same sex - How did it happen
  - From/with who
  - Early experiences
  - Present behavior
  - Attitude towards
  
- H. Sexual experience with window peeking - How did it happen
  - From/with who
  - Early experiences
  - Present behavior
  - Attitude towards
  
- I. Sexual experience with exposing self - How did it happen
  - From/with who
  - Early experiences
  - Present behavior
  - Attitude towards
  
- J. Sexual experience with children (as adult) - How did it happen
  - From/with who
  - Early experiences
  - Present behavior
  - Attitude towards
  
- K. Sexual experience with sado/masochism and slave/master - How did it happen
  - From/with who
  - Early experiences
  - Present behavior
  - Attitude towards

A BRIEF OUTLINE FOR TAKING A SEX HISTORY

Page 3

- L. Sexual experiences with animals/birds, etc. - How did it happen  
From/with who  
Early experiences  
Present behavior  
Attitude towards
- M. Other experiences not mentioned so far - How did it happen  
From/with who  
Early experiences  
Present behavior  
Attitude towards

It is most important that the interviewer or therapist constantly remember the privilege of being privy to such intimate sharing of a person's life. It is essential that such a privilege be acknowledged with gratitude and respect as well as extreme sensitivity.

Bill Seabloom

October 27, 1982

(Relate blizzard during previous Worthington trip.)

When Jane asked me to begin with an over-view of sexual assault, I thought a little about it and realized that introductions which have been appropriate in past years are now out-dated. All of us have heard many times about the myths related to sexual assault as we have hammered away at those attitudes which have caused grief and injustices to victims and out communities. We have come a long way in ten years, but, as I thought about it, how far have we really progressed? Could we be relaxing in false assurances that negative attitudes are dispelled, programs are under-way, and the system is coordinating and functioning effectively? We need to explore a little deeper in to what is really occurring today.

As little as ten years ago, it was difficult to get a rape case charged unless the victim was a 65 year old nun with a medical report to prove she was a virgin, ten witnesses, and a video tape of the crime! Since then, we have convicted a man of raping two hitch-hikers, and convicted a man who burglarized a house and raped a woman in bed with her boyfriend. This demonstrates some progress because those participating in the Criminal Justice System and those on our juries reflect the attitudes of our community.

#### History:

As concerns about sexual assault began to mount, the Minnesota legislature took two giant steps in 1974. A law was enacted which mandated the Commissioner of Corrections to set up statewide programs for victims of sexual assault. Since this time, funds have been allocated to local programs for services to victims, community education has increased, and various professionals involved in dealing with sexual assault have begun to communicate and coordinate so that the whole process moves more efficiently and effectively.

Also in 1974, the legislatures established Victims Reparations, which allocated funds (now an individual maximum of \$25,000 and an annual budget of \$650,000) to reimburse victims for financial losses as a result of violent crimes. For those of you who may not be fully aware of this excellent opportunity, I would like to briefly explain how it works (Example: nurse rape).

#### Laws:

As a result of increased coordination and communication, new laws have been passed which helped to fill gaps in existing legislation. In 1975, rape was replaced by Criminal Sexual Conduct. The advantages in this legislation lied primarily in the evidentiary portion which includes the stipulation that the complainant's previous sexual conduct shall not be admitted except where material. This law eliminated previous language in Aggravated Rape which said that the victim must be a "woman, not his wife" and the offender was only a "man". "Penetration" now includes intrusion however slight in to genital or anal openings by "any part of the body or any object". The jury is also given the opportunity to decide four degrees of sexual <sup>penetration & contact</sup> assault. A step backwards was taken in 1980 when C.S.C. was amended to include "Voluntary Relationships" and stipulates that C.S.6. does

not occur if the actor and complainant were adults cohabitating or married (unless legal separation or dissolution of the marriage have been filed).

In May, 1981, the legislature enacted the crime of Intrafamilial Sexual Abuse, which includes 16 and 17 year old victims who had not been covered previously under C.S.C. unless by force. Similar to C.S.C., this law covers those sexual abusers who are related or reside in the same dwelling as the victim. The court may stay any sentence if it finds that the stay is in the best interest of the victim or the family and may order the abuser to participate in treatment or counseling services. In discussing competency of witnesses, this law specifically states that a child under ten years of age may testify in court if the child is able to describe in language appropriate for the child's age the facts involved.

There is still further need for improvements in the laws. Today there are still aggressive acts of a sexual nature which are not defined in the laws. For example, two six-year old children were grabbed by a neighbor man, who held his erect penis against their bodies and french-kissed them while rubbing their buttocks. The children were very frightened but managed to escape. An eleven year old paper girl was grabbed at 5:00 A.M. on the street by a man who held her with an arm-lock, caressed and french-kissed her. Both assailants were on parole for sex felonies, but there was no crime on which to gain some control of their future behavior and order appropriate treatment services.

The guilt or innocence of these offenders should be devoid of insanity pleas. "Not guilty by reason of insanity" should be replaced by "Guilty but Insane". We must hold these offenders responsible for their behavior. Treatment services should not excuse offenders but should emphasize responsibility and personal control while providing coping strengths, etc. Sanity hearings should be juries of professionals. The most vicious sex killers of our time are playing the "sanity" games. Was John Gacy temporarily insane 33 times when he sexually assaulted the boys he carefully buried under his house? The Hillside Strangler, Son of Sam, Theodore Bunde, etc. all meticulously premeditated their sexual assault/murders while functioning adequately in their daily lives. <sup>MANY</sup> 3 out of 4 offenders do not accept responsibility for their acts by minimizing or denying.

#### Attitudes:

If we pause to take a closer look, we still find today that a person's absolute right to say no to sex is not fully accepted. It is a popular trend to verbally discredit the myths, and seldom will you hear the blatant comments, "She asked for it", "She deserved it", "She enjoyed it". But we cannot assume the bias is gone. Recently a 15 year old, run-away girl voluntarily accompanied a man to his house. Shortly after arriving, the girl became apprehensive and attempted to leave, at which time she was badly beaten and raped. The police investigator on the case told me that he wasn't going to waste much time on it because, after all, she went to his house with him! Recently, a county attorney refused to charge a forcible rape outside a bar with the comment, "That's what she wanted! Why else would a married woman go to a bar?" A judge in Connecticut commented about

a rapist who could not get an erection, "Can't blame a guy for trying!" Judges in particular frequently seem uninformed. While reporting, investigations, and prosecutions have increased, there has been little increase in convictions. We can all relate accounts such as these which surprisingly still continue.

Still today we know that many rapes are not reported. The F.B.I. estimates that only one in ten rapes are reported to police. Of those, about 2/3 are cleared (offenders are identified), 1/3 are arrested, 1/6 are charged and 1/12 are convicted. If 7% of those reported sexual assaults result in convictions, this is high. Less than one in ten rapists, where reports have been made, receive any follow-up attention.

As a direct result of concern for victims, there is more interest in offenders. A multi-discipline approach to offenders should be developed in the same way as agencies have begun to work together for victims. Myths still perpetuate about offenders. We can immediately recognize rapists because "they are drooling all over themselves!" If we assume the rapist is sexually turned-on, it follows that the victim did something to precipitate the offense and the offender is excused. If the offender is sexually provoked, then an argument would be made to legalize prostitution, pornography, castration, etc., and we know these are not remedies. Have you ever heard the argument, "He doesn't have to rape! He can get anyone he wants!" Then, if the victim is pretty, "Any one would want to rape her", and if she's ugly, "Who would ever want to rape her", so therefore rape didn't happen. The stereotypes of offenders and victims are basically incorrect because they assume that rape is sexually motivated rather than sex used to express other needs. Rape does not serve sexual needs any more than an alcoholic drinks because he is thirsty.

The issue of consent is primary in prosecutions, and unfortunately we confuse compliance (from fear) with consent, and so do offenders misinterpret to fulfill their own needs.

### General Rules For Taking Statements

1. Ask the defendant his true name and whether or not he has ever used an alias or another name.
2. Ask their present residence, if any, or the last one they have had.
3. Ask date and place of birth.
4. Ask whether he is married or single and how many times married. Get the names of the children.
5. If possible, obtain the names and addresses of parents and other close relatives.
6. Ask him how far he has gone in school.
7. Obtain the name of his place of employment.
8. Ask if he belongs to any social clubs or organizations, such as American Legion, labor unions, etc.
9. Ask about military service, type of discharge and when received.

When taking a statement from a defendant or a witness, have in mind that you are not only attempting to obtain a confession or admissions but that you also are still conducting your investigation and that from that statement you may get sufficient facts and valuable leads to further conduct your investigation with less effort on your part. In other words, the best confession obtained is the one that in effect gives you sufficient facts so that you could bring the facts to the prosecutor and he could prosecute the case effectively without even using the confession. You cannot convict a defendant on his confession alone; there must be corroborating evidence. It is of great value if you can get the information from the defendant as to where he obtained the weapon, which can also be used to help prove the intention to commit the crime.

Have the defendant sign the statement as soon as possible after it is typed up. In longhand statements remember to use the defendant's own words. Longhand statements are usually taken in more or less of an emergency situation. In all statements, whether written, typewritten or recorded, be sure to identify yourself to the defendant so that he understands that he is talking to a police officer.

Keep your questions in all cases as short as possible and allow the defendant to do the talking. It is of extreme importance to get the answers from the defendant but it is of equal importance when interrogating a defendant in wording your questions so that you are not telling him what happened. Keep your questions short and ask him what he did or how he did it and when he did it. Don't you tell him.

for Maloney:

Get your statement chronologically.

#1. Background on witness or defendant.

2. When did she first see suspect. How does she know him & from where. If never seen before, get description.

3. Get circumstances which lead up to offense and explain how witness happened to get into this predicament.

4. Find out "Who, when, where, what happened, how or why."

Do not ask leading questions particularly in describing actual offense. Use witnesses own language, particularly with children, clarifying the terminology where lay-man might have some question.

