

THE BLUEPRINT FOR

Campus Police:

Responding to Sexual Assault



The University of Texas at Austin
Institute on Domestic Violence
& Sexual Assault
School of Social Work

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The Blueprint for Campus Police: Responding to Sexual Assault

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This project has been made possible through the commitment, vision and efforts of many in Texas and across this nation to end sexual violence and sexual assault on campuses. Our sincere thanks to the many participants who answered our questions. In particular, we are grateful to the law enforcement patrol officers, investigators, chiefs, and the other professionals working in student conduct, counseling services, communications, Title IX offices, and university presidents who spent their time helping us understand this complex process so that we could build *The Blueprint for Campus Police: Responding to Sexual Assault*. We are also deeply grateful to survivors of sexual assault and accused students of sexual assault. Although we did not interview any students for this project, their experiences have taught these professionals about how to perform in their positions better, and in the end have informed this report.

We would like to acknowledge the following individuals for their expertise and specific contributions throughout the development of the *Blueprint*.

A big Texas thank you and special appreciation goes out to the leadership at the Texas Office of the Governor, Criminal Justice Division, for their continued vision to support and fund empirically grounded research-to-practice efforts and commitment to end sexual violence.

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Over the course of this project we have met regularly with Director Mike Heidingsfield, Assistant Director Ruben Puente, Inspector Angelia Lemmonds, and other members of The University of Texas System Office of the Director of Police (ODOP) team to develop and refine this project's purpose. It has been a privilege to collectively imagine its vision and ultimately see the *Blueprint* created. As indicated throughout the *Blueprint*, collaboration is an essential part of this work, and this has been a true partnership with ODOP. Our collaboration with ODOP has highlighted their dedication and commitment to their profession and these issues. Concurrently, our organizations have been able to recognize, discuss, and appreciate the differences in our missions and remain committed to learning from each other. The men and women of ODOP have become very important advisors to the IDVSA team and we have grown fond of them as people. Their unyielding commitment to seeking justice in sexual assault crimes is evident, but it was their care and compassion, particularly to sexual assault victims, and the ability to hold the complexity of this crime that has been admirable and endearing. It is perhaps these latter characteristics that will have the most positive impact for students and law enforcement, and in Texas in particular. For all of this, we thank and honor them.

Blueprint Contents

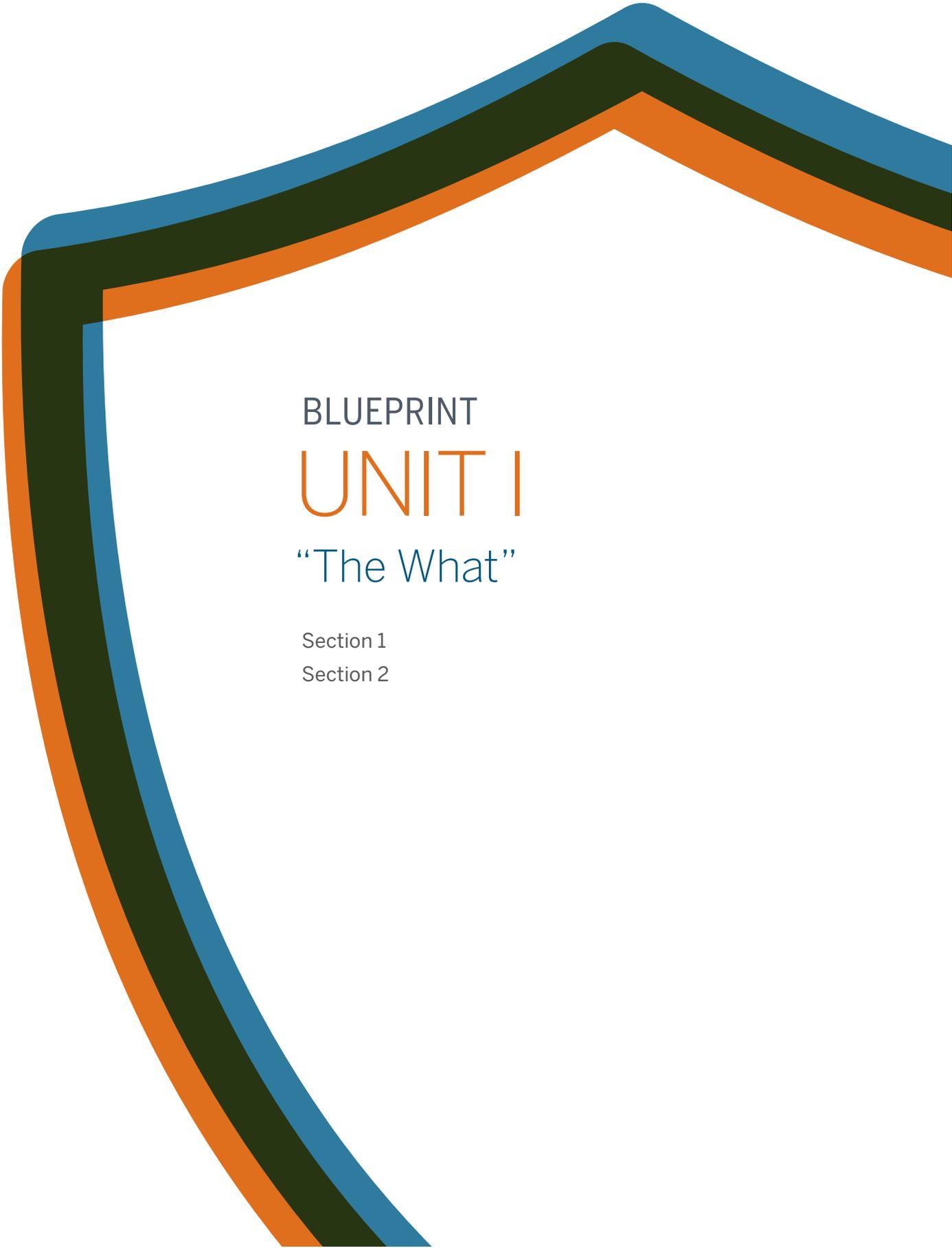
- UNIT I: “The What” 5
 - 1. Introduction to the *Blueprint* 7
 - 2. Research Study Design and Methods 11

- UNIT II: “The Why” 15
 - 3. The Issue of Campus Sexual Assault 17
 - 4. Understanding the Prevalence and Rates of Campus Sexual Assault 33
 - 5. Policies and Procedures 43

- UNIT III: “The How” — Toolkits for Campus Police 51
 - 6. Chief Executives 53
 - 7. Investigators 61
 - 8. Patrol Officers 75
 - 9. Briefing Sheets 83
 - A. Understanding the Neurobiology of Trauma 84
 - B. The Role of Alcohol and Drugs 88
 - C. False Allegations in Campus Sexual Assault 90
 - D. Confronting “Real Rape” and Understanding Non-Stranger Sexual Assault 91
 - E. Adopting a Victim-Centered Response 100
 - F. Forensic Interviewing 103
 - G. The Intersection of Sexual Assault and Stalking, Domestic Violence, and Strangulation 107

- UNIT IV: “The Way Forward” 113
 - 10. Campus and Community Collaborations 115
 - 11. Prevention and Education from a Law Enforcement Perspective 133
 - 12. Conclusion and Recommendations 147

- UNIT V: “Support Information” 151
 - 13. Definitions 153
 - 14. Further Learning 161
 - A. About Hook-Ups 162
 - B. Stress and Resiliency 163
 - C. Collecting Evidence: The Forensic Exam 165
 - 15. Appendix 167
 - A. Interview Guides 168



BLUEPRINT
UNIT I
“The What”

Section 1
Section 2

SECTION

1

Introduction to the *Blueprint*

Purpose

The purpose of *The Blueprint for Campus Police: Responding to Sexual Assault* is to fill gaps in current research and identify best practices in campus police response to sexual assault. The *Blueprint* is a multi-level approach to the complex problem of campus sexual assault (CSA) that builds upon the existing body of knowledge and recognizes the need for identifying emerging best practices. The *Blueprint* is empirically driven through in-depth interviews, field observations, and a thorough review of the policies and practices pertaining to CSA. This resource is intended to serve as a *guide* or *toolkit* for police at all levels (chief executives, investigation, and patrol) in response to sexual assault crimes with the implementation of victim-centered and trauma-informed approaches. **In this way, the *Blueprint* replaces tradition with science.**

The term “campus” sexual assault may imply a location, however the term refers to sexual assault impacting college-age students rather than the location of the assault. Research indicates that sexual assault occurs on and off campus property.

The Impetus for the *Blueprint*

Three events converged resulting in the development of the *Blueprint*. First, in April 2014, the Institute on Domestic Violence & Sexual Assault (IDVSA) at The School of Social Work at The University of Texas at Austin (UT Austin) responded to a request from the White House Task Force to Protect Students from Sexual Assault to conduct research on campus sexual assault issues. UT Austin was one of four institutions of higher education (IHEs) named in the *Not Alone Report: The First Report of the White House Task Force to Protect Students From Sexual Assault* (along with Rutgers University, Johns Hopkins University, and the University of New Hampshire)

selected to use their research expertise to inform sustained efforts around the country to end campus sexual assault. The *Not Alone Report* calls on campus communities to prevent victimization, respond more effectively to survivors, provide training to school officials, and improve administrative policy.¹

Secondly, IDVSA has a long record and history of conducting research on the prevalence of sexual assault, the conditions and outcomes of sexual assault, domestic violence, and human trafficking as well as translational research such as the Law Enforcement Toolkit,² a resource for law enforcement about non-stranger sexual assault.

Finally, The University of Texas System Director of Police (ODOP) staff reached out to IDVSA and a dialog began about how to best collaborate to address CSA. ODOP identified CSA as a major priority for the UT System Police and the conversations eventually resulted in the development of the *Blueprint*.

The Texas Association Against Sexual Assault (TAASA) joined the IDVSA and ODOP partnership. The Texas Office of the Governor, Criminal Justice Division funded the *Blueprint* through TAASA.

The Mission of Partners

The mission of IDVSA is to advance knowledge about interpersonal violence. IDVSA accomplishes this through research, education, and service in multidisciplinary, strategic partnerships with researchers, educators, practitioners, policy makers, and other members of our community. IDVSA is a collaboration of partners from The University of Texas at Austin — The School of Social Work, School of Law, School of Nursing, and the Bureau of Business Research. IDVSA has more than 150 community partners.

The University of Texas System (UT System) Office of the Director of Police (ODOP) is duty-bound to protect the life and property of individuals in the UT System community by providing oversight to the 14 UT campus police departments responsible for the protection of over 330,000 students, faculty and staff (see Figure 1.1). For context, The University of Texas System Police (UTSP) is a full service single state law enforcement agency delivering law enforcement services to the 14 campuses of The University of Texas System in 67 counties. Headquartered in Austin, UTSP employs just under 600 sworn police officers and 900 civilian support staff members.

The Texas Association Against Sexual Assault (TAASA) is committed to ending sexual violence in Texas through education, prevention and advocacy. In the interim, TAASA is making a difference by supporting survivors on their path to hope, healing and justice. TAASA is the voice of the sexual assault movement in Texas. They are a unifying force bringing together parties involved in and affected by sexual assault as a catalyst for change.

Underpinning Values

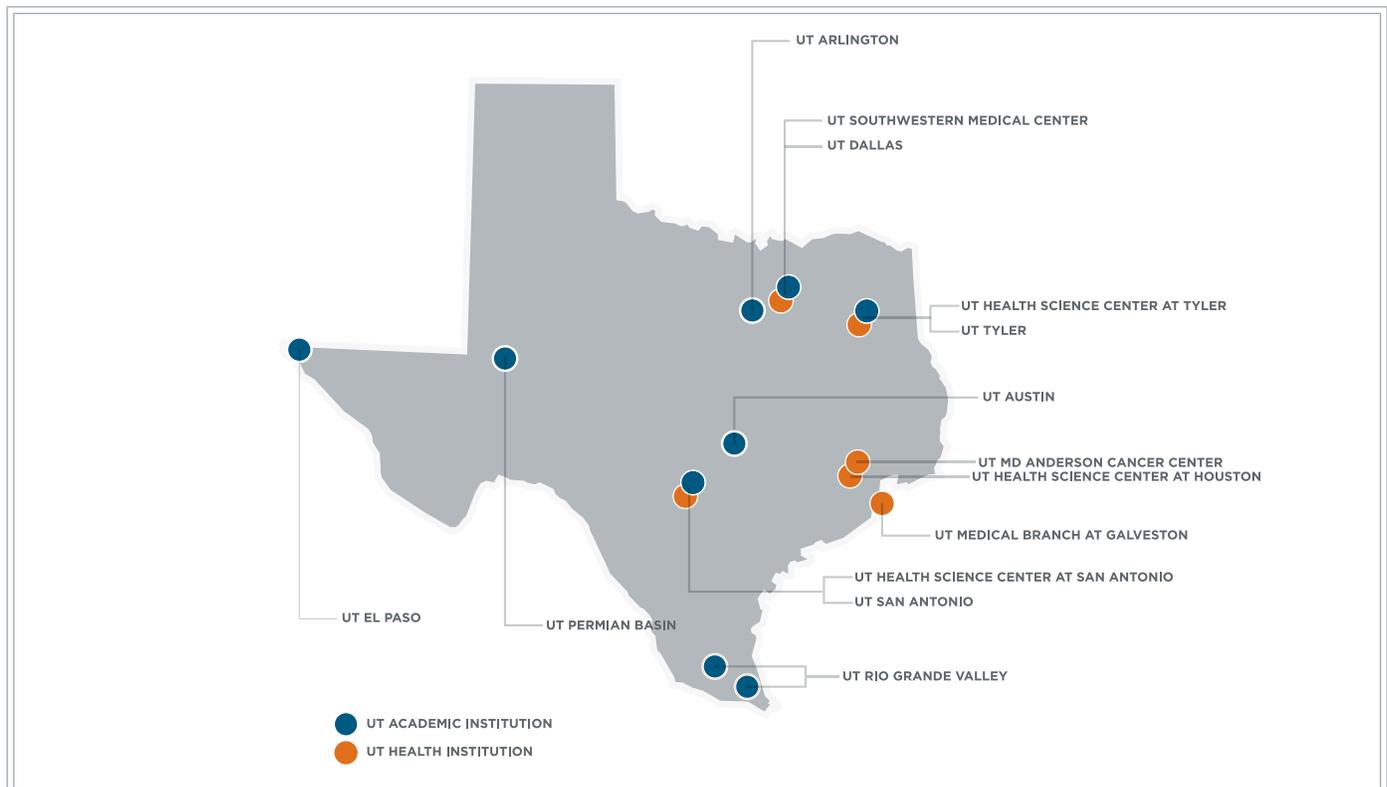
Three principles guided the *Blueprint* research methodology.

Inclusive, collaborative, and empirically driven. The *Blueprint* was planned as inclusive and collaborative. Sexual assault is a sensitive topic for administrators, staff, faculty, students, law enforcement, parents, and other stakeholders. The research was designed to be responsive to stakeholders in ways that engaged existing experiences and knowledge of the wide range of actors involved in responding to CSA. At the same time, the project was informed by original data and the most relevant science in the field.

Did not overburden or harm. Outcome data and data collection processes were developed not to harm students or campus stakeholders, nor to interfere with the primary educational mission of institutions of higher education (IHEs). The collection of data and information was conducted in a way to minimize redundant or conflicting reporting requirements. In this case, no information was collected specifically from victims of sexual assault or other students.

Culturally grounded. The processes for implementation were flexible and adaptable. UT System institutions are

Figure 1.1 Map of The University of Texas System Institutions



diverse in many different ways (student body, contextual economy, geographic characteristics, etc.). These differences combined with available campus resources impact the ways in which the UT System components contemplate and respond to sexual assault crimes. Thus, a major goal of this project was to develop a framework that could be recognized as useful for all 14 institutions in the UT System (see Figure 1). While data was collected in Texas, given the diversity of campus law enforcement in the 14 campuses across the UT System Institutions, the findings and recommendations may be applicable to other states as well.

Summary of Contents

The Blueprint has five units and 14 subsections. Unit I provides “The What.” Unit I includes: Section 1: Introduction and Section 2: Research Study Design and Methods; impetus and purpose for the Blueprint are described.

Unit II provides “The Why” this information is needed. This unit has three sections. Section 3: The Issue of Campus

Sexual Assault, Section 4: Understanding the Prevalence and Rates of Campus Sexual Assault, and Section 5: Policies and Procedures.

Unit III provides “The How.” Unit III includes the practical tools, skills, and resources necessary to respond to campus sexual assault including best practices. Unit III has four sections: Section 6: Toolkit for Campus Police Chief Executives, Section 7: Toolkit for Campus Police Investigators, Section 8: Toolkit for Campus Police Patrol Officers; and, Section 9: Toolkit for Campus Police Briefing Sheets.

Unit IV provides “The Way Forward”. Unit IV has three sections: Section 10: Campus Community Collaborations, Section 11: Prevention and Education from a Law Enforcement Perspective; and, Section 12: Conclusions and Recommendations.

Unit V includes “Support Information” in three sections including: Section 13: Definitions, Section 14: Further Learning; and, the Appendix of Interview Guides.

HOW TO USE THE BLUEPRINT: FRAMEWORK OF SECTIONS, TOOLKITS, AND BRIEFING SHEETS

Framework of Sections

The *Blueprint’s* framework has seven subsections that include learning objectives, introduction, knowledge, skills, further learning, other resources and references.

Learning Objectives open each section with three subcategories: role, knowledge, and skills. Role learning objectives focus on law enforcement’s interaction on campus sexual assault (CSA). Knowledge learning objectives offer information or emerging practices law enforcement need to address CSA. Skill learning objectives may be considered best practices for law enforcement to address CSA.

Introduction is a brief overview of the section topics.

Knowledge is the largest subcategory, and for this reason icons are used as a visual tool so that *Blueprint* readers can easily move through this content. See *Blueprint* Icon legend below. Knowledge may include up to four subcategories: existing literature, emerging evidence and findings, and sidebars we call “From the Field.”

Existing Literature is knowledge generated from existing, published research and reliable sources of practice-based information from professional organizations.

Emerging Evidence and Findings represent original data from this current project.

From the Field are factual examples to highlight existing literature and data collected during this project.

Skills provide application exercises to increase knowledge.

Further Learning offers additional information related to campus sexual assault. Further Learning, Other Resources and References are found at the end of the section when applicable.

| Icon | Blueprint Sections | Content |
|-------------------------------------------------------------------------------------|--------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|
|  | Knowledge | |
|  | Existing Literature | knowledge generated from existing, published research and reliable sources of practice-based information from professional organizations |
|  | Emerging Evidence and Findings | data gathered during this current project |

Framework of Briefing Sheets

Briefing Sheets (Section 9) provide a framework to consider sexual assault case circumstances. Briefing Sheets were designed to help police improve understanding of how to

best respond to sexual assault case circumstances based on the current science, with an understanding of how barriers can hinder successful victim-centered and trauma-informed investigations. Briefing Sheets demonstrate the shifts in evidence-based knowledge that impact policing practice.

| Icon | Briefing Sheet Sections | Content |
|-----------------------------------------------------------------------------------|------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | Case Circumstance | characteristics and elements of the case that will often reappear because of the nature of sexual assault trauma experienced by victims and perpetrator behavior |
|  | Barriers and Misinformation | ways in which case circumstances are persistently misunderstood |
|  | Deterrents to Investigation | factors that historically hindered law enforcement investigation |
|  | Current Science to Inform Practice | current scientific information about the case circumstance generated from existing, published research and reliable sources of practice-based information from professional organizations |
|  | Promoting Best Law Enforcement Practices | best response for investigation of sexual assault based on current science |

Summary

Our collective, long-term vision is to shift culture to eliminate sexual assault from all campuses in the UT System and beyond. As partners, continuous and courageous conversations about sexual assault, and campus sexual assault specifically, will continue to address the gaps in our knowledge and

responses, particularly related to the intersections of sexual assault with alcohol, underage drinking, binge drinking, the hook-up culture, and others that exist on campuses.

We thank these partners and our stakeholders for their support and commitment to end sexual violence.

References

¹The White House Task Force to Protect Students from Sexual Assault. (2014). *Not Alone Report: The First Report of the White House Task Force to Protect Students From Sexual Assault*. Retrieved from <https://www.notalone.gov/assets/report.pdf>.

² Busch-Armendariz, N.B., Heffron, L.C., Kalergis, K., Sulley, C., & Wachter, K. (2013). *Engaging adult victims of non-stranger sexual assault: A law enforcement toolkit*. Austin, TX: The University of Texas at Austin.

SECTION

2

Research Study Design and Methods

The overall goal of the *Blueprint* was to provide police a practical tool to address campus sexual assault (CSA). The *Blueprint* achieved this goal by implementing empirical strategies through original data collection from key stakeholders and experts and learning through what already existed. The *Blueprint* was developed in an era of evolving laws and definitions of sexual assault, a rapidly growing area of research and scholarship, and shifts in practices with victims and offenders of these crimes.

Overview of Methods

Using empirical, qualitative approaches and thematic analyses, this study provides research-based evidence as a tool to assist police in responding to campus sexual assault (CSA) crimes. The research team collected data from August 2014 to August 2015. All team members had previous experience working on issues related to CSA and working with law enforcement, as victim advocates and social scientists. Given the current and emerging state of knowledge and evidence-based practices related to CSA in the United States, an iterative approach was useful to inform current practices and to guide future research efforts.

The research team collected original data through in-depth, in-person interviews with key stakeholders and experts, and extensively reviewed literature on the topic. Overall, UT System served as case study and engaged in action research strategies.

The case study and action research design were selected because of strong partnerships with The University of Texas System Office of the Director of Police (ODOP) and the Texas Association Against Sexual Assault. These partnerships are described in Section 1 of this document. ODOP served as a case study because of its network with other police departments across the 14 University of Texas campuses and as the “bounded system”¹ where these departments function as a whole through shared structure and practices.

Research Questions and Queries

The *Blueprint* was driven by an overarching research query: What are the best practices to guide campus police in campus sexual assault crimes? This logically generated several follow up questions that steered the *Blueprint*'s development:

1. What are unique factors of student experiences around sexual assault on campus and how do these factors shape police response?
2. What are the established best and promising practices for campus police in responding to sexual assault?
3. What are the recommendations regarding police interventions in CSA cases?
4. What resources and partnerships are essential to expand practices in the context of campuses?
5. How are departments responding to CSA, particularly under the new federal regulations?
6. How do policies and procedures guide best practices when addressing prevention of and response to CSA?

The specific goals of the *Blueprint* were to: 1) create culturally-grounded tools for police; 2) improve upon police responses to sexual assault crimes; 3) increase police involvement as key campus stakeholders in CSA; and 4) identify the role of police in primary prevention and risk reduction efforts related to CSA.

Recruitment and Description of Key Stakeholder and Experts

Twenty-seven key stakeholders and experts (n=27) participated in this study. Participants were primarily identified by ODOP and IDVSA researchers. All participants were recruited through purposive sampling strategies because of participant's ability to inform the research questions and queries. Participants fell into two main groups: those on the front lines (working with students, either victims or accused) and those in administrative or leadership positions. Study participants were recruited because of the “opportunity to learn” from their experiences and because of their “attributes of interest.”² Specifically, information from professionals with experience working on sexual assault crimes was informative.

Participants were selected across six (n=6) geographic regions in Texas (Arlington, Austin, Dallas, El Paso, Tyler, and Houston). Participants included university presidents, chiefs of police, police, investigators, patrol officers, deans of students, Title IX coordinators, student conduct and compliance officers, victim assistance counselors, and communications staff who work with media on behalf of the university and law enforcement.

Use of Previous Literature

The empirical literature on sexual assault has been established for more than three decades although there is a recent burgeoning of activity specifically related to CSA. A standard practice in empirical projects is to learn from previous literature and given the rapid speed accumulation of the literature on CSA it has been particularly important to keep apprised of all materials pertinent to this issue. A synthesis of the research literature is presented throughout the *Blueprint* in **KNOWLEDGE**. The exemplary research reports and evidence-informed trainings conducted by three organizations are highly cited in the *Blueprint* and deserve special mention: The International Association of Chiefs of Police (IACP), End Violence Against Women International (EVAWI), and AEquitas The Prosecutors' Resource on Violence Against Women.

Human Subjects Review

The University of Texas at Austin Institutional Review Board reviewed and approved this study. Participation was completely

voluntarily. The interview was structured to attend to participants' anonymity and address the hierarchical structure particularly within the law enforcement system. Written consent was waived because signing consent forms may create a barrier to participation and create suspicion or increase anxiety and stress.³ Protocols were designed to protect participants' privacy, including the de-identification of responses. The research presented no more than minimal risk, that is, because highly trained professionals discussed their work processes and provided their professional opinions. No compensation was provided.

Interview Guides for Data Collection

Semi-structured interview guides were used to collect all data (see Appendix A). Semi-structured formats gave researchers the flexibility to probe about other relevant questions based on specific encounters. No identifying information was collected from participants. Interviews were not audio recorded; one or two researchers took extensive hand written notes. The decision not to audio record was made based on the advice of the project's law enforcement culture brokers to reduce skepticism and caution that police officers often have about providing information to "outsiders."⁴

Use of Culture Broker

Culture brokers often assist in the recruitment, interpretation, and meaning of information and relationships during research projects.⁵ During *Blueprint*, ODOP police staff served as culture brokers. Although IDVSA researchers have experience working with and interviewing law enforcement professionals, we are not career police officers and police culture is complex. Issues of confidentiality and dual relationships were extensively addressed in the Institutional Review Board protocols.

Data Collection Procedures

This research used qualitative thematic analysis to develop findings. Data were drawn from field notes from interviews, analysis from literature reviews, learning from discussions with our culture brokers, and communications with professionals in the field and between research team members.

Data Analysis Procedures and Rigor

Data analysis procedures followed the decision-making tree as outlined by Ryan and Bernard⁶ and included identifying

repetitions, similarities, and differences and subsequently using the processing technique of cutting and sorting. Researchers began by "chunking" data after reading and discussing, and assigning appropriate themes. Emergent themes were compared horizontally and vertically for accuracy. The research team met regularly to discuss divergent and similar viewpoints regarding the team's overall understanding of these data and reached consensus.

In an effort to improve rigor and trustworthiness of the findings, three strategies were used: triangulation, saturation, and member checking. Triangulation was achieved as multiple professionals and multiple sites were interviewed about sexual misconduct.⁷ Saturation was demonstrated as information began to be repeated during interviews in multiple sites. Member checking is another measure to improve a study's validity and used to confirm accuracy.⁸ Stakeholders were provided drafts of the *Blueprint* and asked to provide feedback and suggestions were incorporated into this final product.

Study Limitations

Two limitations should be noted. First, the case study design does not represent the full scope of the responses to CSA and may not be generalizable. Moreover, the research focused on developing best policing practices rather than describing current practices. Case study as a method may be inherently limiting. However, the case was a large and diverse university system. Also, there were time and resource constraints that prevented the team's ability to engage and build rapport with other important stakeholders, such as with students. Perhaps further learning could have resulted if given additional time and resources. Nonetheless, IDVSA researchers are confident that the methods including the analysis and the findings provide useful products that contribute to how law enforcement respond to campus sexual assault.

External Reviewers

Staff from the Bureau of Justice Statistics, the Civil Rights Division, and the UT Austin Counseling and Mental Health Center reviewed and commented on the *Blueprint*. Based on the feedback provided, changes that added clarity were made to this final product and when necessary we used our discretion to maintain the relevance for a campus police audience.

References

¹ Stake, R. E. (2003). Case studies. In N.K. Denzin & Y.S. Lincoln (Eds.), *Strategies of qualitative inquiry* (2nd Ed.), (pp. 236-247). Thousand Oaks, CA: Sage Publications.

² Ibid.

³ Paoline III, E. A. (2003). Taking stock: Toward a richer understanding of police culture. *Journal Of Criminal Justice*, 31(3), 199. doi:10.1016/S0047-2352(03)00002-3

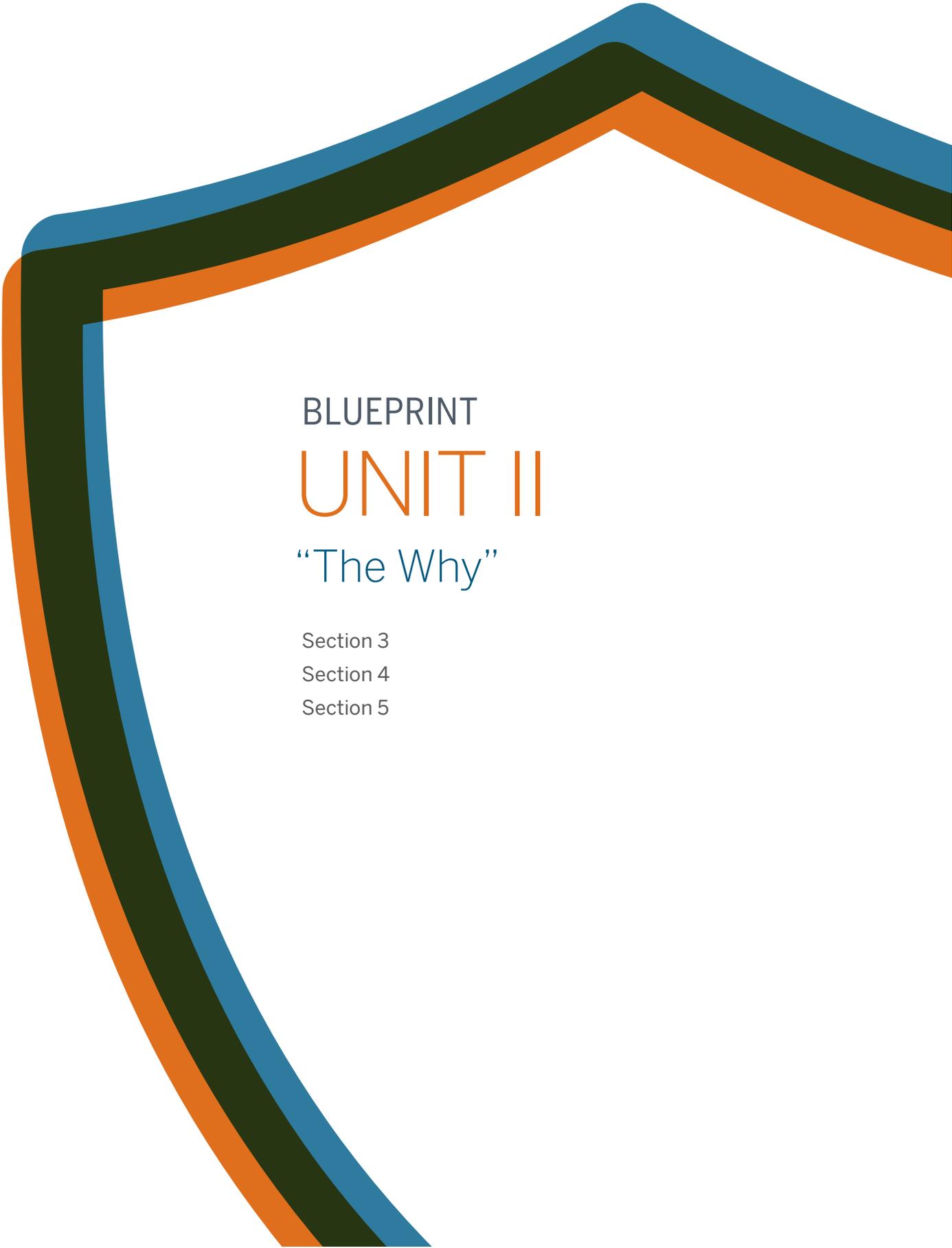
⁴ Liamputtong, P. (2010). *Performing qualitative cross-cultural research*. New York: Cambridge University Press.

⁵ Ibid.

⁶ Ryan, G. W., & Bernard, H. R. (2003). Techniques to Identify Themes. *Field Methods*, 15(1), 85.

⁷ Schwandt, T. A. (2015). *The SAGE dictionary of qualitative inquiry* (4th Ed.) Thousand Oaks, CA: SAGE Publications.

⁸ Ibid.



BLUEPRINT
UNIT II
“The Why”

Section 3
Section 4
Section 5

SECTION

3

The Issue of Campus Sexual Assault

SECTION OUTLINE:

LEARNING OBJECTIVES

INTRODUCTION

 KNOWLEDGE

 EXISTING LITERATURE

 EMERGING EVIDENCE AND FINDINGS

SKILLS

FURTHER LEARNING

OTHER RESOURCES

REFERENCES

Learning Objectives

1. Law enforcement will understand the importance of addressing campus sexual assault (CSA) from a holistic perspective.
2. Law enforcement will understand that participation in CSA efforts will increase student safety and improve the environmental factors to reduce the crime.
3. Law enforcement will be able to articulate a victim-centered, trauma-informed approach to CSA.

Introduction

Sexual Assault Propelled to the Public's Agenda

The news media has widely covered the issue of campus sexual assault (CSA) and the federal government recently ignited the issue and students, their parents, law enforcement, and institutions of higher education (IHE) have taken notice. Campuses across the nation are trying to understand the federal guidelines that will ensure educational accessibility to all students and promote their safety. Challenges lie ahead as IHEs struggle to respond quickly to a rapidly changing regulatory environment, student activism, and the potential for violations and sanctions, as well as media coverage.

IHEs reflect the larger society in which they are situated—its strengths and challenges. The problems of society at large are reflected on campuses, and sexual assault, as a challenge, is no exception.

The Convergence of Three Factors

Although sexual assault on campuses has long been a concern, the issue has had renewed attention because of recent converging factors. Three factors are discussed: federal attention, student activism along with the corresponding media attention, and court actions. First, the Obama Administration has prioritized violence against women and sexual assault on campuses specifically. New federal policies and initiatives include: the Office of Civil Rights (OCR) Dear Colleague Letter (DCL) on Title IX issued April 4, 2011; the passage of the Campus Sexual Violence Elimination Act (SaVE) signed into law on March 7, 2013, which amends the Clery Act and was part of the Violence Against Women Act (VAWA) reauthori-

zation; and the January 22, 2014 establishment of the White House Task Force to Protect Students from Sexual Assault and the release of their first report *Not Alone* in April 2014.¹ The policies are described in greater detail in Section 5 of this report.

Second, there has been renewed student activism and media attention on the problem of CSA. Predominantly survivors of CSA and their allies have filed grievances both formal and informal against their IHE for the mishandling of their cases, have pushed this issue into the national agenda. These survivors and their supporters have organized nationally to raise awareness and demanded a more just and coordinated response. *Know Your IX* is one such example, an organization formed to empower students to stop sexual violence on campuses by informing students of their rights and helping them file federal complaints. More recently, alleged perpetrators sanctioned by their IHEs and their supporters have brought awareness to their grievances that their liberties have been violated by the imposition of new university policies and practices.² Student activism has renewed media attention around the movement to end campus sexual assault.

Third, largely through precedent-setting court cases, the gender equity law, Title IX, determines that sexual assault, as well as sexual harassment, stalking, and dating violence, are forms of gender discrimination.^{3,4,5} As a result, IHEs must handle reports of sexual assault and other violence in a timely and effective manner, or otherwise may be determined as a hostile learning environment and Title IX violations may follow.

Knowledge

A Brief on Title IX

Title IX is the landmark civil rights law that prohibits sex discrimination in education. The Department of Education (DOE) Office of Civil Rights (OCR) is tasked with assessing violations of Title IX and affirmative findings can result in the loss of federal funding, fines, or referral to the U.S. Department of Justice for further action. Title IX is also enforced

by the Department of Justice (DOJ) Civil Rights Division. DOJ has the authority to initiate an investigation or bring litigation if it determines that an IHE, or campus police department, engages in a pattern or practice of discrimination in its response to sexual assault. See Section 5 for a description of Title IX.

The Importance of Law Enforcement in Addressing CSA

Many campus departments deal directly with sexual assault reports (e.g., Office of the President, dean of students); campus police may have one of the most pivotal roles. Campus police are often the first responders and frequently investigate the report. Campus police may be one of the most visible departments on campus and involved with crime prevention as well as investigation.

Findings from a survey of Texas campus police found that 87.6% of respondents “agreed” or “strongly agreed” that sexual assault was a problem on Texas campuses, and 72.0% have responded to at least one sexual assault while employed in their current position. Further, 87.5% reported they would like to be involved in improving their campus response to sexual assault.⁶ Clearly, campus police view sexual assault on their campuses as a problem and want to be part of the solution.

THE COMPLEXITY OF DEFINITIONS.

One challenge found in addressing this crime is the multiple terms used to describe it. The challenge is not semantics; the organization framework, circumstances, and terminology will determine if the commission of a crime can be pursued. Terms and definitions by organization or law can be found in Table 3.1.

Impact of Sexual Assault: Emotional and Economic Costs

Sexual assault can be a life-changing event. The consequences and costs of sexual assault are multiple and affect a variety of systems, including mental, physical, and behavioral health. Family members, friends, and the community at large are also impacted by this crime.

EMOTIONAL AND BEHAVIORAL IMPACTS.

Survivors report a range of feelings including shame, embarrassment, anger, sadness, and betrayal. Mental health consequences of sexual assault include depression, feelings of disgust and contamination, suicidal thoughts and behaviors, and post-traumatic stress disorder (PTSD).⁷ PTSD is characterized by a range of symptoms including: hypervigilance, nightmares, intrusive thoughts, avoidance behaviors, flashbacks, triggers that cause a reactivation of the trauma, negative views of self and others, lack of trust in others, and difficulty sleeping or concentrating.⁸ Victims also experience a range of health issues from injuries, sexually transmitted infections, and a greater frequency and intensity of health complaints.⁹ Texas studies have also revealed an increased use of drugs and alcohol after an assault, which may be an attempt to self-medicate in order to numb feelings. Sexual assault experiences have also been associated with more asthma, irritable bowel, chronic pain, and headaches.¹⁰

 Table 3.1 Sexual Assault Definitions and Terms

| Test | Agency or Law | Definition |
|-----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Rape | Federal Bureau of Investigation (FBI), Uniform Crime Reporting (UCR), National Incident-Based Reporting System (NIBRS) | Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. |
| Rape | Clery Report | The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity. |
| Sexual Assault | Texas Penal Code Section 22.011 (a) UT System* | Intentionally or knowingly causes the penetration of the anus, sexual organ, or mouth by any means, without the person’s consent, or causes the sexual organ of another person, without that person’s consent, to contact or penetrate the mouth, anus, or sexual organ of another person. |
| Nonconsent | Texas Penal Code Section 22.011 (b) | Occurs with the threat or use of force or violence, the person is unconscious or physically unable to resist, unable to give consent due to mental disease or defect, intentional impairment of the person’s power to appraise or control the other person’s conduct. |
| Sexual Violence | Title IX of the Education Amendments of 1972, Questions and Answers on Title IX and Sexual Violence, U.S. Department of Education, Office for Civil Rights | Physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent (e.g., due to the student’s age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent). Includes rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. |

*Note: All UT System Police follow Texas Penal Code

Although the consequences of sexual assault are often serious, many victims demonstrate great strength and resilience. Healing and recovery is possible and often dependent on the experience that victims have with the professionals they encounter post-assault.

 **ECONOMIC IMPACT: COSTS IN TEXAS.**

In addition to significant emotional and physical costs, there are economic costs as well. The State of Texas spends approximately \$27 million per year for adult victims in Texas (\$15,000-\$50,000 per victim) in medical services, lost work productivity, and mental health care.¹¹ A conservative estimate of costs for adult sexual assault to the State of Texas is \$8 billion each year, which would result in a “rape tax” of about \$319 a year for each Texas resident.¹² Still, these economic costs often pale in comparison to victims’ emotional costs resulting in a reduced quality of life due to pain, trauma, and suffering.

 **UNDERSTANDING SECONDARY VICTIMIZATION, VICTIM BLAMING AND RAPE MYTHS.**

Underlying the lack of reporting are two larger issues: victim blaming and *rape myth* beliefs. Both of these practices can function to revictimize the survivor. These negative experiences following the assault are termed the second rape or secondary victimization.¹³ The secondary assault can be perpetrated by friends or family, as well as the community systems that victims report to after the assault.