If the witness shows unusual responses not evident in reading the statement, write a miscellaneous report.

## GENERAL RULES FOR TAKING STATEMENTS

Statements are divided for the purpose of this manual into what we will call a formal or typewritten statement, an informal or long-hand statement written either by the defendant or by the interrogating officer, recorded statements--which is a class by itself--and then an oral statement--by that is meant a statement given by a defendant or a witness orally to the interrogating officer but in no instance is it recorded or written or typewritten.

With reference to the formal statement or the typewritten one, that is the usual statement that is presented in court and which you officers will in most instances be testifying with reference to. In the formal or typewritten statement it invariably and should take the form of questions and answers. You will find that in some instances, but only rarely, that there are occasions when you will still take a formal statement (that is a stenographer will write what each and every individual says in longhand or on a stenotype machine and then types it) and you will find that you are better off to permit the defendant to tell his story in a narrative form. In that case be sure to ask him certain questions as to background and then permit him to tell his story in narrative form, however warning him beforehand of his constitutional rights. From his narrative you may obtain many valuable leads as to what further questions you should ask him and also as to other material witnesses or items of evidence.

A general rule that applies in each and every instance of a statement whether it is typewritten or in longhand is that according to Minnesota Statutes Annotated 611.033, you must give the defendant a copy of the statement and you, in turn, must obtain from him a receipt for that copy.

Following the general discussion on statements you will find a brief outline and guide as to what you should put in those statements.

There are certain statutory questions that are asked of a defendant in court either if he pleads guilty or is later found guilty. They would be of value to you in obtaining some background on the defendant when you take the statement. Some of the statutory questions do not apply in your instance. However, things that would be of help are as follows:

1. Ask the defendant his true name and whether or not he has ever used an alias or another name. (Some defendants have used other names, but if you merely ask them if they used an alias they will say No because they feel that even though they used another name, that so long as he did not do so in committing a crime, it is not technically called an alias.)
2. Ask them their present residence, if any, or the last one they have had. Also ask them where they lived before that one. (Many times from that question alone you will be able to conduct further investigation and get valuable background on the man.)

3. Ask date and place of birth. (This gives a lead as to prior record.)
4. Ask whether he is married or single and how many times married. Get the names of the children.
5. If possible, obtain the names and addresses of parents and other close relatives.
6. Ask him how far he has gone in school.
7. Obtain the name of his place of employment.
8. Ask if he belongs to any social clubs or organizations, such as American Legion, labor unions, etc.
9. Ask about his military service, type of discharge and when he received it.

When taking a statement from a defendant or a witness, have in mind that you are not only attempting to obtain a confession or admissions but that you also are still conducting your investigation and that from that statement you may get sufficient facts and valuable leads to further conduct your investigation with less effort on your part. In other words, the best confession obtained is the one that in effect gives you sufficient facts so that you could bring the facts to the prosecutor and he could in fact prosecute the case effectively without even using the confession. In that regard, whether you have one defendant or several defendants, inquire of them as to what they had done and where they had been for some time prior to the committing of the offense. Inquire of them as to what people they saw or visited, girl friends, taverns, filling stations, etc. It is of extreme value to have the same information with reference to what they did after they committed the offense because as you will know you cannot convict a defendant on his confession alone--we must have corroborating evidence. Thus, through his confession we can obtain the necessary corroborating evidence by then checking those places that the defendant says he was at and checking the people that he says he was with. In other words, what we are doing is bracketing the offense; we put him in a certain place and with people before the offense; by his confession we put him at the scene of the crime and by what we obtain from the confession we put him some place after the crime took place. This bracketing the offense is extremely important where you have more than one defendant because again in that instance, you are aware that an accomplice cannot be convicted by the confession of another accomplice unless that confession can be corroborated and there again we can corroborate it if you get the information from the accomplice in his confession as to where they were before the offense, who they were with, so that we can put the accomplices all together before and after the crime.

Instructions with reference to taking statements in murder cases has been written and is extremely important; and you will find there is some repetition in this part of the manual but that is because

these points are important in all types of cases. In an assault with a dangerous weapon, whether it be by gun or knife or club or brass knuckles--and this, of course, applies also to homicide cases--it is of great value if you can get the information from the defendant as to where he obtained the weapon and in the case of guns, where he purchased the bullets or even where he tried to obtain a weapon because his answers in that regard will give you a lead as to where to go to prove that he did purchase a gun or borrow one and it will assist in proving the man's intention at the time the crime was committed. For example: the defendant may have talked to some man about borrowing a gun because he was going to shoot Joe Blow. That gives us the lead for that witness and it helps as stated before to prove the intention to commit the crime. In the statement have the defendant identify stolen property or weapons or pictures and in the statement see that there is some remark as to how the identification is made and what mark, if any, is put on the object so that that may be used later in court.

Now, in a formal statement it is of great value if, while you are taking that statement, the man asks for a cigarette or a drink of water or for permission to go to the toilet, to put in the statement his request as he has asked it and then a notation that you did permit him to go to the toilet or to get a drink of water; and while that is being done do not say anything to the defendant about the crime. Then when he returns, ask him a question somewhat as follows: "Now, Mr. Doe, at your request I permitted you to go to the washroom. We are now back in the same room that we were taking the statement originally. During that time I have said nothing to you in any respect except to give you permission to go to the washroom and come back. Is that correct?" and the defendant will answer "Yes". The purpose of that being that if the statement is used in court and he denies first of all that you permitted him to go to the washroom, that you have his own admission in the statement that you did give him the opportunity and also you have his own admission that there is nothing that was said off the record to him that does not show up in the statement. If you give him a cigarette, merely state into the statement something to this effect: "Mr. Doe, you asked for permission to smoke and I have handed you a cigarette. Isn't that correct?" and he, of course, will say "Yes". All of these little things indicate and will prove to the jury that you were treating the defendant with courtesy and have extreme value when they weigh whether or not that confession was voluntarily given.

Of course, as the summary is given at the end of what should be contained in the statement, you will find that each page of the statement should be signed in full by the defendant, that the last page of the statement itself should be signed right at the bottom of the last question and answer. The receipt may be attached to the statement on a separate sheet of paper or it may be at the bottom of the last page of the statement. Be sure that the defendant signs the receipt. Have the defendant sign the statement as soon as possible after it is typed up. In most cases, even if it means remaining for awhile in your office, you are better off to stay there and see that he signs it then while he is still in the frame of mind to do so because on numerous occasions the defendant will change his mind about

signing that statement if permitted to wait until the next day. Also make it a practice of instructing your police stenographer to make some typographical error on each page of the statement. Then while you are having the defendant read the statement over, point out to him that there is a mistake or he, in fact, might point it out to you. Then have the defendant merely draw a line through the part which is in error and then write in his correction in his own hand-writing and then place his initials there. The reason for that is that many defendants in court will say that they signed the statement without reading it because they were nervous and afraid or even that you did not give them an opportunity to read it. By having a correction on each page in their own hand-writing and with their own initials, it proves that they did read that statement.

#### LONGHAND STATEMENTS

Longhand statements are usually taken in more or less of an emergency situation. For example: where you need to get an admission fast or you might be sitting in a squad car where there is no police stenographer readily available. In every case possible, have the defendant write the statement in his own hand-writing because then he will use his own words and in a language which he is used to using. Be sure that he is given a copy of the statement. Be sure that he signs each and every page and following the general rules stated beforehand.

When it is necessary for a police officer to write the statement out, in every instance be sure that you use the words of the defendant when he answers questions. Juries without any doubt are suspicious of any long-hand statement that is written by a police officer and if the defendant does take the stand and testifies and they hear him speak very poor English or broken English and then your long-hand statement is presented to them in good English and with words in it that obviously the defendant could not or would not use, the jury then will believe that the statement is a complete phony because they saw and heard the defendant and he couldn't have answered the way your long-hand statements show that he did. Remember to use the defendant's words. Again, follow the same rules about having him sign each page and giving him a copy.

Whether the statement is in your handwriting--that is, long-hand, or a formal typewritten statement, when you give it to the defendant to read before he signs it, make sure that he can read and write. We have had experiences in court where defendants finally admitted that they could not read nor write anything but their own name; and when asked why they didn't tell the police officer that, they stated that they were ashamed to admit it. So if you have any doubt as to whether or not a defendant can really read or write, ask him to read parts of the statement aloud or, in some cases, have him read the whole statement aloud to you so that you can testify that he did read it.

Where you have a defendant who cannot read nor write, have that statement read to him by somebody who is preferably not directly connected with the police department. For example; maybe somebody from the Health Department or some other division that is available or a newspaper reporter who might be standing by. In some instances, where you have a defendant of one of the minority groups, it can be helpful to have his own pastor read the statement to him and explain anything in it that he does not understand.

#### RECORDED STATEMENTS

Recorded statements are of tremendous value, especially in a case where a defendant contends that he was nervous, was too drunk to talk, or was frightened, because then with the recording the jury gets an opportunity to hear the defendant's voice and how steady and how direct his answers were. They also get an opportunity to hear the interrogator's voice and from that can determine the courtesy with which he treated the defendant.

In all statements, whether written or typewritten or recorded, be sure to identify yourself to the defendant so that he understands that he is talking to a police officer, be it lieutenant, detective, or patrolman, because there are occasions where defendants have taken the stand and bluntly stated they talked to somebody but they didn't know if he was a policeman or who he was. In a recorded statement identify yourself to the defendant and state in the recording the names of other people who are present while you are taking the statement. It is well to state the date and time that you started taking the statement.

The date and time of typewritten statements and long-hand statements are always inserted in the top or caption of the statement as you have done in the past. Also in typewritten statements the name of the police stenographer is of great value and should be inserted. In a recorded statement get the same background that you would in a typewritten statement.