In one study of community responses, survivors reported the most common secondary assault behaviors were being told by personnel that “their stories were unbelievable or that their cases were not serious enough to pursue.”¹⁴ Both of these responses were found to increase the psychological distress of victims, including exacerbating post-traumatic symptoms.

Secondary victimization may be operationalized through victim blaming or through rape myths. Victims are blamed when they are held responsible for their sexual assaults. Victim blaming can be overt or subtle. Victims often report being asked decisions that they made about drinking alcohol or frequenting a particular bar or neighborhood. While this case information may be critical to the case, it is the investigator’s professional obligation to gain the competencies and skills for asking these questions to traumatized victims.

Rape myths are “attitudes and generally false beliefs about rape that are widely and persistently held, and that serve to deny and justify male sexual aggression against women.”¹⁵ Rape myths combine to blame victims, absolve perpetrators, minimize rape, and support a rape culture. Rape myths

operate at the level of institutions as well as individuals and can be conscious (explicit) or unconscious (implicit).¹⁶ Common rape myths include the belief that women lie about rape, women enjoy rape, and women ask to be raped.¹⁷ Research demonstrates that men believe in rape myths more than women and that for men, hostility towards women is an antecedent to rape myth belief.¹⁸ Table 3.2 summarizes common rape myths.

Careful and sensitive questioning of the victim during the investigation is needed to discourage officer bias from rape myths and to prevent victim blaming along with secondary victimization.

 **Table 3.2 Common Rape Myths¹⁹**

| |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| If a girl is raped while drunk, she is at least somewhat responsible for letting things get out of control. |
| If a girl acts like a slut, eventually she is going to get into trouble. |
| Guys don’t usually intend to force sex on a girl, but sometimes they get too sexually carried away. |
| If a guy is drunk, he might rape someone unintentionally. |
| If a girl doesn’t physically resist rape, even if protesting verbally, it can’t be considered rape. |
| If the accused rapist doesn’t have a weapon, you can’t really call it rape. |
| A lot of times, girls who say they were raped agreed to have sex and then regret it. |
| Rape accusations are often used as a way of getting back at a guy. |
| If both people are drunk, it can’t be rape. |
| If a girl initiates kissing or hooking up, she should not be surprised if a guy assumes she wants to have sex. |
| Note. From “An updated measure for assessing subtle rape myths,” by S. McMahon and G.L. Farmer, 2011, <i>Social Work Research</i> , 35, p 77. Copyright 2011 by Oxford University Press. Reprinted with permission. |

Sexual Assault Considerations

 **CONSIDER CREDIBILITY.**

Research indicates that in sexual assault cases both investigators and victims are concerned with issue of credibility. This issue is emblematic of many campus non-stranger sexual assaults whereby victims try to manage their image or what others think of them. Victims often lose credibility with the police when they withhold case facts that they believe would damage their believability. For example, a victim may not disclose underage drinking in an attempt to appear more credible.²⁰ Often victims already feel a sense of shame and responsibility for what has happened to them.

Another study found that victims with a mental disorder or intellectual impairment are less likely to be believed and that the perpetrator for that very vulnerability may have selected them. The study notes that a delayed report of a sexual assault may undermine the victim's credibility with police, however, "often the victim has to reach a stage where she feels as if she has the right to report the offender, and feels relatively safe and secure in doing so, before she can approach the police."²¹

UNDERSTANDING CONSENT AND AFFIRMATIVE CONSENT.

Sexual consent is an informed, voluntary, and mutual agreement for sexual activity. Consent can be withdrawn at any time and consent for one act does not imply ongoing, future consent. Consent must be gained with each new act and partner. It is best if consent is verbal over nonverbal. Silence does not equal consent. Absence of resistance does not mean consent. If there is force (implied or expressed), coercion, intimidation, threats or duress involved, then questions of consent are not applicable. People are unable to consent due to being under the age of legal consent or mental or physical incapacitation, due to either cognitive limitations or under the influence of drugs and alcohol.²²

There has been a movement toward an *affirmative consent standard*. California became the first state to take legislative action requiring IHEs to clearly define the standard for consent to sexual activity, requiring the accused in sexual assault incidents to show how they gained affirmative consent over the victim demonstrating how they resisted (verbal or physical). Further, consent cannot be given if alcohol or drugs incapacitated the victim, or if the victim was asleep.²³ The definition from the California Legislation follows:

Affirmative consent means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.²⁴

 Table 3.3 Misconceptions and Realities of Sexual Assault

| Misconceptions About Sexual Assault | Realities About Sexual Assault |
|------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Only women are victims of sexual assault. | Victims can be male, female or transgender In Texas, 1 in 5 men experience sexual assault in their lifetime. ²⁵ Nationally, male victims range from 1 in 10 to 1 in 20 victims. ²⁶ |
| The perpetrators are mostly strangers. | Perpetrators are most often known to the victim In Texas, 77% of victims knew their offenders. ²⁷ Nationally about 3 in 4 victims of sexual violence knew the offender. ²⁸ |
| The "normal" response to being assaulted is hysteria and crying. | Emotional responses vary; victims are often in shock and passive, quiet, and unemotional. ²⁹ |
| Sexual assault usually involves a weapon. | Often no weapon is used, but perpetrators use strategies and tools like alcohol intoxication to commit sexual assaults. In Texas, weapons were used in only 3% of sexual assaults. ³⁰ Nationally, only 1 in 10 rape or sexual assault victimizations involve a weapon. ³¹ Perpetrators also use manipulation, deceit, premeditation, planning, victim selection, and betrayal of trust to commit sexual assaults. ³² |
| Most 'real' victims do not delay reporting to law enforcement. | Victims often don't report or delay for a number of reasons. This should not be seen as a cause for suspicion. ³³ In Texas, only 9.2% of sexual assaults are reported to police. ³⁴ |
| Men are usually sexually assaulted by men. | In Texas, men report being just as likely to be victimized by women as they are by men. ³⁵ |
| The victim will have physical evidence of violence on the body such as bruises and cuts. | Often there are no visible physical injuries and this lack of visible injury should never been seen as a cause for suspicion. In Texas, only 10.4% of victims reported being physically injured. ³⁶ Nationally, only 1 in 3 female sexual violence survivors sought some type of treatment for their injuries. ³⁷ However, some injuries like strangulation might not be as visible early on so check for raspy voice, loss of consciousness, and undergoing the four stages of strangulation: denial, realization, primal, and resignation. ³⁸ |
| Victims will physically resist to the utmost to deter the rape. | One study found only 1 in 4 women used forceful physical resistance. ³⁹ Another study found women were more likely to: reason, plead, turn cold, physically struggle, or cry. ⁴⁰ Women often do not resist because they are taken by surprise, scared, confused, fear injury or are too incapacitated. Also, due to the neurobiology of trauma, victims may suffer from a rape-induced paralysis called tonic immobility. ⁴¹ |

CONSIDER ALCOHOL AND DRUGS.

The most common sexual assault at IHEs are non-stranger cases that involve drug and alcohol use. Research shows that drinking alcohol increases the risk of assault, although alcohol consumption never causes or justifies sexual assault. In 72% of campus sexual assaults, women were too intoxicated to give consent.⁴² Cases of CSA involving alcohol are underreported due to fear of disciplinary consequences, inability to remember circumstances, and self-blame.⁴³ A national study found that victims of drug and alcohol facilitated rape (DAFR) and incapacitated rape (IR) were somewhat less likely to report than forcible rape victims (10% compared to 18%). Further, only 21% of these victims received medical care and 30% reported being injured. Like other rape victims, they were just as likely to know their perpetrator and suffer from Post-Traumatic Stress Disorder (PTSD) and depression post-assault.⁴⁴

Although media reports have often focused on “date rape drugs,” such as Rohypnol and GHB, this national study provides strong support that alcohol is the most involved substance in both DAFR and IR cases. Also, IR is somewhat more prevalent than DAFR, leading the authors to reveal that “the most common rape-risk situation for college women is not being rendered intoxicated; it is being taken advantage of by a sexual predator after she has become intoxicated voluntarily.”⁴⁵

CONSIDER TRAUMA AND THE BRAIN.

Victimization by sexual assault should be considered a traumatic event. Research on neurobiology and trauma show that a wide range of victim emotions and behaviors are normal after sexual assault. Officers’ understanding of this phenomenon can inform the case as well as the victim and help to normalize their reactions. For example, fragmented memories are common and should not be interpreted as lying or evasiveness, but rather an expected consequence of the sexual trauma. Memories of the event may take more time to be recalled. Officers can also assure victims that tonic immobility can be a natural reaction to fear and trauma since when it does occur, victims tend to blame themselves more, can be less inclined to seek help, and are often blamed more by family and friends because they “just laid there” and did not fight back.⁴⁶

From The Field

WHAT DO OFFICER-INVOLVED CRITICAL INCIDENTS AND SEXUAL ASSAULT HAVE IN COMMON?

While some officers may have trouble believing a sexual assault survivor when their memories sound sketchy or inconsistent, it can be helpful for police officers to remember that they might be in a similar state if they are ever involved in a critical incident. Officers may better understand the trauma behaviors of sexual assault victims when they look at it in relation to officer behaviors following critical incident trauma. Evidence-informed trainings instruct that when police are involved in a shooting, they may be traumatized in ways that are similar to a sexual assault victim and suffer similar consequences due to the trauma, such as perceptual narrowing (i.e., tuning into one of the five senses while neglecting the others), loss of cognitive skills (decreased ability to concentrate), and critical incident amnesia (temporary difficulties with memory of the event).⁴⁷ Understanding the dynamics of stress and trauma can help officers to establish rapport, build trust, and demonstrate empathy.

CONSIDER THE INTERCONNECTEDNESS OF SEXUAL ASSAULT TO OTHER FORMS OF VIOLENCE.

Different forms of violence overlap and intersect. Knowledge on associated risk and protective factors can better inform effective response. The Centers for Disease Control and Prevention (CDC) research shows numerous risks and protective factors between different forms of violence, including sexual violence, teen dating violence, bullying, and intimate partner violence.⁴⁸ Risk factors across different types of violence include rigid social beliefs about gender roles, lack of employment opportunities, and family conflict. Protective factors include community and family support, commitment to school, connection to a caring adult, and association with pro-social peers. Encountering one type of violence places individuals at higher risk of suffering other types of violence. The lack of coping skills to deal with problems non-violently and substance use disorders also place individuals at higher risk for acting violently.⁴⁹ Also, it is important to note that strangulation is a form of violence that overlaps significantly with sexual assault crimes.

CULTURAL CONSIDERATIONS.

Texas campuses are becoming increasingly diverse with immigrants and refugees and Americans of diverse backgrounds. IHEs, including campus police, may need qualified interpreters to elicit accurate statements from limited English proficient (LEP) victims, witnesses, or accused students. Police must be aware of other cultural considerations for diverse groups with specific needs and experiences. For example, in some cultures direct eye contact is avoided, which indicates a sign of respect, not a cue of avoidance or lying.

Moreover, some cultures distrust police due to police tactics in their home countries and difficult police relationships here in the United States, such as with African Americans and the Lesbian Gay Bisexual Transgender (LGBT) population. LGBT students may be concerned that police officers will be homophobic or “out” their sexuality in a report. For some, the name or gender marker on their student ID may not match the ones on their driver’s license. In addition, undocumented students may have specific fears related to their citizenship status in this country.

Unique Considerations for Campus Police

CONSIDER DUAL/TRIAD REPORTING SYSTEMS AND PROCESSES.

The most relevant procedures for police regarding CSA are about student reporting options. These campus procedures have grown increasingly complex. Students are encouraged to report sexual assault in one or more ways 1) to the police (campus or local) and 2) to the IHE. Students have various reporting options within the IHE, including student emergency services, student judicial services, and the Title IX office. In some jurisdictions, although not in the UT System, third-party and anonymous reporting is available. These reporting processes are described more fully in Section 5.

A victim-centered approach empowers a victim through choice and information. Figure 3.1 provides a flowchart that conceptualizes the potential options for seeking justice that victims may pursue and possible outcomes by which offenders can be held accountable for CSA.

CONSIDER THE CLOSE PROXIMITY OF THE LIVING AND LEARNING ENVIRONMENT.

College students often live and learn in the same space. The proximity and unpredictability of potentially seeing the offender is problematic. Recent Title IX guidelines require schools to ensure the safety of the complainant after a complaint is made, including “taking interim steps” during an ongoing investiga-

tion if necessary.⁵⁰ In some circumstances, the school may issue a no-contact directive to the respondent as a measure to protect the complainant. The school should allow for reasonable accommodations such as a change in housing, classes, campus jobs, and extracurricular activities to prevent contact between the victim and alleged perpetrator.⁵¹ Schools should also provide the complainant with information on resources, including victim advocacy, housing assistance, academic support, counseling, disability services, health and mental health services, and legal assistance.⁵³

Also, the party atmosphere at some colleges may tend to encourage students to view it as a “time out” from normal adult responsibilities. Therefore, some students may attempt sexually aggressive behavior that they would have never attempted before or after college.⁵¹

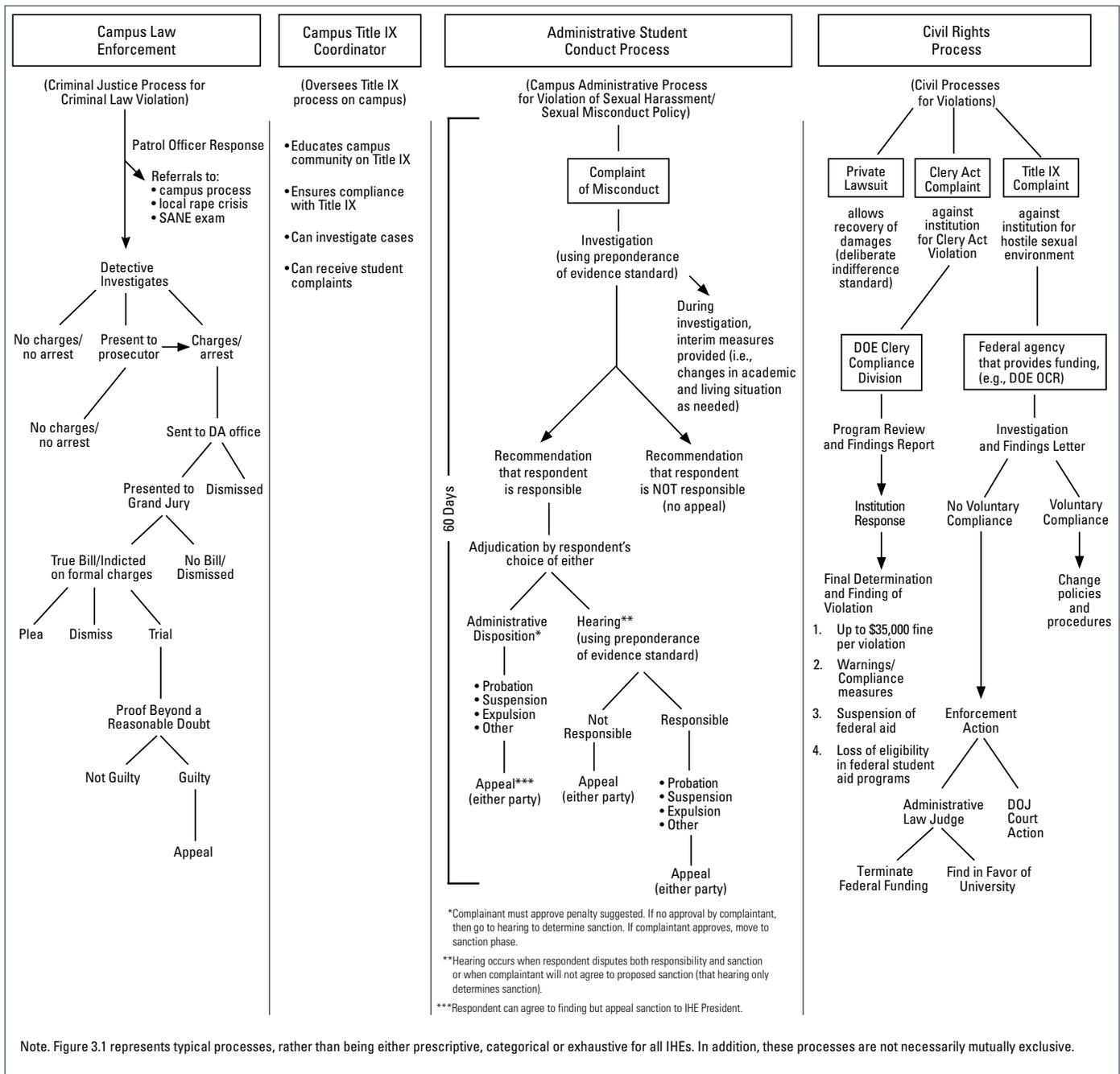
CONSIDER THE HOOK-UP CULTURE.

A hook-up is defined as “a sexual encounter, which may or may not involve sexual intercourse, between two people who are brief acquaintances or strangers, usually lasting only one night without the expectation of developing a relationship.”⁵⁴ In one study, 70% of college students reported participating in a hook-up during their college years. Of those students participating in hook-ups, the average was ten times over their college careers, with no differences between female and male students.⁵⁵

In another study, a substantial proportion of women believed that sexual assault was typically perpetrated by violent strangers and did not regard the hook-up as a high-risk situation or as a context in which sexual assault occurs. This study also revealed that women were more worried about being sexually assaulted after being drugged, rather than the more typical alcohol-facilitated sexual assault, where the perpetrator gets a victim intoxicated or takes advantage of a woman in an intoxicated state. Moreover, 23% of the women reported having an experience of attempted rape, 29% reported experiencing a sexual assault, and 21% reported a rape experience.⁵⁶

Hook-ups are shown to be potentially high-risk situations in which sexual assault can occur due to high levels of alcohol use. Decisions about sexual encounters should be the purview of consenting adults. At the same time, alcohol use can reduce a victim’s ability to effectively resist, lead to aggressive sexual behavior by the perpetrator, cause a lack of communication involving differences in expectations, and make the inebriated individual an easy target for a perpetrator to victimize. For more information on hook-ups see Further Learning in Section 14.⁵⁷

Figure 3.1 Reporting and Responding to Campus Sexual Assault Flowchart

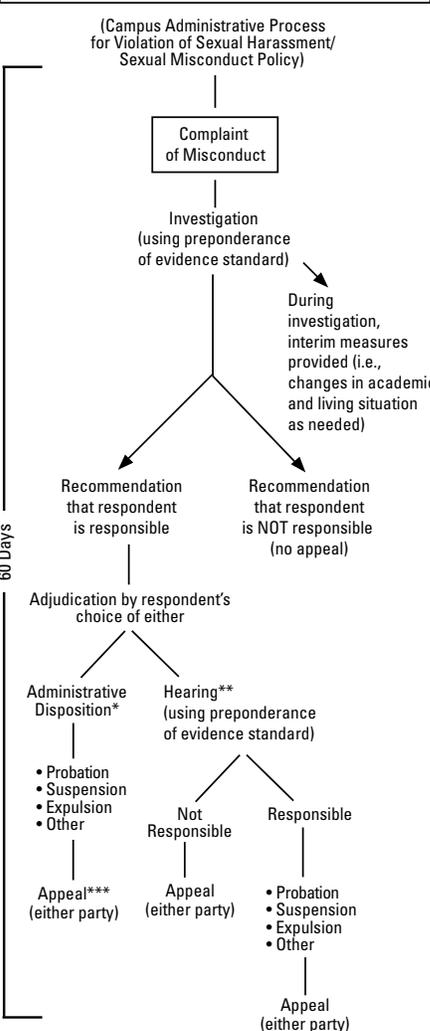


Campus Title IX Coordinator

(Oversees Title IX process on campus)

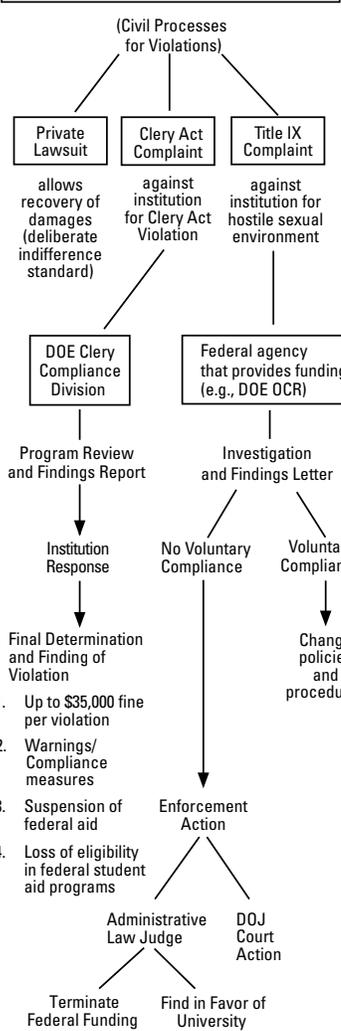
- Educates campus community on Title IX
- Ensures compliance with Title IX
- Can investigate cases
- Can receive student complaints

Administrative Student Conduct Process



*Complainant must approve penalty suggested. If no approval by complainant, then go to hearing to determine sanction. If complainant approves, move to sanction phase.
 **Hearing occurs when respondent disputes both responsibility and sanction or when complainant will not agree to proposed sanction (that hearing only determines sanction).
 ***Respondent can agree to finding but appeal sanction to IHE President.

Civil Rights Process



4. Loss of eligibility in federal student aid programs

Note. Figure 3.1 represents typical processes, rather than being either prescriptive, categorical or exhaustive for all IHEs. In addition, these processes are not necessarily mutually exclusive.

CONSIDER MEDICAL CAMPUSES AND SEXUAL ASSAULT.

Medical campuses have unique concerns given their academic medical mission and their responsibility to serve patients. In the *Blueprint* study, two unique factors were noted. First, the medical campus student population was older and reported less alcohol and drug use. Secondly, due to its medical mission patients are part of the population on these campuses. Sexual assault on a medical campus may be reported from patient victims and involve medical staff. This creates specific circumstances and challenges for law enforcement.

CONSIDER INSTITUTIONAL BETRAYAL.

Institutional betrayal happens “when an institution causes harm to an individual who trusts or depends upon that institution.”⁵⁸ Research on institutional betrayal around the crime of sexual assault shows that it has occurred within numerous institutions such as the Catholic Church, the U.S. military, and IHEs. Like a personal betrayal, institutional betrayal compounds the trauma symptoms of survivors. Institutional betrayal can be an isolated event or a systemic one, the result of multiple actions or inactions by the institution including

the failure to prevent abuse, normalizing the abuse, difficult reporting procedures and inadequate responses, supporting cover-ups and misinformation, and punishing victims and whistleblowers. Many of these institutional responses result from a focus on the protection of the institution's reputation ahead of addressing issues related to student safety. Findings from this research support remedies for institutional betrayal that include increased transparency by the institution as well as a prioritization the protection and care of its members, in this case, students.⁵⁹

From the Field

ACCOUNTABILITY FOR OFFENDERS

The Center for Public Integrity (CPI) conducted a yearlong investigation and found that in many cases offenders “face little more than a slap on the wrist.” By examining the U.S. Justice Department’s Office on Violence Against Women database, CPI found that only 10-25% of students found “responsible” for sexual assault were expelled. More common penalties were suspension, counseling, alcohol treatment, community service, social probation, and academic penalties. Documented cases show that victims drop out of school because of the sexual assault trauma, while the perpetrator graduates.⁵⁸

CONSIDER COMPETING MISSIONS.

Another tension that may occur is the balance of competing missions within IHEs. The complexity of interests and issues around sexual assault must consider the needs of the victim, institutional liabilities, the rights of accused students, the federal, state and campus policies related to sexual assault and compliance as well as public safety and justice. Increased media attention, student activism, and new federal regulations further complicate the issue and response to campus sexual assault. However, with victim-centered, trauma-informed, and evidence-based practices and policies, the campus can be a healthier, safer environment for all to learn and grow. Law enforcement has an important role to play in ensuring the safety of students, staff, and faculty.

CONSIDER GENDER BIAS.

The Department of Justice produced a guidance document developed in close partnership with police leaders and experts to identify and prevent gender bias in policing practices. Recognizing that gender bias “may compromise law enforcement’s ability to ascertain certain facts, determine whether

the incident is a crime, and develop a case that supports effective prosecution and holds the perpetrator accountable.”⁶¹ The guidance provides practical strategies for assessment and integration, solutions for the future of policing that is free of gender bias. ensuring the safety of students, staff, and faculty.

From the Field

“The Department of Justice encourages law enforcement agencies to consider these principles and integrate them into:

- Clear, unequivocal policies about the proper handling of sexual assault and domestic violence crimes;
- Training for officers about these policies and about effective responses to sexual assault and domestic violence crimes more generally; and
- Supervision protocols and systems of accountability to ensure that officers responding to sexual assault and domestic violence act in accordance with these policies and trainings.”⁶²

DOJ PRINCIPLES TO PREVENT GENDER BIAS IN POLICING

1. Recognize and address biases, assumptions and stereotypes about victims
2. Treat all victims with respect and employ interviewing tactics that encourage a victim to participate and provide facts about the incident
3. Investigate sexual assault or domestic violence complaints thoroughly and effectively
4. Appropriately classify reports of sexual assault or domestic violence
5. Refer victims to appropriate services
6. Properly identify the assailant in domestic violence incidents
7. Hold officers who commit sexual assault or domestic violence accountable
8. Maintain, review and act upon data regarding sexual assault and domestic violence ⁶³

Skills

To help law enforcement increase their understand of the complex issues surrounding campus sexual assault please complete the following skills building exercises.

Table 3.4 How Much Do You Know About Sexual Assault

| How Much Do You Know About Sexual Assault | |
|----------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Answer these questions with a T for True or F for False. | |
| _____1. | The most common drug used in acquaintance sexual assault is alcohol. |
| _____2. | The perpetrator of campus sexual assault is usually a stranger to the victim. |
| _____3. | If a victim does not have visible injuries most likely an assault did not take place. |
| _____4. | After sexual assault a victim is always hysterical, crying, and emotional. |
| _____5. | Men cannot be sexually assaulted. |
| _____6. | When victims' recall seems sketchy and scattered, it means they are lying. |
| _____7. | Most college sexual assaults involve the use of a weapon. |
| _____8. | If a woman does not actively resist being sexually assaulted it means she consented. |
| _____9. | If both participants are drunk, then neither can be held accountable for the sexual assault. |
| _____10. | If the victim did not report the sexual assault right away, it most likely means she has other motives for reporting the sexual assault such as revenge or vindictiveness. |
| Answers: 1. T; 2. F; 3. F; 4. F; 5. F; 6. F; 7. F; 8. F; 9. F; 10. F | |

Table 3.5 Assessing Subtle Rape Myths⁶⁴

| How Much Do You Agree With These Rape Beliefs? | | | | | |
|---------------------------------------------------------------------------------------------------------------------------------|---|---|---|---|---|
| Check the boxes from 1 – 5 for how much you agree with the rape belief; with 1 for agree least and 5 agree most . | 1 | 2 | 3 | 4 | 5 |
| 1. If a girl is raped while she is drunk, she is at least somewhat responsible for letting things get out of control. | | | | | |
| 2. When girls go to parties wearing slutty clothes, they are asking for trouble. | | | | | |
| 3. If a girl goes to a room alone with a guy at a party, it is her own fault if she is raped. | | | | | |
| 4. If a girl acts like a slut, eventually she is going to get into trouble. | | | | | |
| 5. When girls are raped, it is often because the way they said “no” is unclear. | | | | | |
| 6. If a girl initiates kissing or hooking up, she should not be surprised if a guy assumes she wants to have sex. | | | | | |
| 7. When guys rape, it is usually because of their strong desire for sex. | | | | | |
| 8. Guys don’t usually intend to force sex on a girl, but sometimes they get too sexually carried away. | | | | | |
| 9. Rape happens when a guy’s sex drive gets out of control. | | | | | |
| 10. If a guy is drunk, he might rape someone unintentionally. | | | | | |
| 11. It shouldn’t be considered rape if a guy is drunk and didn’t realize what he was doing. | | | | | |
| 12. If both people are drunk, it can’t be rape. | | | | | |
| 13. If a girl doesn’t physically resist rape, even if protesting verbally, it can’t be considered rape. | | | | | |
| 14. If a girl doesn’t physically fight back, you can’t really say it was rape. | | | | | |
| 15. A rape probably didn’t happen if the girl has no bruises or marks. | | | | | |
| 16. If the accused “rapist” doesn’t have a weapon, you can’t really call it rape. | | | | | |
| 17. If a girl doesn’t say no, she can’t claim rape. | | | | | |
| 18. A lot of times, girls who say they were raped agreed to have sex and then regret it. | | | | | |
| 19. Rape accusations are often used as a way of getting back at guys. | | | | | |
| 20. A lot of times, girls who say they were raped often led the guy on and then had regrets. | | | | | |
| 21. A lot of times, girls who claim they were raped just have emotional problems. | | | | | |
| 22. Girls who are caught cheating on their boyfriends sometimes claim that it was rape. | | | | | |

Note. From “An updated measure for assessing subtle rape myths,” by S. McMahon and F.L. Farmer, 2011, *Social Work Research*, 35, p. 77. Copyright (2011) by Oxford University Press. Reprinted with permission.

Table 3.6 Rape Myth Self-Assessment

Rape Myth Self-Assessment

Since rape myths are present in movies, media, and conversations with friends and family, most people exhibit some level of rape myth acceptance. Ask yourself these questions to find out where you are on the continuum of rape myth beliefs.

1. Which of these rape myths seem reasonable, at least on some level?

2. Am I aware of the evidence that refutes each of these rape myths?

3. What are alternative explanations to these rape myths?

4. How can these beliefs creep into my questions or behavior toward the survivor?

5. How can I educate my peers and myself on rape myths?

6. Can I hear underlying rape myth acceptance when talking to alleged perpetrators who try to minimize or rationalize their actions?

Further Learning

About Hook-Ups (see Section 14)

Other Resources

| Topic | Source | Website | Brief Summary |
|------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Brief: In Context – Campus Sexual Assault | Chronicle of Higher Education | http://chronicle.com/items/biz/pdf/sex_assault_brief_fall2014.pdf | This brief provides a summary of the Chronicle’s reporting on sexual assault on campuses nationwide. |
| Changing Our Campus Culture | Office on Violence Against Women (OVW) | http://www.changingourcampus.org | This website is a comprehensive clearinghouse for higher educational institutions on sexual assault, domestic violence, and stalking. The audience for this resources includes campus administrators, faculty and staff, campus/community law enforcement, victim service providers, students, parents, and other key stakeholders. |
| The Clery Center | The Clery Center | http://clerycenter.org | The Clery Center for Campus Security focuses on advocacy, education, training and policy around violence and other crimes on campus. |
| Colleges Wrestle with How to Define Rape | The Chronicle of Higher Education | http://chronicle.com/article/Colleges-Wrestle-With-How-to/151245/ | Colleges attempt to strengthen their responses to sexual assaults while defining rape. |
| End Rape on Campus | End Rape on Campus | www.endrapeoncampus.org | End Rape on Campus (EROC) is an organization that works to end campus sexual violence through support for survivors and their communities; prevention through education; and policy reform at the campus, local, state, and federal levels. |
| End Violence Against Women International (EVAWI) | EVAWI | http://www.evawintl.org/ | Website offers education on gender-based violence, support for victims, holding perpetrators accountable. Focus on victim-centered, multidisciplinary collaboration. |
| Identifying and Preventing Gender Bias in Law Enforcement Response to Sexual Assault and Domestic Violence | Department of Justice | http://www.justice.gov/opa/file/799366/download | DOJ guidance is designed to help law enforcement agencies prevent gender bias in their response to sexual assault and domestic violence, and describes the need for clear policies, robust training and responsive accountability systems. It provides the principles that ensure that efforts for victim safety and offender accountability are not undermined by gender bias. |
| “It’s On Us” Initiative | The White House Task Force to Protect Students from Sexual Assault | http://itsonus.org | An awareness campaign to help put an end to sexual assault on college campuses. The campaign asks men and women to take a pledge to be part of the solution. |
| Know Your IX | Know Your IX | http://knowyourix.org | Survivor-led campaign to empower students to end campus sexual violence. |
| National Sexual Violence Resource Center (NSVRC) | National Sexual Violence Resource Center (NSVRC) | www.nsvrc.org | The National Sexual Violence Resource Center (NSVRC) provides leadership in preventing and responding to sexual violence through collaboration, sharing and creating resources, and promoting research. |
| The Neurobiology of Sexual Assault Online Training | National Institute of Justice | http://nij.gov/multimedia/presenter/presenter-campbell/Pages/welcome.aspx | Dr. Campbell brings together research on the neurobiology of trauma and the criminal justice response to sexual assault. She explains the underlying neurobiology of traumatic events, its emotional and physical manifestation, and how these processes can impact the investigation and prosecution of sexual assaults. Real-world, practical implications are examined for first responders, such as law enforcement, nurses, prosecutors, and advocates. |
| Not Alone | The White House Task Force to Protect Students from Sexual Assault | www.notalone.gov | Not Alone is an initiative that provides sexual assault resources and information to students, schools and advocates. |

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SECTION

4

Understanding the Prevalence and Rates of Campus Sexual Assault

SECTION OUTLINE:

LEARNING OBJECTIVES

INTRODUCTION

 KNOWLEDGE

 EXISTING LITERATURE

 EMERGING EVIDENCE AND FINDINGS

REFERENCES

Learning Objectives

1. Law enforcement will understand the magnitude and controversies surrounding the problem of campus sexual assault (CSA) and their role in responding to reports.
2. Law enforcement will integrate knowledge about reporting (and underreporting) and the risk factors of sexual assault.
3. Law enforcement will understand ways to increase reporting strategies on CSA.

Introduction

By and large, the development of statistics are often the responsibility of researchers, with the exception of what is mandated by the Clery Act. Police will better understand the

scope and magnitude of the problem and underreporting of sexual assault crimes through a look at the prevalence, reported crime rates, and Clery reports on campuses.

Knowledge

Prevalence and Rates

Generally three national studies inform our knowledge about prevalence and rates about sexual assault of college students: The National Crime Victimization Survey (NCVS),¹ the National Intimate Partner and Sexual Violence Survey (NISVS),² and the Campus Sexual Assault Study (CSA).³ These surveys differ on important methodological structures and therefore yield different findings. IDVSA conducted the

Texas Statewide Sexual Assault Prevalence Study although it did not target the college student experience specifically.^{4,5} Recently, the Association of American Universities conducted the Campus Survey on Sexual Assault and Sexual Misconduct on 27 university campuses where 150,000 students participated (including 6,660 from UT Austin).⁶ Lastly, the Bureau of Justice Statistics piloted the Campus Climate Validation Survey at nine IHEs on sexual victimization with undergraduate students in 2014-2015.⁷

 Table 4.1 Victimization and Prevalence Rates Across Six Studies

| Study Title | Major Prevalence Finding |
|----------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2007 Campus Sexual Assault Study | 13.7% of undergraduate women ages 18 to 25 experienced at least one completed SA since entering college |
| 2010 National Intimate Partner and Sexual Violence Survey | 37.4% of female victims experienced their first rape between ages 18 to 24 2% of females between ages 18 to 24 experienced unwanted sexual contact annually |
| 2014 National Crime Victimization Survey | 7.6 rape and sexual assault victimizations per 1,000 nonstudents between ages 18 to 24 6.1 rape and sexual assault victimizations per 1,000 college students between ages 18 to 24 |
| 2015 IDVSA Texas Statewide Sexual Assault Prevalence Study* | 48.3% of female Texans ages 18 to 24 were sexually assaulted during their lifetime 12.3% of male Texans ages 18 to 24 were sexually assaulted during their lifetime |
| 2015 AAU Campus Survey on Sexual Assault and Sexual Misconduct | 23.1% of female undergraduate students nationally experienced sexual assault 18.5% of female undergraduate students at UT Austin experienced sexual assault |
| 2016 BJS Campus Climate Survey Validation Study | 10.3% of female undergraduate students across 9 surveyed schools experienced sexual assault in the 2014-2015 school year 21% of female undergraduate students across the 9 surveyed schools experienced sexual assault since entering college |

*Note. In this study, participants may not have been enrolled in college and analysis was based on a relatively small sample.

THE CONTROVERSY AROUND SEXUAL ASSAULT STATISTICS

The rate of sexual assault victimization has been mired in controversy over the years with some critics believing that the number one in four or one in five is inflated. Part of the confusion comes from how different surveys ask questions about sexual assault. For example, the National Crime Victimization Survey (NCVS) asks respondents if they have ever been “raped,” “sexually assaulted,” or “attacked.” The survey asks about a six-month period, requires the respondent to identify the incident as a crime, and reports the data as both victimization rates and prevalence data. Using this methodology they found that between 1995 and 2010 the rate of completed rape or sexual assault declined from 3.6 per 1,000 women to 1.1 per 1,000 women.⁸ In contrast, the CDC NISVS survey, which reported an almost one in five women statistic, asked questions from a public health perspective, using the time frame of over the person’s lifetime, and did not use the terms “rape” or “sexual assault,” instead asking questions like, “How many people have ever used physical force or threats to physically harm you to make you have vaginal sex?”⁹ The CDC NISVS survey also does not collect data on student status. The AAU study conducted by Westat, the recently released Campus Climate Validation Study, as well as ongoing research among UT System institutions currently being conducted by IDVSA will advance our understanding of the complex issues surrounding CSA including prevalence and the best methods for measuring and collecting data on rape and sexual assault from students; and hopefully, improve the dialog on this critical issue.

Perpetration Rates

Perpetration, including who, when, under what circumstances, is an important issue that is covered briefly in this section. Understanding perpetration, specifically related to CSA, is still in early knowledge development and some researchers at IHEs are beginning to ask questions through campus climate surveys.¹⁰ In the last 15 years, academic research supported a serial perpetration hypothesis. Previous studies have revealed that a small number of men on campus are perpetrating serial rape, with repeat rapists averaging 5.8 rapes each.¹¹ However, a recent study found that men who perpetrated rape earlier in adolescence were less likely to rape during college, and men who raped during college were more likely to not have raped before college.¹² The findings of this research suggest that the serial perpetration hypothesis may not fully encompass the reality of CSA. Clearly, more research, with the input of campus police, is needed to deepen the understanding of CSA perpetration at IHEs.

Risk Factors Associated with Campus Sexual Assaults

According to a U.S. Department of Justice (DOJ) study based on NCVS data for the period 1995 to 2013, the highest rate of sexual assault victimization nationally involves young women ages 18–24.¹³ Additionally, there are other risk factors that

have been found to be associated with sexual assault among university women as reported in *The Campus Sexual Assault (CSA) Study*. It is important to note that these risk factors should not be used to blame women for the assault, but rather to inform the development of primary prevention and risk reduction programming, campus policies, and crisis and law enforcement response strategies.

The CSA study found the following factors to be statistically significant for putting students at risk of sexual assault:

- Being female
- Freshman and sophomore years
- Prior abusive dating relationship
- Frequent attendance at fraternity parties
- Membership in a sorority
- Victimization prior to college
- Number of sexual partners¹⁴

Although the NCVS study findings showed young college women were at increased risk for belonging to the age group of 18–24 years, the data also showed that nonstudents in that age group faced a slightly higher rate of victimization (7.6 per 1000) compared to college students (6.1 per 1000).¹⁵

 Table 4.2 Comparison of Women (Students vs. Nonstudents), Ages 18–24¹⁶

| | Female Students | Female Nonstudents |
|---------------------------------------------|------------------------------------------------|-----------------------------------|
| Rate of Victimization | 6.1 per 1000 | 7.6 per 1000 |
| Offender known to victim | In 80% of the cases | In 80% of the cases |
| Site of assault | 51% away from home pursuing leisure activities | 50% engaged in activities at home |
| Offender had weapon | 10% | 10% |
| Reported to police | 20% | 32% |
| Fear of reprisal impacted non-report | 20% | 20% |
| Received support from victim service agency | 16% | 18% |

Formal Reporting

The underreporting of sexual assault compounds questions about the rate of sexual assault victimization. A consistent research finding is that only a small percentage of sexual assaults are reported to law enforcement. For instance, researchers found that only 9.2% of sexual assaults in Texas were reported.¹⁷ The NCVS study comparing female students and nonstudents ages 18 to 24 also found that students were less likely to report (20%) compared to nonstudents (32%).¹⁸ Another NCVS study (2010) found that 35% of women reported their victimization to police, a number that might be expected on a survey focused on crime.¹⁹ In a review of the literature, approximately 26% to 40% of victims report sexual assault to police and pursue prosecution through the criminal justice system.²⁰

Context about Not Formally Reporting

The reasons given for not reporting are many and varied. See Table 4.5 for a list of reasons victims cited for not reporting and strategies for police to increase reporting. Research has found that many victims report being actively discouraged from telling police who cited potential personal costs to the victim such as repeated trips to court and humiliating cross-examinations, as well as the threat of charges if the victim's truthfulness comes into doubt during the course of the investigation.²¹

Delays in Reporting and Reasons to Formally Report

Of the victims who did report their sexual assaults to police, only one-quarter reported the crime within 24 hours.²² Many factors affect reporting to police. One study found that the closer the relationship between the victim and the offender, the greater the likelihood that the police would not be told about the rape or sexual assault.²³ If the victim was physically

injured during the sexual assault, with injured victims reporting to police increased as compared to victims not injured, 41% to 22% respectively.²⁴ Further, victims are more likely to report if force was used, if they did not know their attacker, if they physically resisted the assault, if weapons were used, or it was completed rather than attempted rape.²⁵ Another study that examined the likelihood of college women to report sexual assault found that they were more likely to report on a survey rather than to law enforcement, to a friend rather than a campus agency. The study also found that the higher the level of self-blame the less likely victims were to report to anyone.²⁶

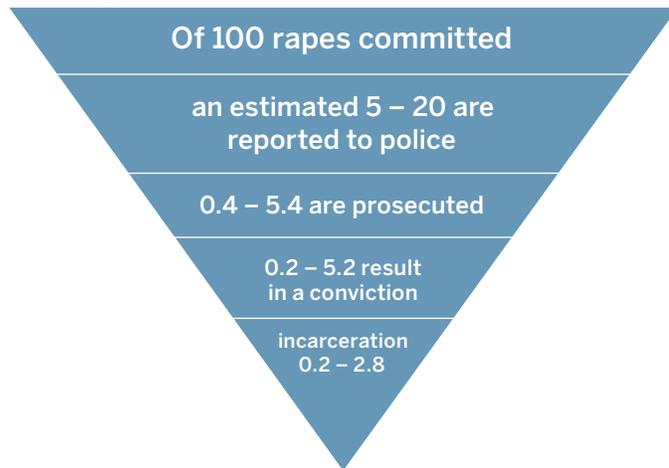
The victim should always have a choice as to whether to report to police or what healthcare or other community-based services to access. However, when victims do not report or engage with the criminal justice system, especially due to fears of poor treatment or blame they are unable to access needed services or seek justice.

Case Dispositions and Attrition

Case attrition or case “fall out” from the criminal justice system can occur at anytime in the criminal justice process and may best be reported in ranges rather than a single number. Understanding the reasons behind case attrition is particularly important given the low reporting of sexual assault crimes. Case attrition is difficult to quantify and most research on the underlying reasons why victims do not pursue charges has focused on the criminal justice response to sexual assault victims and the psychological effects of trauma on the victim.²⁷ In their extensive review of the research literature and crime reports, Lonsway & Archambault (2012) found that 5% to 20% of all rapes are reported to law enforcement, 7% to 27% of these reports are prosecuted, and 3% to 26% yield a conviction. Of all the defendants who are arrested and prosecuted, 62% will be convicted (54% for

a felony and 8% for a misdemeanor) and of those 95% will be incarcerated (65% in prison and 30% in jail). These numbers reveal that a very small percentage of sexual assault cases traverse the whole criminal justice process and result in prosecution, conviction, and incarceration.²⁸ A visual illustration of sexual assault case attrition in the criminal justice system follows.

 Figure 4.1 Case Attrition of Sexual Assault Cases²⁹



Note from the authors. This visual schematic is based on research summarized in the article, estimating that 5% to 20% of all forcible rapes are reported to law enforcement; of these reports, 7% to 27% are prosecuted and 3% to 26% yield a conviction. The 2004 State Court Processing Statistics then suggest that 62% of all defendants who are arrested and prosecuted for rape will be convicted; of these, 95% will be sentenced with incarceration (BJS, 2008a). The National Violence Against Women Survey (Tjaden & Thoennes, 2006) revealed that 17.6% of female and 3% of male respondents were raped at some time in their lives. Based on U.S. Census data, this translates to 17.7 million women and 2.8 million American men (Tjaden & Thoennes, 2006, p. 7).

Figure 4.1. Case Attrition of Sexual Assault Cases. Reprinted from "The 'Justice Gap' for sexual assault cases: Future directions for research and reform," by K. Lonsway and J. Archambault, 2012, *Violence against Women*, 18, p. 157. Copyright (2012) by SAGE Publications. Reprinted with permission.

Unfounded Reports of Sexual Assault

Unfounded rates of sexual assault range from 2% – 25% with the Uniform Crime Report (1996) reporting 8%.³⁰ Although there is an important distinction, law enforcement officers and organizational policies as well as researchers sometimes mistakenly assume that *unfounded* means a *false allegation* by the victim. The definitions of unfounded often include cases dismissed for lack of evidence, inability to apprehend the offender, the witness/victim declines to participate in the criminal justice system, and false reports.³¹

False Allegations

Research concludes that false allegations make up 2% to 10% of reports.³² When false allegations are cited in higher numbers, the inflations are errors in definitions and process. Unfortunately, a widely cited study by Kanin (1994) that reported the percentage of rape false allegations to be 41% endures.³³ However, this study was highly criticized and thoroughly discredited by researchers because of its major methodological errors.^{34,35}

Furthermore, one study that included interviews with sexual assault investigators found that the more experience and training they had, the less likely they were to believe that it was common for victims to falsely allege rape. Female detectives were also less likely than their male counterparts to believe that women frequently falsely allege rape; one third of the detectives estimated that false rape allegations were 40% to 80% of all the cases they had seen over the course of their career.³⁶

The study compared the beliefs of municipal and campus police at the patrol level and found that campus police were less cynical, less likely to believe rape myths, less likely to believe that women make false allegations, and more likely to have had additional training beyond the academy on sexual assault than their municipal counterparts. However, although campus police were less likely than municipal police to believe that victims make false allegations, their estimations of false allegations were still high, making up 29% of all false reports.³⁷

From the Field

FALSE ALLEGATIONS DEFINED

The International Association of Chiefs of Police (IACP) clearly outlines the definition of false allegations: The determination that a report of a sexual assault is false can be made only if the evidence establishes that no crime was committed or attempted.

This determination can be made only after a thorough investigation. This should not be confused with an investigation that fails to prove a sexual assault occurred. In that case the investigation would be labeled unsubstantiated. The determination that a report is false must be supported by the evidence that the assault did not happen.³⁸ A false allegation is a purposeful act by the reporting party.

📄 Reports at UT Austin

At UT Austin, the majority of sexual assaults are reported to the Student Emergency Services office that is connected to the Dean of Student's office. The Title IX Training and Investigations Unit is responsible for conducting investigations, while Student Judicial Services in the Dean of Students Office is responsible for adjudicating the discipline process and facilitating proceedings for violations of Institutional Rules. Most of the reported sexual assaults occur off campus and therefore may not be reflected in the reportable Clery numbers. It appears that conduct cases that involve less serious offenses may result in less serious consequences (e.g., suspension) while more serious conduct violations such sexual assault may result in more serious consequences (e.g., expulsion). Dynamics on UT Austin campus reflect what is seen in the literature: most student victims do not want to report their assaults to law enforcement for these reasons: 1) the process takes too long, years instead of the two to three months involved in the conduct process, 2) too overwhelming to report to law enforcement, 3) it is more public, 4) with frequent references to the *Law & Order* television shows, victims fear testifying in court, 5) they generally do not want lawyers involved, 6) they often do not want the perpetrator to go to jail, but want the perpetrator to know their actions were wrong and that they will not do it again, 7) do not want the situation to escalate, and 8) they often see the conduct process as "kinder, friendlier, version of justice."

📄 Table 4.3 Comparisons of Sexual Assault Numbers Across Three Reporting Systems at The University of Texas at Austin³⁹

| Department | 2011 – 2012* | 2012 – 2013 | 2013 – 2014 |
|-------------------------------|--------------|-------------|-------------|
| Clery** | 2 | 9 | 8 |
| Student Emergency Services*** | 22 | 26 | 35 |
| Title IX Cases**** | 2 | 4 | 23 |

* Clery Act reports crime statistics by calendar year, Title IX reports by academic year.
 ** Information compiled in the UT Austin Annual Security Report 2014 based on on-campus sex offenses.
 *** Information compiled by Student Emergency Services, a program in the Dean of Students Office.
 **** Information compiled by the Title IX Coordinator, and Student Judicial Services in the Dean of Students Office.

📄 Table 4.4 Reported Sex Offenses across the UT System⁴⁰

| The University of Texas System Sex Offense Data | | | |
|--------------------------------------------------------------|---------------------------|-----------------------|-----------------------|
| 2011–2013 | 2011 | 2012 | 2013 |
| Institution Name | Forcible sex offenses**** | Forcible sex offenses | Forcible sex offenses |
| The University of Texas at Austin | 2 | 9 | 8 |
| The University of Texas at Arlington* | 2 | 10 | 5 |
| The University of Texas at San Antonio* | 2 | 3 | 6 |
| The University of Texas at Brownsville* | 1 | 1 | 0 |
| The University of Texas at Dallas | 0 | 1 | 1 |
| The University of Texas at El Paso | 5 | 9 | 3 |
| The University of Texas-Pan American | 0 | 2 | 5 |
| The University of Texas at the Permian Basin | 0 | 0 | 1 |
| The University of Texas at Rio Grande Valley** | | | |
| The University of Texas at Tyler* | 0 | 3 | 0 |
| The University of Texas Health Science Center at Houston* | 0 | 1 | 1 |
| The University of Texas Health Science Center at San Antonio | 0 | 0 | 0 |
| The University of Texas Health Science Center at Tyler*** | | | |
| The University of Texas Medical Branch at Galveston | 0 | 0 | 0 |
| The University of Texas Southwestern Medical Center | 0 | 6 | 4 |
| The University of Texas MD Anderson Cancer Center | 0 | 0 | 0 |

* Sex offenses only reported on main campus.
 ** School opened in 2014 and no crime statistics were available.
 *** Data unavailable and out of date on campus website.
 **** Forcible sex offenses is not the same as sexual assault as defined by the Texas Penal Code.

Other Campus Reporting Data

An additional picture of campus sexual assault is illuminated by a report from EduRisk™, which provides education-specific risk management resources to colleges. Their report can be found at www.ue.org.⁴¹

From the Field

REPORTING AT THE UNIVERSITY OF TEXAS SYSTEM

Reporting of sexual assault at campuses comprising the University of Texas Systems looks similar to many other IHEs, that is, the number of sexual assaults reported to police is relatively low, seemingly a manifestation of how few sexual assaults are reported at IHEs. The numbers at some IHEs have increased in recent years, thought to be a result of increased educational efforts, increased student comfort in reporting the crime, and increased confidence in the ability and willingness of law enforcement to respond appropriately. At one university in the UT System, students are three to ten times more likely to report sexual assault to Student Emergency Services, in the Office of the Dean of Students. Another important trend about sexual assaults reported to the Title IX Coordinator is that there has been a tenfold increase over three years. Since the numbers reported to the Student Emergency Services Office stayed stable over those same three fiscal years, it seems that the actual number of sexual assaults did not increase, but rather that the numbers reported to the Title IX Coordinator increased.

Strategies to Increase Reporting

When numbers of sexual assault reports rise, it is often an indicator of successful response and outreach efforts. Strategies to increase reporting to campus law enforcement can be determined by examining the reasons victims give about why they do not report as explained earlier. For instance, victims do not report the sexual assault because they do not think that what happened constitutes a sexual assault, even if the act met the legal definition of sexual assault. Educating the campus community about the definition of sexual assault and consent may increase the number of reports.

Many victims may only identify, like society in general, that “real rape” only happens when the perpetrator is a stranger or there is violence. To increase reporting of sexual assault, education is key. This educational effort can be provided by law enforcement officials in prevention training as well as other campus departments. Clearly articulated definitions of consent, nonconsent, and the new Affirmative Consent Standard (e.g., “Yes means Yes”) may increase the overall knowledge of what constitutes sexual assault. *Consent* generally means informed, voluntary and shared agreement, which can be withdrawn at anytime and best if verbally given without coercion. *Affirmative consent standard* means that the initiator of sexual activity asked for and received consent before initiating sexual activity, also a variance of the “Yes means Yes” standard. (For further details see the Definitions Section.) A national study of college women found 95.9% reported that public education about acquaintance sexual assault would be either “somewhat” or “very effective” in increasing willingness to report the crime to law enforcement.⁴²

Some sexual assault survivors do not report their sexual assault out of fear the police cannot or will not do anything about it. Increasing the number of reports to law enforcement is the goal with the primary benefit of increased response and safety for the campus. This message can be sent during police trainings, during primary prevention education to campus groups, and in responding to victims so that word of mouth relays the message that sexual assault is a serious crime and campus police will investigate with the full resources of the department. A philosophical position regarding sexual assault that is embraced by the chief executive of the law enforcement agency and reflects a victim-centered and trauma-informed perspective can be foundational to the department’s understanding of the offense. This message needs to saturate the police department from the leadership of the department to investigators to each and every patrol officer (see Table 4.5 for more ways to increase the number of sexual assault reports to law enforcement). In addition, the non-report sexual assault evidence program gives victims in Texas a way to obtain sexual assault medical forensic examinations without making a police report at the time of collection.⁴³ This program gives the victim time to consider if they want to report the assault, while the Texas Department of Public Safety stores the evidence for two years or until the victim releases the evidence to police.

 Table 4.5 How to Increase Number of Sexual Assault Reports

| Reasons for Not Reporting ^{44 45 46} | Strategies to Increase Reports |
|----------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Victim not sure the act was sexual assault | <ul style="list-style-type: none"> • Teaching campus community definitions of sexual assault and consent. • Conducting campus education campaigns. |
| Victim worried about being believed | <ul style="list-style-type: none"> • All reports of sexual assault should be assumed to be valid and investigated thoroughly — just like any other reports of crime. • Don't ask doubting or blaming questions. • Understand that trauma can affect victim's memory and emotions. • Use Forensic Experiential Trauma Interview (FETI) techniques. |
| <p>Police cannot or will not be able to help</p> <p>Victim reached out for informal help</p> | <ul style="list-style-type: none"> • Ensure campus community allegations are taken seriously. • Create an empathetic policing model that reflects the philosophical values of the law enforcement agency through training, policy development and performance measurement. • Teach officers about "typical" campus sexual assault. • Make police campus services visible and accessible. • Work to unlearn rape myths. • Understand campus hook-up culture and do not blame victim for being sexually active. • Alcohol is usually involved, but do not blame victim-for drinking, focus on assault rather than alcohol use, even if under-age use. • Inform victim of their options — criminal, civil, and student conduct process. • Inform victim of accommodations that can be made on campus to limit potential contact with the alleged offender, for example, with housing or class changes or no-contact directives. • Have presence at <i>Take Back the Night</i> marches or other events to show police support of campus initiatives to address sexual assault. • Develop relationships with sororities and other high risk communities. • All sexual assault reports should lead to a written report and an investigation to the fullest extent possible. • Only "unfound" a case after a complete and meaningful investigation. |
| Victim embarrassment | <ul style="list-style-type: none"> • Be sensitive to embarrassing topics for the victim, such as detailing body parts and sexual acts. • Interview privately. • Maintain confidentiality as much as possible. • Praise victims for their courage in coming forward. • Have female officers present for female victims when possible. |
| Afraid to be "outed" as LGBT | <ul style="list-style-type: none"> • Be aware that sexual assaults can occur regardless of sexual orientation. • Teach officers to be accepting of all sexual identities. • Teach officers about special needs and circumstances of LGBT populations. • Ask victims which personal pronouns they prefer if you are unsure. |
| Secondary victimization by system | <ul style="list-style-type: none"> • Attempt to avoid repeated questioning by multiple officers. • Hold skepticism at bay. • Conduct Forensic Experiential Trauma Interviews (FETI). • Honor the victim's right to a non-report sexual assault forensic examination (NR-SAFE) which gives them time to decide whether to make a police report, while collecting valuable evidence. |

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SECTION

5

Policies and Procedures

SECTION OUTLINE:

LEARNING OBJECTIVES

INTRODUCTION

 KNOWLEDGE

 EXISTING LITERATURE

 EMERGING EVIDENCE AND FINDINGS

SKILLS

OTHER RESOURCES

REFERENCES

Learning Objectives

1. Law enforcement will understand their role in identifying and complying with policies and procedures in addressing campus sexual assault (CSA).
2. Law enforcement will understand the existing and emerging body of knowledge around policies and procedures when addressing CSA.
3. Law enforcement will be able to demonstrate the skills necessary to successfully identify and implement policies and procedures to address CSA.

Introduction

Policies and procedures advance the shared goal of eliminating sexual assault and violence on campuses nationwide. Generally, policies are standards that guide action whereas, procedures generally describe actions to implement policies. To be more specific, federal statutes are laws enacted at the federal level by the United States Congress. Responses to campus sexual assault (CSA) are governed by state and federal laws and statutes as well as university system and campus level policies. Although these policies are well intentioned, seeking to aid victims, hold perpetrators accountable, and educate communities, the policies are often dense, confusing and, at times, seemingly conflicting.

This section outlines relevant policies and the interface that police may have with these policies in order to work more effectively. Policing tasks are often made more difficult since

the issue of CSA has captured the public attention as well as the media and political spotlight, and the implementation of policies and procedures are evolving. This section outlines relevant federal and state laws and system and campus related policies and procedures.

The University of Texas System Office of Director of Police Policy¹

UT System Police use the Sexual Assault Response and Investigation Policy, which follows both federal and state laws related to sexual assault and provides comprehensive guidance on the best practices and protocols for campus sexual assault response. The policy was designed to embody the principles of victim-centered and trauma-informed practices and solidifies UT System’s commitment to addressing the “profound, destructive, and life-altering” impact of this crime.

Knowledge

Learning About Policies for Campus Sexual Assault

Officers should be familiar with the range of policies that govern CSA. Although a complete and thorough understanding of policies is challenging, police should have a basic understanding of the various policies to understand their roles and responsibilities as well as those of other campus professionals charged with responding to CSA. The policies that pertain to CSA and related offences occur at the federal, state, system, and campus levels.

Federal Statutes

Although there are many federal policies that govern CSA, Title IX, Jeanne Clery Act, Violence Against Women (VAWA), and Campus SaVE, are federal statutes described in this section.

TITLE IX OF THE EDUCATION AMENDMENTS OF 1972.

Title IX (often abbreviated and called “Title Nine”) is a federal civil rights statute that prohibits discrimination on the basis of sex in all education programs and activities, elementary through postsecondary, that receive federal funds. Under Title IX, discrimination on the basis of sex includes the broader category of sexual violence and harassment, with its sub-categories including rape and sexual assault, sexual battery, sexual abuse, and sexual

 Table 5.1 Selected Policies Governing Campus Sexual Assault

| Federal Statutes | Selected Texas State Laws | UT System & Campus Policies |
|-------------------------------------------------------|---------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|
| Title IX | Texas Penal Codes | Office of the Director of Police |
| Title IV | Chapters 21 Chapters 22 Chapters 43 Texas Education Code Chapter 51 | The University of Texas System Policy and Procedure Manual Sexual Assault Response and Investigation Policy (#421)* |
| Violence Against Women Act (VAWA) | Code of Criminal Procedure Chapter 57 | Campus Policy Sex Discrimination and Sexual Harassment |
| Campus Sexual Violence Elimination Act of 2013 (SaVE) | | Campus Policy on Sexual Misconduct |
| Jeanne Clery Act of 2008 | | |

*For the full ODOP policy, visit <http://www.utsystem.edu/pol/policies/421SexualAssaultResponseandInvestigation.pdf>

coercion.² This includes discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity. Title IX is a complex statute. This description is limited to understanding a campus's compliance mandate. Title IX compliance is monitored by the U.S. Department of Education (DOE) Office of Civil Rights (OCR). As mentioned in Section 3, the DOE OCR is tasked with assessing violations of Title IX and affirmative findings can result in referral to the DOJ for further action. The DOJ Civil Rights Division has enforcement authority for Title IX. Title IX is also enforced by DOJ and other federal agencies (e.g., NASA) through complaint investigations and compliance reviews with respect to IHEs that are recipients of federal assistance from those agencies.

In sum, Title IX requires that IHEs take actions to address sex discrimination and provide a nondiscriminatory learning environment to all students. The DOE's most current list of IHEs with open Title IX sexual violence investigations can be requested on their website (<http://www.ed.gov>). The focus on CSA following several high profile cases has captured national attention. Currently, 139 colleges from 40 states are under investigation from community colleges to Ivy League institutions.³

From the Field

UNDERSTANDING THE DEAR COLLEAGUE LETTER (DCL) AS A CALL TO ACTION

On April 4, 2011 the U.S. Department of Education Office for Civil Rights issued a set of guidelines clarifying schools' obligations under Title IX that became known as the Dear Colleague Letter (DCL).

The DCL issued two broad pronouncements:

the requirements that Title IX also covers sexual violence, physical acts perpetrated against a victim's will and where a person is incapable of giving consent, including rape, sexual assault, sexual battery, and sexual coercion; and

to remind schools to take immediate and effective steps to respond to sexual violence in accordance with the requirements of Title IX.⁵

THE JEANNE CLERY ACT.

The Clery Act was passed in 1990 and more recently in 2013 with the passage of the Violence Against Women Reauthorization Act (VAWA). VAWA amended the Jeanne Clery Act, to include statistics on dating violence, domestic violence,

and stalking. The Clery Act, originally known as the "Campus Security Act," is a federal law that requires both private and public IHEs that participate in federal financial aid programs to disclose information about crime on and around their campuses. The legislation's goal was to provide prospective and current students and their family members with crime statistics, and prevention and intervention efforts at IHEs. Police may be involved in tracking Clery statistics at colleges.

 Figure 5.1 Does Your School have an "Equitable" Title IX Process?⁴

Know Your IX is a non-profit advocacy and educational organization whose mission is to provide support on the Title IX complaint process. To help assess compliance with regard to the complaint process, *Know Your IX* recommends using a self-assessment process based on seven questions.

Although schools have some flexibility in determining the rights of students in the investigative process, under Title IX, both the students, the complainant and the respondent, must have equal rights. Examples of possible rights include:

1. Choose an adviser to be present during the process (this includes an attorney if allowed by schools).
2. Present evidence or have witnesses speak on their behalf.
3. Have timely access to information that will be used at the hearing.
4. Attend pre-hearing meetings, which have opportunities to present testimony.
5. Receive the final hearing decision in writing at the same time as the other party without being required to sign a non-disclosure agreement.
6. Have the right to appeal a final decision.

The DCL warns that a disciplinary system requiring the complainant and respondent to directly interact may be re-traumatizing; the DCL discourages this practice. Ultimately, schools should review the OCR Q&A to ensure full compliance with Title IX mandates.

Figure 5.1. Does Your School Have an "Equitable" Title IX Process? Adapted from Title IX in Detail, in *Know Your IX*, n.d., Retrieved September 18, 2015, from <http://knowyourix.org/title-ix/title-ix-in-detail/>. Reprinted with Permission.

The Clery Act has seven reporting requirements:

1. By October 1st an annual security report must be issued that documents three calendar years of select crime statistics including security policies, procedures, and basic victim rights.
2. A public crime log that documents the nature, date, location, and disposition of campus crimes must be maintained.
3. Crime statistics must be disclosed in seven major categories (homicide, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, and arson). Reporting also includes the following sub-categories: drug, alcohol and weapons violations and hate crimes; and most recently, dating violence, domestic violence, and stalking, that occur on campus, public places adjacent to or running through campus, or at certain non-campus facilities, such as Greek housing and remote classrooms.
4. The release of timely warnings about Clery Act crimes that present a significant risk or ongoing threat to students and employees.
5. Emergency response, notification, and testing policy.
6. Document and publish fire incidents and provide annual safety fire reports to the federal government.
7. Establish policies, procedures, and reporting of missing students.⁶

CAMPUS SEXUAL VIOLENCE ELIMINATION ACT OF 2013.

Campus Sexual Violence Elimination Act (SaVE Act) was passed in March 2013 as a part of the Violence Against Women Reauthorization Act (VAWA). The Campus SaVE Act broadens the Clery Act in multiple important ways: 1) adds offenses of sexual violence, including sexual assault, domestic violence, dating violence, and stalking to Clery reporting requirements; 2) expands categories of hate crimes to include those based on bias due to gender identity and national origin, and 3) the Annual Security Report (ASR) must include the institution's internal procedures for addressing these crimes as well as descriptions of its education and prevention programs. In order to comply with the new regulations, campuses must 1) publicize the Campus SaVe Act as widely as possible; 2) collect data on the new categories of crime; 3) review all practices, policies and procedures to ensure they comply with the new provisions of the law; 4) provide campus-wide prevention education and training programs for students, staff, and faculty; 5) guarantee victims' enhanced rights; and 6) set equitable standards for student disciplinary hearings.

The Campus SaVE Act seeks to increase transparency, accountability, education and collaboration on the topic of sexual assault, domestic violence, dating violence, and stalking on campuses.⁷

Texas State Law

Police are governed by Texas State laws. The most relevant to this issue are Texas Penal Chapter 21, 22, 43, sexual offenses, sexual assault, and public indecency and Code of Criminal Procedure Chapter 57 that describes the procedures used to protect confidentiality in sexual cases with victims. Also, the Texas Education Code Chapter 51 has been amended to require IHEs to establish a campus sexual assault policy and mandate that it be made easily available to students, faculty and staff.

System and Campus Policy and Procedures

In addition to federal and state laws, The University of Texas System Police (UTSP) are also governed by Policy #421, Sexual Assault Response and Investigation, by the Office of the Director of Police (ODOP), The University of Texas System, effective September 1, 2015.⁸

Students attending one of the universities in the UT System institutions are also subject to the Standards of Conduct outlined in the Sex Discrimination and Sexual Harassment Policies and the Sexual Misconduct Policy⁹ contained within the UT System Handbook of Operating Procedures.

STUDENT REPORTING OPTIONS.

It is important to understand that there are three main CSA reporting processes available to students including: criminal, administrative, and civil. These reporting structures are complex and may vary by IHE. In addition, the terms used to describe the reporting processes may differ. Outcomes also may differ according to the process being pursued. For example, reports to police and to the IHE will result in criminal investigations and administrative investigations, respectively. The criminal justice process may end with the offender in jail or prison, while the administrative process may end with the offender expelled. Part of the IHE's process includes Title IX which primarily focuses on providing and maintaining the complainant's access to education and a learning environment free from sex discrimination for all students.

To make a report through the criminal process, students can report sexual assault to police (campus or local). In some jurisdictions, although not in the UT System, third-party and anonymous reporting is available. In the administrative process, students can report sexual assault to various plac-

es within the IHE, including: student emergency services, student judicial services, and the Title IX office. Students also have the option to pursue a civil process if they feel the responding structures did not uphold their civil rights. This might be making a complaint to the OCR, or engaging the civil court system to allow for recovery of damages.

An important note, students may also report to confidential sources on their campus, including: mental health professionals, healthcare practitioners, and pastors and clergy - acting in their professional roles. These professionals are not responsible employees under Title IX and are exempted officials under the Clery Act. More information on mandatory reporting follows.

SNAPSHOT OF MANDATORY REPORTING ON CAMPUS.

The concept of mandated reporting is related to two federal statutes – the Clery Act and Title IX – which apply to institutions of higher education (IHEs). Generally, a “mandated reporter” is used in the context of the Clery Act, that requires IHE employees to report crime statistics in 15 categories.¹⁰ Under Title IX, the term “responsible employee” is applied to IHE employees required to report an incident to the Title IX Coordinator when a student discloses sexual assault, sexual harassment, dating violence or stalking.¹¹ Generally, mental health professionals, healthcare practitioners, and pastors and clergy - all acting in their professional roles - are exempt from mandatory reporting. The specific application and terminology of mandated reporting, the information required to be provided, and who is required to report may vary by institution.

IHEs are required to protect the rights of victims and accused. For Title IX, the minimum process requires the Title IX coordinator to gather facts and investigate, provide interim measures and accommodations, and determine whether and how to respond to the accused. Appeals and hearings are not required, but if they are offered, equitable options must be provided to both the complainant and respondent.

From the Field

DIFFERENCES OF MISCONDUCT AND TITLE IX POLICIES

These two policies may overlap when a student reports a sexual assault crime, but the policies have very different objectives at their core. Misconduct focuses on policy violation and punishment for behaviors. Sexual harassment (the broadest term used in Title IX) complaints focus on the need to remain in school free from harassment and gender discrimination.

From the Field

THE STANDARD OF EVIDENCE IN CONDUCT CASES

The preponderance of the evidence standard is used in administrative hearings. This standard requires a contested fact to be more likely true than not.¹²

Skills

Law enforcement’s role in promoting campus safety requires a firm understanding of the multiple laws and policies related to campus sexual assault and interpersonal violence. Police officers are key partners in efforts to combat campus sexual assault from prevention and intervention to investigation and victim recovery. In order to strengthen and support ex-

isting policies, law enforcement needs to be trained on policy as well as evidence-based prevention, risk and protective factors, signs of premeditation, affirmative consent and victim-centered and trauma-informed approaches to help survivors in the aftermath of victimization. The exercise below will help assess your knowledge of applicable policies.

Policy Skill Development Exercise

Table 5.2 Test Your Policy Knowledge

| Test Your Policy Knowledge | |
|---------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Instructions: Match the policy description governing CSA with the policy. | |
| Policy | Description |
| _____ 1. Title IX | A. Letter issued in 2011 by the U.S. Department of Education Office of Civil Rights reminding IHEs that the requirements of Title IX cover sexual violence and to remind IHEs of their responsibilities to take immediate and effective steps to respond to sexual violence in accordance with the requirements of Title IX. |
| _____ 2. Clery Act | B. Defines sexual assault as intentionally or knowingly causing the penetration of the anus, sexual organ, or mouth by any means without the person’s consent, or causes the sexual organ of another person, without that person’s consent, to contact or penetrate the mouth, anus, or sexual organ of another person. |
| _____ 3. The Campus Sexual Violence Elimination (SaVE) Act | C. A 1994 U.S. federal law (reauthorized in 2000, 2005, 2013) that provides \$1.6 billion toward investigation and prosecution of violent crimes against women, imposes automatic and mandatory restitution on those convicted, and established the Office on Violence Against Women within the Department of Justice. |
| _____ 4. Violence Against Women Act (VAWA) | D. the federal civil rights law that prohibits sex discrimination in education. |
| _____ 5. Sexual Assault Response and Investigation Policy | E. a federal law passed in 2013 as part of VAWA reauthorization, which amends the Clery Act to increase transparency on campus about incidents of sexual violence, guarantee victims enhanced rights, set standards for disciplinary proceedings, and require campus-wide prevention education programs. |
| _____ 6. Texas Penal Code | F. Originally known as the Campus Security Act, this federal law requires IHEs to publish an annual security report, have a public crime log, and disclose crime statistics for campus incidents, issue timely warnings, devise an emergency response, publish an annual fire report, and enact policies and procedures to handle reports of missing students. Named after Jeanne, a college student who was sexually assaulted and killed on her campus. |
| _____ 7. Dear Colleague Letter | G. A policy by the Office of the Director of Police The University of Texas System that resides in the Policy and Procedure Manual, which details how police should respond to and investigate sexual assault on campus. |

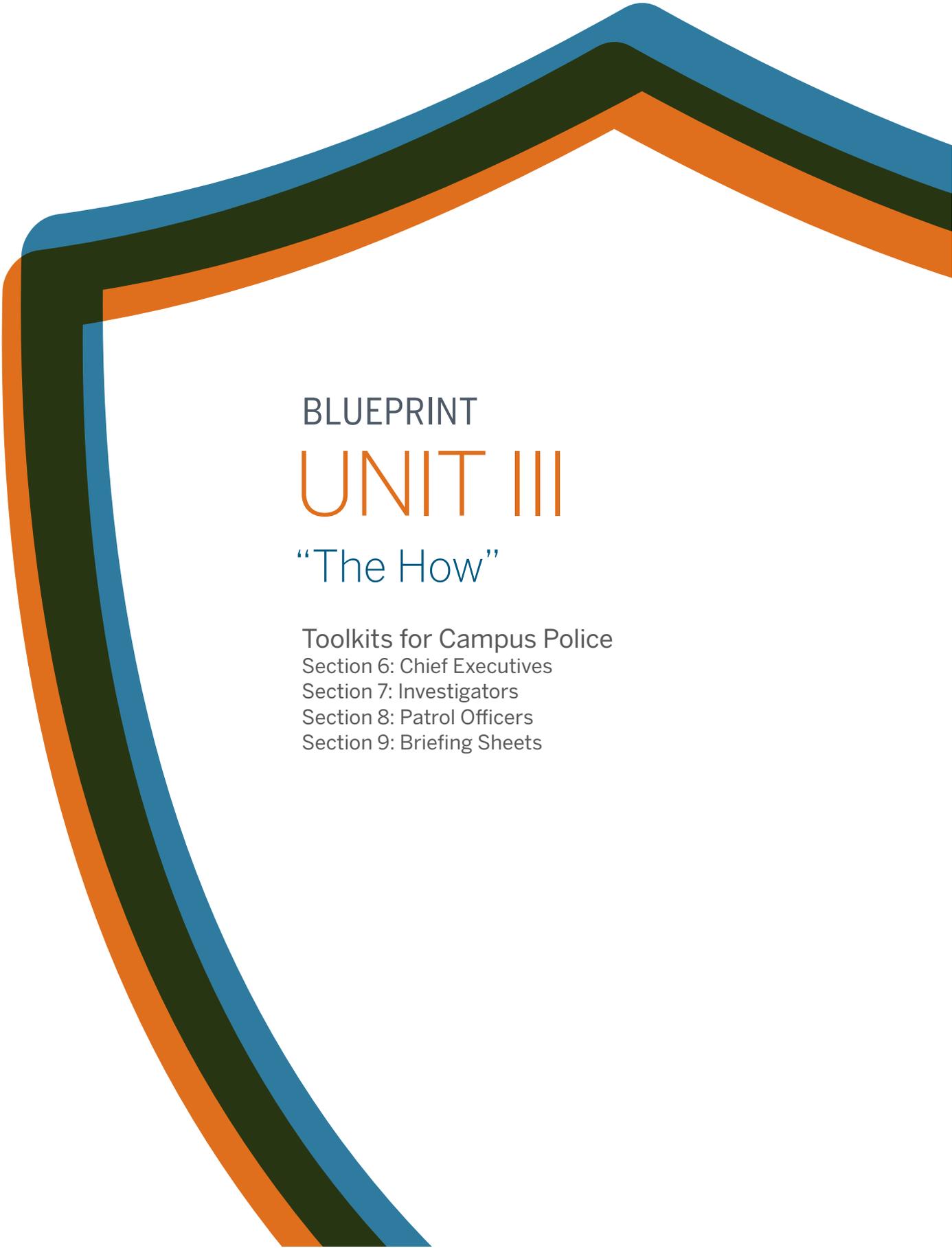
Answers: 1-D, 2-F, 3-E, 4-C, 5-G, 6-B, 7-A.

Other Resources

| Topic | Source | Website | Brief Summary |
|-------------------------------------------------------------------------------------------------------|-----------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Beyond Title IX: Guideline for Preventing and Responding to Gender Based Violence in Higher Education | Futures Without Violence | http://www.futureswithoutviolence.org/user-files/file/PublicCommunications/beyondtitleIX-final.pdf | A document that offers guidance for creating a campus norm of respect and nonviolence in interpersonal relationships. Produced from a meeting convened by Futures Without Violence and the Avon Foundation where subject-matter experts discussed best practices for prevention and response to gender-based violence on campuses. |
| CSA: Suggested Policies and Procedures | American Association of University Professors | http://www.aaup.org/report/campus-sexual-assault-suggested-policies-and-procedures | Statement designed to assist campus professionals in developing effective policies and procedures for addressing CSA. |
| The Clery Center | The Clery Center | http://clerycenter.org | Focuses on advocacy, education, training and policy around violence and other crimes on campus. |
| Know Your IX | Know Your IX | http://knowyourix.org | Survivor-led campaign to empower students to end campus sexual violence. |

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- ¹¹ Office for Civil Rights. (2014). *Questions and answers on Title IX and sexual violence*. Retrieved from United States Department of Education website: <http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>
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- ¹³ Department of Justice. (2015, December). Identifying and preventing gender bias in law enforcement response to sexual assault and domestic violence. Retrieved from <http://justice.gov/opa/file/799366/download>



BLUEPRINT
UNIT III

“The How”

Toolkits for Campus Police
Section 6: Chief Executives
Section 7: Investigators
Section 8: Patrol Officers
Section 9: Briefing Sheets

SECTION

6

Toolkit for Campus Police: Chief Executives

SECTION OUTLINE:

LEARNING OBJECTIVES

INTRODUCTION

 KNOWLEDGE

 EXISTING LITERATURE

 EMERGING EVIDENCE AND FINDINGS

SKILLS

OTHER RESOURCES

REFERENCES

Learning Objectives

1. Chief Executives will identify their complex roles and responsibilities to address campus sexual assault (CSA).
2. Chief Executives will expand their understanding of the challenges and solutions surrounding CSA.
3. Chief Executives will effectively lead and engage stakeholders to address CSA.

Introduction

A Full Court Press: The Importance of a Chief's Leadership

While much of the hands-on response to sexual assault occurs at the level of the responding officers and investigators, chiefs of police have a critical leadership role to contribute on this issue. Messaging is key, however, it is more than just words. Messaging includes institutional and departmental philosophies, goals, and expectations, replacing tradition

with science. As one police chief noted, it's a "full court press on sexual assault." Determining the internal and external partners, developing engaging strategies, anticipating challenges and unintended consequences, and maintaining integrity of the law with the goal of safety are at the heart of the chief executive's responsibilities. Leadership values and priorities permeate all levels of a department.

Knowledge

The Chiefs' Leadership Role

MESSAGING AND COMMUNICATIONS.

Two primary goals chief executives need to outline in their communication about sexual assault include:

1. no victim should have to choose *not* to report because of a lack of trust or a lack confidence in the police, and
2. law enforcement should be a part of the restorative process for victims.

These goals when communicated set the tone of justice, fairness, due process, and sensitivity towards victims of crime and resound with the department's investigators, patrol officers, and staff.

EDUCATION AND TRAINING THROUGH PARTNERSHIPS.

Chiefs also lead their departments to supplement traditional sources of police education and training, by partnering with community experts in the field. This can include multidisciplinary partnerships with agencies like the Texas Association Against Sexual Assault (TAASA), a statewide organization that provides advocacy, training and technical assistance, and policy development, or with a research-to-practice organization like The Institute on Domestic Violence (IDVSA) at The University of Texas at Austin, School of Social Work. Police departments can also partner with their local rape crisis centers and on-campus partners that provide community based services and education. These collaborative rela-

tionships with others organizations help to achieve the objective of restorative processes for victims. This complex issue also requires that chiefs think about how to implement newly available science including what is known on investigative techniques and specialized trainings on victimology, neurobiology, acquaintance sexual assault, affirmative consent, and trauma-informed responses to CSA. This represents a paradigm shift in police practices from a focus on stranger sexual assault to one that includes acquaintance sexual assault and from the victim's actions to the perpetrator's actions and how consent was obtained.

PRIORITIZING CSA.

A chief may lead by meaningfully prioritizing CSA. Specifically this means chiefs should:

1. be considered as credible and sincere experts on the issue of CSA,
2. ensure that their police department is adequately staffed and trained to respond competently to CSA, and
3. identify and commit the resources to address the issue.

Every chief can be effective utilizing their individual strengths — the key is to communicate the importance of approaching sexual assault as crime — and its priority on campus. One police chief said "we get our authority from the people we serve." This philosophy translates to foster effective community building and partnerships.