Never permit the defendant to say anything that is off the record while you are taking a tape recording. This is true of typewritten statements. If the defendant wants to ask you a question or asks if he can say something to you that he does not want in the record, advise him in a courteous way that because you have started the tape recording, that everything that is said and done by everyone in that room you want on the recording. If you should be interrupted by phone calls or somebody else coming into the room and it is absolutely necessary to stop the recorder, state something in the recording that you have stopped the recorder and state what you did--whether you talked to another officer or answered a phone call--and then direct a question to the defendant somewhat as follows: "Now, Mr. Doe, Lt. Jones walked in and talked with me about some other matter. Neither I nor any other officer has said anything to you, while Lt. Jones was in the office. Is that correct?" and he will answer "Yes". If the

defendant has to use the washroom or something of that nature again, state to him something to the effect that he did request permission to go to the washroom or get a drink of water and that you did permit him to do so and that during that time nothing was said or indicated to him about the particular subject matter of the statement; and, of course, he will answer "Yes". That, as in written statements, then prevents him from proving a claim on the stand that you talked with him about this offense and that the recording does not show the complete conversation. At the end of the recording it is well to give the time that you have completed taking the statement and again the date. This is important because some defendants contend that they were interrogated for hours at a time and in this way you at least have a set time set in your record.

#### ORAL ADMISSIONS OR CONFESSIONS

Once in a while you will get a defendant who is willing to tell you orally about the offense and make an oral confession, but he will refuse to sign any written statements. If possible, have another person present so that there will be at least two of you who can testify as to the oral admissions of the defendant. However, you will find particularly in sex offenses that the defendant is more inclined to talk if he is being interrogated and is in the presence of only one other officer. So as soon as the defendant has completed his oral statement to you and has left your office, be sure to make complete notes as to what he said and did and make them using his language so that when you take the stand to testify your memory can be refreshed from those notes. Now in this instance defendants again will testify that they were forced to give an oral statement or that the oral statement was given involuntarily so it is well to keep a record of any time that you have talked to him, the length of time, if you permitted him to smoke, etc.

Keep your questions in all cases as short as possible and leave the defendant do the talking. Because the more he rambles, the more possible leads you will get in conducting your investigation. In many cases you may have to take several statements from defendants because he merely admits in each statement one little thing against his interest. Several statements can be of a great help to you where you use each one to further your investigation. For example; the defendant in his first statement may say: "I was at Joe's Tavern at two o'clock and talked with Jimmy Brown. I had nothing to do with the crime." That gives you an opportunity to check Joe's Tavern and Jimmy Brown. You will probably find that he was in Joe's Tavern at some other time that day; and in talking to Jimmy Brown you may find that Jimmy Brown was in that tavern at another time on the material day. That gives you an opportunity then to bring the defendant back and advise him that you checked on his first statement and found that he was lying or was mistaken; and in the subsequent statement he may give you another lead and you will get the same results of an investigation and be able to prove that he was mistaken or lying on another small point. But each of those small points will finally become

larger in the mind of the defendant and he will realize that you have now found him in so many lies that he might just as well tell you the complete truth.

I have repeated many times that it is of extreme importance to get the answers from the defendant. It is of equal importance when interrogating a defendant in wording your questions so that you are not telling him what happened. Make him tell you. For example: do not say to a defendant something as follows: "Mr. Doe, we have several witnesses who saw you with a gun that afternoon and saw you threaten a man in the bar." Such a statement may be completely false and when we take that statement into court the jury then gets the idea that it is your statement and that it is phony because the State has not been able to produce those several witnesses that you talk about. Do not ask a man something to this effect: "And then when you broke the window with the rock which was the second window to the left, how did you climb in?" Just simply ask the witness or the defendant: "What did you do or how did you get into the place?" and then let him tell you that he broke the second window to the left with a rock. Do not attempt to theorize as to how a crime was committed when interrogating a defendant because by your theories that you are asking the defendant about, he soon learns that you do not know anything about how the crime was committed. So again, keep your questions short and ask him what he did or how he did it and when he did it. Don't you tell him.

STATEMENT FORM  
HEADING

Detective Division  
3rd Area Robbery

(Date)

Statement of \_\_\_\_\_ (Name) \_\_\_\_\_, \_\_\_\_\_ (Race), \_\_\_\_\_ (Sex), \_\_\_\_\_ (Age),  
\_\_\_\_\_ (Address) \_\_\_\_\_ (City & State) \_\_\_\_\_, \_\_\_\_\_ (Telephone Number) \_\_\_\_\_,  
regarding a \_\_\_\_\_ (Type of Crime) of/at \_\_\_\_\_ (Person-Place)  
at \_\_\_\_\_ (Address - City, County, State) at \_\_\_\_\_ (Time, Day of Week, Date  
and Year).

Statement taken in \_\_\_\_\_ (Place, Room, Building, Address, City & State)  
at \_\_\_\_\_ (Hour, Day, Date and Year) - Do not Use Military Time.

Questioned by: \_\_\_\_\_ (Rank - Name - Star #) \_\_\_\_\_ (Unit)  
Stenographer \_\_\_\_\_ (Name - Civilian Title)

Persons Present: \_\_\_\_\_ (Name, Address, Telephone Number, City & State)

BODY OF STATEMENT

NOTE: In this part of the statement, bring out all the elements of the offense and facts associating the subject to these elements. Open with a series of questions of a personal nature. Questions like the examples shown below, bring out information known only to the subject, not the interrogator, and are intended to show that "words were not put into the subject's mouth".

Detective Law: What is your name, address and telephone number?  
Subjects Name: My name is (Name of Subject) and my address is etc.  
Detective Law: How old are you and are you married or single?  
Subjects Name: Answer  
Detective Law: What is your wife's maiden name? (or how many children do you have and what are their names and ages?).  
Subjects Name: Answer - Answer (O.K. Richard Roe)  
Detective Law: What is your occupation and by whom are you employed?  
Subjects Name: Answer  
Detective Law: How long have you been employed there?  
Subjects Name: Answer  
Detective Law: What is your social security number?  
Subjects Name: Answer

Det. J. S.  
J. R.  
J. S. F.

Richard Roe

Statement of Subjects Name - Continued from Page 1.

Questioned by: Detective John Law, Star 9367, 3rd Area Robbery

Detective Law: At the time you obtained this number, where were you living?

Subjects Name:

ANSWER-- Answer (O.K. Richard Roe)  
Detective Law: How much education have you had and from what school did you graduate?

Subjects Name: Answer

Detective Law: Do you understand, read and write the English Language?

Subjects Name: Answer

Detective Law: Do you know where you are now and do you know why you are here?

NOTE: Questions like these are included so as to prevent the subject from complaining at the trial that he did not know where he was or what was going on, or that he did not know why he was arrested.

Subjects Name: Answer

Detective Law: Do you know who I am?

Subjects Name: Answer

Detective Law: I am now going to identify each person present to you.

NOTE: At this point, you introduce and indicate each person present to the subject so that he will know the identity and official capacity or position of everyone present.

Detective Law: Now (Name of Subject), will you tell us in your own words exactly what happened in the gas station at 720 West O'Brien Street, at 8:15 P.M., on the night of May 15, 1962.

NOTE: By using this approach, the interrogator avoids the use of a question with the word Robbery, Rape, Arson, Murder, etc. The next line of questioning should take the line of association with the incident and follow the elements of the crime. After all known facts have been incorporated into the body of the statement by the subject, follow up with questions intended to clarify vague points, establish identification, etc.

D.A.J.S.  
J.R.  
S.F.

Richard Roe

Statement of Subjects Name - Continued from Page 2.

Questioned by: Detective John Law, Star 9367, 3rd Area Robbery

Detective Law: Do you make this statement without any fear, threats, inducements or promises of rewards of any kind?

Subjects Name: ~~Answer~~ Answer (O.K. Richard Roe)

NOTE: If the subject has injuries, bruises, lacerations, etc., ask him how he received those injuries so that he is discouraged from stating at the trial that the police inflicted them on him to compel a confession when in reality they were caused by other means.

ENDING OF STATEMENT

Detective Law: If at any time in the future, you were asked the same questions, would your answers then be the same as you have dictated here?

Subjects Name: Answer

Detective Law: Why?

Subjects Name: Answer

Detective Law: If after reading this statement, consisting of so many pages and finding it typed as you have stated, will you sign it?

Subjects Name: Answer

*Richard Roe*

\_\_\_\_\_  
(Signature of Subject)

Witnesses:

*Det. John Law*  
\_\_\_\_\_  
(Signature)

*Janet King*  
\_\_\_\_\_  
(Signature)

*Gordon Fitzsimmons*

REMEMBER: Make intentional errors.  
Have witnesses initial each page.  
Have confessor sign each page.

Suggested form for statement to be taken from the victim of an abortion or attempt abortion.

Area

Date

Statement of

Residing at

Taken at

Located at

on

Time

Persons present during taking of statement.

Stenographer

Questioned by. (officers name)

Q. What is your name, address and telephone number?

Q. What is your age?

Are you married or single? (if married number of children)

Q. What is your husbands name?

Q. What is his occupation?

Q. On or about (date of alleged abortion) where you pregnant?

Q. When was your last menstrual period? ( prior to date of alleged abortion)

Q. Were you examined by a physician with reference to pregnancy?

Q. What is the physicians name and address, date of examination. Determine if any tests were made for pregnancy.

Q. Do you know the doctor? (the Doctor attempting or actually performing the abortion)

Q. When did you talk to Doctor?

Q. Who referred you to Doctor ?

Q. Did anyone else talk to Dr about your case?

Q. What date did you first visit Dr at (address)

Q. Will you state in your own words what took place at that time?

For example: Amount of money paid?

Conversation with the doctor

Who else was present?

Examination made by doctor, prior to actual abortion.

What anesthetics were given if any?

The methods used by the doctor to bring about the abortion. If by packing, scraping, rubber tube, use of medicated jelly or drugs.

When and where abortion took place?

Presence of any nurses or assistant to doctor during the performance of the abortion.

Length of time stayed in Doctors Office.