From The Field

INSIGHT ON THE POSITION OF POLICE CHIEF

“The position of police chief has always been a demanding job. A police chief must know how to run a complex organization, in many cases a very large organization. Chiefs must have strong leadership skills and a vision for meeting the needs of the community. And the stakes are high, because police have unique power and authority over people. The consequences of a mistake by any member of the organization can be catastrophic. As a result, police departments undergo closer scrutiny than other types of organizations.”

– **Chuck Wexler**, Executive Director,
Police Executive Research Forum¹

COMMUNITY-BASED POLICING PHILOSOPHY.

Campus police departments often use the community-based policing framework. Mutual respect and trust between police and the communities they serve are the cornerstones of community-based policing.² Recent and historical tensions have contributed to a recommitment to community policing with a focus on the beat cop as a guardian of their community.³

From The Field

THE UT SYSTEM COMMUNITY-BASED POLICING

The UT System police generally use a community-based policing approach. As community guardians, law enforcement has a familiar presence and relationships on campus to achieve a safe campus environment. Law enforcement also achieves safety during critical incidents (e.g., a campus shooter or a hurricane) by preparing for specific threats to campus safety. A threat-based approach mobilizes resources, equipment, and support. An effective response to campus sexual assault incorporates these approaches; one in which law enforcement responds competently in victim-centered ways and with ability to address suspected sex offenders. Effective response to crime builds faith in the campus community to report crimes to campus police.

BUILDING IN PROCEDURAL JUSTICE AS AN APPROACH.

Chiefs can implement a procedural justice approach along with community-based policing. Procedural justice refers to “standards of consistency, suppression of bias, accuracy of information, mechanisms of rectification, and ethicality of standards in their interactions with the public.”⁴ In practice, police develop relationships with the campus community and are seen as partners (not adversaries). The enactment of procedural justice values is a great asset in the ongoing work to combat campus sexual assault. When law enforcement uses the values of procedural justice (voice, accuracy, and respect) in their work with victims, it helps to minimize the effects of stigma and trauma through validation and respect.⁵

ESSENTIAL COLLABORATIONS FOR CHIEFS.

Chiefs are responsible for ensuring effective collaboration, communication, and coordination with partners. In interviews with chiefs an important role was articulated as the ability to influence the campus community and its administrators based on sufficient credibility and expertise on sexual assault. Chiefs should collaborate with the President’s office, the Title IX coordinator, investigators in the student conduct process, advocates (on and off campus), student government, groups that are at high-risk for campus sexual assault like Greek life and athletics, and unique groups like International student life. Trust, mutual respect, and transparency are the cornerstones for effective multidisciplinary collaboration.

NEGOTIATING MEMORANDUMS OF UNDERSTANDING.

Chiefs have a role in establishing partnerships and determining the roles and responsibilities that are in the best interest of the community’s well-being. These collaborations can be formally described through a memorandum of understanding (MOU). Most chiefs are familiar with using MOUs (see Section 10 for an overview of MOUs and their application in campus sexual assault). An MOU is generally used to set forth a shared understanding about the roles and responsibilities that two parties mutually agreed upon. MOUs are not a legally binding contracts, but rather expectations about and collaboration. Chiefs should be involved in the development and implementation of any MOUs executed on behalf of a campus police department.

The White House *Not Alone* campaign created a *Sample Memorandum of Understanding (MOU): Sexual Assault Provisions* to build partnerships and share information between institutions of higher education (IHEs) and law enforcement agencies.⁶ The document is written for local law enforcement agencies with jurisdiction on or around campuses, including campus police departments. One of the

primary goals of the MOU is to develop policies for information sharing to ensure students get connected with supports and protection even if a criminal case is not viable.

“A Seat at the Table”

To be effective beyond the departmental level, the chief executive must be a part of the IHE’s highest executive team. The organization structure should include a communication and reporting structure within the IHE that is clearly communicated and provides a level of authority, respect, and mutual trust between the IHE leadership and chief of police.

Mutual trust is built on an understanding that chiefs of police have a clear mandate toward safety and upholding state laws as their only priority while IHE presidents must balance multiple priorities.

Police chiefs may want to restrict alcohol, athletics, or fraternities on campus in an effort to reduce the number of sexual assaults while the IHE president may feel these restrictions lower the desirability of the campus and must also please multiple constituencies including alumni, students, corporate interests, politicians, funders, and others.

MANAGING THE INCREASED MEDIA.

High profile cases, those that involve athletes for example, often receive media attention. Social media, including information shared on Facebook and Twitter, timely warnings, research findings, and other events also draw media attention.

Chiefs must decide on communications and media engagement. It may be important to engage with the media for public awareness and safety or to provide information. Victim anonymity is paramount. In some circumstances, campuses may use a public information officer to engage with the media.

ACCESSING INFORMATION FOR INVESTIGATIONS – FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA) CONSIDERATIONS.

Sexual assault cases depend upon accessing information. One police chief noted that time plus information equaled good law enforcement. Balancing student privacy and safety needs is an important part of police investigations as is compliance with FERPA. FERPA compliance limits a schools’ ability to share information obtained from records maintained about students by the school. School officials must comply with FERPA in sharing information from students’ education records with police investigators. FERPA

exceptions do allow school officials to disclose vital evidence contained in all such education records. Many records not subject to FERPA can be immediately accessed. Chiefs and administration (like presidents) will have to work with their legal counsel to make these determinations and delineate information sharing (see Section 10 on Collaborations).

DEVELOPING DEPARTMENTAL EXPERTISE.

Law enforcement expertise can be developed in many ways. Because few cases of sexual assault are reported to police, it is challenging to develop a depth of response skills. A temporary assignment to a busier municipal police department’s sex crimes unit for 90 days of training will increase expertise and hands-on training. Similarly, a patrol officer can be assigned to work with an investigator for 90 days to gain greater experience or spend time crossing training with a Sexual Assault Nurse Examiner (SANE).

Good investigators have expert skills that are particularly important to interviewing victims and accused students and investigating the crime (see Section 3 on Secondary Victimization). Chiefs must understand the importance of suitable training and the need for expertise and have a plan that develops this expertise and experience in the department to respond to sexual assault crimes.

“Stay in Your Lane”

Chief and communications staff should work together about messaging information in CSA cases. Campus partners need to discuss and anticipate challenges and determine how to proceed. Transparency, privacy of students, and integrity of the criminal justice investigation are underpinning values to be maintained. Each of these roles have responsibilities so understanding and clarifying roles is important. One person put it as understanding how to “stay in your lane.”

Strengths, weaknesses, opportunities and threats (SWOT) analysis are often conducted by the communications team to determine the challenges and benefits and what information the community needs. For the chief of police the integrity of the investigation is principle.

COMMITTING RESOURCES.

Three realities exist; overall police resources are limited, sexual assault crimes do not constitute the volume of crimes reported on most campuses, and it is perhaps one of the most underreported crimes both on campuses and in the community. In Texas only 9% of all sexual assault are reported to law enforcement.⁷ The balance of these realities is important for

Chiefs whereby adequate resources for general training, specialized investigators, and forensics is prioritized.

Chiefs must also commit dedicated resources to training for skill development as sexual assault cases are time and labor intensive. For example, most students use social media that

may require a forensics expert for a complete investigation. Internal resources or accessing specialized training externally, such as sending investigators to gain more skills, will require additional resources. This dedication of resources is vital to successful response to CSA.

Skills

Law enforcement Chief Executives must be able to identify their complex roles and responsibilities to address campus sexual assault. Below is a set of tasks and criteria that Chief Executives will generally do to address campus sexual assault.

Table 6.1 Checklist for Police Chiefs

| | |
|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | Reports directly to president of university or one level below. |
| | Sends the message to their staff of the importance of responding to sexual assault in a competent, evidence-based, victim-centered, trauma-informed manner. |
| | Has the institutional authority to make the necessary decisions on handling sexual assault cases. |
| | Ensures that staff is properly and continually trained and has a depth of experience to appropriately handle sexual assault cases. |
| | Has the authority/ability to properly resource the police department in order to appropriately respond to sexual assault cases. |
| | Secures adequate resources for the department to appropriately respond to sexual assault cases. |
| | Develops a threat management philosophy that permeates the department's activities. |
| | Develops a community policing response to more adequately handle sexual assault cases by building relationships with the campus community. |
| | Develops a relationship with the student body that views students as partners not adversaries. |
| | Develops attitudinal response throughout the department where officers are both warriors and guardians and know when to employ each to proper effect. |
| | Is able to build relationships with other department heads or community resources in order to coordinate the campus or community response, including Title IX Coordinator, Dean of Students, and municipal law enforcement. |

Other Resources

| Topic | Source | Website | Brief Summary |
|-------------------------------------------------------------------------------------------------------------|------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Sexual Assault Reporting — You Have Options | Ashland Police Department | http://www.reportingoptions.org | Gives a victim multiple options to report a sex crime, including "complete investigation," "partial investigation," or "information only report," with the choice of utilizing an online reporting form. |
| Austin Police Department Sex Crimes Unit —Sexual Assault Information — Website | Austin Police Department | http://www.austintexas.gov/department/sex-crimes | EVAWI described the Austin Police Department Sex Crimes Unit as a good example of a police department website or public service announcement, providing a victim-centered message regarding sexual assault. The website describes the Sex Crimes Unit's motto as "We believe" and options for sexual assault victims. See also: http://www.evawintl.org/PAGEID13/Best-Practices/FAQs/Police-Department-Website |
| Austin Police Department Sex Crimes: Sexual Assault Public Service Announcement Without Slate Video — Video | Austin Police Department | http://www.austintexas.gov/department/sex-crimes | This public service announcement depicts the barriers that people experience when thinking about reporting a sexual assault. |
| Eliminating Barriers: A Guide for Law Enforcement — Brochure | TAASA | http://taasa.org/wp-content/uploads/2015/05/BR_EliminatingBarrier_2015.pdf | This brochure aims to inform law enforcement about the unique concerns and barriers that different populations face when reporting a sexual assault, including language, age group, gender, sexual orientation, physical or mental abilities, and residency status. |
| EVAWI 14 — The earthquake in sexual assault response: Implementing VAWA forensic compliance | End Violence Against Women International | http://olti.evawintl.org/Courses.aspx | This purpose of this module is to increase understanding of the forensic compliance provisions embedded in the federal Violence Against Women Act (VAWA). The intended audience includes criminal justice and allied health professionals. |

| Topic | Source | Website | Brief Summary |
|------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Portland Audit Sexual Assault Response and Investigation: Portland efforts fall short of a victim-centered approach — Report | Portland City Auditor | http://www.portlandonline.com/shared/cfm/image.cfm?id=158873 | This report contains the results of an audit of Portland's investigations and response to sexual assaults. It makes recommendations to the SART to address the issues described. |
| Regional Training: Sexual Assault and Domestic Violence Investigation and Prosecution | End Violence Against Women International | https://www.evawintl.org/RegionalConferences.aspx | These regional training conferences are designed to complement the international conference that EVAWI host once a year. Regional training conferences address the fundamentals of how to improve the investigation and prosecution of sexual assault and domestic violence. These conferences are part of the broad range of EVAWI training services offered to professionals in the field. |
| Webinar: Untested Sexual Assault Kits: Improving the Response to Victims Through Research and Technical Assistance | National Center for Victims of Crime | http://victimsofcrime.org/our-programs/dna-resource-center/training/archived-webinars | Webinar discussing methods used to improve the field's response to victims after a sexual assault kit backlog has been discovered. |

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SECTION

7

Toolkit for Campus Police: Investigators

SECTION OUTLINE:

LEARNING OBJECTIVES

INTRODUCTION

 KNOWLEDGE

 EXISTING LITERATURE

 EMERGING EVIDENCE AND FINDINGS

SKILLS

OTHER RESOURCES

REFERENCES

Learning Objectives

1. Investigators will understand their multiple roles and responsibilities to the campus (students, victims, accused students and the campus professionals serving them) and the criminal justice system (police, prosecutors, and other professionals) to improve campus sexual assault (CSA) outcomes.
2. Investigators will increase their understanding of the current science about sexual assault trauma and investigation practices of CSA.
3. Investigators will utilize victim-centered, trauma informed practices to investigate CSA.

Introduction

Campus sexual assault differs from other crimes in several important ways. First, unlike many other violent crimes, the victim is likely to know or have had a previous relationship with the offender. Unlike many other crimes, CSA is not likely to be reported. Also, unlike other crimes, the victim may have a variety of reasons for not wanting the offender prosecuted. Victims of CSA are often blamed by others for their own victimization and may feel a sense of self-responsibility, especially if alcohol was involved. The social impact of sexual assault on a campus can result in the victim feeling shame and embarrassment in comparison to other crimes where the victim may be angry or indignant. Furthermore, due to

shared-social networks and the close proximity of the victim and offender due to the campus environment they often re-encounter each other following victimization.

This section focuses on increasing knowledge and understanding of the skills necessary for improving the investigation of CSA cases and responding to victims. Understanding trauma and its impact on victims of sexual assault is critical to successful investigations. Important concepts and investigative skills that will be discussed include: victim-centered investigation, interviewing techniques, victim behaviors, evidence collection and prosecutorial case preparation, reporting writing, and case follow up.

Knowledge

From The Field

A VICTIM-CENTERED INVESTIGATION: DEMONSTRATING CARE AND COMPASSION

“Before I took her statement I had asked her what her favorite music was. When she was ready to give her statement I had downloaded her favorite music on Pandora so she could listen to songs quietly in the background while she typed out her account of the assault.”

—investigator at a UT campus

Note: Video or audio statements are good practice alternatives to written statements.

The Victim-Centered, Trauma-Focused Interview

Survivors of sexual assault are often the only witnesses to their victimization. Therefore, supporting the victim during the investigation is paramount. While the first responder, usually a patrol officer, conducts the initial interview to obtain general information about the assault, the investigator will conduct a thorough follow-up interview at a later time. Important prerequisites of a follow-up interview include helping the victim to feel safe, showing empathy, eliminating judgment, providing a private and accessible setting for disclosure, allowing the victim time to sleep and recuperate before interviewing, and transportation accommodations as needed. The following summary of ODOP policy is included as a guide for how to conduct a victim-centered and trauma-informed follow-up interview with a victim.

ODOP POLICY FOR CONDUCTING A VICTIM-CENTERED, TRAUMA-INFORMED FOLLOW-UP INTERVIEW.¹

Our understanding of neurobiology and the impact of trauma indicate that sexual assault victims will often have difficulty recalling details of the assault following victimization. Therefore, sexual assault investigations typically include both a preliminary and subsequently a more detailed and focused interview with the victim. It will be very important to explain this multi-stage process to victims. Understand that the victim, because of the trauma may also have difficulty retaining the investigative process information. While gathering details of the assault, it is important that the investigator is using a trauma-informed protocol and checking to be sure that the victim is emotionally stable to proceed. Checking in with the victim, subsequent investigative sessions, and involvement of a law enforcement based victim advocate, along with refer-

rals to counseling and other services should be considered as positive strategies for victim protection and support. The following actions are recommended to be included in investigative practices:

1. Explain the Purpose of the Interview and Involve an Advocate for Sexual Assault Victims. It is important for victims to understand the purpose of the interview and the role that other professionals in the criminal justice system and community may have in the process such as SANEs and prosecutors. Investigating officers should contact an advocate for sexual assault survivors especially before a forensic examination is pursued. Advocates build rapport, mutual trust, and encourage victim involvement. Referral to other needed victims services should be made if an advocate is not available or if the victim refuses advocate services.

Although the *Blueprint* was developed for adult sexual assault crimes it is important to note that juvenile victim interviews should be conducted by a specially trained forensic interviewer employed by the Children's Advocacy/Assessment Center (CAC) or an equivalent agency located in the department's local jurisdiction.

2. Victim-Centered, Trauma-Informed Interview Protocol. The victim is likely to be in crisis and experiencing post-trauma related symptoms and behaviors. Investigators will not rely upon these trauma-related behaviors and actions to measure or evaluate the credibility of the victim. Memory difficulties may be a consequence of the assault trauma (i.e., the neurobiology of the brain). The victim may have limited recollection or be unable to give a linear account of the victimization. Alcohol or drug involvement (e.g., drug- or alcohol-facilitated sexual assault), may further impact memory. With time and support, some victims may be able to recall additional details of their assault.

3. Investigators will demonstrate patience and compassion to help the victim feel comfortable and to express emotions. Taking an empathetic and reassuring tone with the victim may help to reduce fear in the criminal justice processes and build trust. Training in victim behaviors and awareness of victim service needs are important components of this trust-building process. Use open-ended questions to elicit information and assist in the victim's recall and eliminate questions that sound judgmental or condescending. Expect new information incrementally, particularly following sleep cycles.

4. Inform the victim of the need and importance of full disclosure of alcohol and drug use. The officer should reassure the victim that any such disclosure will not have criminal consequences, especially if the victim is a minor.

5. Investigators will offer continuous support to the victim and explain the need for follow-up contact. Understanding the perspective of the victim is necessary in order to support the victim. Therefore, asking the victim to describe their feelings and emotions before, during and after the sexual assault can help to improve victim interviews and may inform investigators on victim's behaviors following assault. This will include current contact information (e.g., address, phone number, etc.) and reassurance to the victim of ongoing case contact and referral to necessary resources. Sensitivity should be paid for those victims who may be homeless or in temporary housing (e.g. hotels, shelters and halfway houses).

6. At the conclusion of the interview, the victim should be provided with the investigator's contact information and encouraged to call with any additional information or evidence. Investigators should document any visible injuries during the interview (photograph/video record) and remind the victim to contact investigators if visible evidence of injury develops later (e.g., bruises/injuries) to be documented and added to evidence. Remind the victim to preserve any evidence of communication from the suspect including video messaging, text messages, emails, social media posts, phone calls, or cyberstalking behaviors. Again, provide written referrals for victim services organizations.

7. Remind the victim of their right to choose and use a pseudonym in place of their name in all public files and records at any time during the investigation. If a pseudonym is chosen, the only information/identification of the victim on the report will be the pseudonym. A completed pseudonym form is confidential and may not be disclosed to any person other than the defendant unless ordered so by the court. For further details please refer to the ODOP policy website at (www.utsystem.edu/pol/policies.htm).

THE IMPACT OF DETECTIVES' MANNER OF QUESTIONING ON VICTIMS' DISCLOSURE.

One study looked at how detectives' demeanor during questioning of sexual assault victims contributed to case outcomes. Four factors were identified as influential in terms of outcomes including 1) if the detective believed the victim, 2) if the detective supported the victim and built rapport, 3) if the detective gave the victim time to respond, and 4) if the detective questioned the victim gently. When these factors were present, victims felt safer and were able to recall more about the assault, and the cases had a higher likelihood of being prosecuted. In contrast, when the officer did not believe the victim's account, where questions were asked in a rapid, harsh manner and the officer's demeanor was cold, victims felt threatened, uncomfortable and were less likely to be

engaged in the interview and less likely to produce a complete account of their victimization, and the case had a lower likelihood of being prosecuted.²

INCORPORATING TRAUMA-INFORMED INTERVIEW TECHNIQUES.

The current science on the neurobiology of trauma challenges investigators to reconsider some of the more traditional interviewing techniques used in criminal investigations. Interviewing sexual assault victims calls for relearning and developing trauma-informed techniques as outlined below

(see Table 7.1). Additionally, the forensic experiential trauma interview (FETI) is regarded as a more suitable approach to interviewing victims of sexual assault and has been shown to greatly improve the interview experience for victims while also improving chances for successful investigations and prosecutions. See table 7.2 for a summary of this investigative tool. An important sidenote, when working with traumatized victims it is important that investigators remember to take care of themselves as well. For further information about stress and resiliency see Section 14 Further Learning.

  Table 7.1 Re-Learning Interview Techniques³

| What you might have initially learned about interviewing victims | What we now know about interviewing traumatized persons |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Goal: neutral fact finder | Goal: neutral fact finder |
| Your physical presentation should be aloof, emotionally neutral, and stone-faced. | Instead, express empathy, acknowledge the trauma and pain, show concern, which will increase rapport and assist with the investigation. |
| Interviewers seek information in a chronological order. | Instead ask, “tell me about your experience,” let victims lead the interview and recount the trauma in the way experienced, which might not be in chronological order. |
| Focus on who, what, when, where, why. | Avoid “why” questions; initially focus on the five senses, what did you hear, smell, taste, feel, and see? Later can ask about the other facts of the case. |
| Interview pre-frontal cortex of brain, place of cognition and reason. | Instead, interview from the lower, more primitive brain structure. |
| If someone is inconsistent or vague, it probably means they are lying. | Instead, inconsistencies and vagueness may be a result of the trauma. Stress and trauma interrupt the memory processes. |
| One-dimensional focus (e.g., just the cold, hard facts). | Three-dimensional experience (e.g., victim’s thoughts, feelings, and sensory information). |
| When the person’s body language is one of little to no eye contact, shifting in chair, and some stammering and lots of ah-filled pauses, it means they are lying. | This body language can indicate trauma. |
| Inconsistencies and vague memories often derail a case. | Inconsistencies and vagueness can become the facts of the case that lend support to the case as they can be a sign of trauma. |
| “She/He” cases lead nowhere. | Forensic Experiential Trauma Interviews can challenge dead ends, while uncovering deeper and better information that can reveal the truth. |
| A focus on who, what, where, and when will reveals the facts of the case. | Instead, with appropriate interviewing skills (e.g., focus on thought processes and experience) enhances the victim’s recall making for stronger cases. |
| Focus on Cognitive Evidence “Just the Facts”. | Focus on psychophysiological evidence. |
| Interrogation | Interview, conversation |
| Action-oriented with rapid-fire questions. | Slow-paced, using lots of patience. |
| Interview right away. | Interview later after 1-2 sleep cycles. |
| Note. From “The forensic trauma interview (FETI). United States Army Military Police School,” by R. W. Strand, Retrieved from http://www.mncasa.org/assets/PDFs/Forensic%20Trauma%20Interviewing%20Techniques-%20Russell%20Strand.pdf . Reprinted with permission. | |

 Table 7.2 A Paradigm Shift: The Forensic Experiential Trauma Interview (FETI)⁴

Acknowledge their trauma/pain/difficult situation

Ask:

- What are you able to tell me about your experience?
- Use the prompt: “Tell me more about that”
- What was your thought process during this experience, as well as before and after?
- What are you able to remember about the five senses (taste, smell, feel, hear, and see)
- What were your reactions to this experience? Emotionally? Physically?
- What was the most difficult part of this experience for you?
- What, if anything, can’t you forget about your experience?

Clarify other information and details after you gain all you can from talking about the experiential aspects.

Note: From “The Forensic Trauma Interview (FETI),” by R. W. Strand, n.d., United States Army Military Police School. Retrieved from <http://www.mncasa.org/assets/PDFs/Forensic%20Trauma%20Interviewing%20Techniques-%20Russell%20Strand.pdf>. Reprinted with permission.

Roles and Benefits of Victim Services and Advocates

Research was conducted at a large urban police department about the role of victim advocates in assisting investigators with their work. Initial concerns expressed by investigators over the use of advocates included the belief that investigator’s ability to remain neutral during the case might be compromised, the belief that advocates might provide faulty information to survivors, advocates might not understand investigator responsibilities, advocates might leak case information, and more importantly, advocates might not follow through with victim survivors.⁵ For this study, a full-time embedded victim advocate was added to the unit in a position that the department designed called a Justice Advocate (JA). A survey conducted months later on the impact of this position told a very different story. The JA was found to have had a positive impact on the work of investigators. The finding showed that the advocate provided *victim assistance*

by attending to the complex needs of victims who were in crisis, experiencing emotional distress, and had trauma histories while providing information about the criminal justice process and referrals to other resources. The advocate improved *victim outcomes* by increasing victim participation in the investigation as well as minimizing re-traumatization. The advocate assisted with *investigator collaboration* by sharing information on victim reactions and the neurobiology of trauma. The advocate was also able to improve *investigator outcomes* by helping investigators to more easily establish rapport with victims so that they could conduct a more thorough investigative victim interview.⁶

From The Field

DOES POLICE OFFICER GENDER MATTER?

Many times it is assumed that a female victim will want to be interviewed by a female patrol officer. Evidence-based trainings state:

There is no clear answer regarding whether male or female officers (or deputies or detectives) have an *automatic* advantage in this situation. What is absolutely clear is that an officer’s competence and compassion are more important than gender in determining their effectiveness at interviewing sexual assault victims. Clearly, both male and female officers can be successful. **All officers and investigators should be trained on how to effectively interview sexual assault victims.**⁷

Prosecutorial Case Preparation

Investigators should consider common defense strategies used in sexual assault cases, which include 1) denial, 2) identity, or 3) consent.⁸ In denial cases the suspect rebuffs that the sexual act took place, in identity cases the suspect claims to be wrongfully accused and rejects involvement, and in consent cases the suspects admits that sexual activity took place, but states the sexual activity was consensual. Depending on the defense, the investigative strategy will change, although often the evidence will remain the same (see Table 7.3 for further information on evidence needed).

 Table 7.3 Evidence Needed by Type of Anticipated Defense

| Type of Defense | Evidence Needed |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Denial | <ul style="list-style-type: none"> • Seminal fluid collected from body of victim or their clothing • Evidence of spermicide or lubricants • Additional evidence of the reported sexual act by swabbing any areas of the body kissed, sucked, or bitten by suspect • Use of colposcope to magnify and document evidence of genital micro-trauma • Forensic examination of suspect for evidence of transfer from victim's body such as vaginal fluid or cells, spermicide or lubricant • In gang rape, transfer of bodily fluid between suspects |
| Identity | <ul style="list-style-type: none"> • Complete physical description of suspect • DNA evidence from suspect collected from victim's body and suspect's body • Any evidence linking the suspect to the victim or crime scene • Identification procedure that follows the law • Pursue all investigative leads to identify other potential suspects and evidence to rule them out |
| Consent | <ul style="list-style-type: none"> • Does the victim know the perpetrator and if yes, for how long • How they met and the extent of their previous relationship, if any and if the relationship was previously sexual • Evidence of affirmative consent, that is, how did the suspect ask for and know that they had received consent • Evidence of physical or verbal resistance by the victim • Evidence of genital or nongenital injury • Evidence of factors that heightened victim's vulnerability • Detailed account of victim's thoughts and feelings during the assault • Information regarding the suspect's size and strength in comparison with the victim's • Information regarding the environment in which the assault took place, that is, isolation • Information regarding the victim's post-assaultive behavior, including symptoms of post-traumatic stress including dramatic changes in eating or sleeping patterns, social behavior, drug or alcohol use, depression or anxiety • Description from family and friends of victim before and after the assault • Evidence of premeditation, planning, victim selection, manipulation, deceit, betrayal of trust, or alcohol • Determine age, cognitive status and/or incapacitation of the victim • Position of trust or authority held by suspect over victim • Reconstructive or corroborative evidence to demonstrate consistency of victim's or suspect's account such as photographs of crime scene or detailed account of victim's thoughts |
| <p>Note. Adapted from "Law and Investigative Strategy: What Kind of Sexual Assault Is This?" by J. Archambault & K.A. Lonsway, 2006. End Violence Against Women International (EVAWI). Retrieved from http://olti.evawintl.org/</p> | |

 **ODOP POLICY FOR INTERVIEWING AND EXAMINING THE SUSPECT⁹**

The following policy summary is provided as guide for how to conduct and interview the suspect in sexual assault cases:

1. Contacting and Interviewing the Suspect. An interview may be conducted if the suspect is under arrest and waives

his or her Miranda rights and if not under arrest, voluntarily agrees to an interview with the investigator. Investigators should refrain from forming preliminary opinions regarding the guilt or innocence of a suspect. Investigators should explore previous and current relationships, employment and military records, to gather information prior to the interview with the suspect.

2. Protocol for Suspect Interview. Following the preliminary interview with the suspect, the investigator will determine whether a forensic sexual assault examination of the suspect is needed. A search warrant is required to collect any evidence from the body of the suspect as well as clothing unless the suspect voluntarily consents in writing, which must be documented in the offense report. The investigator will document and notify the suspect of the right to decline any part of the examination and ability to leave at any time during the examination unless otherwise lawfully detained. Patrol officers and supervisors are trained in DNA collection from suspects that will be readily available to investigators.

3. Collection of Evidence from the Suspect with assistance of a SANE. If a forensic sexual assault exam is needed and a search warrant has been obtained or the suspect gives consent, the SANE will document the suspect's medical history, all observed injuries, and collect biological and trace evidence from the suspect's body. If the suspect is in custody, the suspect will be given a Miranda warning before being asked medical history questions by the SANE or investigator. If the suspect invokes their right to remain silent, the SANE will bypass the medical history portion of the examination and continue documenting any visible injuries and collecting the appropriate specimens. Both the SANE and attending officer will document any spontaneous statements or utterances made by the suspect regardless of whether or not the suspect is in custody and whether or not the suspect was provided with a Miranda warning. If a SANE is not available, a medical professional trained in forensic evidence collection can conduct the exam.¹⁰

Drug- and Alcohol-Facilitated and Incapacitated Sexual Assault Investigations

A drug- and alcohol-facilitated rape (DAFR) occurs when a drug is surreptitiously given to a person to render them incapacitated or physically helpless. Alcohol is a common drug, but others include: GHB, Rohypnol, ketamine, ecstasy or Molly (MDMA), and Xanax although others can be used as well.¹¹ Incapacitated rape (IR) occurs when the victim voluntarily ingests alcohol or drugs. Alcohol and drugs often have a sedative effect that may cause the victim to have no memory of the assault. The victim “may display a range of symptoms including: memory loss, dizziness, confusion, drowsiness, slurred speech, impaired motor function, impaired judgment, and reduced inhibitions.”¹² The person may also look drunk or hung over. Investigation and case resolution may be a challenge.

Since the victim may remember very little of what happened, they “may innocently and unconsciously seek facts to fill in the blank spots in memory.”¹³ Therefore, it is very important that

officers avoid suggestive statements during the interview. It is especially important to ask the victim about what they were thinking and doing before they lost consciousness. Also, witnesses can be extremely useful in creating a timeline of events.

Collecting evidence of alcohol or drugs in the victim's body is vital to the case and therefore, a full drug screening is necessary. However, victims often report outside the timeframe that alcohol or drugs can be detected or confirmed through toxicology. If the assault occurred within 24 hours a blood sample may reveal the presence of alcohol or drugs in the victim's bloodstream. If the assault occurred within 96 hours (4 days), a urine sample may reveal traces of the drug.¹⁴ The victim might be reluctant to share their voluntary use of alcohol or recreational drugs with the officer. However, the victim should be encouraged to be honest about voluntary alcohol and drug use so that it cannot be used to discredit them at trial. Again, the officer should reassure the victim that disclosure of voluntary alcohol use if a minor or any illegal drug use will not have criminal consequences. The suspect may have selected the victim because of their vulnerability due to intoxication. Furthermore, if toxicology cannot confirm the use of alcohol or drugs, it is crucial that the investigator attempt to corroborate the victim's report through witnesses.

Additional evidence may focus on the alleged perpetrator. A search may include their residence, vehicle, place of employment, or locker. Potential items of evidence include drugs, ingredients to make drugs, drug or date-rape literature and recipes, Internet history or correspondence, and photographs or videos of the victim.

Writing the Report

It is important to document any force, threats, or fear used by the suspect in the report. Critical witnesses statements should be included in the report and any corroboration of the use of force, threat or fear. The suspect's statement should also be reported, again using exact words when possible. The report should also include a summary of other reports that might also appear in the file, such as the forensic examiner's report. “To best support successful prosecution, the investigator's report must summarize each of these pieces of evidence, and then integrate them to reconstruct the entire reality of the sexual assault.”¹⁵ Detailed, descriptive reports, rather than vaguely written reports are much more effective.

Investigators should consider three common defense strategies that are often used to challenge written reports including impeachment by omission, impeachment by contradiction, and motion to suppress.¹⁶ See Table 7.4 for a better understanding of how best to counter these defense strategies in the written report.

Table 7.4 Anticipating Defense Strategies in the Written Report¹⁷

| Defense Strategy | Definition | Prevention Strategies |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Impeachment by Omission | When the defense undermines the credibility of the prosecution by pointing out that some fact was provided in a statement by the victim, witness, or suspect (or other evidence), but it was not documented in the police report. | <ul style="list-style-type: none"> • Include all evidence required to prove the elements of the offence in the report, • Anticipate likely defense strategies and include the information to counter them, • Avoid short and vaguely written reports, • Include documentation on other suspects and investigative leads and how and why they were eliminated from consideration. |
| Impeachment by Contradiction | A witness testifies to facts at the trial that are different from facts recorded in their case documentation. | <ul style="list-style-type: none"> • Listen carefully to all interviews and accurately record the statements of the victim, suspect, and any witnesses, • Reduce number of reports prepared by investigators, • In subsequent interviews with victims and suspects, avoid repeating a detailed account of prior interview statements and instead only record in detail the new information, • Document and explain changes in interview statements, • Avoid writing a detailed report for any witness already providing a detail report, e.g., the SAFE. |
| Motions to Suppress | When defense attorneys use police reports to support various motions to suppress, the most common being motions to suppress evidence, an arrest or confession. | <ul style="list-style-type: none"> • State the exact basis for probable cause, • Clearly describe the various protections of the defendant's constitutional rights and explain any factors that might appear to have violated those rights, • Make sure the Miranda rights were correctly administered and recorded, • To counter claims that the defendant's confession was not voluntary, include all details regarding the circumstances of the interview and treatment of the defendant. |
| <p>Note. From "Effective Report Writing: Using the Language of Nonconsensual Sex," by J. Archambault, K. A. Lonsway, & Keenan, S., 2006, pp. 26-33, End Violence Against Women International (EVAWI). Retrieved from http://olti.evawintl.org/images/docs/REPORT%20WRITING%205-15-12.pdf</p> | | |

Skills

Advances in the science of evidence as well as the impact of trauma on victim behavior need to be integrated into CSA investigations. An effective response and improved outcomes for victims often depends on developing appropriate investigative strategies that anticipate the perpetrator's defense.

Engagement with victims needs to give confidence to their pursuit of justice and is critical to successful investigations. Please use the following checklist to ensure that victims are respected and supported during the investigative process

Table 7.5 Investigation and Clearance Checklist¹⁸

| Questions to ask During and After the Investigation | Yes | No |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----|
| 1. Were all witnesses interviewed that had been identified? | | |
| 2. Were the interviews conducted in a proper manner, e.g., not calling the victim a liar and not interrogating or blaming the victim? | | |
| 3. If there was a recantation, was it coerced? Were there circumstances that suggested the recantation resulted from fear of reprisal from the perpetrator and not because the assault did not occur? | | |
| 4. Were photos taken and the scene processed? | | |
| 5. Was evidence collection thorough? | | |
| 6. Was physical evidence timely tested and result returned to the investigator? | | |
| 7. Was the case properly coded as a crime and as the correct crime? | | |
| 8. Waiver of Prosecution is not offered to victim as a method to close the investigation? | | |
| 9. If the investigation supported an arrest, was it made? | | |
| 10. If a case was unfounded, was it proper to do so? Did the investigation demonstrate that no crime had occurred? | | |
| 11. Did a supervisor review and approve each decision to unfound a case? | | |
| 12. If a case was exceptionally cleared was the exceptional clearance proper? In other words, was an arrest warranted by the evidence and the perpetrator was identified and at a known location, but some reason outside of law enforcement prevented the arrest from being made? | | |
| Note. From "Advocacy to Improve Police Response to Sex Crimes (Policy Brief)," by Women's Law Project, 2013, Philadelphia, PA. Author. | | |

Important Considerations about Case Follow-up

Consider next steps for the case and how the department makes initial and ongoing communications with victims. Remember that regular contact by departments is meaningful to victims, even if there is not much to report.

Follow-up assessment questions:

1. When and how is the case transferred from patrol to an investigator?
2. Are there alternative places that the victim's follow-up statement could take place (other than the police station, perhaps the counseling center or health center)?
3. When and how is the prosecutor brought into the case?
4. How is regular contact maintained with victim?
5. Are there any additional considerations due to the age

and/or gender of the victim (if the victim is a minor or prefers a female investigator, for example)?

Communication with the suspect is also important to successful investigations. Key considerations for law enforcement when engaging with the accused may include the following assessment questions:

1. Who interviews the suspect? Is their dual jurisdiction?
2. When is suspect interviewed?
3. What are considerations for collecting evidence from the suspect? Is there a SAFE protocol of the suspect?
4. How does the IHE serve the accused student in ways that are different from the criminal justice system? For example, is there a disciplinary process?

Further Learning

Stress and Resiliency (see Section 14)

Other Resources

| Topic | Source | Website | Brief Summary |
|------------------------------------------------------------------------------------------------------------------|------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Best Practices: Sworn Statements | End Violence Against Women International | http://www.evawintl.org/PAGEID14/Best-Practices/FAQs/Sworn-Statements | This is a resource for police regarding best practice for whether or not to take a sworn statement from a victim. |
| EVAWI Online Training Institute EVAWI 01 — Effective report writing: Using the language of non-consensual sex | End Violence Against Women | http://olti.evawintl.org/Courses.aspx | This module addresses how police conduct sexual assault investigations and how to provide prosecutors with a thorough, written report in order to support the charges. |
| EVAWI 02 — Dynamics: What does sexual assault really look like? | End Violence Against Women | http://olti.evawintl.org/Courses.aspx | This module examines the persistent myths and misconceptions about rape, rape victims, and rape perpetrators, the reasons for them, and how they affect the investigation of sexual assault. |
| EVAWI 03 — Victim Impact: How victims are affected by sexual assault and how law enforcement can respond? | End Violence Against Women | http://olti.evawintl.org/Courses.aspx | This module describes the symptoms and stages often experienced by sexual assault victims. This is provided in order to assist LE and others in understanding the behavior of sexual assault victims and conducting their investigation in the most sensitive and effective way. |
| EVAWI 05 — Law and investigative strategy: What kind of sexual assault is this? | End Violence Against Women | http://olti.evawintl.org/Courses.aspx | Although penal code definitions of criminal sex offenses vary, most are conceptually similar and can be understood by analyzing their elements. By following the charts and making a series of decisions, investigators can determine which specific crime was committed and frame the investigative strategy based on the defense that is most likely to be raised. |
| EVAWI 06 — Interviewing the victim: Techniques based on the realistic dynamics of sexual assault | End Violence Against Women | http://olti.evawintl.org/Courses.aspx | This module walks through the stages and techniques for successfully interviewing the victim of a sexual assault and provides detailed guidance for communicating an attitude of competence and compassion during a successful victim interview. |

| Topic | Source | Website | Brief Summary |
|---------------------------------------------------------------------------------------------------------|-----------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| EVAWI 07 — False reports: Moving beyond the issue to successfully investigate sexual assault | End Violence Against Women | http://olti.evawintl.org/Courses.aspx | This module confronts the difficult question of false reporting, challenging some of the “red flags” that often raise suspicion among criminal justice professionals and members of the general public. |
| EVAWI 10 — Clearance methods for sexual assault cases | End Violence Against Women | http://olti.evawintl.org/Courses.aspx | This module provides information for officers, investigators, and supervisors who make decisions regarding how to clear or otherwise close sexual assault cases. This module discusses ways in which a sexual assault case can be cleared or otherwise closed, and how some are not really closed but simply suspended or inactivated. |
| EVAWI 12 — Effective victim advocacy within the criminal justice system | End Violence Against Women International | http://olti.evawintl.org/Courses.aspx | This training emphasizes the importance of cross-disciplinary cooperation; clarifies the role of victim advocates particularly in their work with the criminal justice system; discusses the role of victim advocates and differences between community-based and system-based advocates; and provides strategies for advocates to work on behalf of victims within the criminal justice system. |
| EVAWI 15 — Successfully investigating sexual assault against victims with disabilities | End Violence Against Women International | http://olti.evawintl.org/Courses.aspx | This module provides information for law enforcement, first responders and others involved in the criminal justice and community response systems to ensure that people with disabilities who are victimized have equal access to information, programs and services. |
| Investigating Sexual Assaults Part I: Elements of Sexual Assault & Initial Response (Training Key #571) | International Association of Chiefs of Police | http://www.theiacp.org/portals/0/pdfs/571InvestigatingSexualAssaultsPart1.pdf | This Training Key addresses investigative procedures and best practices for investigating sexual assaults and working with victims of sexual violence. |
| Investigating Sexual Assaults Part II: Investigative Procedures (Training Key #572) | International Association of Chiefs of Police | http://www.theiacp.org/portals/0/pdfs/572InvestigatingSexualAssaultsPart2.pdf | This training key addresses investigative procedures and best practice guidelines for working with victims of sexual assault. |
| Investigating Sexual Assaults Part III: Investigative Strategy & Prosecution (Training Key #573) | International Association of Chiefs of Police | http://www.theiacp.org/portals/0/pdfs/573InvestigatingSexualAssaultsPart3.pdf | Designed to help officers and investigators determine what “type” of sexual assault case they are handling, predict which defense is most likely to be raised, and guide an investigative strategy toward overcoming that particular defense. |
| Pretext Phone Calls in Sexual Assault Investigations | International Association of Chiefs of Police | http://www.theiacp.org/portals/0/pdfs/574PretextPhoneCalls.pdf | The “pretext” phone call is an investigative tool that can be used in a wide variety of criminal investigations. It can be especially effective in sexual assault investigations, including drug-facilitated rapes. |

| Topic | Source | Website | Brief Summary |
|---------------------------------------------------------|-----------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Prosecuting Sexual Assault Cases | National District Attorney's Association | http://www.ndaa.org/sexual_violence_training.html | This training addresses the unique issues in sexual assault cases from evidence and trial advocacy, to victim issues and ethics. |
| Sex Crimes Investigations Training | Southern Police Institute at the University of Louisville | http://louisville.edu/spi/courses/course-courses/sci | This course has been developed to enhance the skills, knowledge, and abilities of the first responder as well as the criminal investigator. The curriculum has specific investigative skill-based instruction designed to build on prior training and experience. The overview of sex-related crimes, sex offenders, and sexual perversions are presented from an investigative perspective. |
| Sexual Assault Investigation Checklist | Office of the Director of Police, UT System | http://www.utsystem.edu/pol/policies/SexualAssaultInvestigationChecklist.pdf | A checklist tool for officers to use as a guide to address actions related to the following: crime scene, victim, witness, suspect, prosecution, written report, campus related issues, and jurisdiction. |
| TCOLE: Basic Peace Officer Training #1000643 | Texas Commission on Law Enforcement (TCOLE) | http://www.tcole.texas.gov/content/course-curriculum-materials-and-updates-0 | Includes 10 hours on victims of crime, 20 hours on family violence and assaults, and 44 hours on criminal investigation (which includes sexual assault). |
| TCOLE: #3232 Special Investigative Topics | Texas Commission on Law Enforcement (TCOLE) | http://www.tcole.texas.gov/content/course-curriculum-materials-and-updates-0 | Special investigative topics, specific to child abuse, sexual assault, sexual predators. |
| Webinar: Effective Victim Interviewing | End Violence Against Women | http://www.evawintl.org/WebinarDetail.aspx?webinarid=1012 | This webinar walks participants through the stages and techniques for successfully interviewing sexual assault victims, providing guidance on how to conduct a competent and compassionate interview, while being mindful of the varying ways the victim may present. |
| Webinar: Using DNA in Non-Stranger Sexual Assault Cases | National Center for Victims of Crime | http://victimsofcrime.org/our-programs/dna-resource-center/training/archived-webinars | Most victim advocates are familiar with the importance of using DNA in stranger rape cases, but many may not understand how DNA can be used effectively in court in non-stranger sexual assault cases. |
| Webinar: Working with Victims in Cold Hit DNA Cases | National Center for Victims of Crime | http://victimsofcrime.org/our-programs/dna-resource-center/training/archived-webinars | Webinar presented by a law enforcement professional and a victim advocate team about their work with sexual assault survivors in cold hit DNA cases. |

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SECTION

8

Toolkit for Campus Police: Patrol Officers

SECTION OUTLINE:

LEARNING OBJECTIVES

INTRODUCTION

 KNOWLEDGE

 EXISTING LITERATURE

 EMERGING EVIDENCE AND FINDINGS

SKILLS

FURTHER LEARNING

OTHER RESOURCES

REFERENCES

Learning Objectives

1. Patrol officers will understand their role in responding to victims and crime scenes to improve campus sexual assault (CSA) case outcomes.
2. Patrol officers will increase their understanding of the science of trauma and how their response to victim behaviors can impact secondary victimization.
3. Patrol officers will identify and apply a victim-centered, trauma-informed approach in initial interactions with survivors of CSA.

Introduction

Patrol officers play a key role in a sexual assault victim's journey. Patrol officers as the first responder are often the first person that the victim discloses to and can shape the victim's perception of the entire criminal justice system. A patrol of-

ficer's understanding of sexual assault trauma is critical to providing an effective victim response and minimizing secondary victimization.

Knowledge

Patrol Officer's Immediate Response

The police officer's first response is vital to both ensure a good investigation and victim restoration. Goals for response are:

- To let the victim know that they are safe,
- To let the victim know that they will not be judged (this increases barriers),
- To understand that a victim's alcohol or drug use is an issue of increased "vulnerability rather than culpability,"¹
- To reduce the victim's anxiety and help them recover a sense of control.

An unfortunate reality is that many acquaintance sexual assaults do not result in the prosecution and incarceration of the offender and so the patrol officer's response may provide the victim a form of procedural justice and fairness in treatment where the victim feels validated, respected and heard. According to the International Association of Chiefs of Police:

Sexual assault victims want validation from the authorities that the crime occurred, and this may be a more critical element of a successful response and investigation than a criminal prosecution or conviction. Regardless of the investigative results, responding officers and investigators have the power to help a person heal from sexual assault.²

In order to improve police response to sexual assault victims, patrol officers must be mindful of victim characteristics that offenders exploit, which make victims vulnerable to assault. These vulnerabilities can also act as barriers to reporting. Such vulnerabilities include little or no English fluency, being elderly or underage, membership or identification with the LGBTQ community, having a physical and/or mental disability, and migration status.³

Patrol Officer's First Tasks⁴

The patrol officer's first response is vital to both ensure a good investigation and victim restoration. Goals for response are:

- 1. Evaluate the scene for safety, witnesses and physical evidence.** First responding officers should promptly contact the victim and ensure the safety of the victim, suspect(s) and all witnesses as well as the safety of potential evidence.
- 2. Assess victim's physical, emotional and emergency medical needs.** Request Emergency Medical Services (EMS) and a victim advocate if appropriate. Identify any language and communication barriers or disability in order to best serve the victim.
- 3. Secure the crime scene and evidence.** Follow chain of custody protocol for handling evidence to ensure that nothing is lost or contaminated.
- 4. Request assistance as appropriate.** Patrol officers require assistance from other professionals to respond effectively to case circumstances and victim needs, including interpreters, investigators, field evidence technicians, crime laboratory personnel etc.
- 5. Identify and interview all potential witnesses.** Examine the victim's timeline to identify any potential witnesses (i.e., prior to, during, and after the assault) and ask about outcry witnesses (i.e., the first person the victim told about the sexual assault).
- 6. Ensure proper department follow-up.** Ensure all immediate investigative leads and referrals to community and criminal justice services.

Assisting and Supporting the Victim⁵

The patrol officer's compassionate and thorough response to a victim's report of sexual assault is critical to the victim's trust in the criminal justice system and can help keep the victim engaged and promote victim healing. Practices that reflect this increased understanding are integrated into ODOP policy and summarized below:

- 1. Demonstrate respect for the victim and their needs.**
Use tone and actions that mirror patience and empathy for the victim to establish trust and build rapport.
- 2. Accommodate the victim and their needs when appropriate.** If the victim expresses a gender preference for the responding officer, try to accommodate, but generally trained officers of any gender can effectively support and engage a victim during the initial sexual assault report.
- 3. Make a prompt referral for sexual assault advocates or victim services professionals to support the victim.** Understand that certain communication between an advocate and victim is protected or confidential (see Government Code §420.071 and §420.072 for further guidance).
- 4. Ensure coordinated services to meet victim needs.** Gather information to ensure an effective and coordinated police response, mindful of minimizing the amount of questions during the initial encounter. Exceptions to this are when victims are comfortable to disclosing the assault in detail or when the officer will investigate the report.

Intersection of Sexual Assault and Relationship Violence

Violence in many forms often intersect. That is, victims that experience interpersonal violence (dating violence, intimate partner abuse, family violence), are often being victimized in multiple ways. Research indicates that perpetrators of one form of violence, such as sexual assault, are more likely to commit other types of violence such as intimate partner violence and child abuse.⁶ Police and other professionals' understanding of risk and protective factors better inform effective responses.⁷ Patrol officers' training about the dynamics of family violence will aid in better understanding of sexual assault perpetrated by intimate partners. Section 9 (Briefing Sheet Number 7, Case Circumstance #1) highlights these co-occurring types of violence.

Intersection of Sexual Assault and Strangulation

Within the past decade the dangers of strangulation have come to the forefront of police investigations. A discussion of the role of strangulation and sexual assault is to follow. In the past "choking" was viewed as a minor part of the assault, often due to few visible signs or symptoms. However, research has revealed that 10% of violent deaths in the U.S. are due to strangulation and that women are more likely to be victims than men, 6 to 1.⁸ Additionally, strangulation is a tool of power and control and constitutes a sign of increased lethality in intimate partner violence.⁹

In 2009, the Texas Legislature passed a law making family violence strangulation or suffocation a felony punishable by two to 10 years for the first offense and two to 20 years for subsequent convictions. Depending on the facts of the case, strangulation could also continue to be charged as a misdemeanor or aggravated assault. This law defines strangulation and suffocation as, "intentionally, knowingly, or recklessly impeding the normal breathing or circulation of the blood of the person by applying pressure to the person's throat or neck or by blocking the person's nose or mouth."¹⁰ In a study of asphyxia homicides in one Texas county, 59% of female strangulation victims were sexually assaulted.¹¹

Medically, strangulation occurs when there is a lack of oxygen to the brain resulting from closing off the blood vessels and/or air passages due to external pressure on the neck. Although victims of strangulation often use the word "choking" to describe their experience, choking is more correctly a term used when food or other objects are lodged in the windpipe (i.e., trachea).¹²

There are three different types of strangulation: hanging, ligature (i.e., using a cord-like object around the neck), and manual (i.e., usually done with hands, but also other body parts like forearms, or standing or kneeling on victim's neck).¹³ Strangulation may result in severe pain, fear of death, unconsciousness, and potential death. Signs of nonfatal strangulation include: redness, swelling, and scratching on victim's neck; voice changes, including raspy voice; restless or combative response due to temporary loss of oxygen to brain; trouble breathing; involuntary urination or defecation; chin abrasions; tiny red spots called petechiae due to ruptured capillaries, the smallest blood vessels in the body; and blood red eyes. Also, look for abrasions on the suspect's hands as victims often try to remove them from their neck in self-defense. Since the injuries can evolve over time, with minor injuries developing into life-threatening conditions, all victims of strangulation should be encouraged to seek medical care.¹⁴

 **CLUES ABOUT STRANGULATION.** Often police officers fail to ask victims of sexual assault about strangulation. Victims should be asked if they fainted, felt dizzy, lost consciousness, urinated or defecated, and after the assault if they experienced any voice changes or trouble swallowing. If the victim answers affirmatively, the officer should inquire about strangulation. If strangulation occurred, officers and investigators should:

1. Encourage all victims to seek medical attention.
2. Photograph the face and neck, from all sides, and take follow-up photographs 24, 48, and 72 hours later.
3. Tape record the victim and use 911 emergency calls to document voice changes.
4. Have the victim demonstrate how they were strangled and if any objects were used in the strangulation.

Being strangled increases trauma for victims as many believe they are going to die.¹⁵ The fear of death and the experience of strangulation can result in long-term emotional distress for victims of this crime.

Protecting the Victim's Rights

Maintaining the victim's privacy and confidentiality is paramount. The victim should be told of their rights as a crime victim under state law, that includes:

- The right to use a pseudonym
- To be notified of arrests, court dates, and parole or release dates
- To be present and make a statement at proceedings
- To apply for Crime Victims' Compensation¹⁶
- To be free from harassment or retaliation as a result of reporting and information on how to report such activity, including calling 911
- To be provided the crime report number and the name and contact information of the reporting officer and lead investigator
- To obtain an emergency protection order¹⁷

From the Field

INFORMATION ABOUT TO CRIME VICTIM'S RIGHTS

Texas Department of Public Safety

https://www.dps.texas.gov/administration/staff_support/victimservices/pages/rightsofcrimevictims.pdf

Texas Attorney General

https://www.texasattorneygeneral.gov/victims/victim_rights.shtml

Texas Legislative Reference Library

<http://www.statutes.legis.state.tx.us/Docs/CR/htm/CR.56.htm#56.02>

Forensic science is evolving rapidly and relevant to law enforcement. See Table 8.1 for three Texas laws on forensics and sexual assault.

 Table 8.1 Importance of Forensics to Sexual Assault Cases

| Law Number | Effective Date | Overview |
|------------|-------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SB 1636 | September 1, 2011 | Requires medical, law enforcement, DPS, and laboratory personnel who handle sexual assault evidence to maintain the chain of custody of the evidence from the time the evidence is collected until the time the evidence is destroyed; requires a law enforcement agency that receives sexual assault evidence to submit that evidence to a publicly accredited crime laboratory for analysis not later than the 30th day after the date on which that evidence was received; in order to ensure the expeditious completion of analyses, DPS may contract with private accredited crime laboratories; requires a publicly accredited crime laboratory to complete its analysis of submitted sexual assault evidence as soon as practicable. |
| SB 1191 | September 1, 2013 | Any hospital with an emergency room must have physicians and nurses trained in a basic level of forensic evidence collection (a standard less rigorous than that required for Sexual Assault Nurse Examiners); requires hospitals to give patients the option of transferring to a primary care center for treating sexual assault survivors after they have been medically stabilized. |
| HB 2626 | September 1, 2009 | Requires certain health care facilities to provide a forensic medical examination to sexual assault victims at the victim's request, without requiring the victim to report the assault to a law enforcement authority; requires the State of Texas to pay for appropriate fees for the forensic portion of the medical examination and the evidence collection kit rather than the victim. |

Compiled from Texas Legislature Online at <http://www.capitol.state.tx.us>

 From the Field

NON-REPORT SEXUAL ASSAULT FORENSIC EXAM

The Violence Against Women Act (VAWA) has two forensic compliance provisions that address a victim's access to a forensic exam:

1. Free of charge
2. Without requiring victims to cooperate with law enforcement or participate in the criminal justice system.

The Non-Report (NR) Sexual Assault Evidence Program in Texas was created by Texas House Bill 2626 and became law in July 2009. The program allows sexual assault victims throughout Texas to obtain sexual assault medical forensic examinations without making a report to law enforcement and at no cost.

The NR program is a new strategy designed to increase reporting and prosecution rates of sexual assault. Non-report sexual assault examinations address both the needs of the victims and those of the criminal justice system by allowing victims to preserve important evidence to use against their perpetrators and still take the time they need to decide whether to report the assault. The non-report program represents a major shift in operations for law enforcement, Sexual Assault Nurse Examiners (SANEs), rape crisis center advocates, and the sexual assault victims themselves.¹⁸

 From the Field

WHO PAYS? FORENSIC EXAM AND MEDICAL COSTS

A Sexual Assault Forensic Exam (SAFE) is paid for by the law enforcement agency and eligible for reimbursement by the state. The victim does not pay for any costs related to the forensic examination. However, victims may be charged for the medical care costs related to the sexual assault, such physical injuries or the prevention and treatment of sexually transmitted infections (STIs).

Understanding the economic costs can be traumatic for victims particularly if they are uninsured or if they are covered under their parent's insurance plan. Incurring these costs may be re-victimizing.

Crime Victims' Compensation through the Texas Attorney General's Office may be available for reimbursement of some costs associated with the assault.¹⁹ Victims often benefit from having an advocate complete this process. Law enforcement can connect victims to these advocates.

Skills

The following training exercise can be used to help strengthen patrol officers understanding of acquaintance sexual assault. Acquaintance sexual assault is the most common type of crime that occurs on campuses. Knowledge about the characteristics and the dynamics of this crime is vital to improving police response to CSA. A weapon is rarely used in acquaintance sexual assault.

Table 8.2 Assessing Use of “Alternative Weapons” in CSA

AEquitas²⁰ suggests investigating the use of “alternative weapons”, like strategies and tools offenders use to commit a sexual assault. To help build skills in evidence collection in acquaintance sexual assault, please document the use of these strategies and tools.

Directions: Place a check in either “present” or “absent” column and then make a determination if “alternative” controlling strategies were used by the alleged perpetrator.

| | Present | Absent |
|-------------------|---------|--------|
| Premeditation | | |
| Planning | | |
| Victim Selection | | |
| Manipulation | | |
| Deceit | | |
| Betrayal of Trust | | |
| Alcohol | | |

Further Learning

[Collecting Evidence: The Forensic Exam](#) (see Section 14)

Other Resources

| Topic | Source | Website | Brief Summary |
|-----------------------------------------------------------------------|-----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| EVAWI 04 — Preliminary investigation: Guidelines for first responders | End Violence Against Women | http://olti.evawintl.org/Courses.aspx | This module accompanies the IACP's Model Policy. The purpose of the policy is to provide officers and investigators with guidelines for responding to reports of SA, assisting victims, collaborating with local health and service agencies, and conducting interviews with victims, witnesses, and suspects. |
| EVAWI 09 — Reporting Methods for sexual assault cases | End Violence Against Women | http://olti.evawintl.org/Courses.aspx | This module provides information for officers and investigators who make difficult decisions regarding how to record a report of a sexual assault. This module discusses the implications of this important decision, because they determine whether or not it will need to be officially cleared or closed once all of the investigative leads are exhausted. |
| IACP's Roll-Call Training Video | International Association of Chiefs of Police | <p>Role Call Training Video: http://www.theiacp.org/Police-Response-to-Violence-Against-Women</p> <p>Video discussion Guide: http://www.theiacp.org/Portals/0/pdfs/Investigating-Sexual-Assault-Training-Video-Discussion-Guide.pdf</p> | <p>IACP's sexual assault roll-call training video "Bringing Sexual Assault Offenders to Justice" was created to expand law enforcement educational efforts on the crime of sexual assault. It has three segments:</p> <p>Segment 1: Realities of Sexual Assault,</p> <p>Segment 2: Effectively Preparing Cases, and</p> <p>Segment 3: Working the Case: Techniques and Collaboration.</p> <p>There is also an accompanying 3-page video discussion guide.</p> |
| The Sexual Assault Family Violence Investigator Course (SAFVIC) | Texas Municipal Police Association | www.safvic.org | Covers first responder to investigation, including all laws that pertain to sexual assault and family violence, protective orders, dynamics of family violence and sexual assault |

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SECTION 9

Toolkit for Campus Police: Briefing Sheets

BRIEFING SHEET SECTION OUTLINE:

NUMBER 1: UNDERSTANDING THE NEUROBIOLOGY OF TRAUMA

NUMBER 2: THE ROLE OF ALCOHOL AND DRUGS

NUMBER 3: FALSE ALLEGATIONS IN CAMPUS SEXUAL ASSAULT

NUMBER 4: CONFRONTING “REAL RAPE” AND UNDERSTANDING NON-STRANGER SEXUAL ASSAULT

NUMBER 5: ADOPTING A VICTIM-CENTERED RESPONSE

NUMBER 6: FORENSIC INTERVIEWING

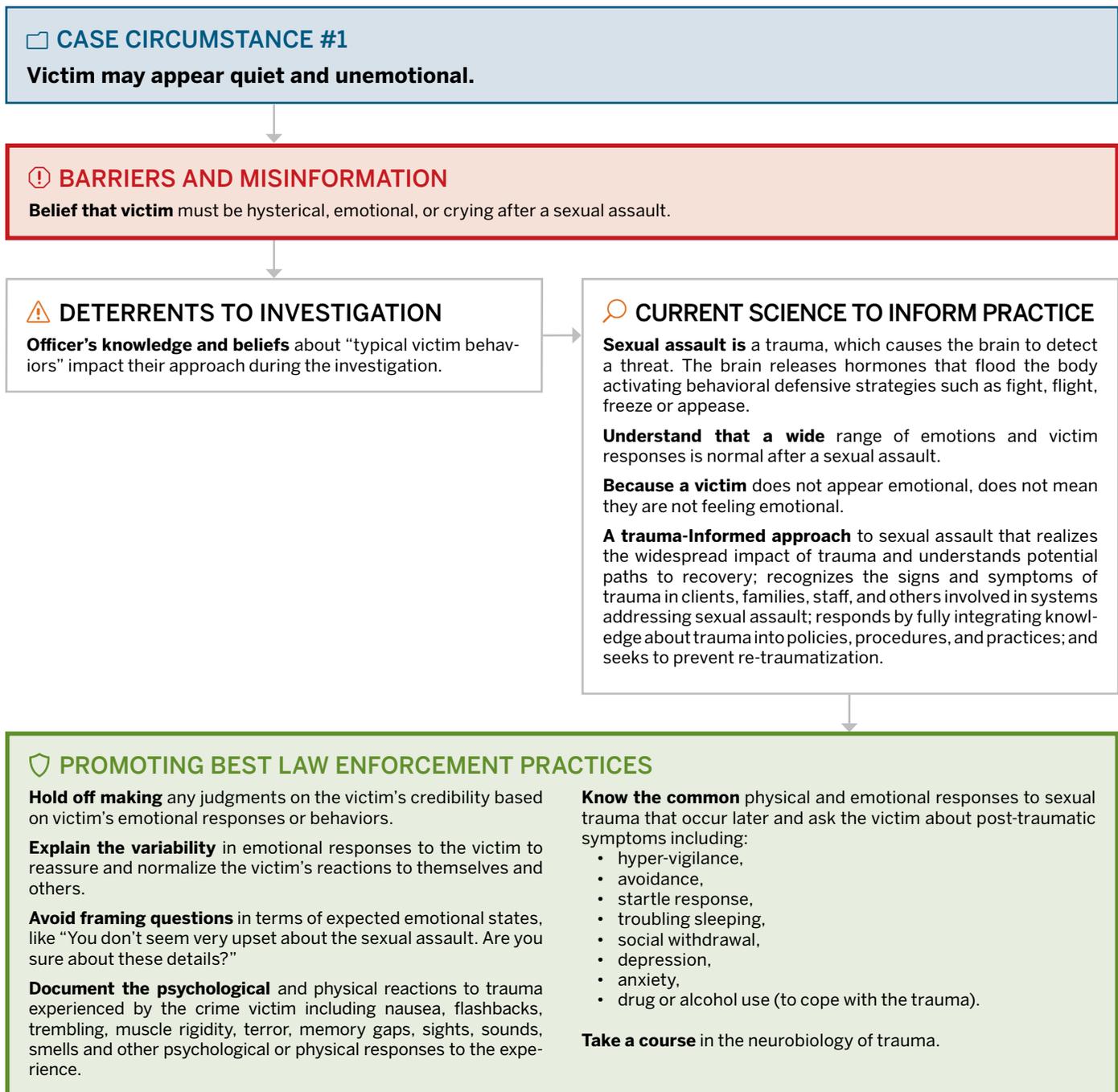
NUMBER 7: THE INTERSECTION OF SEXUAL ASSAULT AND STALKING, DOMESTIC VIOLENCE AND STRANGULATION

Introduction

The Briefing Sheets were created as quick guide references for law enforcement on seven topics particularly relevant to campus sexual assault (CSA). There are five elements included in each briefing sheet and they are described in the key below:

| Icon | Briefing Sheet Sections | Content |
|-------------------------------------------------------------------------------------|------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | Case Circumstance | characteristics and elements of the case that will often reappear because of the nature of sexual assault trauma experienced by victims and perpetrator behavior |
|  | Barriers and Misinformation | ways in which case circumstances are persistently misunderstood |
|  | Deterrents to Investigation | factors that historically hindered law enforcement investigation |
|  | Current Science to Inform Practice | current scientific information about the case circumstance generated from existing, published research and reliable sources of practice-based information from professional organizations |
|  | Promoting Best Law Enforcement Practices | best response for investigation of sexual assault based on current science |

Briefing Sheet Number 1: Understanding the Neurobiology of Trauma



Briefing Sheet Number 1: Understanding the Neurobiology of Trauma

📁 CASE CIRCUMSTANCE #2

Victim is not able to relate an account of their assault in a chronological manner and displays errors of recall; avoids eye contact and displays signs of discomfort such as shifting in chair.

⚠️ BARRIERS AND MISINFORMATION

Belief that contradictory, partial and inaccurate statements made by victims most likely means they are being evasive and lying.
Belief that body language can also reveal lying.

⚠️ DETERRENENTS TO INVESTIGATION

Victims' stress response may inhibit their ability to report an organized, coherent and complete account about the sexual assault.

The concurrent intake of alcohol and drugs can further disrupt memory encoding leaving the victim with little to no memory of events.

Victims are often uncomfortable with their lack of memories and may avoid eye contact, fidget in their chair and stammer in an effort to recall.

The content of fragmented memories are accurate, but it just takes time and patience for the memories to consolidate.

🔍 CURRENT SCIENCE TO INFORM PRACTICE

Increased levels of stress hormones impair functioning of the brain, which can lead to fragmented memories of the assault, especially when combined with alcohol use that can also affect memory storage.

Traumatized victims often make inconsistent statements; this is a normal reaction to trauma.

Victims' inconsistent statements do not mean they are lying or making a false accusation.

The victim may not be able to recount the sexual assault in a clear, chronological manner.

Traumatic memories encode differently, mainly as unconnected, sensory, emotional fragments leading to memory gaps and loss that victims try to reconstruct in order to make sense of the situation.

🛡️ PROMOTING BEST LAW ENFORCEMENT PRACTICES

Allowing trauma victims to experience a complete sleep cycle or more before doing a comprehensive interview may improve their memory recall.

Allow victims to provide their account in their own words and at their own pace.

Do not ask a lot of questions at first since that may interrupt the flow of the victim's narrative.

Understand because of the trauma, victims' brains are better at remembering sensory information over details. Ask victims about what they remember hearing, tasting, touching, seeing, and smelling over "who, what, and where" questions to prompt memory recall.

Avoid rapid-fire, linear questions. Effective interviews encourage more listening and utilize open-ended questions.

Briefing Sheet Number 1: Understanding the Neurobiology of Trauma

📁 CASE CIRCUMSTANCE #3

Victim may not actively physically resist the assailant.

⚠️ BARRIERS AND MISINFORMATION

Belief that lack of active resistance by victims most likely indicates consent, or that the sexual activity was mutual and not forced.

⚠️ DETERRENTS TO INVESTIGATION

Sexual assault victims may display one or a combination of four automatic defensive strategies: appeasement (make nice), fight, flight, or freeze.

The body's reaction to trauma can make some victim behaviors seem counterintuitive, inexplicable, or suspicious, but they may be normal due to trauma.

🔍 CURRENT SCIENCE TO INFORM PRACTICE

When people are stressed, they revert to a more primitive level of functioning, which represents an uncontrollable (autonomic) response.

Women may be more likely to try to appease an assailant or freeze, than use a "fight or flight" response.

The freeze response is called "tonic immobility" or sexual assault-induced paralysis and it is caused by a flood of hormones that activate in response to a threat. It may be more common in victims that were previously assaulted.

They are literally "scared stiff" or "play opossum," not a pretense, but rather an evolutionary survival tactic.

One study found that only 1 in 4-5 victims used forceful physical resistance. Research shows typical victim responses include: reasoning, pleading, turning cold, physically struggling or crying. Female victims often do not resist because they are taken by surprise, scared, confused, fear injury, or are too incapacitated.

🛡️ PROMOTING BEST LAW ENFORCEMENT PRACTICES

Understand that the freeze response does not mean consent, but instead is the body's automatic neurological response to trauma, threat, and fear.

Document appeasement strategies that may have been used by the victim, like reasoning or bargaining with the perpetrator, submitting to one act to avoid a worse one, and acting "nice" and "complying."

Establish any elements of force, threat, or fear; they do not need to be based on weapon use or actual physical threat for it to seem real to vulnerable victims.

Explain to victims that tonic immobility is a normal reaction to fear and trauma, in order to counter self-blame and guilt that they "did not fight back."

Document all fight, flight, appease, or freeze defensive strategies that the victim demonstrated.

Determine through questioning whether the alleged perpetrator built and then violated the victim's trust, thus making physical resistance less necessary.

Briefing Sheet Number 1: Understanding the Neurobiology of Trauma

📁 CASE CIRCUMSTANCE #4

Although it is not typical, a victim may report a sexual assault immediately after it occurs.

⚠️ BARRIERS AND MISINFORMATION

Belief that officer must immediately obtain a comprehensive written statement to “nail down the facts of the case.”

⚠️ DETERRENENTS TO INVESTIGATION

A victim may gaps in their memory if asked to provide a written statement too close to the time of the trauma.

Deciding whether to postpone a victim interview depends on many factors including the victim's stress response and whether the victim is still under the influence of alcohol/drugs.

🔍 CURRENT SCIENCE TO INFORM PRACTICE

Research reveals that trauma can create gaps in memories that can be recovered after a sleep cycle and time passes.

🛡️ PROMOTING BEST LAW ENFORCEMENT PRACTICES

The preliminary interview should primarily focus on gathering enough information to determine whether a crime occurred.

Follow up interviews can occur a day or two later and after a full sleep cycle so memories can be better recovered and/or when the victim feels safe.

Shifts in Evidence-Based Knowledge that Impact Policing

Briefing Sheet Number 2: The Role of Alcohol and Drugs

📁 CASE CIRCUMSTANCE #1

Victim consumed alcohol and/or drugs.

⚠️ BARRIERS AND MISINFORMATION

Belief that victims who engage in alcohol or drug use are somewhat to blame for their assault.

Belief that victims who lie about alcohol and drug use to avoid university or criminal sanctions cannot be trusted to tell the truth about the sexual assault.

⚠️ DETERRENTS TO INVESTIGATION

Drinking and drug use increase victim vulnerability, not culpability.

Victims may self-blame after sexual assault if they were drinking. Being sexually assaulted should never be the consequence of heavy drinking.

Alcohol's negative effect on cognition may result in victims having difficulty recalling details of the trauma.

Victims who are underage drinkers may be less likely to report the assault in order to avoid punishment and blame.

Victims may fear that friends, law enforcement and campus officials will judge them if they were sexual assaulted while intoxicated.

Alcohol can lead to the inability to remember what happened while under the influence and the inability to resist or to remove oneself from the high-risk situation.

Alcohol use does not justify unwanted sexual advances.

Female victims face a sexual double standard that holds men less responsible for their behavior while they are drinking while holding women more responsible for their behavior while they are drinking.

🔍 CURRENT SCIENCE TO INFORM PRACTICE

Alcohol is the most common date rape drug.

The majority of campus sexual assault cases involve people who are acquainted and have been drinking.

72% of college sexual assaults occurred when the female victim was too intoxicated to give consent.

Sexual assaults are 19 times more likely to occur when female victims consume four or more drinks.

Drug and alcohol facilitated rape (DAFR) occurs when the perpetrator deliberately gives the victim drugs without their permission or tries to get them drunk, and then commits an unwanted sexual act involving oral, anal, or vaginal penetration. The victim is too drunk or high to know what they are doing to control their behavior, or to provide consent.

Incapacitated rape (IR) occurs when the victim voluntarily uses drugs or alcohol and then experiences unwanted sexual acts when they are too drunk or high to know what they are doing, or to control their behavior or to provide consent.

Studies indicate that depictions of sex and alcohol by the media lead to the misperception that women who drink are sexually willing.

🛡️ PROMOTING BEST LAW ENFORCEMENT PRACTICES

Victim's incapacitation from alcohol can be a case fact, proof of victim selection, rather than a reason to doubt or drop the case.

Be cognizant of evidence that the perpetrator was encouraging the intoxication of the victim or using their state for victim selection, as that can show planning and premeditation on the part of the perpetrator.

Develop rapport with the victim and encourage honesty so they feel comfortable telling you about any drug/alcohol use, even if it embarrasses or implicates them.

Reassure the victim that otherwise unlawful use of alcohol or drugs by the victim in the current encounter will not be a matter for a separate police investigation.

Reassure the victim that they did not cause or deserve the assault due to their alcohol/drug use.

Order timely full drug screening of victim's blood and urine (i.e., first urine post-assault is the best).

Delay taking a written statement while victim is still under the influence of drugs and/or alcohol.

Be cognizant of evidence in a DAFR such as the victim's state of incapacitation from eye-witnesses, or photos/videos on social media.

Document any drug or alcohol use by the victim in a matter-of-fact manner, whether it was forced or voluntary, including number and type of drinks, timeframe, victim's body size, and amount of food consumed that day.

Be cognizant of evidence that the sexual assault was drug-assisted. Did the victim experience any loss of memory, disorientation, slurred speech, dizziness, confusion, severe illness or hallucinations, reduced inhibitions, or impaired motor function.

Shifts in Evidence-Based Knowledge that Impact Policing

Briefing Sheet Number 2: The Role of Alcohol and Drugs

📁 CASE CIRCUMSTANCE #2

Alleged perpetrator was drinking and using drugs.

⚠️ BARRIERS AND MISINFORMATION

Belief that alleged perpetrators are not responsible for their sexual aggression if they were under the influence of alcohol or drugs.

⚠️ DETERRENENTS TO INVESTIGATION

Alcohol use does not absolve perpetrators of culpability.

“He said, She said” (perhaps renamed to be gender neutral as “the victim said, the accused said”) may add complexity for a law enforcement investigator, but should not be the ultimate roadblock to an investigation.

🔍 CURRENT SCIENCE TO INFORM PRACTICE

Research on rapists reveals some commonalities including: heavy alcohol use, hostility toward women, belief in rape myths, lack of empathy, and misperception of women’s friendliness as sexual interest.

Another study found that heavy drinking in men occurs alongside other identified risk factors for sexual aggression including impulsivity, narcissism, lack of empathy, delinquency, enjoyment of casual sex, hostile masculinity, and peer norms that encourage forced sex.

Research shows that drinking increases the risk of sexual assault. However, heavy alcohol consumption by the victim and/or offender never “causes” or justifies sexual assault.

🛡️ PROMOTING BEST LAW ENFORCEMENT PRACTICES

Focus on alleged perpetrator’s possible predatory behavior rather than the victim’s character or behavior.

Ask the alleged perpetrator how consent was asked for and given.

To corroborate the victim’s account look for other victims in the victim’s and alleged perpetrator’s social circle as IR or DAFR can be a standard modus operandi.

📁 CASE CIRCUMSTANCE #1

Victim makes a sexual assault report to law enforcement, but the account does not conform to what the officer believes is a “real rape.”

⚠️ BARRIERS AND MISINFORMATION

Belief that many sexual assault accusations are false. Sometimes officers cite a flawed study that found 41% of all reported rape cases were false allegations, but the study has been discredited due to major methodological errors.

Belief that victims falsely “cry rape” for a number of reasons, for example, they regret consensual sex, want to get someone in trouble, or are vindictive.

⚠️ DETERRENTS TO INVESTIGATION

Victims who do not feel believed are less likely to cooperate with the criminal justice investigation.

Crimes with high rates of false reports, such as arson and auto theft, are not approached from the “false until proven true” standard that many victims of sexual assault are held to.

Trauma victims often omit, exaggerate, or make up information when trying to make sense of what happened to them or to fill gaps in memory. This does not mean that the sexual assault did not occur.

Common reasons given when reports are improperly classified as false include: the victim delayed reporting, lack of corroborating evidence, lack of cooperation by victim or witness, discrepancies in victim’s stories, victim’s drinking or drug use, victim’s sexual history, recantation by the victim, victim’s belligerence, victim’s uncertainty of events, or victim is a sex worker. None of these are a reason for labeling a report “false,” but rather illustrate typical factors in sexual assault.

Common reasons victims’ change their accounts are they fear they will not be believed and wish to bolster their credibility. However, this often leads to the very opposite result when officers discover that the victim lied, often leading them to doubt the sexual assault allegation itself.

Being supported in their sexual assault claim is paramount for victims, whether or not they are able to prove beyond a reasonable doubt that it occurred.

🔍 CURRENT SCIENCE TO INFORM PRACTICE

The research on false sexual assault allegations found that only between 2-10% of all sexual assault reports are false.

In case classification “unfounded” is a broad category that includes false accusations (i.e., proven false by evidence) and baseless (i.e., does not meet the legal elements of a crime).

Rather than falsely report sexual assault, most victims don’t even report their sexual assaults. Only 9.2% of victims did in a recent Texas study.

Studies on false allegations found that most mimicked the stereotype of a “real sexual assault,” that is, involved a stranger who had a weapon and inflicted injuries. In contrast, most campus sexual assaults involve an acquaintance, no weapon, and minimal physical injuries.

Research shows that men and law officers tend to distrust women’s reports of sexual assault. Officers often overestimate the percentage of false allegations. This may be due to historical bias toward women and the profession’s training to be suspicious in general.

Factors identified in research that lessen victim credibility with law enforcement include: victim was under the influence of alcohol/drugs, delayed reporting, had previous consensual sex with the perpetrator, previously reported sexual assault or abuse, has a mental disorder, perceived immorality by police (e.g., slut), intellectually impaired, previous false sexual assault complaint, and concealed part of the truth.

One study found that three-fourths of sexual assault allegations judged to be false by the police could be attributed to the officer’s stereotypes about the victim’s behavior, attitude, demeanor, or possible motive.

🛡️ PROMOTING BEST LAW ENFORCEMENT PRACTICES

The determination that a report is false must be supported by evidence that the assault did not happen and can only be made after a thorough investigation.

Requiring a polygraph test on a sexual assault victim is considered an intimidation tactic and is discouraged or prohibited.

Successful sexual assault investigations start by supporting the sexual assault survivor and following the facts and evidence.

Assign a tracking number for every reported sexual assault and document each report in writing. All reports should be taken as valid unless evidence proves otherwise.

Appropriately classify sexual assault cases. Unfounded or unsubstantiated does not equal a false allegation.

Briefing Sheet Number 4: Confronting “Real Rape” and Understanding Non-Stranger Sexual Assault

📁 CASE CIRCUMSTANCE #1

Victim is not a straight woman (for example, victim is a straight man or victim identifies with the LGBTQ community).

⚠️ BARRIERS AND MISINFORMATION

Belief that all sexual assault victims are female and all perpetrators are male.

Belief that the consequences of sexual assault are lesser for men than women.

Belief that sexual assault only occurs in the heterosexual population.

Belief that women are not violent; therefore, there is no sexual assault within the lesbian community or that a woman cannot assault a man.

⚠️ DETERRENTS TO INVESTIGATION

Men may be more hesitant to report being sexually assaulted.

Sexual assault can negatively impact male victims' masculinity and sexuality.

Sexual violence occurs within the LGBTQ community at similar rates as in the straight community.

LGBTQ victims may be less likely to report to law enforcement out of fear of being “outed” and homophobia.

🔍 CURRENT SCIENCE TO INFORM PRACTICE

NISVS survey data suggests that approximately 1.7% of men will be sexual assaulted over their lifetimes. Although most sexual assault cases are male on female violence, men can be sexual assault victims and women sexual assault perpetrators.

LGBTQ individuals are at an increased risk of sexual assault. NISVS survey results estimate that 1 in 8 lesbian women will be sexual assaulted over their lifetimes and 4 in 10 gay men, and nearly half of all bisexual men and women.

🛡️ PROMOTING BEST LAW ENFORCEMENT PRACTICES

Don't make gendered assumptions about victims and perpetrators.

Take cases of sexual assault of male victims seriously without blaming or judging.

Transgender sex workers are particularly vulnerable to sexual assault and victim-blaming.

Ask victim which gender pronouns they prefer if you are not sure which ones to use.

Briefing Sheet Number 4: Confronting “Real Rape” and Understanding Non-Stranger Sexual Assault

📁 CASE CIRCUMSTANCE # 2

A student reports being sexual assaulted by someone they are dating, in a relationship with or casual hook-up.

⚠️ BARRIERS AND MISINFORMATION

Belief that “real rape” only happens if the perpetrator is a stranger

Belief that having casual sexual partners makes the victim blameworthy if they are sexual assaulted.

⚠️ DETERRENENTS TO INVESTIGATION

Some people believe that having consented to sex before makes future consent unnecessary. However, consent is needed for each sexual encounter and for each sexual act.