Q. Did you see Doctor at any other time?

Q. Will you explain what happened after the visit or visits to Doctor office ( becoming ill, calling other physicians, when taken to hospital, and whose orders?

Q. If these same questions were asked at some future time, would your answers be the same?

# Emergency Squads

## V. Laws - recent changes

1. Egg Assault - #12 w/o intent
2. Striking own child (how to handle)
3. Sodomy & Consentual acts (controversy of laws pertaining to mutually consenting adults)
4. Indecent liberties - age, etc.
5. ~~Adultery~~ Adultery, fornication
6. Incest

## I. Approaching victims & witnesses (don't mock)

Unfounding methods

## II. Evidence (ex. cutting through damaged clothing)

Keep clothes separate (cross-contamination)  
Specify on tags whose property & describe

## III. Photos (be sure to get them!)

1. faces in ~~per~~ Emergency Sqds. think pit!
2. all injuries - close-ups of wounds as well as over-alls at Marques
3. etc. of take photos
4. Never disturb scene (know what looking for)

## IV. Sperm - Basic rule - determine where it's gone

1. detectable on all surfaces & under good conditions indefinitely
2. non-motile & motile sperm
3. blood group could eliminate sperm of suspect (ranglings)
4. seminal fluid (ex. vasectomy) detectable longer than sperm?
5. Penetration need not be complete
6. Semen absorbs <sup>ex. used on sheets</sup> ultra-violet light

Retain everything with sperm, etc. (which support commission of a crime, etc...)

## V. Reports - complete

## VII. Search warrants

Action on the spot (follow-up may be extra work but can be profitable)

## VIII. Medical exam

custody - handled by

## Victims' Responses

1. Denial (Flint's T.V.)<sup>ex.</sup> "I can't believe this is happening!"  
- Rape victim's composure - joking
2. Responsible vs. Culpible  
"You have no one to blame but yourself"  
Say, "you are blaming yourself, but I don't blame you. I'm mad at him."  
Blames officers - "Where were you?"
3. Loss of Control. Let them know what you are going to do.  
Anxiety vs. fear "Chief wants to see you"  
vs. "What did you do Sat nite?"

No single individual may fit neatly in to any one category but may possess characteristics of several.

Minnesota Bureau of Criminal Apprehension  
Police Training Section

TYPES OF SEX CRIMES

MOST COMMONLY ENCOUNTERED

BY POLICE, AND THEIR DEFINITIONS

By: Herb Eckenroth

1. Exhibitionist: An individual who publicly exhibits either the private parts of his body or else the entire nude body. Nearly all such offenses are committed by men who exhibit their genital organs to women, girls or young children of both sexes.  
*(see sheets)*  
*RX. BUS STOP.*
2. Voyeurism - Scopophilia: This type individual is better known to police as a "Peeping Tom." The word "voyeur" comes from a French word "one who sees." Looking becomes a public offense when the person being observed does not want to be observed. Unfortunately, the "Peeping Tom" is often considered to be harmless, a nuisance, and will only look.  
*(see sheets)*
3. Frottage (pronounced Fro-tahzh): Individuals addicted to this practice are known as frotteurs, "huggers," or "feelers." Frottage is a French word meaning "dry rub" and aptly describes the activities of these perverts. They secure sexual satisfaction by rubbing against clothed buttocks, breasts, or legs of a woman or sometimes a man. They frequently crowd such places as subways, fairs, zoos, etc.
4. Kleptomania: Although Kleptomania is the uncontrollable desire to steal, it may also be a form of sexual gratification. The theft is always accompanied by a number of emotions - anticipation, tension, fear and finally satisfaction. These emotions can bring about a particular masochistic sex thrill.  
*any excitement can be used for sexual overtones if the individual desired*
5. Triolism: This is a form of exhibitionism - voyeurism wherein a deviate desires to perform sexual acts with several partners or in the presence of others. On the voyeur side of the picture, he secures satisfaction from watching other people engage in various sex acts.
6. Bestiality - Zooerasty: This is a sex act between a human and an animal.

7. Zoophilia: A condition involving unnatural fondness of certain types of animals and sex satisfaction achieved by stroking, petting, fondling, or associating with an animal. Odor contributes to the overall enjoyment. Cases of zoophilia often come to the attention of police when an individual insists on keeping an unusual number of animals, thus creating a nuisance and violating public health laws.

8. Koprolagnia: In this perversion subjects secure sexual excitement by eating, smelling, throwing, or handling human excrement (feces) or other filth. This perversion is a sign of mental instability and persons addicted to it can logically be expected to commit more serious crimes.

9. Urolagnia: This perversion is similar to koprolagnia except in this deviation, the person is sexually aroused by the sight, odor, or contact of urine.

10. Transvestism-  
\* Transvestitism-  
Eonism:

This involves a persistent compulsion to dress in the clothing of the opposite sex and the obtaining of sex satisfaction through doing so. It is a fallacy to assume that a man found in women's clothes is a homosexual.

*Difficult to enforce unless related to other violations or perversions*

11. Pygmalionism:

This perversion involves the sexual desire for a statue or statues and consists of variety of situations involving symbolism and fetishism *- explain* (a particular article of clothing, part of the body, or an object which has the ability to arouse the sexual desire of an individual). *EX. MCGINNITY*

*Discuss masturbation & fantasy (occasional)*

12. Gerontophilia:

This is a condition where older persons of the opposite sex are often chose as sexual objects or partners.

13. Pyromania:

This is also known as the Fire-Water Complex. Individuals addicted to it are known as "fire-bugs," and are associated with arson and the malicious setting of fires. Sex pyromaniacs are individuals who secure sexual satisfaction through some connection with fire.

*not necessarily sexual - arson for insurance, attention - etc.*

\* 14. Flagellation:

This is a psycho-sexual perversion characterized by an intense passion to beat, whip (sadist), or to be tortured in this manner (masochist). It is one of the oldest perversions. Bawdy houses have always maintained straps, whips, and switches for individuals who came to the houses for this particular purpose.

*explain masochism & sadism. EX. See notes. (deceased victim dressed like female near a mirror, rope tied around neck, no evidence of suicide) note = masochistic hanging. Exposed, sperm, porno.*

*EX. Selby - Dale streets Pimps*

15. Necrophilia: This perversion involves an intense desire to have sexual intercourse with the dead. This is repugnant according to all civilized standards but is more prevalent than people realize. Often this deviate, in order to satisfy his desire, must kill someone.

\* 16. Piquerism - Lust Mutilation: Individuals in this category possess sexual inclinations to stab, pierce, or cut and obtain sexual gratification from the shedding of blood, tearing the flesh, and/or pain and suffering of the victim.

*EX. HIDDEN FALLS - QUIE, WIESINGER.*

17. Pedophilia: This is a particularly dangerous perversion as a child is the fixation for the sexual act. It involves the molestation of children in varying degrees, ranging from a pat on the head to murder and mutilation of the body.  
*(see sheets)*

18. Rape: It is sexual intercourse with a woman against her will and despite her resistance. It is necessary that there be force, lack of consent, and penetration in order to establish elements of this crime.  
*(hold)*

19. Anthropophagy: A person addicted to this perversion is divided into two classes:

1. Cannibal - One who eats human flesh in order to achieve sexual satisfaction.
2. Vampire - One who drinks human blood in order to secure sexual satisfaction.

*EX. ED GUIEN, WISC.*

20. Sodomy (Crime Against Nature) (Statute): Sodomy originally meant anal relations between males as in the ancient City of Sodom. Today, it generally includes various other perversions between persons.

*Oral + anal  
Homosexual*

*"Carnally knowing" by anus or mouth controversial*

21. Incest: Incest involves sexual relations with a near relative, such as father with daughter, mother with son, sister with brother. It also includes aunts, uncles, etc.

*(see sheet)*

*Closer than 1st cousin.  
Discuss law.*

22. Lewd phone callers  
*W. 7th demonstrators*

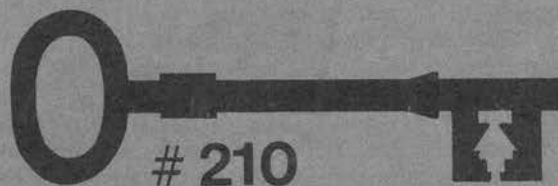
*(see sheet)*

# Interviewing the Rape Victim



The interview of a rape victim requires exceptionally intimate communication between the police officer and a victim who has been physically and psychologically assaulted. As such, the investigative nature of the interview represents only one dimension of the officer's responsibility. By conducting the interview tactfully and compassionately—and with an understanding of the victim's psychological condition—the officer can avoid intensifying the victim's emotional suffering. At the same time, the cooperation of the victim is gained and the investigative process is thereby made easier.

## Training Key



Law enforcement authorities agree that, for a number of reasons, rape is the most underreported crime in the United States. Because of the highly personal nature of rape, many victims are too embarrassed to report the crime. They would rather forget the incident than discuss it. In some instances, the rapist may be a relative or family friend, and therefore the victim is reluctant to file a complaint. Some victims do not contact the police because they fear that the investigative, medical, and prosecutorial procedures followed in a rape case are as psychologically traumatic as the crime itself.

The legal process that the rape victim encounters is unfamiliar to her and, under the circumstances, emotionally threatening. The police interview, in which the victim necessarily relives the crime by giving a detailed account of the rape and answers intimate questions, is followed by the courtroom trial where she can be subjected to an intimidating cross-examination by the defense lawyer. The legal process may take years to complete, constantly reminding the victim of the experience and making her relive it each time.

As the initial step in the legal process, therefore, the police interview should be more than an investigative inquiry. It should also be used to acquaint the victim with the complicated legal and medical system that she will encounter.

Important to the successful interview is the officer's understanding of the emotional condition of a rape victim. When interviewing a victim, the officer should not regard rape as solely a physical sexual assault. He should consider the psychological effects rape has on its victims. Often the lasting scar of rape is an emotional one, leading to marital problems, mental illness—even suicide.