Sexually active women are sometimes called “promiscuous”, which implies they are somehow deserving of the sexual assault.

A lack of understanding of the prevalence of the hook-up culture.

🔍 CURRENT SCIENCE TO INFORM PRACTICE

Nationally, about 3 in 4 victims of sexual violence knew the offender and the number is likely higher on college campuses. Research shows that non-strangers, including intimate partners, relatives, well-known/casual acquaintances commit 78% of rapes or sexual assaults against females between ages 18-24 enrolled in college.

In one study, 70% of college students acknowledged having “hooked up” during college, an average of 10 times over their college careers, with no differences by gender.

However, research shows that female students report more remorse, and negative emotions; loss of social status and more negative consequences including sexual assault, following hook-ups than their male counterparts.

🛡️ PROMOTING BEST LAW ENFORCEMENT PRACTICES

Never dismiss a sexual assault claim because the victim and offender knew each other, rather use it as evidence of victim selection and availability.

Don't deter victims from engaging with the criminal justice system when they know the perpetrator (e.g., telling them how hard the case will be to prosecute).

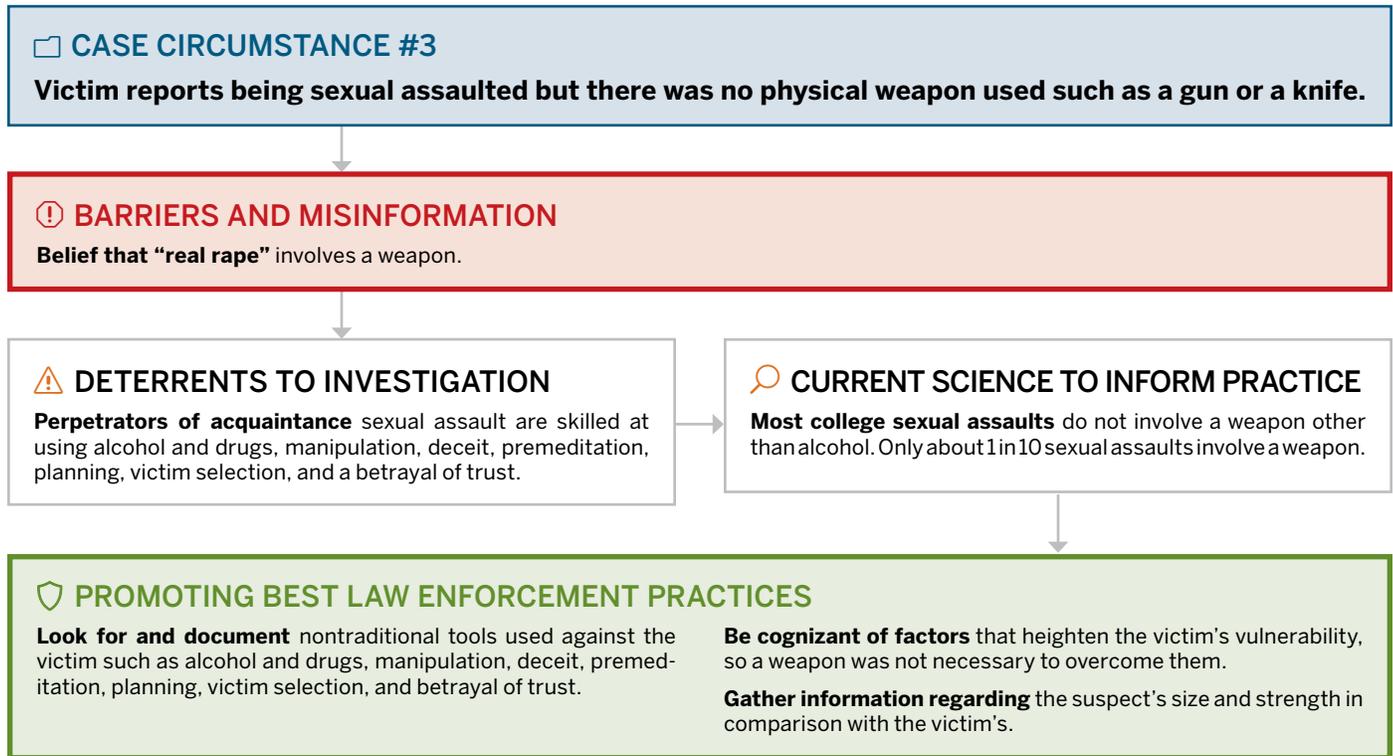
Do not pressure the victim into making decisions about participating in the investigation or prosecution during initial interviews.

Understand the campus hook-up culture and do not blame or judge the victim's behavior.

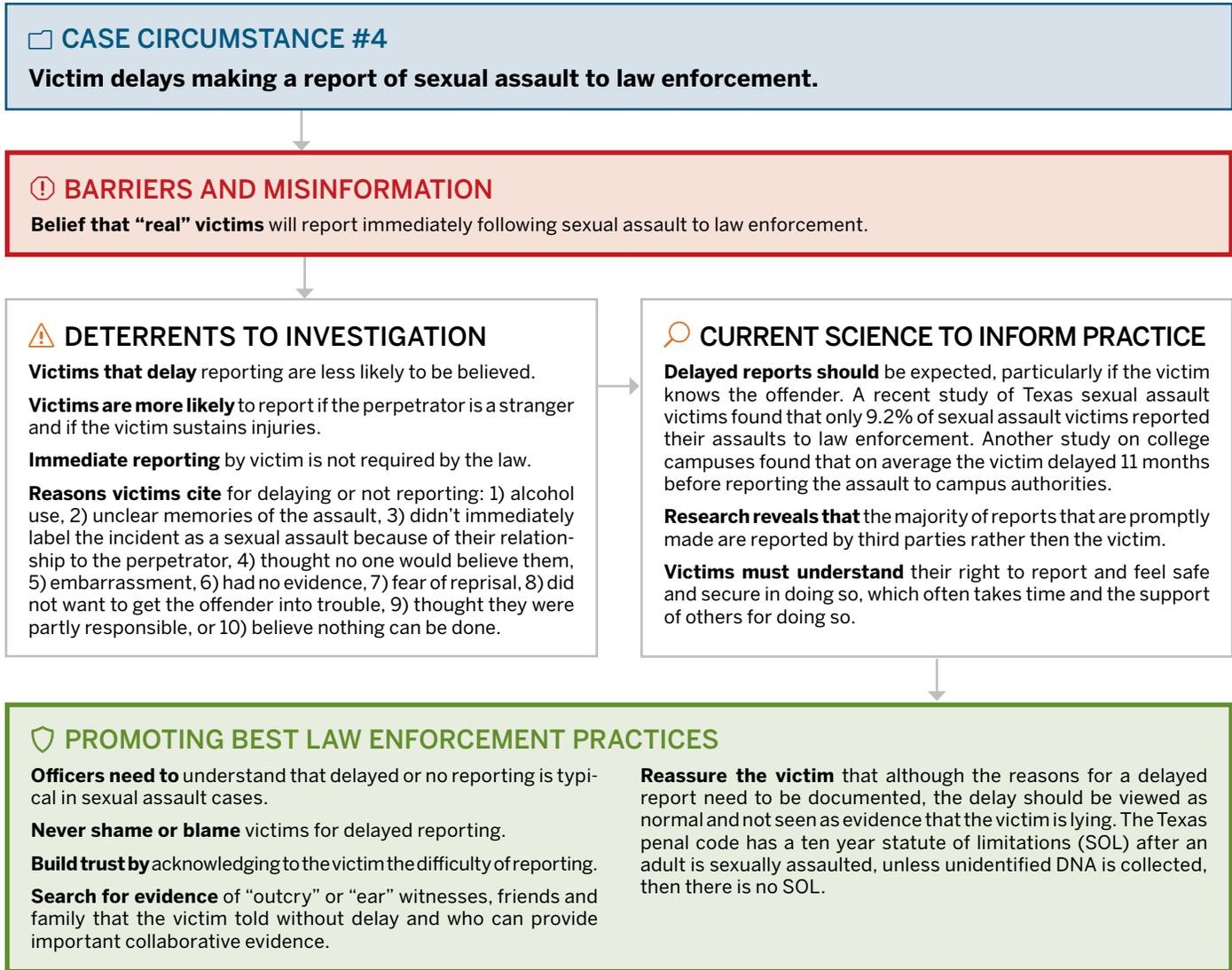
Provide information on risk reduction that identifies risk factors including: freshman/sophomore status, more numerous sexual partners, and alcohol use, without holding victims responsible for their own sexual assaults.

Highlight that the highest risk comes from acquaintances in one's social network.

Briefing Sheet Number 4: Confronting “Real Rape” and Understanding Non-Stranger Sexual Assault



Briefing Sheet Number 4: Confronting “Real Rape” and Understanding Non-Stranger Sexual Assault



Briefing Sheet Number 4: Confronting “Real Rape” and Understanding Non-Stranger Sexual Assault

📁 CASE CIRCUMSTANCE #5

The alleged perpetrator says they did not sexually assault the victim who consented to sexual activity.

⚠️ BARRIERS AND MISINFORMATION

Belief that accusations between acquaintances is more about sexual miscommunication than predatory sexual behavior.

⚠️ DETERRENTS TO INVESTIGATION

Most perpetrators are never prosecuted and some college sexual predators are serial offenders. When a sexual assault is not taken seriously, a serial sexual predator can victimize again.

“He said, She said” (or “the victim said the accused said” to be gender neutral) cases lack direct evidence and can be challenging to corroborate. However, predatory patterns can evolve into “he said, they said” cases, when the alleged perpetrator is a serial victimizer.

Intent is not an excuse, i.e. drunk drivers do not mean to kill anyone, but they still must be held accountable for their behavior.

🔍 CURRENT SCIENCE TO INFORM PRACTICE

Consent is an informed, voluntary and mutual agreement for sexual activity. It must be gained from each sexual partner and each sexual act. Silence does not equal consent. Nonresistance does not equal consent. There is no consent if force (implied or expressed), coercion, intimidation, threats or duress is involved.

A victim cannot give consent in the following situations: under the legal age of consent (e.g., under 17 years old in Texas), mental or physical incapacitation, due to cognitive limitations or incapacitation due to alcohol or drugs.

Consent cannot be freely given when one person is in position of power over the other, such as physician-patient, therapist-client, or professor-student relationship.

Alleged perpetrators will selectively ignore or reinterpret cues from the victim while using miscommunication as an excuse for sexual assault.

🛡️ PROMOTING BEST LAW ENFORCEMENT PRACTICES

Ask the alleged perpetrator how consent was specifically asked for and given.

Detail and corroborate what “No” looked like or felt like for the victim (e.g., closing eyes, looking away, freezing).

Document the level of awareness and consciousness of the victim and any alcohol or drug use.

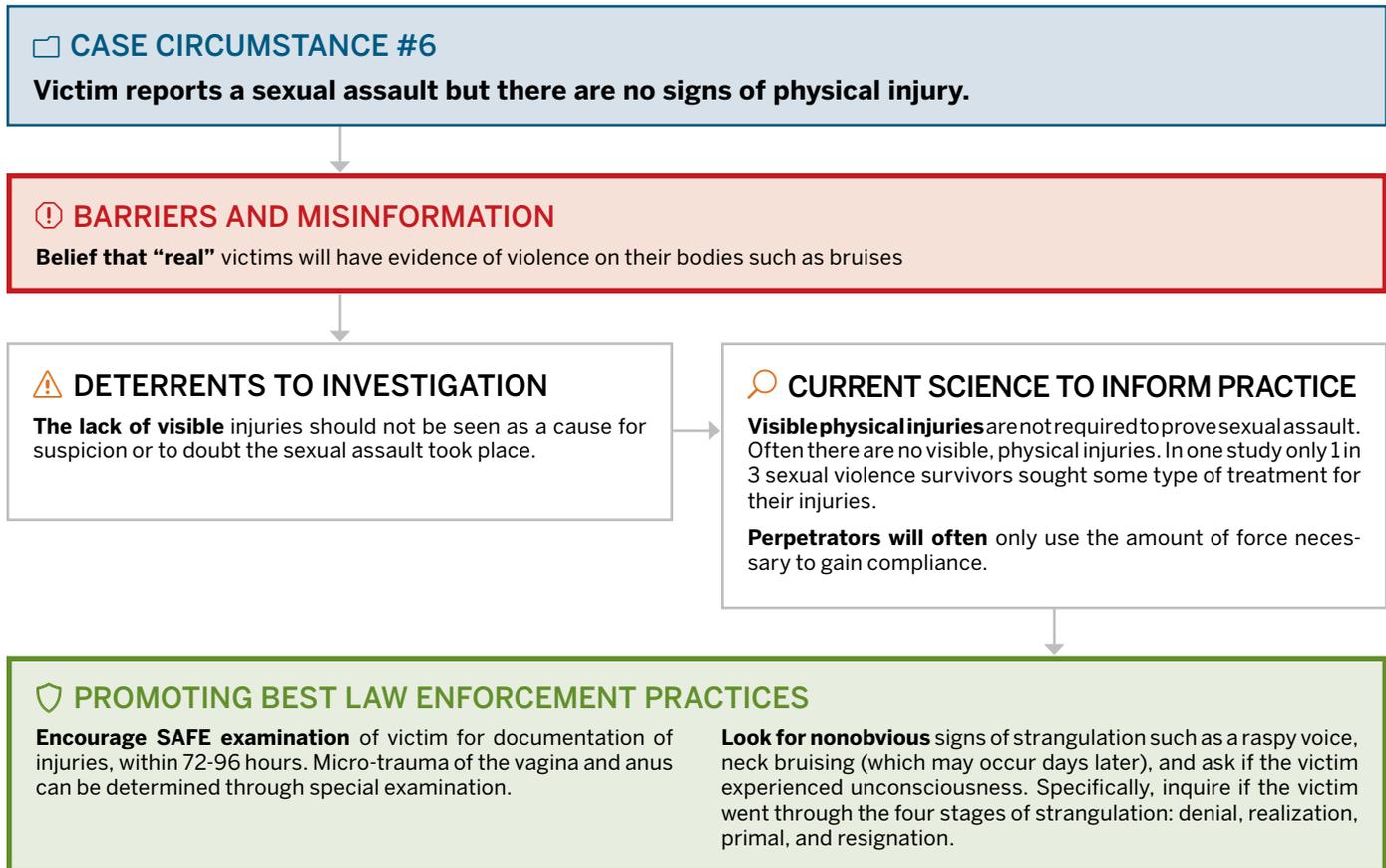
Obtain an in-depth statement from the suspect in a non-threatening manner to gain as much information as possible.

Perpetrators can provide helpful information in an attempt to justify their actions.

Interview the social circle of the suspect and victim to see if there are additional victims.

Review the three types of defenses used in sexual assault cases, denial, identity, and consent, and know what evidence is effective in countering each.

Briefing Sheet Number 4: Confronting “Real Rape” and Understanding Non-Stranger Sexual Assault



Briefing Sheet Number 4: Confronting “Real Rape” and Understanding Non-Stranger Sexual Assault

📁 CASE CIRCUMSTANCE #7

The alleged perpetrator seems like a nice person and is held in high regard by those that know them.

⚠️ BARRIERS AND MISINFORMATION

Belief that a likeable suspect is most likely not guilty and an unlikeable victim is lying.

⚠️ DETERRENTS TO INVESTIGATION

Perpetrators can be likeable, and sometimes even charismatic. This is in contrast to the media’s portrayal of perpetrators as individuals whose actions are the result of a severe mental illness.

Likability is not a marker of guilt or innocence.

Perpetrators will often use their high status or position to both exploit victims and shield themselves from scrutiny.

Perpetrators are skilled at manipulation.

🔍 CURRENT SCIENCE TO INFORM PRACTICE

One study found that one-third of college men said they would be more likely to sexually assault if they could be assured of not getting caught or punished.

The victim’s trauma response may make them appear less credible due to fragmented or lost memories and their attempts to make sense of what happened. Whereas, the alleged perpetrator knows what happened and therefore, appears to make more sense, which can be mistaken for credibility.

Victims often self-blame and feel bad about what happened, while alleged perpetrators often don’t feel badly about it, except for being caught.

Studies have consistently shown that detecting deception is difficult, so officers may not realize when a perpetrator is lying.

🛡️ PROMOTING BEST LAW ENFORCEMENT PRACTICES

Stereotypes about sexual perpetrators are not useful.

Likeability does not equal credibility.

There are no typical sexual predators they come from every culture, socioeconomic background, and demographic.

Briefing Sheet Number 4: Confronting “Real Rape” and Understanding Non-Stranger Sexual Assault

📁 CASE CIRCUMSTANCE #8

No witnesses or physical evidence corroborate the victim’s report of sexual assault.

⚠️ BARRIERS AND MISINFORMATION

Belief that police cannot demonstrate lack of consent in “he said, she said” (or the gender neutral term “the victim said, the accused said”) cases where the only witnesses are the persons involved and there is no tangible evidence.

⚠️ DETERRENTS TO INVESTIGATION

No tangible evidence makes it hard to prove a case beyond a reasonable doubt.

🔍 CURRENT SCIENCE TO INFORM PRACTICE

Circumstantial evidence can corroborate the victim’s report especially in absence of direct evidence. For instance, was there a sudden or marked behavior change in the life of the victim, such as dropped classes, withdrawal from sport participation, or a sudden change in academic performance?

Experienced sexual assault investigators who have specialized training in building circumstantial cases can often produce casework leading to convictions.

Interviewing techniques such as victim debriefing and adapting an “information-gathering” versus interrogation approach to suspect interviews can often lead to successful outcomes.

🛡️ PROMOTING BEST LAW ENFORCEMENT PRACTICES

Collect forensic evidence up to 96 hours post-assault.

Conduct an extensive investigation for corroborating evidence including social media and cell phones

Document the specific sexual acts committed down to condom use.

Understand that physical descriptions (e.g., tattoos), smells and sounds that the victim remembers can often assist corroboration.

Establish elements of force, threat or fear if present.

Look for a serial pattern by identifying and contacting others who may have been victimized by the suspect.

Evaluate the need for a search warrant.

Determine the utility of a pretext phone call to gather corroborating evidence from the suspect.

Identify and contact any outcry witnesses.

Shifts in Evidence-Based Knowledge that Impact Policing

Briefing Sheet Number 4: Confronting “Real Rape” and Understanding Non-Stranger Sexual Assault

📁 CASE CIRCUMSTANCE #9

The victim fails to follow through with the investigation or the victim recants.

⚠️ BARRIERS AND MISINFORMATION

Belief that victims only recant when they made false accusations.

The victim is uncooperative; therefore, the case should be dropped.

⚠️ DETERRENTS TO INVESTIGATION

Victims face hostility and blame for coming forward and fear not being believed. The focus on their behavior over that of the suspect’s may lead victims to be emotionally overwhelmed or frustrated by the lack of a supportive response.

The victim may fear retaliation by the suspect or further trauma or revictimization in a public trial.

Victims may fear that they lack credibility due to their drug use, immigration status, occupation (e.g., sex worker) or an ongoing mental disorder. Of note, many serial, predatory offenders choose their victims for this very reason.

🔍 CURRENT SCIENCE TO INFORM PRACTICE

There are numerous legitimate reasons for victims to recant or refuse to cooperate with the investigation that have nothing to do with lying or making false allegations.

Victims can be uncooperative in order to protect themselves.

They may fear being blamed, loss of privacy, further trauma, lack of supportive resources, or low chance of successful prosecution.

🛡️ PROMOTING BEST LAW ENFORCEMENT PRACTICES

Understand victim intimidation and vulnerabilities. Educate victims on intimidation behaviors and document any reported incidents.

Assess victim’s fears and concerns and reassure them with identified safety solutions.

Follow-up any victim recantation with a formal investigation to ensure absence of coercion.

Understand the trauma of sexual victimization, which can lead to recantation, such as feeling overwhelmed, lack of sleep, or wanting to forget the sexual assault.

Respect the victim’s decision about whether or not to be involved and continue to offer assistance and referrals.

The victim might change their mind at a later date and the case can be re-opened. Victims have a right to accept or decline all service.

Briefing Sheet Number 5: Adopting a Victim-Centered Response

📁 CASE CIRCUMSTANCE #1

Victim is asked questions that convey blame including what they were wearing before the sexual assault.

⚠️ BARRIERS AND MISINFORMATION

Belief that victims who dress provocatively are asking to be sexually assaulted.

Belief that victims are responsible for the actions of their attackers.

⚠️ DETERRENENTS TO INVESTIGATION

Victim-blaming statements by the police can cause revictimization and reluctance on the part of the victim to participate in the case.

Most college age sexual assault victims do not report their assault.

🔍 CURRENT SCIENCE TO INFORM PRACTICE

Research shows that officers' personal attitudes on sexual assault are likely to affect their job performance when interviewing victims, especially when they endorse rape myths (e.g., such as believing that the victim's behavior caused the sexual assault).

Victim-centered does not mean victim-focused. The first builds rapport, the latter discourages reporting if the victim becomes the focus of the investigation. The focus should be on the perpetrator's actions, behavior, and history, not the victim's.

🛡️ PROMOTING BEST LAW ENFORCEMENT PRACTICES

Use empathy and eliminate any unhelpful biases or attitudes during the victim interview.

Avoid interviewing in public or interrogation rooms if possible.

Keep the focus on the suspect to help reassure the victim that they will not be shamed, judged or blamed.

Focus on suspect's behavior and direct questioning to include the following:

1. Why did the suspect choose this victim?
2. How did the suspect build trust?
3. Did the suspect monitor the victim using technology?
4. What was the role of alcohol and drugs?
5. Did the suspect try to isolate the victim?
6. Why was the particular location of the assault chosen?

Shifts in Evidence-Based Knowledge that Impact Policing

Briefing Sheet Number 5: Adopting a Victim-Centered Response

📁 CASE CIRCUMSTANCE #2

Victim is scared, seeks comfort and reassurance from the officer.

⚠️ BARRIERS AND MISINFORMATION

Belief that officers should focus just on the facts, evidence, and doing their job investigating. They are police officers, not social workers.

⚠️ DETERRENENTS TO INVESTIGATION

Victims who do not feel a rapport when dealing with law enforcement are less likely to stay involved with the criminal justice process, and less likely to provide the type of information necessary to build a case.

🔍 CURRENT SCIENCE TO INFORM PRACTICE

Research supports the fact that the victim is more likely to stay involved if they have built rapport with the police and feel believed.

Studies show that when police officers take the time to build rapport with victims it leads to better information gathering and increases the chances of taking the case forward for prosecution.

Research confirms that when police collaborate with victim advocacy services it can lessen the negative damage of sexual trauma.

🛡️ PROMOTING BEST LAW ENFORCEMENT PRACTICES

Be sure to ask what their biggest concern is at the moment. It may be something you least suspect, but if you address the issue they may remain engaged. For example, it may be less about the assault and more about the exam they might miss.

Thank them for coming in and commend their courage in doing so.

Be aware of any special situations, such as cultural differences, disabilities, LGBT, male victim, language barriers, or being a prior sexual assault victim or family/dating violence victim.

Provide referral information in writing and address safety planning for victims, especially when the situation involves intimate partner violence (IPV).

Offer to call a campus or community victim advocate to support the victim during first report and before and after the second interview.

Understand that advocates can be law enforcement partners, who keep the victim engaged and calm while the officer's attention is elsewhere.

Keep the victim informed of the investigation with frequent updates.

Inform the victim when the case is ready for presentation for the prosecutor. Provide the name and contact information of the prosecutor or arrange a meeting.

Briefing Sheet Number 5: Adopting a Victim-Centered Response

📁 CASE CIRCUMSTANCE #3

Victim reports sexual assault to law enforcement and never hears back about what is going on with the case.

⚠️ BARRIERS AND MISINFORMATION

Belief that victims are an annoyance and providing follow-up on the case's progress takes time away from investigative work that leads to case closure.

⚠️ DETERRENENTS TO INVESTIGATION

Victims who feel disrespected and ignored are more likely to stop participating in the investigation and end their involvement with the criminal justice system.

Inaction and lack of interest by law enforcement can lead to re-traumatization.

🔍 CURRENT SCIENCE TO INFORM PRACTICE

Research shows that when sexual assault victims negatively perceive the follow-up response of law officers it can exacerbate their trauma.

Experts recommend a *victim-centered approach* to sexual assault investigations. By focusing on the needs and concerns of the victim, law enforcement is more likely to elicit cooperation, gain more information, and reduce re-traumatization and case attrition. A compassionate, sensitive and nonjudgmental response helps build rapport with the victim, which may lead to more positive outcomes for all concerned. This approach prioritizes the safety and well being of the victim in all matters and procedures.

🛡️ PROMOTING BEST LAW ENFORCEMENT PRACTICES

Make time for the victim and keep them informed of what is going on with the case. We acknowledge that law enforcement often carry heavy caseloads which require extensive casework and preparation. Referral to a victim advocate can provide additional support to law enforcement and victims.

Treat all victims with respect and compassion whether they are a sex worker or CEO of a company.

Allow the victim to participate in case decisions when possible, so they can begin to regain some control that was lost during the sexual assault. It can be as simple as allowing the victim to choose the place and time of the interview.

Shifts in Evidence-Based Knowledge that Impact Policing

Briefing Sheet Number 6: Forensic Interviewing

📁 CASE CIRCUMSTANCE #1

A sexual assault is reported and an investigator is assigned to the case who has never conducted a sexual assault investigation before.

⚠️ BARRIERS AND MISINFORMATION

Belief that any police officer can conduct a sexual assault investigation and the best training for sexual assault cases is on the job.

⚠️ DETERRENTS TO INVESTIGATION

While most criminal investigations focus on physical and testimonial evidence, overlooked is a class of evidence called "forensic physiological evidence." This takes special skill and training.

Handling sexual assault cases requires really understanding human behavior and being able to connect the dots.

It takes years of experience and maybe even a special personality to successfully investigate sexual assault cases.

🔍 CURRENT SCIENCE TO INFORM PRACTICE

It takes specialized training, skill and experience in sexual assault investigations to handle these cases. One must know the right questions to ask and leads to pursue. Officers must be familiar with the neurobiology of trauma. The necessary skills and specialized expertise required of successful sexual assault investigations often takes many years of experience to develop.

Research reveals that given the investigative difficulties inherent in sexual assault cases, detectives have to want to work sexual assault cases; otherwise they may do a disservice to the victims.

🛡️ PROMOTING BEST LAW ENFORCEMENT PRACTICES

The most successful officers who respond to and investigate sexual assaults are those with the associated special training and a depth of experience in dealing with such offenses.

It is critical that departments continuously seek out appropriate training that may include an externship in an adjacent municipal police department or targeting candidates for lateral employment who bring with them the desired level of criminal investigative skills.

Patrol officers should embed with investigators for 30-90 days to gain a greater understanding of what is necessary at the patrol level to start a good case for the investigation and prosecution.

Every campus police officer should have basic knowledge of:

- 1) Proper forensic skills for interviewing sexual assault victims,
- 2) the neurobiology of trauma,
- 3) what is involved in a victim-centered and trauma-informed approach, and
- 4) proper report writing to build a strong case for possible prosecution.

Responding to sexual assault cases can be intense and officers can burnout. Don't be afraid to ask for support and seek help. It is a sign of strength, not weakness.

Shifts in Evidence-Based Knowledge that Impact Policing

Briefing Sheet Number 6: Forensic Interviewing

📁 CASE CIRCUMSTANCE #2

Victim reports sexual assault and the investigating officer places them in a suspect room and aggressively questions them.

⚠️ BARRIERS AND MISINFORMATION

Believe victims should be asked rapid-fire questions in order to discover the truth.

Believe most victims lie about consensual sex or make false accusations to hide embarrassing behaviors (e.g., hook-ups) or illegal activities (e.g., underage alcohol/drug use).

Law officer presents with a stern face and demeanor in order to display an objective stance.

⚠️ DETERRENTS TO INVESTIGATION

Victims of aggressive questioning often feel blamed for their sexual assault, which causes further trauma and revictimization.

Victims who experience negative interactions and accusatory interviewing techniques are at risk of becoming uncooperative and dropping the case.

An unemotional demeanor can be intimidating to the victim and may suggest skepticism or disbelief.

🔍 CURRENT SCIENCE TO INFORM PRACTICE

Research reveals that when police officers' actions cause the victim to feel disbelieved and invalidated, it can exacerbate the victim's post-traumatic stress symptoms.

When officers support, validate and build rapport with victims, it can increase their feelings of safety, result in more information to help with the investigation, and increase the likelihood that the case will be prosecuted.

A friendly and compassionate demeanor is more than humane; the victim is also more likely to be able to relate the facts of the case when treated with compassion and respect.

🛡️ PROMOTING BEST LAW ENFORCEMENT PRACTICES

It is okay to express sympathy/empathy by saying, "I'm sorry that this happened to you."

Understand that how you question the victim is key to conveying support and building rapport.

You are not questioning the victim as much as you are walking through the events with the victim and providing key prompts to elicit recall. Sit at the level of the victim, wear plainclothes if possible, and avoid touching the victim even in an attempt to comfort.

Use a conversational interviewing style, ask victims to give their own account in their own words, at their own pace.

Avoid "why" questions, such as "Why did you invite them back to your room?" Instead ask open-ended questions such as "Can you tell me what happened?"

Engage in careful listening and occasionally clarify and summarize.

Victims are more engaged and cooperative if they feel believed and supported.

Ask about experiential information such as what they smelled, tasted, heard, saw, and felt to prompt memory recall.

Shifts in Evidence-Based Knowledge that Impact Policing

Briefing Sheet Number 6: Forensic Interviewing

📁 CASE CIRCUMSTANCE #3

A victim advocate explains and offers their supportive services to the victim, and the victim agrees to work with the advocate.

⚠️ BARRIERS AND MISINFORMATION

Police officers may be reluctant to work with victim advocates because they feel they will disrupt or interfere with the investigation or expect them to be adversarial.

⚠️ DETERRENENTS TO INVESTIGATION

The reporting process can intimidate victims, especially if the officer and the assailant are of the same gender.

Officers are often focused on securing the facts of the case while an advocate can focus on offering emotional support and securing resources to meet victim needs.

🔍 CURRENT SCIENCE TO INFORM PRACTICE

Advocacy services have been shown to augment victims' recovery from trauma while increasing access to the delivery of criminal justice and community services.

Research supports the use of an embedded victim advocate in sex crime investigations.

🛡️ PROMOTING BEST LAW ENFORCEMENT PRACTICES

Encourage the victim to seek the services of a victim advocate and refer to available community resources that can support and assist the victim. Victim advocates also support law enforcement by allowing them time to pursue other investigative leads while the victim is being supported.

Call a campus or community victim services advocate to support the victim during first report and before and after the second interview.

Understand that advocates can be law enforcement partners, who keep the victim engaged and calm allowing for more successful investigations and better outcomes for the victim.

Establish partnerships with local municipal police departments and community-based victim service agencies to improve victim response and access to victim advocates.

Shifts in Evidence-Based Knowledge that Impact Policing

Briefing Sheet Number 6: Forensic Interviewing

📁 CASE CIRCUMSTANCE #4

Investigation is complete and it is time to write the report.

⚠️ BARRIERS AND MISINFORMATION

Belief that the best report is a short report.

⚠️ DETERRENENTS TO INVESTIGATION

Most investigators are overworked and have to juggle multiple caseloads on minimal resources and lack funding for additional training.

🔍 CURRENT SCIENCE TO INFORM PRACTICE

Your report may be the only official “witness” and will be crucial to the successful prosecution of the case.

Remember that most sexual assault victims never come forward to report, so make this victim’s voice count by writing a detailed report that can be used by the prosecution.

🛡️ PROMOTING BEST LAW ENFORCEMENT PRACTICES

Use the victim’s own words when possible in quotation marks; make sure to include what the victim was thinking, feeling, and experiencing before, during and after the attack.

Describe the victim’s voluntary alcohol or drug use in a neutral tone, free of judgment.

Use descriptive language to paint a “word picture” in order to recreate the assault from the victim’s perspective for the potential prosecutor and jurors.

Corroborate the use of force, threat or fear.

The report should be complete and detailed.

Avoid using language that sounds as like the sexual act was consensual. For example, do not say, “the victim performed fellatio on the suspect,” if in reality “a penis was forced into the victim’s mouth.”

Write the report with potential defense strategies in mind. Anticipate what type of defense will likely be raised at trial (e.g., consent defense).

Summarize the evidence in order to connect the dots and put all of the pieces of the puzzle together.

Exclude personal opinions or bias in the report.

Have a colleague proofread the report.

Briefing Sheet Number 7: The Intersection of Sexual Assault and Stalking, Domestic Violence, and Strangulation

☐ CASE CIRCUMSTANCE #1

Victim reports being sexually assaulted by a former partner who is also stalking the victim by unexpectedly appearing at the victim's house and workplace and calling and texting constantly. The victim also reports a history of prior emotional abuse from former partner.

⚠ BARRIERS AND MISINFORMATION

The police officer focuses on the sexual assault and does not ask about the commission of other crimes.

⚠ DETERRENTS TO INVESTIGATION

The officer narrowly focuses on "just the facts" of this particular case, which does not allow for a broader view of other forms of violence that might have been perpetrated against the victim concurrently or previously.

🔍 CURRENT SCIENCE TO INFORM PRACTICE

The Campus Sexual Violence Act, a 2013 amendment to the Clery Act, requires schools to collect and report statistics on domestic violence, dating violence, and stalking, as well as sexual assault. Campus prevention programs are also required to define each of these crimes.

People who experience one form of violence are at a higher risk for being a victim of other forms of violence. For example, girls who are sexually abused are more likely to suffer physical violence and sexual re-victimization as adults, engage in self-harming behaviors, and be a victim of intimate partner violence.

An estimated 15.2% of women and 5.7% of men have been a victim of stalking during their lifetimes.

People who commit violence are more likely to commit other forms of violence.

Prior victimization may influence current behavior in response to sexual assault. For example, the victim may not have resisted if they learned as a child that resistance is futile, they have no right to set sexual boundaries, or that their sexual boundaries will not be respected.

Domestic violence includes physical, emotional, sexual, financial, and psychological abuse, and reproductive coercion. Many of these behaviors are illustrated in the Power and Control Wheel.

🛡 PROMOTING BEST LAW ENFORCEMENT PRACTICES

Ask the victim if they experienced other crimes, such as stalking, domestic violence, and dating violence during or before the current commission of the crime.

Use technology to document stalking behaviors via texting, phoning, and geo-locators. Refer victim to get a protective order as needed.

If these additional crimes were committed on-campus, on public property within and adjacent to campus, or at a non-campus university property within the past year, they are likely Clery reportable crimes.

Learn the risk factors that are common between stalking, dating violence, intimate partner violence, and sexual violence.

Learn the risk factors for perpetration, which include cultural norms that support aggression toward others and harmful norms around masculinity and femininity.

Protective factors include connection/commitment to school and community support.

Briefing Sheet Number 7: The Intersection of Sexual Assault and Stalking, Domestic Violence, and Strangulation

📁 CASE CIRCUMSTANCE #2

Victim has red marks on neck and may have been “choked.”

⚠️ BARRIERS AND MISINFORMATION

Belief that neck redness is not a serious injury that warrants follow up.

Belief that substantial injuries leave bruising and anyone who was choked to the point of unconsciousness would remember.

⚠️ DETERRENTS TO INVESTIGATION

The signs, symptoms and seriousness of strangulation are often unknown to victims and law officers.

Strangulation leaves emotional as well as physical trauma since the victims often believe they were going to die.

Often the physical signs of strangulation, including visible marks, are not outwardly visible until days later if at all.

The seriousness of strangulation has often been minimized, which is why many states including Texas have increased the penalties for strangulation.

Most victims of strangulation do not self-identify.

Lack of physical evidence can lead strangulation cases to be misclassified as minor incidents.

Impeding air or blood flow is often not a visible injury. Relying on visible evidence like in traditional cases will not lead to prosecution.

🔍 CURRENT SCIENCE TO INFORM PRACTICE

Strangulation is the external compression of the neck that impedes oxygen transport by preventing blood flow to or from the brain or direct airway compression.

The majority of strangulation victims are female and most perpetrators are male.

Research reveals that strangulation often leaves few visible injuries, with possibly critical injuries (e.g., brain damage) hidden, until they evolve over the next several days into potentially life threatening conditions.

Lack of oxygen to the brain can leave the victim restless and combative, and even result in long-term amnesia or psychosis.

As a result of strangulation loss of consciousness can occur within 10 seconds and death within 5 minutes.

Research shows that the presence of strangulation in domestic violence and sexual assault cases signals an elevated level of violence with suspects more likely to kill their partner/victim and children as well as police officers.

🛡️ PROMOTING BEST LAW ENFORCEMENT PRACTICES

Ask victims of sexual assault and domestic violence if their ability to breath was impeded or restricted, as most victims do not volunteer this information about strangulation without prompting.

Ask the victim to demonstrate how they were strangled.

Assess for signs and symptoms of strangulation such as raspy voice, sore throat, burst capillaries, scratching, bruises, redness on victim's throat, loss of consciousness, trouble breathing, difficulty swallowing, and/or nausea. To approach assessment for involuntary urination or defecation, you may ask the victim if they changed their clothes.

Document evolving physical injuries by taking photos of victim's face and neck as soon as possible and then at 24, 48, and 72

hours respectively.

Check for defensive wounds on alleged perpetrator's hands, face, etc. inflicted by the victim, including bite marks.

Suggest need for medical evaluation in all cases involving strangulation.

Use the term “strangulation” rather than “choking” in documentation.

Record the victim's words to describe the physical and emotional aspects of the experience such as “felt like I was dying,” “gasping for air” or “hurt to breathe.”

Officers should attend a strangulation-specific training to learn how to identify and respond to strangulations.

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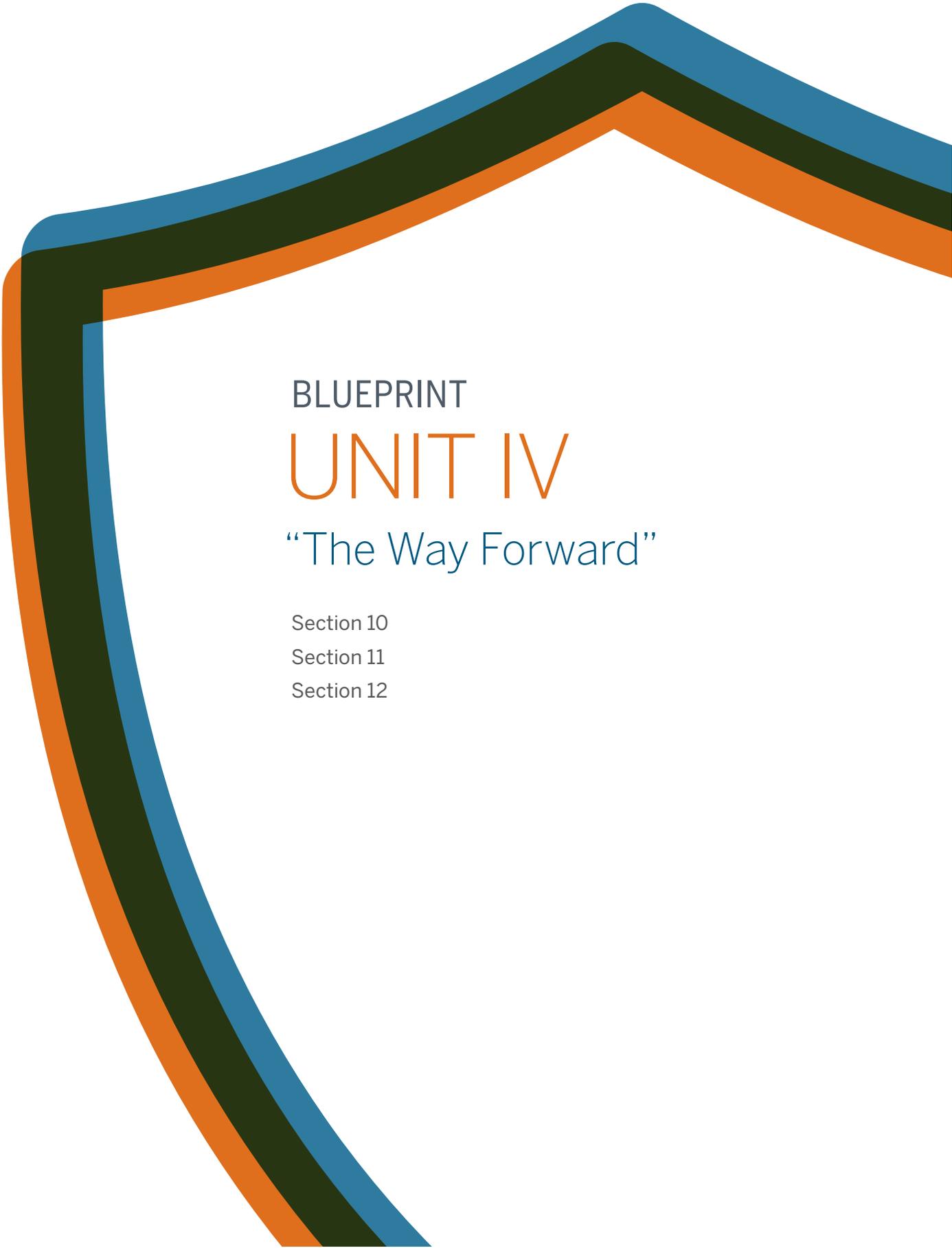
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BLUEPRINT
UNIT IV
“The Way Forward”

Section 10

Section 11

Section 12

SECTION 10

Campus and Community Collaborations

SECTION OUTLINE:

LEARNING OBJECTIVES

INTRODUCTION

 KNOWLEDGE

 EXISTING LITERATURE

 EMERGING EVIDENCE AND FINDINGS

SKILLS

FURTHER LEARNING

OTHER RESOURCES

REFERENCES

Learning Objectives

1. Law enforcement will understand their role in building collaborative and trusting relationships across multiple professional partnerships to improve outcomes of sexual assault cases.
2. Law enforcement will understand the existing and emerging body of knowledge around collaborative approaches to addressing to campus sexual assault (CSA).
3. Law enforcement will be able to identify and implement a collaborative model to address CSA.

Introduction

Building collaborative partnerships among professionals in higher education and the criminal justice system is important to successful sexual assault prevention and response. Law enforcement must address the rights of victims and accused students while remaining focused on the goal of holding perpetrators accountable to keep campus communities safe. As a whole, the university's response, especially the response of its police department, has a profound effect on victims and their experiences in the aftermath of trauma. Multidisciplinary collaboration and a victim-centered approach can result in improved services, coordination, and outcomes.

In campus sexual assault, the partners form a Rubik's cube® to deliver comprehensive and connected services for victims and other students. Campus police, Title IX coordinators, counseling and mental health, legal, and other partners must be in communication with each other in order to be successful in responding to sexual assault. Throughout the

Blueprint, you will find there are many components related to the strengths and challenges of collaborating on the complex topic of campus sexual assault (CSA). In this section, we will describe the importance of understanding the role of each partner in addressing CSA and review commonly used models that improve collaborations.

Collaboration will look different on various campuses depending on leadership and philosophy around CSA, relationships and history between partners, laws and regulations that affect the environment, and the culture of the local community. Regardless, the basic tenets of collaboration are likely to be consistent across campuses to conduct collaborative work. A variety of models for collaboration can be used and additional elements should be considered. The response to CSA will be strengthened and more effective if addressed through multidisciplinary partnerships.

Knowledge

Principles of Collaboration

Essential tenets of collaboration for campus sexual assault cases have emerged from research on multidisciplinary collaboration related to untested sexual assault kits (SAKs) and practice wisdom distilled from on the ground experience. They are: 1) building relationships and buy-in, 2) getting the consistent participation of “champions” with influence in their organizations and communities, 3) developing and fostering commitment and investment at the organization, system, and community levels, 4) formalizing the process of collaboration, 5) obtaining resources, 6) practicing courage and vulnerability, and 7) taking action to create change.¹²

DEFINING PARTNER ROLES.

One of the first steps toward achieving collaboration is to understand the roles and responsibilities of partners across departments on your campus. Some of the more common partners and corresponding roles are presented in Table 10.1. Additionally, law enforcement is encouraged to personalize this table checking with their on-campus and off-campus partners to learn more about their system of services and the roles of each partner.

 Table 10.1 Who's Who: Internal and External Campus Partners

| Campus Partner | Role & Responsibility |
|-----------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Title IX Coordinator | A designated employee to coordinate efforts to comply with and carry out their responsibilities under Title IX of the Education Amendments of 1972, which prohibits sex discrimination in educational programs and activities. ³ For additional information on Title IX see Section 5. |
| University Compliance Office | Representatives that provide leadership around a university's compliance efforts, including Title IX and Clery. |
| Clery Compliance Officer | Manages and reports crime statistics and incidents information for the campus that qualify for Clery report. |
| Dean of Students Office and Student Conduct Process | Representatives who generally provide leadership and oversight of student life, including educational and developmental aspects. |
| University President and Other Administrators | The President provides leadership to university on all general issues, including student life, opportunities, and education. |
| Campus Women's, Gender, & Sexuality Center | An educational and supportive center for learning and organizing around issues of gender and sexuality for the campus community. |
| Campus Counseling & Mental Health Center | Provider of mental health services by social workers, counselors, and other helping professionals to students, including survivors of trauma. Can be confidential sources of support for victims of campus sexual assault. |
| Campus Health Center | Provider of health services on campus to students. Can be confidential sources of support for victims of campus sexual assault. Medical professional or Sexual Assault Nurse Examiner (SANE) may conduct sexual assault forensic examination (SAFE) at this location. |
| Violence Prevention Educator | Provides education and outreach to address root causes of violence and promote healthy and respectful relationships. May be affiliated with the mental health center. |
| Human Resources | Provides support to university through recruiting, training, and retaining the workforce. |
| Office of Equity | Office that supports diversity, access, and equal opportunity for the university community. |
| Campus Law Enforcement | Sworn police officers that protect and serve the campus community, property, and students, staff, and visitors. |
| Legal Counsel | Attorneys that provide legal services to the university. |
| Student Life | Office that promotes opportunities to connect and get involved with various student experiences. |
| Athletics | Department that represents and coordinates sports teams and athletic events. |
| Greek Life | Representatives that assist with social organizations of sororities and fraternities affiliated with the institution. |
| Students | Those who attend the university, and represent the interests of the current student population and their experiences. |
| Alumni | Graduates of the institution. |
| Cultural and Ethnic Organizations | Student groups dedicated to promoting and celebrating cultural heritage, traditions, and community on campus. |
| LGBTQIA+ Organizations | Student groups dedicated to providing a community, resources, and activities for lesbian, gay, bisexual, transgender, queer, and intersex students and their allies. |
| Other Campus-Specific Representatives or Groups | Representatives or groups from the university who should be at the table. |
| Sexual Assault Nurse Examiners (SANEs) | Certified nurses who provide medical care and perform forensic evidence collection with victims of sexual assault. May be at a hospital or emergency medical facility. |
| Emergency Medical Services and Medical Providers | Provide medical services for victims of sexual assault. May conduct forensic evidence collection. |
| Municipal Law Enforcement | Sworn police officers that are employed by local jurisdictions. |

| Campus Partner | Role & Responsibility |
|-----------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| District Attorney's Office | Prosecutors who criminally prosecute offenses, and other staff who assist with the criminal justice process. |
| Victim Services and Victim Witness Counselors | Social workers, counselors, and helping professionals who provide supportive services and information to victims throughout the investigation and prosecution processes. |
| Local Rape Crisis Center Providers | Advocates and education specialists who provide supportive and educational services to the community, including hotline services, counseling, emergency shelter, and training and education. |
| Legal Aid | Attorneys, social workers and helping professionals who assist with serving the legal needs of the community, including victims of crime. |
| Community Mental Health Center | Organization that provides mental health services to community members. |
| Statewide Coalition Against Sexual Assault** | A statewide organization whose purpose is to advocate for services and policy to support victims and prevent sexual violence. |
| State Victim's Compensation Fund | Representatives that carry out the Attorney General's crime victim's compensation fund, to assist victims with expenses related to medical and mental health needs, and physical property such as evidence. |
| National Resources and Coalitions | Representatives from national advocacy-based organizations and coalitions that work to prevent sexual violence, educate the public on realities of the crime, and promote policy. |

* Community partners may be part of a community SART, which is a group of community representatives from various disciplines who work together to create a coordinated, community response to sexual assault.⁴ SARTs are discussed later in this section.

** In Texas, the statewide coalition against sexual assault is the Texas Association Against Sexual Assault (TAASA).

From The Field

Throughout interviews for this project, researchers heard the importance of balancing ethics, victim-centeredness, legal obligations and compliance, and consideration for student development while working to improve the campus climate, to provide fair resolutions, promote healing, and ensure campus safety.

Understanding Challenges and Opportunities to Collaboration

TENSIONS ABOUT COLLABORATION.

As outlined in the Office for Civil Rights' 2011 Dear Colleague Letter clarifying the requirements of Title IX,⁵ when a sexual assault is reported to both campus law enforcement and the Office of the Dean of Students (or the campus department that handles the student conduct processes), both departments must run parallel and often concurrent investigatory processes. This process can create tensions between law enforcement and the student conduct process as well as new opportunities to work together.

Some potential tensions for law enforcement may arise from the fear that the student conduct process will contaminate their investigation, for example, by alerting potential witnesses. Although law enforcement may ask the student conduct

officers to slow down their investigation, the DCL recommends that the Title IX investigation be completed within 60 days, excluding any appeal.⁶ Sometimes student conduct officials are able to suspend their investigation for a short time to accommodate the criminal justice investigation.

The need to address concerns over student safety as well as privacy issues may complicate information sharing and create some tensions between the two systems charged with these concerns during collaboration. For instance, the police are unable to share information as long as the case is still active, at the same time, the Family Educational Rights and Privacy Act (FERPA) binds student conduct officers to protect the student's educational record. There also may be different interpretations about what can and cannot be shared. Concerns about reaching the correct interpretation about which records can be shared can sometimes slow an investigation. To preserve the confidentiality of victims, both Title IX and Clery allow aggregate rather than individual data sharing between non-professional counselors, advocates and Campus Security Authorities (CSAs) to be reported in order to identify patterns or systemic problems. Additionally, Title IX and Clery allow schools to tell the complainant about the outcomes of institutional disciplinary proceedings. FERPA also specifically includes a provision allowing such disclosures.⁷

From The Field

In interviews for the *Blueprint*, professionals emphasized that law enforcement and student conduct officers must respect each other's roles and have mutual trust and confidence to be able to collaborate with each other. They both have the same goal, holding the perpetrator accountable, even if their processes are different. Law enforcement officers receive training in criminal investigation, while conduct officers are trained to conduct investigations of sexual harassment and misconduct issues. As a result of increased and expanded training opportunities and clearer guidance from the Department of Education on Title IX investigation requirements, conduct officer training standards are improving. However, the field of misconduct has received a lot of recent attention, and is gaining an increasingly visible and important role in the area of campus judicial outcomes. Law enforcement may not receive information about how conduct officers are trained. Understanding that the roles are different and that the conduct process is not meant to circumvent the police investigation will enable greater collaboration.

These roles are not adversarial and can be complementary. For instance, not all students will report a sexual assault to law enforcement but, may report to student conduct (and vice versa). The student conduct process can share aggregate data with campus police to keep them informed of crime trends on and off campus. Police may be able to share their aggregate data for closed investigations with student conduct as well.

UNDERSTANDING THE STUDENT CONDUCT PROCESS.

The student conduct process has different tools at their disposal compared to law enforcement by which to hold offenders accountable. For instance, the student conduct process has a *lower standard* of evidence (a preponderance of the evidence), in comparison to the criminal standard of *beyond a reasonable doubt*. A lower standard of evidence may be helpful in holding a perpetrator accountable particularly when the District Attorney determines there is not enough evidence to move forward. Also, the student conduct process is able to make campus accommodations in living or academic arrangements for the victim (the complainant) or perpetrator (the respondent) that the criminal justice system is unable to do. For example, a student may be moved out of a course, or into different housing to avoid contact with their alleged victim. Victims may also be able to obtain academic accommodations, like an extension on an assignment.⁸

UNDERSTANDING OPPORTUNITIES FOR COLLABORATION.

Although some tensions might occur between campus law enforcement and the student conduct process, there are also new opportunities for collaboration. For instance, it can be difficult and re-traumatizing for the victim to recount their story multiple times. In some cases, law enforcement may choose to invite the student conduct officer to sit in on the interview to avoid subjecting a victim to repeated questions. There is also the potential benefit of providing gender balance if the officer is male and the conduct officer female (or vice-versa). Appropriate sharing of information can also move both investigations forward. Law enforcement might also subpoena the conduct officer's file if it contains helpful information to advance the criminal justice case.

The two departments can also collaborate on sharing trainings so each knows what the other does in sexual assault investigations. Perhaps some cross-training would be effective to increase law enforcement's understanding, trust and confidence in the student conduct process. Another way to increase cooperation and collaboration is to develop an information-sharing protocol so that both departments are clear on what information can and cannot be shared.

From The Field

Family Educational Rights and Privacy Act (FERPA)

The general rule of thumb for FERPA and Title IX currently being provided by the Department of Education's Office for Civil Rights is:

FERPA continues to apply in the context of Title IX enforcement, but if there is a direct conflict between the requirements of FERPA and the requirements of Title IX, such that enforcement of FERPA would interfere with the primary purpose of Title IX to eliminate sex-based discrimination in schools, guidance issued by the Department of Education's Office for Civil Rights (OCR) states that *the requirements of Title IX would override any conflicting FERPA provisions*.⁹

From The Field

Research indicates that when a victim-centered, trauma-informed approach is adopted, victims are less likely to be re-victimized and perhaps, less likely to drop out of the criminal justice process. In order to develop mutual trust, respect, and sharing of information, student conduct officers and campus police must also build professional relationships. A liaison that serves in a cross-functional position between law enforcement and student conduct officers as well as between other campus departments, such as, general counsel, human resources, equal opportunity office, and others is a best practice model.

Collaboration across Campus Departments

Departments across campus provide different forms of advocacy for students that may assist in the aftermath of trauma. Primary support for victims include counseling and mental health, medical, legal and advocacy services. Research describes institutional factors related to options and advocacy services that need to be addressed, including: academic advocacy, housing/residential life advocacy, financial aid advocacy, student judicial affairs advocacy, on-campus support groups, on-campus legal advocacy, and university systems and policy advocacy.¹⁰ Campus police, particularly on public campuses, often meet with advocacy groups and domestic and sexual violence prevention groups to work together to address these crimes.¹¹ Cross-department training is another area where collaborations and coordination between departments is necessary. Multiple departments should conduct training on sexual assault prevention and risk reduction, multiple times to multiple audiences. While duplication of effort is to be avoided, consistent messaging is the goal (see Section 11 for a more complete discussion on prevention and training).

RELATIONSHIP BUILDING, COMMUNICATION

AND TRUST.

Campus law enforcement and conduct officers indicated that communication and relationships are key, particularly to work through crisis situations, but also to have candid conversations about CSA. Campus personnel involved in sexual assault cases needed to have the confidence that although the different departments approached the problem of sexual assault from different perspectives using different tools, they could trust each other's professional discretion. This trust was built on frequent meetings, both formal and informal.

Attending trainings together is another opportunity to learn each other's role and see each other as partners. Just as it is vital that law enforcement develop trust and build rapport with sexual assault victims, the same dynamic is true for their campus partners.

From The Field

MEMORANDUMS OF UNDERSTANDING TO IMPROVE AND FORMALIZE COLLABORATION.

A popular method of collaboration between two people or organizations is developing a memorandum of understanding (MOU). Although not legally binding, MOU's are written agreements that list agreed upon expectations between two parties that are working together toward a common goal. In the campus environment, MOUs can be negotiated between the campus and municipal police department or between the police department and the local rape crisis center. *Not Alone* has created sample MOUs for these relationships. For instance, community rape crisis centers can serve on the campus C-SART; provide victim services, and training for campus employees and students.

Another important relationship that could benefit from a MOU is an agreement between the campus law enforcement agency and the municipal police department. In the UT System an MOU could be developed with the respective local law enforcement agency with shared or concurrent jurisdiction over the area where each campus is located.¹² These agencies can include municipal police, state police, county or sheriff's office and even federal and tribal agencies. MOUs cover many topics including communication and coordination, sexual assault prevention, response to a reported sexual assault, and training. For instance, the two parties may agree to "request assistance from, and render assistance to, the other to respond to or investigate reports of sexual assault."¹³

Although MOUs can be helpful, spelling out ways organizations can assist one another and avoid duplication of effort while creating a mutually agreed upon document can be a tedious and time-consuming process. One law enforcement officer in our study referred to this process as "MOU fatigue."

🌀📖 Models for Collaboration

There are a variety of collaboration models on campuses. Collaborative models can be used to maximize opportunities, minimize tensions, and improve outcomes for students and community safety. A few specific models commonly used are discussed below.

🌀📖 CAMPUS SEXUAL ASSAULT RESPONSE TEAM (C-SART) MODEL.

A Sexual Assault Response Team (SART) is a multidisciplinary response system composed of rape advocates, law enforcement, and forensic/medical professionals.¹⁴ These teams are often campus or community-based. In the book, *Campus Sexual Assault Response Teams: Program Development and Operational Management*, the authors note that a campus SART structure will vary campus to campus.¹⁵ For instance, some campuses may be able to provide all services while others will need to coordinate services with community resources. Despite some differences, this book identifies an Effective Response Pyramid with six critical components to an effective campus SART, as shown in the Figure 10.1.

Figure 10.1 Effective Response Pyramid¹⁶

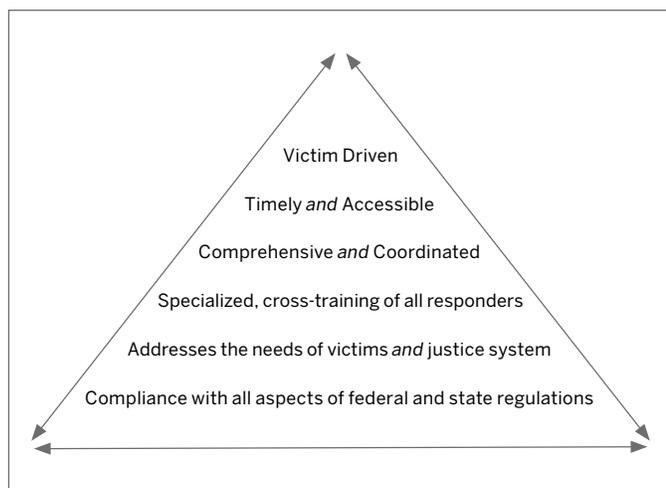


Figure 10.1. Effective Response Pyramid. Reprinted from *Campus sexual assault response teams: Program development and operational management* (p.10-4), by D.M. Barry and P.M. Cell, 2009, Kingston, NJ: Civic Research Institute. Copyright (2009) by Civic Research Institute. Reprinted with permission.

The underlying triad of the C-SART is 1) law enforcement, 2) advocacy, and 3) the medical/forensic examiner as the primary responders. Additional departments can be added as a secondary response, including housing, academic affairs, judicial affairs, and counseling. A primary task of the C-SART is to develop a campus-wide activation protocol that outlines the specific actions individuals and departments are expect-

ed to take when a sexual assault is reported.¹⁷ The C-SART should meet regularly to develop and review protocols and enhance the campus response to sexual assault. The C-SART is the primary vehicle for campus collaborations.

🌀📖 THE LIAISON MODEL.

The use of a liaison between departments is a promising model for improving collaboration on campus sexual assault. For more information see *From the Field, The Liaison Model*.

🌀📖 From The Field

THE LIAISON MODEL

An example of the liaison model at the UT Austin campus, is a unique position called “Coordinator of Student Emergency Services and University of Texas Police Department Liaison.” This Student Emergency Services (SES) position serves as a liaison between the two departments, assisting students during and after crises and coordinating with UT Austin Police Department (UTPD). The liaison is a civilian. Within the police department, the time is devoted to bridging communication and educating the officers about the services offered through the Dean of Students’ office. The liaison also reads police reports to determine whether Student Emergency Services can assist the student, and if so, make contact. The liaison has to walk a fine line to navigate the different roles and responsibilities of the two offices. The liaison has the unique ability to use information received during the course of their work to assist both students and the university partners to improve student experiences. The liaison model is a useful asset that campus law enforcement can utilize to better understand and interact with the student conduct process. This position helps police to better serve student-victims (through the SES role) so they can remain engaged with the criminal justice system. The role also serves as a liaison with community-based services, and participates on the community SART.

🌀📖 OTHER POTENTIAL GROUP COLLABORATION MODELS.

In the last year, many task forces on campuses have been created as a direct response to national attention and federal regulation regarding the crime of sexual assault. Task force members often consist of stakeholders who work toward a campus free of sexual and interpersonal violence.

TITLE IX TASK FORCE

UT Austin's group is currently called the Title IX Task Force. The UT President formed and charged the task force with the following responsibilities:

To develop a long-term, realistic and viable vision, strategy and action plan to address sexual violence on UT Austin's campus that is: (1) protective of students, faculty and staff; and (2) designed to effectively ensure systematic compliance with UT Austin's policies and applicable laws.

To periodically report to the Executive Compliance Committee (ECC) on its progress and, when necessary, seek the ECC's guidance and approval for any significant recommendations it puts forth.

The group is comprised of researchers, faculty, staff, students, compliance representatives, administration, Title IX Coordinator, counseling and sexual assault prevention, the Dean of Students Office, Office of Institutional Equity, legal counsel, and athletics, and meets monthly. Some goals and objectives of the monthly group meetings include: communication and information sharing, discussion of processes and policies, coordination of work to comply with VAWA regulations, and development and implementation of ideas to improve student services. The Title IX Coordinator leads the task force.

Skills for Law Enforcement to Address Campus Sexual Assault

COLLABORATION ASSESSMENT AND INVENTORY

In order to strengthen partnership collaboration it is helpful to inventory and assess whether your department practices the tenets of collaboration. Once you have determined strengths

and gaps in collaboration, you can transform ways to build or improve the tenets of collaboration (see Table 10.2 and Table 10.3).

Table 10.2 Are you practicing the tenets of collaboration?¹⁸

| Tenets of Collaboration | Examples | Check if Present | Ways to Build or Improve this Tenet |
|---------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|-------------------------------------|
| Building relationships and buy-in | Joining and being an active participant in community groups, law enforcement discussing issues with community advocates, bringing information back to leadership and gaining support for collaborative, multidisciplinary initiatives. | | |
| Getting the consistent participation of champions with influence in their organizations and communities | Champions for a cause are necessary to influence others and make changes within organizations and communities. | | |
| Developing and fostering commitment and investment | Working collaboratively on an initiative to improve victims' experiences and criminal justice outcomes should create a sense of commitment and investment in the work, its purpose, and the process. | | |
| Formalizing the process | Developing a process that formalizes the working relationships and goals helps to create a more successful partnership and initiative. | | |
| Obtaining resources | Allocating personnel and funding towards an initiative helps to make it successful. | | |
| Practicing courage and vulnerability | Organizations with varying missions who come together for a collective purpose will have to have difficult conversations in order to gain trust and build relationships to do the work. | | |
| Taking action to create change | Develop and implement a plan to improve victim-centered practices within organizations that make us a system of services. | | |

Table 10.3 Collaboration Worksheet: On-Campus and Off-Campus

| Campus Partners | Advantages of working with this partner | Challenges of working with this partner | Contacts and Contact Information |
|-----------------------------------------------------|-----------------------------------------|-----------------------------------------|----------------------------------|
| Title IX Coordinator | | | |
| University Compliance Office | | | |
| Clery Compliance Officer | | | |
| Dean of Students Office and Student Conduct Process | | | |
| University President and Other Administrators | | | |
| Campus Women's, Gender, and Sexuality Center | | | |
| Campus Counseling & Mental Health Center | | | |
| Campus Health Center | | | |
| Violence Prevention Educator | | | |
| Student Life | | | |
| Human Resources | | | |
| Office of Equity | | | |
| Campus Law Enforcement | | | |
| Legal Counsel | | | |

| Campus Partners | Advantages of working with this partner | Challenges of working with this partner | Contacts and Contact Information |
|--------------------------------------------------|-----------------------------------------|-----------------------------------------|----------------------------------|
| Greek Life | | | |
| Athletics | | | |
| Division of Housing and Food Service | | | |
| Other Campus-Specific Representatives or Groups | | | |
| Sexual Assault Nurse Examiners (SANES) | | | |
| Emergency Medical Services and Medical Providers | | | |
| Municipal Law Enforcement | | | |
| District Attorney's Office | | | |
| Victim Services and Victim Witness Counselors | | | |
| Local Rape Crisis Center Providers | | | |
| Legal Aid | | | |
| Community Mental Health Center | | | |
| Statewide Coalition Against Sexual Assault | | | |
| State Victim's Compensation Fund | | | |
| National Resources and Coalitions | | | |

Knowledge of Your Campus Community and Culture

The following questions are designed to help you assess where gaps are and where partner collaborations can be established to help strengthen your response to campus sexual assault. Some self-assessment questions are included to help you evaluate what you know and what you need to learn.

An additional resource that may be helpful, is *Engaging Adult Victims of Non-Stranger sexual Assault: A Law Enforcement Toolkit*.¹⁹ The goal of this law enforcement toolkit is to help law enforcement officers better engage with sexual assault victims throughout the criminal justice process.

QUESTIONS ABOUT THE CAMPUS COMMUNITY. HERE ARE SOME FACTORS ABOUT YOUR CAMPUS TO CONSIDER:

1. What are the events on campus that focus on sexual assault and who are their sponsors (e.g., Student Affairs, Greek Life, Women's and Gender Center, Student Organizations)?

2. Which student groups are involved? _____
3. Do you have relationships with these student groups? _____
4. College athletes and sorority/fraternity members are at higher risk for campus assaults. Who is the staff head of the Greek Organizations for your campus?

5. Do you attend Greek events? Does your department have established relationships with the Greek Community?

6. Does monitoring the alcohol use of fraternities and sororities put your department in an adversarial relationship with the Greek Community? If yes, what can be done about it?

7. Alcohol use is closely associated with sexual assault. Where, when and how is the majority of drinking conducted on or off your campus? _____
8. How can your department demonstrate impartiality and fairness in all investigations, especially when a popular athlete is the alleged perpetrator?

9. How can law enforcement resist outside pressure to provide athletes with special treatment when they have allegedly committed an assault? _____
10. Is your campus primarily residential or commuter? How might that affect sexual assault?

11. Do you have a SANE nurse on campus? If not, where is the closest place a SANE serves patients and conducts exams?

12. Who does the sexual assault prevention training on your campus? _____
13. Who are the audiences for sexual assault prevention, men or women or both as well as gender-nonconforming students?

14. What are the primary messages given during sexual assault prevention programs?

15. How often do students hear prevention messages about sexual assault?
____ Only during student orientation
____ Each semester
____ Each year
____ Other (specify) _____
16. What is the difference between prevention and risk reduction at your campus?

17. What is your relationship like with the local municipal police department?

18. What is your relationship like with the county district attorney's office?

Knowledge of Processes on Your Campus

Questions on the campus system. Understanding the processes on your campus for addressing sexual assault is critical to successful sexual assault response. Here are some processes to think about:

1. When a sexual assault is reported, who responds to the call?
2. What specialized sexual assault training does or should the first responder have?
3. How are other departments on campus alerted that a sexual assault was reported? How are these notifications made?
(Describe the process for each notification category.)

| | |
|---------------------------------------------------------------------------------|--|
| Administration | |
| Chief of Campus Police | |
| Office of Director of Police | |
| Health Services | |
| Housing | |
| Women's Center | |
| Title IX Coordinator | |
| University Legal Counsel | |
| Dean of Student's Office | |
| Athletics Department (if alleged perpetrator is an athlete) | |
| Green Life Department (if alleged perpetrator is member of the Greek Community) | |

4. How do confidentiality policies and procedures impact your investigation? Please explain:

5. Will a victim advocate or victim services be contacted? (yes/no/other) Please explain:

6. What printed material does the student receive? Please explain:

7. What referrals to other campus or community services are made? Please explain:

8. Is there a campus Sexual Assault Response Team (SART) that is notified? Please explain:

9. What is the policy and procedure for communicating with the student's parents? Please explain:

10. What is the police involvement if the student conduct process adjudicates the case?

11. If police officers are called as witnesses in the student conduct case, what is the process? Please explain:

12. Does campus law enforcement have contacts to bring in victim advocates to support the student? Is there a protocol for when and how to bring in an advocate? (yes/no/other) Please explain:

13. How is a collaborative approach to programs and initiatives established between campus law enforcement and the student conduct officers? Please explain:

14. How are community partners engaged in the sexual assault problem solving process? Please explain:

Draw a visual diagram of the process on your campus.

Other Resources

| Topic | Source | Website | Brief Summary |
|-----------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Aequitas: The Prosecutors' Resource on Violence Against Women | Aequitas: The Prosecutors' Resource on Violence Against Women | http://www.aequitasresource.org | Aequitas' mission is to improve the quality of justice in sexual violence, intimate partner violence, stalking, and human trafficking cases by developing, evaluating, and refining prosecution practices that increase victim safety and offender accountability. They offer training and technical assistance. |
| Cambria County Sexual Assault Protocol | End Violence Against Women International | https://www.evawintl.org/images/uploads/Cambria_SA_Protocol_Revised_10-12.pdf | Roles & Responsibilities of Responders: Law Enforcement Officer, Victim Advocate, SANE, Prosecutor, Protocol Checklists for Responders, Appendices, include: Common Reactions to SA, Facts about Drug Facilitated Sexual Assault |
| Evaluation: Victim Satisfaction Surveys | End Violence Against Women International | http://www.evawintl.org/PAGEID10/Best-Practices/Resources/Evaluation | Website provides examples of victim satisfaction surveys. One is designed for victims to evaluate the performance of various professionals (SART nurse, police officer/detective, and rape crisis advocate). Another is designed to evaluate patient satisfaction with health care providers. The final example is for the police response to victims of sexual assault (English and Spanish). |
| EVAW 08 — Sustaining a coordinated community response: Sexual Assault Response and Resource Teams (SARRT) | End Violence Against Women International | http://olti.evawintl.org/Courses.aspx | This module provides information on meeting the complex and sensitive crime of sexual assault through the coordinated response of a SARRT. The purpose of this training module is to guide communities in overcoming challenges to responding to sexual assault — by improving the coordination of services for victims across professional disciplines and agencies. Particular attention focuses on the long-term objectives that a SARRT can pursue to sustain these coordination efforts over time. |
| EVAWI 11 — Sexual Assault Response and Resource Teams (SARRT): A guide for rural and remote communities | End Violence Against Women International | http://olti.evawintl.org/Courses.aspx | The purpose of this module is to guide rural and remote communities in overcoming challenges by improving coordination of services for victims across professional disciplines. This module outlines the many benefits of SARRTs for rural and remote communities. The module is has suggestions for how to start, nurture, and expand a SARRT in any community. |

| Topic | Source | Website | Brief Summary |
|---------------------------------------------------------------------------------------------|--------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| EVAWI 13 — Breaking barriers: The role of community-based and system-based victim advocates | End Violence Against Women International | http://olti.evawintl.org/Courses.aspx | This module is for advocates as well as the other professionals who respond to sexual assault, such as law enforcement officers, health care providers, and prosecutors. The training is focused on clarifying the role of victim advocates, particularly with respect to the similarities and differences between community and system-based advocates. |
| Faculty Against Rape | Faculty Against Rape | http://www.facultyagainstrape.net | Faculty Against Rape (FAR) is a volunteer-run collective dedicated to getting more faculty involved in confronting campus sexual assault as researchers, teachers, survivors' advocates, and policy reformers. |
| International Association of Forensic Nurses (IAFN) | International Association of Forensic Nurses (IAFN) | http://www.forensicnurse.org | IAFN is an international membership organization composed of forensic nurses working around the world and other professionals who support and compliment the work of forensic nursing. The mission of the IAFN is to provide leadership in forensic nursing practice by developing, promoting, and disseminating information internationally about forensic nursing science. |
| SART Toolkit: Resources for Sexual Assault Response Teams | Office for Victims of Crimes | http://ovc.ncjrs.gov/sartkit/ | Establishing a SART — 1. Build your SART, 2. Collect data, 3. Create a strategic plan, 4. Determine Communications standards, 5. Hold Team Meetings, 6. Monitor/Evaluate, 7. Sustains, etc. Put the Focus on Victims: 1. Understand Victims, 2. Consider Culture & Diversity, 3. Help Victims Heal, etc. Follow Innovative Practice & Tools. |
| SART Toolkit: SARTs at Work — Video | Office for Victims of Crimes | http://ovc.ncjrs.gov/sartkit/about-video.html | An introduction to the SART approach. |
| Sexual Assault Nurse Examiner —Sexual Assault Response Teams | Sexual Assault Nurse Examiner —Sexual Assault Response Teams | http://www.sane-sart.com/ | The goal of this website is to provide information and technical assistance to individuals and institutions interested in developing new SANE-SART programs or improving existing ones. |

| Topic | Source | Website | Brief Summary |
|-----------------------------------------------------------------------|------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Sexual Assault Prevention and Crisis Services | Attorney General of Texas (OAG) | https://texasattorneygeneral.gov/cvs/sexual-assault-prevention-and-crisis-services | Information on local services for survivors, sexual assault nurse examiners, and Sexual Assault Response Teams (SARTs). |
| Sexual Assault Response and Resource Teams | End Violence Against Women International | http://www.evawintl.org/PAGEID7/Best-Practices/Resources/SARRTs | This website provides best practice information on SARRTs, with example tools to assess readiness for SART development, guide implementation, and enhance sustainability, and conduct an evaluation. |
| Texas Victim Services Association (TVSA) | Texas Victim Services Association | www.txvsa.org | TVSA is a professional organization for victim service providers in Texas. Its annual conference and training workshops specifically address law enforcement-based victim services, including how the agency can best fulfill the statutory responsibilities of the crime victim liaison and best practices for law enforcement-based victim services. |
| Virtual Training and Other Sexual Assault Resources for Professionals | National Institute of Justice | http://www.nij.gov/nij/journals/264/SANE-virtual-training.htm | List of resources and tools for online and virtual training to improve response to sexual assault for SANEs, prosecutors, and other professionals. |
| Webinar: Supporting Survivors After an Exoneration | National Center for Victims of Crime | http://victimsofcrime.org/our-programs/dna-resource-center/training/archived-webinars | This webinar covers the impact of DNA exonerations and wrongful convictions on survivors of crime. The presenter shares her experience working with survivors in cases that result in DNA (and other) exonerations and provides tips and tools for providing support throughout the process. |

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SECTION 11

Prevention and Education from a Law Enforcement Perspective

SECTION OUTLINE:

LEARNING OBJECTIVES

INTRODUCTION

 KNOWLEDGE

 EXISTING LITERATURE

 EMERGING EVIDENCE AND FINDINGS

SKILLS

OTHER RESOURCES

REFERENCES

Learning Objectives

1. Law enforcement will understand their role in campus sexual assault (CSA) prevention as well as the roles of campus partners.
2. Law enforcement will learn the existing body of knowledge on what characteristics comprise a successful prevention program.
3. Law enforcement will use their knowledge to develop skills in order to deliver evidence-based programs to the campus community.

Introduction

Although numerous controversies exist in the realm of sexual assault, one thing everyone can agree on is that preventing sexual assault is vastly preferable to managing the short- and long-term impacts of its aftermath. Therefore, prevention efforts should be a high priority on every campus and part of every department's approach to addressing campus sexual assault (CSA).

Recently much research has been conducted providing empirical evidence on the characteristics of successful programs. Law enforcement needs to understand the three levels of prevention (e.g., primary, secondary, tertiary) and structure their prevention and intervention efforts to address all three levels with evidence-based strategies.

Knowledge

Federal Education and Prevention Requirements

While the *Dear Colleague Letter* introduced in the policy section of this document recommended that schools provide educational programs on sexual violence, the *Campus SaVE Act* went one step further and *required* such programming. Specifically, IHEs must:

- Provide primary prevention and awareness programs for new students and employees.
- Provide ongoing prevention and awareness campaigns for current students, staff and faculty.
- Provide educational programs on bystander intervention, including safe and positive options that a bystander can take when witnessing a potential sexual assault.
- Provide risk reduction programs so students can recognize and avoid sexual assault and sexual harassment where possible.
- Provide a statement prohibiting and defining domestic violence, dating violence, sexual assault, and stalking.¹

What the Science Says about Prevention Efforts

In the past prevention efforts were often not based in science and therefore the effectiveness of programs could not be determined. However, through research and program evaluation, there are now results that show the best practices in sexual assault prevention and education. Although this research is still in its infancy, some basic characteristics of successful prevention programs are known and they are as follows:

- They are comprehensive

- Appropriately timed in development
- Have sufficient dosage (multiple times better than a single time)
- Administered by well-trained staff
- Theory and evidence-based
- Utilize various teaching methods
- Include outcome evaluations
- Socio-culturally relevant
- Provide opportunities for positive relationships
- Skill-based prevention education programs occur reiteratively

Based on these characteristics of successful prevention programming, what does *not* work are brief, one-session educational programs that focus only on increasing awareness or changing beliefs. Also, programs should include an evaluation component to make sure they are having an impact. A rigorous evaluation of a good program should show changes in behavior as well as *attitudes* and over the *long-term* as well as *short-term*. There are three types of prevention programs, primary, secondary, and tertiary, and six levels to target for broad-based change.^{2,3} See Table 11.1 and 11.2 respectively. Additionally, effective programs address *risk* and *protective* factors on multiple levels and target individuals, relationships, and environments, often termed the social-ecological model.

Bystander Intervention

Research shows that bystanders can be crucial in the prevention of high-risk situations including sexual violence. A bystander is anyone who observes an emergency or high-risk situations in which another appears to need help. The Clery

Act as amended states that “bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe

and effective intervention options, and taking action to intervene.”⁴ Law enforcement should partner and collaborate with bystander intervention programs on their campuses.

 Table 11.1 Important Prevention Vocabulary and Definitions⁵

| Prevention Type | Definition – <i>characterized by when the intervention occurs</i> |
|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Primary | Approaches that take place <i>before</i> sexual violence has occurred to prevent initial perpetration or victimization. |
| Secondary | Immediate responses <i>after</i> sexual violence has occurred to deal with the short-term consequences of the violence. |
| Tertiary | Long-term responses <i>after</i> sexual violence has occurred to deal with the lasting consequences of violence and sexual offender treatment interventions. |

 Table 11.2 Addressing the Spectrum of Prevention for Broad Scale Change⁶

| Level # | Goal of Intervention at Each Level |
|---------|-----------------------------------------------|
| Level 1 | Strengthening individual knowledge and skills |
| Level 2 | Promoting community education |
| Level 3 | Educating providers |
| Level 4 | Fostering Coalitions and Networks |
| Level 5 | Changing Organizational Practices |
| Level 6 | Influencing Policies and Legislation |

 Table 11.3 Law Enforcement Prevention Efforts

| Type of Prevention | Goal | Types of Program | LE Response and Messaging | Audience |
|----------------------|-------------------------------------------------|----------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| Primary Prevention | Prevent initial sexual assault | Men’s anti-violence groups | Serve as leaders and members in these groups. Goals include education, awareness and behavior change to prevent sexual assault. | Men on campus |
| Secondary Prevention | Prevent re-victimization due to police response | Response and investigation of campus sexual assault | 1. Build victim rapport 2. Avoid victim-blaming 3. Use a victim-centered, trauma informed approach | Sexual assault victims |
| Tertiary Prevention | Long-term response | Law enforcement-based victim services to connect victims to counseling and mental health services. | Provide referrals to various mental health and support services that are available on and off campus, including individual, counseling, and supportive, psychoeducational, and group counseling. | Sexual assault victims |

The Public Health Model of Violence Prevention

In the past the emphasis on the prevention of sexual assault came from rape crisis centers born out of the women’s movement and law enforcement who have always played a primary role in crime prevention. More recently the public health movement has declared sexual violence a problem of public health and applied their model to the problem of violence in general and sexual violence in particular. The public health model has four steps or components:⁸

Step 1: Define the problem, often through gathering data.

Step 2: Identify risk and protective factors.

Step 3: Develop and test prevention strategies.