## Legal Elements of Rape

According to common law, there are three elements to the crime of rape when the female is over the age of

consent: carnal knowledge (penetration), force, and lack of consent.

Penetration, as an essential element of rape, means that the sexual organ of the male entered and penetrated the sexual organ of the female. Court opinions have held that penetration, however slight, is sufficient to sustain a charge of rape. There need not be an entering of the vagina or rupturing of the hymen; the entering of the vulva or labia is all that is required. During the interview, the officer must clearly establish that penetration occurred with the penis. Penetration of a finger is not rape, although it is, of course, another form of assault.

The victim must have resisted the assault, and her resistance must have been overcome by force. The amount of resistance that the victim is expected to have displayed depends on the specific circumstances of the case. The power and strength of the aggressor and the physical and mental ability of the victim to resist vary in each case. The amount of resistance expected in one case will not necessarily be expected in another situation. It can be expected that one woman would be paralyzed by fear and rendered voiceless and helpless by circumstances that would inspire another to fierce resistance. There must be real, not token or feigned, resistance on the part of the woman before there can be a foundation for a rape charge.

Although there is no universal accord as to what degree of resistance is necessary to establish the absence of consent, the generally accepted doctrine is that a female, who was conscious and possessed of her natural mental and physical powers when the attack occurred, must have resisted to the extent of her ability at the time. Resistance is necessarily relative and the presence or absence of it depends on the specific facts and circumstances. Some women will have been so terrified that there will be no physical signs of resistance.

The kind of fear that would render resistance by a woman unnecessary to support a case of rape includes a fear of death or serious bodily harm, a fear so extreme as to preclude resistance, or a fear that would render her incapable of continuing to resist. On the other hand,

consent, however reluctantly given, at any time prior to penetration deprives the subsequent intercourse of its criminal character of rape. There is, however, a wide difference between consent and submission to the act: Consent may involve submission, but submission does not necessarily imply consent.

In the absence of a statute requiring corroboration, common law generally holds that the unsupported testimony of the victim, if not contradictory or incredible, is sufficient to sustain a conviction of rape. Some states, in order to provide safeguards against unfounded accusations of rape, have laws that require corroborative evidence. Corroboration is supportive evidence that tends to prove that a crime was committed. It lends credence to the allegation that the crime occurred and needs not to be proved beyond doubt.

It is incumbent upon the police officer to obtain all possible corroborating evidence even if there is no statute requiring it. Corroboration of a rape offense can take physical forms such as semen stains on clothing, bruises, cuts, and medical evidence of sexual intercourse. It can be circumstantial, such as statements and observations of witnesses.

Although in some jurisdictions rape can be proved by the sole testimony of the victim, it is not common. Medical and scientific evidence is of prime importance and will frequently directly influence the successful prosecution of a case.

## Psychological Reactions of Victims

That rape is intrinsically a crime of physical violence is explicit in its legal definition—"the having of unlawful carnal knowledge by a man of a woman, forcibly and against her will."<sup>1</sup> That it is more than that, however, is apparent from the reactions of rape victims, who in many cases sustain more psychological damage than they do physical injury.

**SELF-CONCEPT:** Except for homicide, rape is the most serious violation of a person's body because it deprives the victim of both physical and emotional privacy and autonomy. When rape occurs, the victim's ego or sense of self as well as her body is penetrated and used without consent. She has lost the most basic human need and right: control of physical and emotional self.

Perhaps most damaging to her self-concept is the intrusion of her inner space. Psychologically, it does not matter which orifice has been violated. Symbolically, breachment of any one represents to the victim a forced entry into her ego.<sup>2</sup>

Police officers should be aware that the rape victim has been forced to experience an event that, from her viewpoint, is emotionally asexual. The victim's psychological response to rape primarily reflects her reaction to violation of self. As such, it is extremely important that police officers view rape as an emotional as well as a physical assault.<sup>3</sup> This is true regardless of the moral reputation of the victim. Even prostitutes, who regularly sell their bodies, will experience the psychological violation of self when raped.

**RESPONSE TO INTERVIEW:** The way in which rape victims respond to the interview situation is varied, depending on their physical condition and individual psychological makeup. The verbal styles of the victims can range from quiet and guarded to talkative. Some victims find it extremely difficult to talk about the rape, perhaps because of the personal nature of the subject or because they are uncommunicative while under pressure. Others find relief in discussing the details of the rape. Often a victim will exhibit both patterns during the course of an interview.

The two verbal patterns frequently displayed by rape victims during an interview are indicative of general emotional states that are commonly associated with the psychological effects of rape. The victim may respond to the crime in an expressed manner; that is, she verbally and physically exhibits fear, anger, and anxiety. Or, the victim may respond in a controlled behavior pattern. In this pattern the victim hides her feelings and outwardly appears to be calm, composed, or subdued.

A number of rape victims will show their feelings through physical manifestations of expressed reaction. Crying, shaking, restlessness, tenseness—all are means of expression that accompany discussion of the crime, especially the more painful details. Some women may react by smiling or laughing. They do so to avoid their true feelings. Comments such as "really, nothing is wrong with me" combined with laughter serve as a substitute for the distressing memory of the attack.

Rape victims who are composed and able to calmly discuss the rape are usually controlling their true feelings. Presenting a strong controlled appearance during a personal crisis may be the way they cope with stress. In some cases, however, the victim's state of calmness may result from physical exhaustion rather than a conscious effort to remain composed. Because many rapes occur at night, victims are frequently exhausted, not having slept since the previous night.

A silent reaction on the part of the victim may also be encountered. The officer needs to realize that silence does not mean that the victim is hiding facts. It does mean that she is having a difficult time in starting to talk about the incident.

Another emotional reaction of rape victims is to express shock that the incident occurred. Statements such as "I can't believe it happened," "It doesn't seem real," or "I just want to forget it" are common psychological responses to the trauma of rape.

Although there is no doubt that general emotional reactions to rape vary among individuals, there does seem to be one common psychological denominator: fear. Experienced police officers have often observed that the victim has feared for her life during the rape, that she viewed the rapist as a potential murderer. In most cases, the emotional reaction to this fear does not dissipate by the time of the interview.

Regardless of the victim's emotional reaction and its observable manifestations to the crime, the interview itself creates additional anxiety. In many cases, the victim is totally ignorant of police procedures; perhaps she has never before talked with a police officer. The only certain thing is that she will have to discuss with a "stranger" the details of what is probably the most traumatic experience of her life. This produces a conflict within the victim: She knows that to make possible an investigation, the details of the rape must be discussed, but she feels apprehensive about describing the experience.

The character of the emotional stress that the victim experiences when she describes the rape is perhaps frequently misunderstood. To recount the details of the rape, the victim must mentally relive the incident. In

most cases, the victim's psychological defenses will interfere with her ability and desire to remember what occurred. The victim may not be able to recall certain parts of the attack, or she may consciously change certain facts or omit them. The officer must exercise great patience and understanding in eliciting from the victim the necessary details of an experience she does not want to relive. Officers need to realize that this "reliving" of the experience, if not properly handled, can amount to a psychological rape of the victim.

Another important factor is that the interview should be thoroughly conducted. The officer should gather complete information during the in-depth interview; thus he avoids the need to repeatedly question the victim at later dates. This constant re-interviewing in effect requires the victim to relive the experience again and again. To avoid repeated interviews, the officer must overcome some victims' reluctance and difficulty to talk by conducting a structured interview.

## The Interview

The investigative goal of the police officer in interviewing a rape victim is to determine if and how the crime occurred. It is from the statements made by the victim to the officer that the essential elements of the offense and the direction of the investigation are established.

Because the interview process may be considered as a routine operation, the police officer may, if not careful, project the feeling of not being concerned with victim as a person. The danger is that the victim may be left with the impression that she is being treated as an object of physical evidence rather than as a person. The officer cannot allow this to happen. It is during the personal and sensitive communication of the interview that the victim's cooperation is gained and her emotional well-being is maintained. If the officer treats the victim impersonally, he will not gain her confidence and the interview will be unsuccessful. The officer may also cause the victim further emotional stress.

**OFFICER'S ATTITUDE:** When interviewing a rape victim, the officer must realize that, from the victim's viewpoint, what has occurred has not only been a violent sexual intercourse but also a perverted invasion of her self. Further, the officer must be constantly aware of his own sexual attitudes and the subtle and not so subtle ways in which they emerge. Special care should be exercised so that the rape victim is not placed in the position of perceiving herself as being guilty because of the personal nature of the crime and the social stigma attached to it. A professional bearing throughout the interview will help the officer obtain an accurate report of the crime without causing the victim to experience unnecessary anxiety.

**PHYSICAL COMFORT:** It is unreasonable to expect a rape victim to respond to detailed questioning while she is uncomfortable or in physical pain. The victim may have been beaten as well as raped. Frequently, the rape has occurred outdoors, and the victim and her clothing have been soiled. Sometimes the victim has been urinated on or has been forced to commit oral sex. Under conditions such as these, the preliminary interview should be brief, and the in-depth follow-up interview should be conducted after the victim has been medically examined and treated, and her personal needs such as washing and changing clothes have been met.

**SETTING:** The interview should take place in a comfortable setting where there is privacy and freedom from distraction. Places such as a crowded office where the interview is subject to interruption are inappropriate. A rape victim finds it difficult to discuss the intimate details of the crime with the interviewer; her reluctance to talk will greatly increase if there are other people present. She should be isolated from everyone. This includes friends, children, husband, boyfriends, and other victims.

It is often desirable that a policewoman conduct the interview. In some incidents, particularly with a juvenile, a rape victim can more easily discuss the crime with a woman than with a man. In most jurisdictions, however, use of a female officer is not possible. However, the police should consider the utilization of the presence of a trained female, such as a nurse or social worker, to help to ease the victim's embarrassment and anxiety.

**OPENING REMARKS:** To most rape victims, the interviewing officer is not just a police officer. The officer is also an official representative of society, probably the first representative met during a legal process that traditionally has placed a moral burden on rape victims. As such, the officer may symbolize to the victim the entire society. His behavior may represent to the victim the general attitude of the community toward her plight. If the officer is callous, accusatory in manner or speech, the victim may leave the interview fully expecting society—and perhaps even her family—to react in the same way. In addition, the victim may begin to, or further, question her own motives and therefore feel unnecessary guilt.

At this critical point, when the officer should presume that his attitudes are being expressed to the victim, he must gain her confidence by letting her know that a major part of his function is to help and protect her. He should make plain his sympathy for and interest in the victim. By doing this, the officer contributes to the immediate and long-term emotional health of the victim. He also lays the foundation of mutual cooperation and respect on which is built the effective interview.

**"VENTILATION" PERIOD:** Following the opening remarks, the officer should allow the victim to discuss whatever she wants. This "ventilation" period gives the victim an opportunity to relieve emotional tension. During this time, the officer should listen carefully to the victim, but he should be aware that any initial description of the incident may be colored by the trauma of the experience. Everyone's perception of reality is altered by extreme stress.

**INVESTIGATIVE QUESTIONING:** After the necessary ventilation period, the victim should be allowed to describe what occurred in her own words and without interruption. As the victim tells the story of the rape, she will also tell a great deal about herself. Her mood and general reaction, her choice of words, and her comments on unrelated matters can be useful in evaluating the facts of the case. It is important in such an interview that the police officer be humane, sympathetic, and patient. He should be alert to inconsistencies in the victim's statement. If the victim's story differs from the originally reported facts, the officer should point out the discrepancies and ask her to explain them in greater detail. The officer should phrase his questions in simple language, making sure that he is understood. It is best if the questions are presented in a manner that encourages conversation rather than implies interrogation.

Often the rape victim will omit embarrassing details from her description of the crime. Officers should expect

a certain amount of reluctance on the part of the victim to describe unpleasant facts. The officer should explain that certain information must be discussed to satisfy the legal aspects of rape and pursue the investigation. He may add that the same questions will be asked in court if the case results in a trial.

In a majority of cases the attack is premeditated, and about half the time the rapist has known or has seen the victim before the assault. Because of this, certain types of questions should be asked.

The victim should be asked if, and how long, she has been acquainted with the offender. The circumstances of their meeting and the extent of their previous relationship, including any prior sexual relations, should be discussed. Although previous sexual acts with the accused will not absolve the offender at this particular time, knowledge of them helps to establish the validity of the complaint. Along these same lines, the officer should determine if the victim has ever made a charge of this nature in the past; review of previous records, if any, will provide insight to the present complaint.

Where it is determined that the victim had known the rapist prior to the incident, he should be identified and interviewed. If the offender is unknown, the officer must get a detailed description of him including clothing, speech, and mannerisms. The officer should determine whether the offender had accomplices or revealed any personal facts such as area of residence or places he frequented. Questions such as "Was anyone else present when first meeting or being attacked by the rapist?" should be asked. Did the offender use a weapon? What

type? What kind of vehicle did he drive? After obtaining all the possible information about the unknown rapist, the officer will begin his search to identify him.

**INTERVIEW'S END:** As a result of having been raped, some victims suffer long-range emotional problems. At his discretion, the police officer may suggest that the victim seek assistance from an appropriate counseling agency, family physician, psychologist, or clergyman. In addition, the officer may explain to the victim's family the emotional suffering rape victims typically encounter.

## Summary

From the information given by the rape victim during the interview is developed the investigative direction of the case. Without these facts, as personal and unpleasant as they always are to recount, police investigation of the crime cannot proceed.

The manner in which the interview is conducted is vital to the emotional health of the victim. The police officer should be aware that the rape victim has been assaulted psychologically as well as physically. In conducting all phases of the interview, he should keep the well-being of the victim uppermost in his mind by acting tactfully and compassionately.

## Discussion Guide

1. In many rape cases, there is a brief preliminary interview with the victim that takes place at the scene of the crime or at the hospital. Discuss the purpose of this interview.

- A. General Considerations
- ... Determine the nature of the crime.
  - ... Identify suspect if possible.
  - ... Broadcast a wanted message if possible.

- B. Specific Considerations
- ... Administer first aid if required.
  - ... Comfort the victim.
  - ... Remain alert to signs of emotional stress.
  - ... Use tact and compassion in asking basic questions about the rape.
  - ... Determine if there is any physical evidence, such as hair, blood, or clothes of assailant, that should be collected.
  - ... If interview occurs in home, ask victim to change clothing so you can preserve clothing worn at time of attack.
  - ... If interview takes place at crime scene other than home, make arrangements for fresh clothing to be sent to hospital.
  - ... Instruct the victim not to wash or douche before medical examination.

2. Rape is a psychological as well as physical act of violence. Review the general emotional reactions of victims that frequently are observable during the interview situation.

- A. Verbal Styles
- ... Verbal patterns can range from quiet to talkative.
  - ... Some victims find it difficult to discuss incident.
  - ... Others are relieved to be able to talk about it.
  - ... Often the same victim will be intermittently talkative and quiet.
- B. Emotional States
- ... "Expressed" behavior—verbal and physical reactions, including fear, anger, and anxiety, are demonstrated.
  - ... "Controlled" behavior—victim hides her stress and appears to be calm and composed.
  - ... "Substitution"—victim laughs or smiles to avoid her true feelings.
  - ... Victim is calm because of physical exhaustion.
  - ... Victim expresses shock.
  - ... Fear as common psychological denominator in rape cases.

<sup>1</sup>Anderson, William S., Ed., *Ballentine's Law Dictionary*. The Lawyers Co-operative Publishing Co., Rochester, N.Y., p. 1054.

<sup>2</sup>Morton Bard and Katherine Ellison, "Crisis Intervention and Investigation of Forcible Rape", Police Chief (IACP, Gaithersburg, Md.) May 1974, p. 71.

<sup>3</sup>Ibid., p. 71.

3. Satisfying the legal requirements needed to sustain a charge of rape is a vital part of the investigative process. Discuss the following aspects:

- ... Penetration—must be with the penis
- ... Force—amount of resistance required varies depending on specific circumstances.
- ... Lack of consent—submission does not imply consent.
- ... Corroborative evidence is required in some states to sustain charge of rape.
- ... Regardless of state statute regarding corroboration, officer should seek corroborative evidence to strengthen case.

4. The follow-up interview of a rape victim is a delicate matter. Certain conditions should be met to make the situation conducive to discussion, to protect the victim from further emotional injury, and to conduct a productive interview.

- A. Physical Comfort
- ... Victim has been attended to medically.
  - ... Personal needs, such as washing and new clothes, have been met.
- B. Setting
- ... Interview takes place where there is privacy and no interruption.
  - ... Avoid physical barriers between you and victim if they interfere with interview.
  - ... If possible, female officer conducts interview, or female nurse or social worker is present.
- C. Preparation
- ... Thoroughly review all available information about the incident.
  - ... Know what has been reported: names, places, descriptions.
  - ... Check the police records for victim's involvement in criminal activities or previous complaints filed.
  - ... When possible gather personal information about the victim.
  - ... Be familiar with the crime scene and evidence gathered.
  - ... Know the necessary elements of the offense and what facts need to be established.
- D. Opening Remarks
- ... Officer symbolizes to victim her community's attitude towards her plight.
  - ... Officer should not be accusatory.
  - ... Officer gains confidence of victim by being sympathetic and putting her at ease.
- E. Ventilation
- ... Victim relieves tension verbally.
  - ... Officer should note remarks of victim in the emotional context.
- F. Victim's Statement
- ... Allow victim to tell her story without interruption.
  - ... Expect reluctance to immediately relate intimate details.
- G. Investigative Questioning
- ... After she has stated the incident in her own words, the officer will need to ask questions to draw out the details.
  - ... Explain that knowledge of personal details is necessary to pursue the investigation.
  - ... The officer should put his questions in simple language, being sure he is understood.

- ... Tactfully point out discrepancies in victim's response, if any.
- ... Be alert to what is said and what is not said.
- ... Encourage conversation by open-end questions and the use of the long pause and by repetition of statements.
- ... Summarize what has been covered and ask the victim if anything needs to be added or emphasized.

H. Ending the Interview

- ... The officer should realize that some rape victims experience long-range emotional problems.
- ... If thought necessary, he should suggest to the victim to seek assistance from an appropriate agency, family physician, psychologist or clergyman.
- ... If possible, explain to the victim's family that she may encounter emotional difficulties and advise them to observe signs of trauma such as depression or withdrawal.

5. Throughout the nation special rape investigation units are being staffed with female officers. Many victims find it easier to talk to female investigators than to male officers. It would be desirable for every department to have female officers specially trained to handle rape victims; however, for the present time this is not possible in many agencies. Therefore, each officer, male or female, should be prepared to humanely handle a rape case, including the in-depth interview.

6. Women's anti-rape groups and police agencies are playing an increasingly active role in rape incidents. Discuss these developments and the police response to them.

A. Anti-Rape Groups

- ... These groups provide information to the victims about hospitals, treatment, legal matters.
- ... They may operate rape crisis centers and send a representative with the victim for support when she goes to the police or hospital.

B. Recommended Police Response

- ... Establish lines of communication to unify the range of services and procedures.
- ... Coordinate the many public and private groups as well as individuals involved.
- ... Document the extent of the rape problem in your jurisdiction.

7. To help combat and prevent rape, police departments can develop programs that inform the general public of the problems involved. Distribution of brochures outlining the preventive steps women should take to avoid being victimized and what to do if they are assaulted can reach a large cross section of the community. Representatives of the department can present lectures on the subject to social and professional groups and use radio or television to disseminate the information. In jurisdictions having a reputable anti-rape group, representatives of these groups should participate in the police public education program and even help train police officers in handling rape victims. Jurisdictions not having such a group probably could obtain assistance from a group in a neighboring city.

# questions

The following questions are based on material in this Training Key. Select the best answers.

1. Which one of the following statements best describes the proper setting of an interview with a rape victim?

- (a) A friend or relative should be present to calm the victim.
- (b) The victim should be interviewed as soon as possible regardless of the location.
- (c) The setting should be comfortable and afford privacy.
- (d) Several officers should be present to witness the victim's statements.

2. In the context of interviewing a rape victim, what is meant by "ventilation?"

- (a) Officer's attempt to get the victim to talk about the rape.
- (b) Victim's substitution of true emotional reaction with laughter.
- (c) Anxiety caused by discussing personal details of rape.
- (d) Verbal release of tension.

3. If the victim knew the rapist before the attack, what can the officer assume?

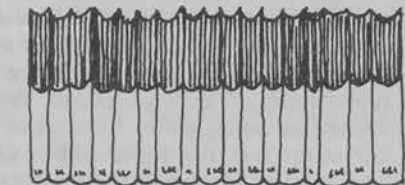
- (a) Nothing.
- (b) There was probably an element of consent during the incident.
- (c) The victim is protecting her reputation.
- (d) A rapist would not attack a woman who can identify him.

# answers

1. (c) The interview should take place in a comfortable setting where there is privacy and where the victim feels free to discuss the personal details of the assault.

2. (d) Before the actual questioning by the officer, he should give the victim an opportunity to release tension by talking.

3. (a) Although the fact that the victim knows the rapist influences the direction of the investigation, at this point the officer can make no assumption based on such knowledge.



Have you read . . .

*The Police Chief.* "Police-Victim Relationships in Sex Crime Investigations." January 1970. International Association of Chiefs of Police, Eleven Firstfield Road, Gaithersburg, Maryland 20760.

*The contention of this article is that the police by handling the victims of sex crimes with tact and courtesy can perform not only a real humanitarian service but actually do a better job of investigation.*

*The Police Chief.* "Crisis Intervention and Investigation of Forcible Rape." May 1974. International Association of Chiefs of Police, Eleven Firstfield Road, Gaithersburg, Maryland 20760.

*This article is a presentation of forcible rape in the context of crisis theory. Police officers employing crisis intervention techniques can aid the rape victim in preserving her psychological integrity.*



1961-1962

FALL WORKSHOP: CHILDREN & THE LAW

Children are seen by the police department in two capacities, that of the offender and that of the victim - or witness. If a child under eighteen years of age commits an ~~offense~~ <sup>crime</sup>, he is always handled by the Juvenile Division, but if a child is a victim of a crime by an adult, regardless of the child's age, the child is seen by the adult division which investigates the specific crime against him. It is the age of the offender that determines who will handle the ~~crime~~ <sup>offense</sup> not whether the victim is a juvenile. <sup>misunderstood</sup>

Before I go in to the child as a victim, I might briefly elaborate on Captain Roberts' very thorough summary - with regards specifically to juvenile girls. Even though juvenile girls commit all types of ~~crimes~~ <sup>offenses</sup>, the major delinquent ~~acts~~ <sup>acts</sup> by girls in St. Paul seem to be runaway, theft or shoplifting, sex, and drinking.

In many cases runaways are the result of home conditions. Often girls leave home because they find it difficult in their particular home setting to live up to the standards set by their parents. This particularly applies to dating and the hours kept. Many parents tend to be more lenient with their sons than their daughters, whom they tend to protect and restrict from certain activities boys might <sup>be allowed to</sup> indulge in. Some girls find these restrictions intolerable and, coupled with other family problems, leave home. Once they have left home some girls find it difficult to return and refuse to do so and in some cases it is not advisable, hence a placement problem. The problem of placement of girls outside the home may in part account for the fact that girls on the average have been held at Woodview Detention Home longer than boys.

Runaways have led further to sex offenses, with men taking advantage of this opportunity to harbor runaway girls and become intimate with them - or the resultant lack of supervision affording greater opportunities and a lowering of moral inhibitions. Sex offenses also involve the practical problem of possible pregnancy. There is an increasing rise in illegitimacy among girls, with the average age of the unmarried mother dropping steadily. You may have noted in the paper recently that although the birth rate in the nation has shown a general decline, illegitimate births are consistently increasing. A larger number of highschool girls have become pregnant necessitating their leaving school. Booth Memorial Hospital, the Catholic Infant Home, and the Lutheran Home for Unwed Mothers are excellent local facilities for these girls during pregnancy where they can avoid the stigma which might result if they were to remain in their own neighborhood and where they can obtain the necessary medical care, social services, and continue their schooling.

Shoplifting is another prevalent offense committed by girls. Here too the progressive increase during the past fifteen years has been a matter of concern. Often the ~~girls~~ <sup>girls</sup> say they don't know why they shoplifted the specific articles or at least are unable to justify their action. A girl caught stealing

*parents are*

*children that have been put in the home*

*as well as boys*

a sweater may have a dozen or more at home, and there may be no correlation between the physical need for the stolen merchandise and the shoplifting.

Drinking, although ~~illegal~~ <sup>happening</sup> in itself, can also be a factor in further crimes or a symptom of other problems. Many youngsters will drink ~~at a party~~ to follow the crowd even when they dislike what they are drinking. One fourteen year old girl at a party ~~that~~ <sup>actually</sup> drank Asthmadore, a green powder to be inhaled by asthma sufferers but which when taken internally creates illusions and possible blindness and death. (the source of liquor to these youngsters is investigated as thoroughly as possible)

When a juvenile girl commits an offense, she is questioned by a police-woman in an attempt to determine ~~what has occurred and clear the police case,~~ <sup>what is happening</sup> and to determine the possible causes of the behavior ~~to the extent that this aids in deciding the appropriate referral.~~ <sup>great</sup> In the case of the first contact with a pre-delinquent child, the police department sees the child at a crucial time and may be a guide to deter further delinquency and initiate progress as well as obtain information that may be useful in further work with the child.

The juvenile girl is referred in the same manner as the boy.

The laws which specifically apply to juveniles are for their own protection as well as others. Children too are exposed to criminals and may become victims. The curfew law for example also protects children from crimes by adults during the period of darkness when crimes show a decided increase.

Most of us are disturbed when we learn that a crime has been committed against a child. This may be because a child is generally defenseless against an adult, having lesser knowledge and understanding as well as limited physical abilities to resist an adult.

There are undoubtedly many more crimes against children than are actually reported to police. Some children are too embarrassed or frightened to tell anyone what has occurred. ~~Some parents don't want to let their children become "involved" with the police and courts.~~ Some children are not yet able to talk and some do not realize a crime has occurred. Many reports of crimes against children have come to our attention through the schools. Teachers have been of great assistance in helping us become aware of and locate such offenders, particularly in the case of child molesters. Children frequently go directly to their teachers to report incidents occurring on the way to school. Molesters often select school sites to await victims and have been noticed by alert teachers.

Because of a lack of information and reluctance of some parents in reporting law violations, ~~a~~ teacher who finds ~~himself~~ <sup>spotted</sup> in a position to interpret, may find it helpful to know the procedures involved in investigating and prosecuting a crime against a child. When a crime is reported against a child, ~~we~~ <sup>we generally</sup> talk to the child first, and obtain a statement from him or her if this is indicated. Every effort is ~~taken~~ <sup>made</sup> to make the child's contact with the police as easy as possible for him. It frequently results that this is harder on the parents than the children. It is important for the adults involved to remain calm so the child does not become more emotionally ~~disturbed~~ <sup>disturbed</sup> from the reactions of others. If approached quietly, the child may forget the incident sooner and show less effect from it. The significance of what has happened is largely what he sees in others.

Since children are very suggestable it is important when questioning them not to put words in their mouth. As you know children may agree to just about anything you suggest, so it's best to avoid yes and no answers to your questions.

to answer any questions which the parents may have.

W. principal

Simple

One mother asked her child, "Did the man say 'Come on little girlie, get in the car", to which the girl answered yes, but when asked if she actually ~~had~~ <sup>had spoken</sup> any man, she said no - and in fact she hadn't.

A statement may be taken from a child, which consists of the child answering questions and describing <sup>what has happened</sup> ~~the crime~~ in his own words. This is recorded by a stenographer, and signed by the child, if old enough, and the parents. In most cases it is advisable to have the parents present during the statement, but in some instances, particularly in carnal knowledge cases, privacy may be important because the child may feel embarrassed and withhold information. The statement is then used as a basis of information during the investigation and in the referral to and prosecution by the county attorney. ~~The case completed~~ <sup>is then taken to the County Attorney, & he decides if there is to be any prosecution or not.</sup>

In some cases it may become necessary for a child to appear in court. The <sup>minimum</sup> ~~accepted~~ age of a competent witness is seven years but in extenuating circumstances some children younger than seven have testified and some children over seven are not considered competent. Here is where parents become most reluctant. Potentially dangerous criminals have been released to harm others because parents have refused to allow their children to appear in court. In most cases however parents have upheld their responsibilities as citizens to help the police see that laws are enforced. Apathy fails to protect our property and lives, and is not the atmosphere we want to create in teaching our children that crime is wrong and laws should be respected.

We do receive a considerable number of false reports from children as well as adults. They may range from being completely unprovoked to partially false, e.g. Parked in car, reasons many of locking.

there is to be any prosecution or not.

It is not legally necessary to obtain permission from the parents for a child to testify but the parents can refuse to allow the police to talk to the child during the investigation & info

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## Precautions Against Child Molesters

### I. Introduction:

(Mrs. Willey) <sup>was</sup> asked me to <sup>discuss</sup> speak with you <sup>some of the</sup> ~~about~~ preventive measures which parents can teach ~~or~~ utilize to protect ~~their~~ children against molesters. If any of you have any questions, I'll be <sup>very</sup> glad to try to answer them when I am finished.

Most of us <sup>are disturbed when we</sup> become very upset on hearing that a crime has been committed against a child. Part of this <sup>is</sup> because children are generally defenseless, having little knowledge or understanding which would enable them to cope with strange, new problems, as well as limited physical abilities to resist an adult. This may be <sup>part</sup> of the reasons why such victims are <sup>susceptible</sup> chosen by the offender. A child is also less qualified to identify or testify against the offender. Some victims have not even learned to talk yet. Many children may be embarrassed or too afraid to tell anyone of the offense or may not report it simply because they do not realize the significance of what has occurred. There are undoubtedly many more crimes against children than are reported to the police.

There are many different <sup>types of</sup> crimes which are committed against children. You may <sup>find</sup> ~~find~~ various precautions and they apply.

### Types of Crime:

1. One of the most prevalent crimes against children is indecent exposure. The exposer frequently accomplishes this by driving a car near the child or children, asking directions, and, pretending not to hear them, asking the child to come closer <sup>in the car</sup> and then exposing himself. The exposer may also hide in weeds or brush, stepping out at the opportune time. Although this crime is considered a misdemeanor or a crime lesser than a felony and punishable by a maximum of ninety days in the Workhouse, it can be just as frightening to a young child as a crime legally considered more serious. Some exposers become very bold, even appearing completely nude in snow banks. Although the exposer is not commonly known to commit more aggressive crimes, this has been known to happen.
2. There are many approaches used under the crime which we classify generally as molesting. This too is considered a misdemeanor and consists of molesting or attempting to molest a child over the clothing. The offender usually is sent to court for disorderly or lewd conduct. This has frequently occurred within the neighborhood by someone who lives nearby and comes suddenly to the parents attention when several children begin discussing this.
3. The crime of indecent assault is <sup>libertine's</sup> ~~punishable~~ <sup>felony's</sup> punishable by up to five years in prison. This entails sexually molesting under the clothing - and can be accomplished in the same manner as molesting. This has occurred w

within the child's own home or a friend's where he or she is believed protected. We recently received a complaint of indecent assault on a boy that actually occurred within a crowded department store.

4. The crime of carnal knowledge refers to <sup>sexual</sup> relations with a female under 18 years of age. This is not common with children under 10 years and has rarely been verified by medical examination in such cases. The penalty increases as the age of the child decreases.

5. Kidnapping as most of us think of it for ransom is exceedingly rare today because of severe penalties enacted some years ago when this crime was more common. However, forcibly taking a child - or an adult, where great bodily harm results or where a felony is committed, does occur periodically. The penalty here is up to forty years imprisonment.

6. There are many other crimes against children reported, but I won't go in to this further at this time. If you have any questions about this, I'd be glad to answer them later.

### III. Preventive Measures:

Some of the suggestions I will mention <sup>will</sup> sound familiar to you but perhaps if we are reminded of them we may be more likely to apply or continue to use them. After I have discussed some methods of prevention, I will give some suggestions as to what should be done if a crime or molesting should actually occur. We of course would prefer to avoid trouble or prevent it before it happens so this area is more emphasized. These rules ~~do~~ apply to boys as well as girls. Don't mistakenly believe as one distressed mother who said, "I didn't worry about our little boys because I figured they were just interested in the girls." We receive many molesting complaints involving boys of all ages.

<sup>above</sup> ~~all~~ <sup>all</sup>, tell your children not to talk to or go with strangers. Many molesters offer children candy, toys and money which is difficult for them to resist (Ex. car recovered from molester filled with innumerable boxes of toys, candy). A few children who have repeatedly accepted gifts from a molester may be reluctant to report the offense, and not realizing the full meaning of what has occurred, may even go to some extent to conceal the molester's identity. One seven year old who had been bringing money home continually, gave police and her parents several wrong addresses of her "new friend" and was even smart enough to realize when she was being followed so as not to lead anyone to him.

Tell your child to run immediately home or to a nearby policeman if someone they and their parents don't know asks them to go with him.

A car <sup>is often</sup> used by molesters. Tell your child never to approach or get in to a car when called by a stranger. Although many molesters have attempted to lure children in to their cars, not many <sup>few</sup> children today will accept such rides - but some have been persuaded by deceit such as "Your mother or father told me to bring you home", or "I'm the Daddy of the little girl on the corner". There is always some corner with a little girl. <sup>Older sh. should never hit like</sup>

(homosexual advances against boys).  
<sup>in this manner.</sup>

*Describe  
strangers as  
anyone  
they and  
their parents  
don't know  
well.*

*young*

*-but*

It is advisable for children not to play unsupervised in isolated woods, weedy areas, abandoned buildings, alleys or secluded parks. Molesters often seek out such areas because they are not readily seen by adults and enough time lapses for them to disappear before a child can seek assistance. A molester may also attempt to lure the child in to such an area. We are currently investigating several complaints believed committed by the same man who asks the children to accompany him to secluded areas on the pretext of paying them to search for his cat.

It is a good idea for a child to be accompanied by a friend or friends but don't feel that they are entirely safe because they are not alone. Probably most of our <sup>misdeeds</sup> offenses against young children occur when there is more than one child present simply because children are more often found with playmates. The fact that there is more than one child poses little threat to the offender because he is not likely to be subdued by even a large group of children.

Try to be aware of where your children are at all times. If they seem to be gone for an unusually long period of time, find out why and question them briefly on their return. If you show genuine concern, they should not resent this. Have your child home before dark when ~~most types of~~ crime shows a decided increase. Have your child call you when he has arrived at a far-off destination to be sure he has arrived safely. If he or she believes they are being followed, tell them to go to the closest source of help whether this is their own home, the corner store, or a telephone. <sup>of</sup> ~~rape behind~~ <sup>Ward</sup>

It is desirable to have your child attend the movies with an adult. If a stranger touches or annoys them, tell them to go immediately to the usher. Theater employees are anxious to help the child and to assist in apprehending these molesters. Many molesters have been caught and convicted through their outstanding efforts.

Some of you may have children old enough to babysit. It is best to eliminate questionable babysitting jobs and to take only those where you are reasonably sure of the party's character. Some unhappy situations would never be repaid by the fees of a babysitter. If a stranger calls to request a babysitter, ask your child to find out where they learned that he or she was available, ask for their name, address, and phone number, and call them back after checking the phone book and with the person who recommended you. They should not carelessly let it be known that they are going to babysit at a certain time and place to avoid unwanted guests. If the phone rings while your child is babysitting, tell them not to indicate that they are a babysitter but say simply, "They will be home soon. May I take a message?" Tell the babysitter to pull the shades so that it will not appear that they are alone, and of course to lock all doors.

*Phone calls*

#### IV. Apprehension:

In the event that a child should run in to trouble, there are several things which can be done for their protection and to aid in the apprehension of the offender to prevent recurrence to them and to other children.

Tell your child not to take unnecessary chances or be overly confident. If <sup>they anticipate trouble</sup> possible have them seek help before the offender realizes he has been discovered so that he can be apprehended immediately.

*Not possible to supervise at all the time but molesters have assaulted children playing in their own yard.*

*Don't readily imagine*

But where a child may actually be grabbed suddenly, their best protection is to scream. <sup>All parents know</sup> The physical weakness which children cannot overcome does not apply to their lungs. Even if no one might hear them, this very often has scared the culprits off.

The circumstances involved in a molesting are usually very upsetting but it is important for everyone to remain calm and think clearly. The more upset the adults become, the more emotionally disturbed the children will be. If approached quietly, the child will likely forget the incident sooner and show less effect from it. If a crime has been committed or attempted, notify the police immediately. Obtain the emergency number from the operator or have her connect you directly. It is important to dial the correct number the first time rather than to waste time in repeated mistakes. In one recent incident an attacker managed to interrupt the call before the victim could dial the correct number after first getting the wrong party. <sup>When calling the police</sup> State the nature of the difficulty and give the correct address or location. The wrong address has <sup>also</sup> been given. On occasion it has been necessary for the child himself to call the police. One eight year old, when the older babysitter became too frightened, knew enough to dial the operator to reach the police <sup>and</sup> reported a shooting she had heard so that police were able to prevent further killing. <sup>Many not reported</sup>

Since children are very suggestable, it is important when questioning them not to put words in their mouth. As a simple example, ask them, "what color hair did he have" instead of, "Did he have blond hair?" Avoid yes and no answers. Children may agree to just about anything you suggest. When one anxious mother asked her child, "Did the man say 'Come on little girlie, get in the car'", the girl said yes, but when asked if she actually saw any man, she said no, and in fact <sup>as it developed</sup> she hadn't.

Descriptions are very important, and children have displayed some outstanding abilities to describe and identify offenders. Last week a six year old was able to select the correct picture of a suspect when the older children and adults were unable to do so.

If a child can write down or memorize the license number of a car used in a crime, we will likely apprehend the offender. This important means of identification however is often overlooked by adults as well as children. <sup>exp. further searched</sup> Two very rewarding examples of obtaining license numbers include the instance when two little nine-year old girls that had been assaulted remembered what their parents had told them but didn't think they could remember the whole license number so one child remembered the first two numbers and the other remembered the last two. When I asked, "But what about the middle two numbers, they said, "That's easy, we didn't have to remember them, they're 1-2!" the man was apprehended. Another instance occurred during a police chase involving several dangerous criminals. The police knew they had just been in a certain vicinity and routinely checking the area when they came across a little boy sitting in the alley. They asked him if he had seen anybody around and he said he had seen some men. When asked if they got in a car, he said yes. He was then casually asked if he remembered anything about the car, and the little boy pointed to a number he had written in the sand and said, "That's the license number." The little boy made a habit of writing license numbers down as a game, and although unexpected, the men were caught in fifteen minutes.

There is a possibility that a child may be asked to appear in court as a witness. Every effort is taken to make this as easy as possible

for them, and as it results it frequently is harder on the parents than the children. However, dangerous criminals have been released to harm others because parents have refused to allow their children to appear in court. When they have upheld their conviction that crime is wrong and should not be tolerated when it endangers the community, it often results that the children do not have to appear in court after all