Step 4: Assure widespread adoption.

See Table 11.4 for further information on the goals and definitions related to the public health model.

 Table 11.4 Public Health Model Goals and Definition⁷

| Public Health Model Goals and Definitions | |
|-------------------------------------------|-----------------------------------------------------------------------------------------------------------|
| Goal | The goal of violence prevention is to decrease risk factors while increasing protective factors. |
| Definition of Risk Factor | Factors that increase the risk for violence as identified by scientific research methods. |
| Definition of Protective Factor | Factors that buffer against the risk factors and decrease the likelihood of violence in the face of risk. |

Risk Reduction Versus Primary Prevention

Two terms that are often used interchangeably, yet are quite different, are *primary prevention* and *risk reduction*. Viewing the two terms as synonymous can lead to victim blaming. Primary prevention efforts take place *before* sexual violence has occurred to prevent initial perpetration or victimization. Often these programs are directed at single-sex interventions designed to decrease male (the primary perpetrators of sexual assault) perpetration of violence and are referred to as *sexual assault prevention programs*.⁹ See Table 11.5 and 11.6 for information on risk and protective factors for sexual assault perpetration. In contrast, sexual assault risk reduction programs are not meant to prevent sexual assault, but rather reduce a victim’s risk for sexual victimization, by equipping potential victims with knowledge, awareness, or self-defense skills. See Table 11.7 for a listing of risk factors for the victimization of women. In sum, primary prevention programs often focus on potential perpetrators while risk reduction programs often focus on potential victims.

Sexual assault risk reduction programs for women operate under the belief that although only perpetrators can truly prevent sexual violence, women can nonetheless reduce their risk for violence by assessing dating and social situations for riskiness, *acknowledging* when situations are risky, and acting quickly and forcefully when risk is detected.¹⁰

Risk reduction comes from a public health model that refers to changing an individual’s behavior to lessen personal risk, such as, wearing a condom when engaging in sex or exercising to prevent heart disease. That is, risk reduction encourages the individual to make healthy choices for themselves. However, when the harm comes from another person or from the larger community, such as a “rape culture”, a focus on individual risk reduction does not seem as applicable.

A well-respected victim services provider best illustrates the problem surrounding risk reduction and sexual assault. The Boston Area Rape Crisis Center notes four problems with risk reduction in regard to sexual assault: 1) they don’t work, for instance, there is no length of skirt that will prevent sexual assault, 2) such strategies are almost always targeted at women, creating a sexual double standard, 3) they are most often heteronormative, that is, assuming a male perpetrator and female victim, 4) it puts the focus for preventing sexual assault on the individual who may be victimized versus the society that promotes a “rape culture”.¹¹

If victims are viewed as able to prevent their own sexual assault, when a sexual assault occurs, victims are blamed. Two ways to avoid this victim-blaming that can result from well-intended prevention programs is to 1) always include *both* primary prevention and risk reduction programs in comprehensive sexual assault training, and 2) it may be helpful to always add a caveat before risk-reduction trainings similar to one used by Cornell University:

While learning about risk reduction strategies can be a helpful first step in understanding the context of violence, it is never meant to attribute blame to victims for not having recognized signs of abuse. The perpetrator of abuse and violence is always the one responsible and should never be excused due to a victim’s behavior, decisions or judgments. Offering risk reduction information is meant to provide an educational foundation for recognizing signs of abuse, not just for those who may be at risk of experiencing it, but to help our community understand, recognize and acknowledge the behaviors as harmful.¹²

 Table 11.5 Risk Factors for Committing Sexual Assault Perpetration¹³

| Risk Factors for Sexual Assault Perpetration | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Individual Risk Factors | Community Factors |
| <ul style="list-style-type: none"> • Alcohol and drug use • Delinquency • Empathic deficits • General aggressiveness and acceptance of violence • Early sexual initiation • Coercive sexual fantasies • Preference for impersonal sex and sexual-risktaking • Exposure to sexually explicit media • Hostility towards women • Adherence to traditional gender role norms • Hyper-masculinity • Suicidal behavior • Prior sexual victimization or perpetration | <ul style="list-style-type: none"> • Poverty • Lack of employment opportunities • Lack of institutional support from police and judicial system • General tolerance of sexual violence within the community • Weak community sanctions against sexual violence perpetrators |
| Relationship Factors | Societal Factors |
| <ul style="list-style-type: none"> • Family environment characterized by physical violence and conflict • Childhood history of physical, sexual, or emotional abuse • Emotionally unsupportive family environment • Poor parent-child relationships, particularly with fathers • Association with sexually aggressive, hypermasculine, and delinquent peers • Involvement in a violent or abusive intimate relationship | <ul style="list-style-type: none"> • Societal norms that support sexual violence • Societal norms that support male superiority and sexual entitlement • Societal norms that maintain women's inferiority and sexual submissiveness • Weak laws and policies related to sexual violence and gender equity • High levels of crime and other forms of violence |

 Table 11.6 Protective Factors for Sexual Assault Perpetration¹⁴

Protective Factors for Sexual Assault Perpetration

- Parental use of reasoning to resolve family conflict
- Emotional health and connectedness
- Academic achievement
- Empathy and concern for how one's actions affect others

 Table 11.7 Risk Factors for the Sexual Assault Victimization of Women¹⁵

Risk Factors for the Sexual Assault Victimization of Women

- Married or cohabiting with a partner
- Being young
- Consuming alcohol or drugs
- Having previously been sexually assaulted or sexually abused
- Having many sexual partners
- Involvement in sex work
- Becoming more educated and economically empowered, at least where sexual violence perpetrated by an intimate partner is concerned
- Poverty

Prevention Across Multiple Forms of Violence

Understanding the relatedness in risk and protective factors between different forms of violence can help police officers and their partners tailor violence prevention efforts. For example, harmful and narrow norms around masculinity and femininity are associated with child maltreatment, teen dating violence, intimate partner violence, sexual violence, youth violence and bullying. Therefore, a program that addresses gender roles can help prevent multiple forms of violence. Also, the protective factor of commitment to school can impact teen dating violence, sexual violence, youth violence, bullying and suicide. Understanding these connections calls for increased collaborations among campus departments that address different types of violence.¹⁶

From the Field

WHAT NOT TO SAY: LESSONS FROM TORONTO AND THE CREATION OF THE SLUTWALK MOVEMENT

On January 24, 2011 a Toronto police officer spoke to a small group of students about personal safety at the Osgoode Hall Law School at York University, saying “I’ve been told I’m not supposed to say this, however, women should avoid dressing like sluts in order not to be victimized.”¹⁷

The women attending the program were outraged that victims would be blamed for their own sexual assaults based on what they were wearing. “Slut-shaming” is a technique that divides women into good girls or bad girls, those that don’t deserve to be sexually assaulted and those that do. Some believe that this controls women’s sexuality.

The first SlutWalk was held in Toronto on April 2, 2011 with several thousand people participating. The SlutWalks were protest marches against sexual assault and the sexual shaming of women. The demonstrations included street theater, as many young men and women dressed in “slutty” attire to show that what people wear has no relevance to sexual assault. The movement crossed the nation and the globe, with protests occurring in over 200 cities (70 in the United States) and at least 40 countries in 2011, largely organized through social media.¹⁸

The Slutwalk movement attempted to reclaim the word “slut,” from being defined as a derogatory word describing sexually active women to a word that celebrates women’s sexuality without shame. “One strong message of the SlutWalk movement is that women have the right to be sexual beings without being judged, sexually assaulted, discounted, or harassed, as well as the right to express their embodied sexuality by appearing on the streets in ‘slutty’ attire and revealing clothing.”¹⁹ A commonly carried sign during the protest announced, “We are all sluts!”

Clearly, the Canadian police officer knew he should not brand some women as sluts causing their own sexual assaults. This view blames the victim while not holding the perpetrator accountable. The only way to end sexual assault is for perpetrators to stop committing sexual assaults. Old women are sexually assaulted, babies are sexually assaulted; sexual assault is not caused by the clothes women wear. Although this victim blaming statement sparked a worldwide movement to address sexual assault, supporting the victim is a best practice.

What Works and What Doesn't in Law Enforcement Prevention Efforts

Campus law enforcement prevention programs should be comprehensive and guided by evidence when available. The impact of some existing law enforcement responses to sexual assault prevention have been found to be limited due to their focus on sexual assault by strangers over acquaintances, especially those that are based on Rape Aggression Defense (RAD) training and student escorts.²⁰ Rape Aggression Defense (RAD) is a popular campus sexual assault prevention program that is delivered by campus law enforcement officers. The program was developed by a law enforcement officer and is primarily taught by law enforcement officers through campus police departments. Currently, there are over 11,000 instructors and over 900,000 women have been trained since the program began in 1989.²¹ The program teaches self-defense tactics, is taught at over 400 campuses across the nation, and is endorsed by the International Association of Campus Law Enforcement Administrators (IACLEA).²² Student escort services typically provide safe transportation in and around the campus area.

However, both RAD and escort services focus on sexual assault by a stranger rather than the more common campus crime of acquaintance sexual assault. Given the prevalence of acquaintance sexual assault and the more typical defense involving issues over consent, current research recommends the following prevention programs for campus law enforcement:

1. Conducting acquaintance sexual assault prevention programs for college men in general.
2. Conducting acquaintance sexual assault risk-reduction programs for college women.
3. Developing risk reduction plans to prevent repeat victimization.
4. Educating police about acquaintance sexual assault.
5. Conducting acquaintance sexual assault prevention programs for IHE administrators, campus judicial officers, and other key campus personnel.
6. Conducting acquaintance sexual assault prevention programs geared toward campus athletes and fraternity members.²³

Additionally, establishing a responsive investigative culture of policing that is focused on justice for victims will also improve campus law enforcement efforts.

Assessing the Prevention Efforts on Campus

In addition to the importance of sexual assault prevention another point of consensus is the importance of assessment and coordination of prevention programs to avoid duplication of efforts and to provide consistent messaging. Therefore, a good place to start is to identify the prevention efforts already occurring on your campus so such efforts can be coordinated. However, no one department should be assuming all of the responsibility for addressing sexual assault prevention. Each department including law enforcement, student affairs, health, and counseling, should be addressing the issue in multiple ways, multiple times, and with multiple populations. Prevention efforts may be universal, reaching the entire campus community, or more targeted, focusing on high-risk groups, topics, and times. For example, the “red zone” is the first two months of school (or until Thanksgiving) for a first-time student at an IHE.²⁴ Therefore, prevention programs may be delivered at summer orientations as well as the first weeks of a new semester. High-risk groups for perpetration or victimization identified by research include women, sorority membership, fraternity men, athletes, freshman and sophomores.²⁵ Since alcohol is an often-used tool to facilitate sexual assault, prevention programs on sexual violence should also include an alcohol abuse component.²⁶

Table 11.9 Strategic Planning and Collaboration for Campus Sexual Assault Prevention²⁷

| Prevention Planning Worksheet | |
|-----------------------------------------------------------------------|--|
| 1. List Goals: | |
| a. | |
| b. | |
| c. | |
| d. | |
| 2. List target audiences: | |
| a. | |
| b. | |
| 3. List best practices: | |
| a. | |
| b. | |
| c. | |
| d. | |
| e. | |
| 4. List what is needed for implementation: | |
| a. | |
| b. | |
| c. | |
| d. | |
| e. | |
| 5. Find the resources to develop multiple and comprehensive programs: | |
| a. | |
| b. | |
| c. | |
| d. | |
| e. | |

6. Connect your work to other prevention efforts on campus.

Partners:

- a.
- b.
- c.
- d.
- e.

7. Extending prevention beyond students:

- a.
- b.
- c.
- d.
- e.

8. Evaluate and move toward an evidence base.

Evaluation measures to be used:

- a.
- b.
- c.
- d.
- e.

9. Plan for sustainability:

- a.
- b.
- c.

Evaluating Delivery of Collaborative Prevention Efforts

The American College Health Association's "Position Statement on Preventing Sexual Violence on College and University Campuses" recommends the following 14 actions be taken to address policy, prevention, and intervention as it pertains to sexual violence. This tool was designed to help college health professionals assess their institutions sexual assault response. Law enforcement plays a critical role in sexual assault prevention and can adapt this tool to help coordinate

a collaborative campus wide effort. The periodic use of this assessment tool is encouraged to note your institution's level of completion of each action, and once completed, the information should be shared with administrators, faculty, staff, and students. This simple tool can also guide your campus efforts at primary prevention of sexual violence (see Table 11.10).

Table 11.10 Prevention of Sexual Violence on Campus: An Assessment of Campus Collaboration^{28 29}

| Recommended Prevention Actions | Action yet to be Addressed Completed | | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 |
| 1. Develop a policy statement and directive from the president/ chancellor of the institution that demonstrates recognition of sexual violence as a problem, a commitment to reduce its occurrence, and action steps for the campus community. | | | | | |
| 2. Develop a multidisciplinary taskforce on campus to address sexual violence prevention and response services that includes high-level campus administration, academic leaders, student leaders, and community partnerships. | | | | | |
| 3. Create policies that reflect an expectation of civility, honor, respect, and nonviolence for all members of the community and encourage behaviors that build a sense of community. | | | | | |
| 4. Revise, enforce, and widely distribute disciplinary regulations in the student code that demonstrate an intolerance of all forms of sexual violence and implement sanctions for violations by faculty, staff, and students. | | | | | |
| 5. Educate disciplinary boards on perpetrator patterns and possible victim responses and patterns. | | | | | |
| 6. Provide comprehensive training on all aspects of sexual violence for campus administrators; campus law enforcement; health and counseling services staff; faculty; staff; and student leaders that includes the dynamics of sexual violence, access to care, victim response, and federal/state statutes. | | | | | |
| 7. Develop a coordinated, seamless, victim-centered response service between campus and community resources that offers the options of: <ul style="list-style-type: none"> • anonymous reporting, • law enforcement involvement, • judicial/disciplinary board actions, • forensic/medical care, • emergency contraception, • academic/housing accommodations, and • follow-up counseling, support, and advocacy. | | | | | |
| 8. Integrate screening for sexual violence into patient history protocols. | | | | | |
| 9. Adhere to federal, state, and local statutes and reporting requirements. | | | | | |
| 10. Integrate sexual violence prevention education into curricular and non-curricular activities. | | | | | |
| 11. Offer residence hall and extra-curricular activities that are alcohol free. | | | | | |

| | | | | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|--|--|
| 12. Develop educational/outreach programming that: <ul style="list-style-type: none"> • recognizes that sexual violence is a learned behavior, • teaches bystander intervention techniques, • addresses the role of consent in sexual relationships, • encourages the involvement of men in preventing sexual violence, • addresses alcohol and other drug issues and the connection with sexual violence, • provides concepts that encourage healthy, consensual sexual relationships, • addresses non-stranger sexual violence and dispels traditional “rape myths”, and • encourages positive role modeling for men and women. | | | | | |
| 13. Create and codify amnesty policies for underage drinking for victims who report sexual assault. | | | | | |
| 14. Invest men in the prevention of sexual violence, including those actions that dehumanize and objectify women. | | | | | |
| Note. From “Assessing campus readiness for prevention: Supporting campuses in creating safe and respectful communities” by S. M. Wasco & L. Zadnik (pp. 85-86). Copyright (2013) by Pennsylvania Coalition Against Rape. Reprinted with permission. | | | | | |

Evaluation of Prevention Program Delivery

Once law enforcement has assessed what programs are on campus, gaps in programming should be identified to help law enforcement develop strategies to enhance their response to victims of CSA. Table 11.11 presents a list of evidence-based characteristics emblematic of successful programming, which can be used as a checklist for law enforcement programming and as a planning tool.

Table 11.11 Principles of Effective Prevention Checklist and Program Characteristics^{30,31}

| Principles of Effective Prevention Checklist | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----|
| When campus law enforcement is developing a prevention program for sexual assault, assess if your program meets these requirements: | | |
| Program Characteristics | Yes | No |
| The program involves multiple sessions that focus on skill-based behavior change rather than only awareness or changes in attitudes. | | |
| The program is comprehensive, addressing risk and protective factors at multiple levels. | | |
| The program meets the developmental level of participants, therefore, a focus on risk and protective factors that are most relevant to young adulthood. | | |
| There is sufficient “dosage,” longer, multi-session programs are often better than brief, single-session intervention. | | |
| The program is delivered by a well-trained staff. | | |
| The program is based on a theory of how people change. | | |
| The program was evaluated and has evidence of its effectiveness. | | |
| The program uses multiple teaching methods. | | |
| The program provides opportunities for positive relationships, between students and peers, families, or communities. | | |
| The program is socio-culturally relevant to its intended audience. | | |
| The program includes outcome evaluations to monitor learning, and is also based on rigorous evaluation and has been shown to have an impact on sexual violence or related outcomes. | | |

Other Resources

| Topic | Source | Website | Brief Summary |
|-----------------------------------------------------------------------------|------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| BeVocal | The University of Texas | http://www.wellnessnetwork.utexas.edu/BeVocal | Bystander intervention program to increase campus security around a variety of issues, including interpersonal violence |
| Coogs Get Consent | University of Houston | http://coogsgetconsent.org | A campus-wide sexual assault prevention campaign to reduce the risk of sexual assault. |
| Division of Violence Prevention, Centers for Disease Control and Prevention | Preventing Sexual Violence on College Campuses: Lessons from Research and Practice | https://www.notalone.gov/assets/evidence-based-strategies-for-the-prevention-of-sv-perpetration.pdf | This report provides a description of best practices for “developing, selecting, and implementing prevention strategies with the highest chance of successfully changing sexual violence in communities.” |
| e-Learning | National Sexual Violence Resource Center (NSVRC) | http://www.nsvrc.org/elearning/22130 | Webinar training available entitled “Prevention in Practice: Strategies for Campus Partners” on youtube at no cost. <i>No account needed.</i> |
| Know Your Rights: Title IX and The Clery Act | Texas Association Against Sexual Assault | http://taasa.org/product/know-your-rights-title-ix-the-clery-act/ | A chart to clarify the reporting requirements of Title IX and the Clery Act in cases of sexual violence, including victims’ rights. |
| Rape Aggression Defense (R.A.D.) | The R.A.D. Systems of Defense | http://www.rad-systems.com/index.html | R.A.D. system program of hands-on defense training course provided by campus police to students. |
| Voices Against Violence | The University of Texas | http://www.cmhc.utexas.edu/vav/index.html | Program of the UT Counseling and Mental Health Center which provides the campus community with tools to identify and interrupt interpersonal violence, support survivors, and promote healthy relationships. |

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SECTION 12

Conclusion and Recommendations

The *Blueprint* is a comprehensive knowledge- and skills-building document that acknowledges the complexity of responding to the crime of campus sexual assault. Perhaps more than with other crimes, police are called to balance the pursuit of justice that includes a trauma-informed response and care for victims and the principles of due process and accountability for alleged offenders as well as ensuring safety for the entire campus community. As new federal and campus policies are implemented, IHE campus personnel are responding quickly to comply and develop new policies and practices. Responses to campus sexual assault are in a transitional phases and best practices are starting to emerge.

This empirical study included an in-depth review of the literature, original data collection, and the recommendations set forward here. The over-arching recommendation is for law enforcement to implement the *Blueprint* by utilizing the listed best practices, resources, and the briefing sheets as well as adopting a victim-centered, trauma-informed response.

Recommendations follow in two broad areas: policy and procedures along with best practices.

Police Policy and Procedures

- ✔ Implement procedures for new hires that attend to the dual role of *guardian* and *warrior* attributes needed in policing.
- ✔ Chief executives must have a “seat at the table” with the IHE’s presidential executive team.
- ✔ Police departments must achieve and commit adequate resources to sexual assault crimes.
- ✔ Chief executives must recruit, train, and retain the most seasoned sexual assault investigators.
- ✔ Recognize the unique needs of campuses (e.g. rural and urban, commuter and residential, and medical and academic, etc.) and ensure that these differences are reflected in policy and training.

Best Practices

- ✔ Adopt a victim-centered, trauma-informed approach and inform and implement it across all service levels of policing from patrol to investigation through case resolution. The key elements include understanding the neurobiology of trauma to better understand victim’s reactions, display understanding and provide support, and keep victims informed throughout the process.
- ✔ Utilize experienced sexual assault investigators because sexual assault cases are complex and require specialized knowledge to solve. This expertise must be strategically developed internally or in combination with existing criminal investigative capability, subject matter experts should be consulted or added to the investigative team.
- ✔ Victim statement (or secondary interview with detailed victim statement) should be delayed 24-48 hours post-assault to allow for additional sleep cycles, which will improve the victim’s recollection of events. Victim statement can be audio or video taped rather than written.
- ✔ Work collaboratively with local law enforcement although jurisdiction should stay with campus police since well-trained investigators are fundamentally better positioned to understand sexual assault crimes happening to the students on their campus in culturally grounded ways.
- ✔ Implement Campus Sexual Assault Response Teams (C-SART).
- ✔ Assess collaboration strengths and areas for improvement.

System and Campus Wide Practices

- ✔ Implement a single point of entry for victims reporting sexual assault crimes. Student emergency services may be a good model for the single point of entry as a familiar place for students to seek help and to reduce stigma.
- ✔ Determine how campus resources can be shared.
- ✔ Consider joint interview with other professionals on campus mandated to take action so that the victim does not have to repeat details of the assault. This recommendation is victim-centered, yet fraught with challenges.

Some police advocated for this process, while others rejected it. The issues to be considered are the risk it can impose to the integrity of the case, as well as the expected benefits to the victim in terms of enhancing their comfort and therefore willingness to open up more readily, leading to an improved investigation. In both cases, best practice is to reduce the number of times a victim has to retell the details of the incident.

- ✔ Determine how Title IX, student conduct officers, and police understand the incidence of sexual assault on their campus by implementing aggregate annual reports of student conduct and Clery numbers.
- ✔ Conduct educational campaigns to increase understanding about the scope and role of police on campus in responding to campus sexual assault.

Technology

- ✔ Departments should strive toward understanding how emerging technologies are used in these crimes as well as how technology may be used in response to sexual assault.
- ✔ Training on cell phone applications and other emerging technologies developed for emergency communication and safety are important for the campus community. Law enforcement needs to be abreast of these technologies and how to find the resources to utilize appropriate technologies in the campus response.

Training

- ✔ Develop and commit resources for immediate and long-term training programs for patrol and investigators. Programs may include in-residence programs with other police agencies for training.

- ✔ Training on sexual assault for the department includes the neurobiology of trauma, the key elements of an investigation, common characteristics non-stranger assaults, incapacitated victims, signs and symptoms of strangulation, the intersectionality of other interpersonal violence, and effective report-writing.

- ✔ Utilize other specialized training programs and educational materials specifically developed for law enforcement by the International Association of Chiefs of Police (IACP), End Violence Against Women International (EVAWI), and AEquitas: The Prosecutors' Resource on Violence Against Women, and The University of Texas System Office of the Director of Police.

Collaboration

- ✔ Develop Memorandums of Understandings (MOUs) with local law enforcement agencies with jurisdiction in or around campus and local rape crisis service providers to outline working relationships. Law enforcement agencies may include local police departments, county police/sheriff's offices, state police, and/or campus police departments.

- ✔ Increase formal and informal information sharing and collaboration between the campus police, student conduct

professionals and Title IX coordinators, including meeting regularly and working through privacy policies. Campus police can also collaborate with administration to facilitate processes such as complying with no-contact directives.

- ✔ Appoint a liaison from the police department to the student conduct office.

- ✔ Implement a protocol where victim advocates are available to law enforcement throughout the entire investigative process (from outcry through prosecution).

- ✔ Participate in the local Sexual Assault Response Team (SART) and/or start a campus SART.

Cultural Shift

- ✔ By the time students arrive at college most of their ideas about sex and aggression are well formed. The college campus is a microcosm of the larger society in which it resides. To end sexual assault on campuses, education and prevention efforts must start in elementary school, through middle and high school and restated in college. Law enforcement has to play an important and active role in cultural shifts.

Concluding Thoughts

Little has been written that specifically assists campus police in addressing the unique needs of students regarding sexual assault crimes. The *Blueprint* fills a gap for campus law enforcement in Texas and beyond. The *Blueprint* is an empirically- and partnership-driven product with its major aim to provide practical assistance and information to chief executives, investigators, and patrol officers in law enforcement about the complex needs of college-aged sexual assault victims.

The impetus for this project emerged from the staggering reality of the prevalence of sexual assault in Texas and elsewhere. Nearly 43% of women and 23% of men in Texas are victimized over their lifetime, that is 6.3 million adult Texans. Last year 413,000 sexual assaults occurred in the state of Texas although only nine percent were reported to law enforcement.¹

A groundswell of student activism and concern from researchers, campus leaders, policy makers, and law enforcement themselves about the need to improve responses to sexual assault victimization and offenses on IHE campuses. Overall, our interest was to identify best practices for law enforcement officers in their response to sexual assault.

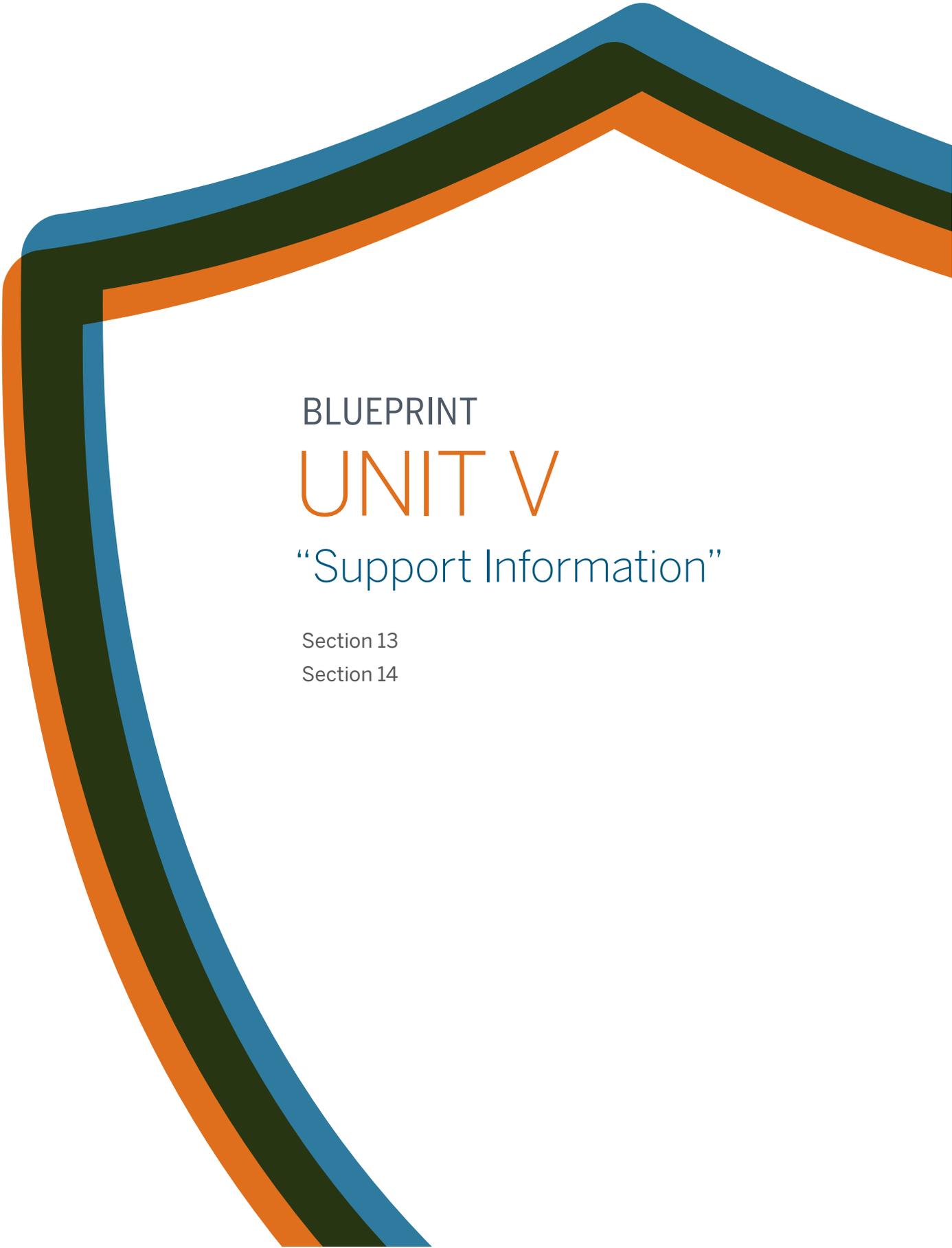
One of the most compelling issues confronting those charged with responding to campus sexual assault centers around the unintended consequences of the mandates of the *Dear Colleague Letter* (DCL). While the DCL has led to important, swifter responses for student victims because of the 60-day requirements, a concern remains that this mandated time-frame might also impede criminal investigations. Title IX

coordinators and law enforcement alike have expressed concerns that the Title IX investigations are now conducted more akin to a criminal investigation. Many investigators of Title IX cases may not be adequately trained to engage in this level of “investigation.” Title IX inquiry is useful and yet it is critical that OCR provide additional guidelines about administrative and misconduct cases. At the same time, over-regulation may direct campuses away from their true intent to address CSA. The purpose of these processes are intended to seek justice and truth, however there have been unintended consequences for victims and accused students. The intersections of the Title IX process and the criminal justice process should be further explored, particularly if a crime has occurred and justice has not been achieved. Therefore, more immediately police must foster collaborative relationships with key stakeholders on campus and perhaps more long-term research is needed to indicate if and to what extent these unintended consequences are occurring and to what impact.

This is a time of challenge and opportunity for campus law enforcement. Although the challenges for campus law enforcement are many and real as outlined in the *Blueprint*, opportunities exist as well. Non-stranger sexual assault is considered one of the most prevalence violent crimes in our society; police on IHE campuses have the opportunity to become the experts in this area of law enforcement and lead innovative strategies for policing that increase safety of a community of at-risk young adults. New federal regulations provide greater opportunities for campus police to collaborate, particularly with student conduct officers. Finally, this crime calls for law enforcement on campuses to consider leading their fellow professionals in the full implementation of victim-centered, trauma-informed approach practices.

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BLUEPRINT
UNIT V

“Support Information”

Section 13

Section 14

SECTION
13

Definitions

SECTION OUTLINE:

DEFINITIONS

REFERENCES

Definitions

Affirmative Consent Standard — the initiator of sexual activity is responsible for asking for and receiving consent. The responsibility is upon the initiator to ask for consent, rather than the victim offering resistance. When there is a question of consent after the fact, the new paradigm requires that the sexual initiator demonstrate how they asked for and received consent versus the victim demonstrating how they resisted. Also, known as the “yes means yes” standard, in contrast to the “no means no” standard.

Aggravated Sexual Assault — occurs when there is a sexual assault along with serious bodily injury or intention to cause the death of the victim, places the victim or someone else in fear of death, serious bodily injury or kidnapping, uses or exhibits a deadly weapon, acts in concert with others, or administers rohypnol or other “date rape drugs” to facilitate the commission of the crime, or the victim is under 14 years old, disabled or elderly.¹

Attrition — when cases “fall out” of the criminal justice system at various points before or after charges are filed.

Betrayal Trauma Theory — finding that abuse perpetrated by someone the victim knows or is in a close relationship with is more harmful than abuse perpetrated by a stranger due to the violation of trust. It is associated with higher rates of trauma symptomology.

Beyond a Reasonable Doubt — standard of proof required for a criminal conviction.

Binge Drinking — having enough alcohol in a single sitting to cause significant physical and cognitive impairment. This amount is four or more drinks for women and five or more drinks for men in about two hours.

Bystander Intervention — one of the Clery Act prevention programs defined to include “safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking.”²

Campus SaVE Act — an update to the Jeanne Clery Act that requires that incidents of domestic violence, dating violence, sexual assault, and stalking be disclosed in annual campus crime statistical reports.

Campus Security Authorities (CSAs) — according to the *Not Alone* website, “CSAs include campus police and/or security

personnel; any individual who has responsibility for campus security but is not part of a campus police or security department; an individual or organization specified in an institution’s statement of campus security policy as one to which students and employees should report criminal offenses; and an official of an institution who has a significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings.”³ Most of these mandatory reporters are specifically not required by the Clery Act to disclose personally-identifiable information (PII). Professional and pastoral counselors acting in their professional and pastoral capacities are not required to report any information regarding an incident of alleged sexual violence. 34 C.F.R. §668.46(a).

Campus Sexual Assault (CSA) — sexual assault (attempted or completed) impacting college students on and off campus property.

Choking — an obstruction in the windpipe or trachea, often caused by an object, such as food, different from strangulation, although “choking” is the term commonly used by victims when referring to their experience of strangulation.

Cleared By Arrest — or, solved for crime reporting purposes, when at least one person is 1) arrested, 2) charged with the commission of the offense, and 3) turned over to the court for prosecution (whether following arrest, court summons, or police notice).

Cleared by Exceptional Means — this term is used for a clearance that occurs when circumstances beyond law enforcement’s control prevent charging the offender. For Uniform Crime Reporting (UCR) purposes the FBI considers an offense is cleared by exceptional means when each of the following questions is answered in the affirmative: “1) Has the investigation definitely established the identity of the offender?, 2) Is there enough information to support an arrest, charge, and turn over to the court for prosecution?, 3) Is the exact location of the offender known so that the subject could be taken into custody now?, and 4) Is there some reason outside law enforcement control that precludes arresting, charging, and prosecuting the offender?”⁴

Colposcopy — is a medical diagnostic procedure to examine an illuminated, magnified view of the cervix and the tissues of the vagina and vulva that is able to document evidence of genital micro-trauma.

Confidentiality — the victim's right to privacy of protected information.

Consent — informed, voluntary and shared agreement to engage in sexual activities, which can be removed at any time. Best if consent is verbal, but nonverbal may also be used. Silence or absence of resistance does not imply consent. Past sexual consent does not imply ongoing future consent. There is no consent where there is force (implied or expressed), coercion, intimidation, threats, or duress.

Date Rape Drugs — any drug or combination of drugs used by perpetrators to facilitate an assault. Examples include GHB, Rohypnol, ecstasy or Molly (MDMA), ketamine, Xanax and alcohol.

Dating Violence —according to the Office on Violence Against Women, dating violence is “violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on a consideration of the following factors: (1) the length of the relationship, (2) the type of relationship, and (3) the frequency of interaction between the persons involved in the relationship.”⁵

Dear Colleague Letter (DCL) — a prescriptive guidance letter issued by the Department of Education in 2011 that clarifies Title IX coverage as it relates to sexual violence and reiterates the need for all institutions of higher education to have campus response plans to address sexual violence in accordance with the requirements of Title IX.

Denial — a common psychological defense strategy used by offenders of sexual assault where the suspect denies that a sexual act or sexual assault took place.

Department of Education — the department of the United States Government, through its Office for Civil Rights (OCR) charged with enforcement of Title IX.

Dispensation — an exemption from some laws.

Domestic Violence — the Office on Violence Against Women (OVW) definition describes “a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person.”⁶

Drug and Alcohol Facilitated Rape — DFR or DAFR — when the perpetrator knowingly gives the victim drugs and/or alcohol without their consent in order to incapacitate them, and

subsequently perpetrates an unwanted sexual act against them involving oral, anal, or vaginal penetration. The victim is unconscious or awake, but too intoxicated by alcohol and/or drugs to understand what they are doing, to give permission, or to control their behavior.

Enthusiastic Consent — when both parties consent affirmatively to each part of the sexual experience (see also Affirmative consent and “Yes means yes”).

False Rape Allegation — an untruthful accusation of rape that research finds occurs in only 2–10% of all reported rape cases.

FERPA — The Family Educational Rights and Privacy Act. A federal law that protects the privacy of student education records.

Forensic Trauma Interview — a research-based technique designed to maximize the accuracy of the information gathering process by taking into account trauma's effect on the brain, such as memory impairment, and how traumatized memories are stored, with a focus on allowing the victim to lead the interview.

Forensic Scientists — specialists who analyze forensic evidence and provide results to investigators and/or prosecutors. They may respond to crime scenes to assist in the collection and processing of evidence as well as give testimony at trial regarding the results of their analysis.⁷

Good Faith Effort — an earnest effort made with honest intention in the hopes of producing an appropriate result.

Hate Crimes — a crime typically involving violence motivated by bias, prejudice, or stereotypes based on the victim's actual or perceived: race, gender, religion, disability, sexual orientation, gender identity or ethnicity/national origin. The 2013 reauthorization of VAWA added the categories gender identity and national origin to the pre-existing categories listed above in the Clery Report as Clery Reportable crimes.

Health Insurance Portability and Accountability Act (HIPAA) — is the federal act from 1996. Its main goals include helping people keep their health insurance, ensuring confidentiality and the protection of healthcare information, and helping to control administrative costs in the healthcare industry.

Hook-Up — a casual sexual encounter, which may or may not involve sexual intercourse, between two individuals who are brief acquaintances or strangers, usually lasting only one night without the expectation of developing a dating or continuous relationship.

Impeachment by Contradiction — when a witness testifies to facts at the trial that are inconsistent from facts recorded in their case documentation.

Impeachment by Omission — when the defense undermines the credibility of the prosecution at trial by pointing out that some fact that was provided in a statement by the victim, witness, or suspect (or other evidence), was not previously documented in the police report.

Impression Management — an attempt by the victim to appear a more perfect victim by omitting parts of their account or telling untruths that they felt would show them in a bad light (i.e., lie about drug use or underage drinking on the night in question).

Incapacitated Rape (IR) — an unwanted sexual act involving oral, anal, or vaginal penetration that occurs after the victim has voluntarily consumed drugs or alcohol. The victim may have blacked out or be conscious, but unable to provide consent because they are intoxicated and unable to understand or to control their behavior.

Institutional Betrayal — when an institution causes additional harm to a traumatized individual who trusts or depends upon that institution causing a secondary victimization. Can take many forms including: failure to prevent abuse, normalizing abuse, difficult reporting procedures, inadequate responses, supporting cover-ups and misinformation, punishing victims and whistleblowers, prioritizing damage control or reputation management rather than addressing the underlying problem; and, prioritizing the prestige of the institution over the safety and care of its members.

Intoxication — a state of inhibited mental and/or physical functioning diminished by a substance especially alcohol.

Jeanne Clery Act — A federal law passed in 1990 and amended by the VAWA 2013 reauthorization act that obligates post-secondary educational institutions receiving federal funding to: share information about crimes on campus, to develop a campus response to improve safety, and to report on both actions in an annual safety report.

Know Your IX — a national, survivor-run, student led awareness campaign to end campus sexual violence.

Ligature Strangulation — strangulation with a cord-like object, also referred to as garroting, and may include anything from a telephone cord to objects of clothing.

Manual Strangulation — also known as throttling, is a form of strangulation which uses a body part, usually the hands, but

can also involve the forearms or kneeling or standing on the victim's neck.

Memorandum of Understanding (MOU) — MOUs are written agreements that list concerted expectations between two parties that are collaborating toward a common goal.

Minor in Possession (MIP) — minor in possession refers to a set of laws outlined in the Texas Alcoholic Beverage Code that prohibits the possession of alcohol by individuals under 21 years of age. The Clery Act requires that IHEs report MIPs in their annual crime statistics.

Motions to Suppress — when the defense challenges how the police acquired evidence, the two most common being motions to suppress an arrest or confession.

National Crime Victim Survey (NCVS) — an annual survey of criminal victimization performed by the U.S. Census Bureau for the Bureau of Justice Statistics.

Not Alone — White House initiative established by the President and the White House Task Force to Protect Students from Sexual Assault in 2014.

“No Means No” — an awareness campaign to affirm the right of all individuals to say “no” to sexual activity and have that response respected; withdrawal of consent during any sexual activity; however, a verbal “no” is not necessary to signal non-consent; silence is not consent.

Office of Civil Rights (OCR) — the Office for Civil Rights under the U.S. Department of Education, which works to enforce federal laws that guarantee equal access to education and resolve complaints of discrimination in educational programs across the United States.

Office on Violence Against Women (OVW) — a member of the U.S. Department of Justice charged with providing federal leadership in national capacity development to reduce violence against women and administer justice for and improve services to victims of domestic violence, dating violence, sexual assault, and stalking.

Outcry/Ear Witness — an adult (18 years or older) who a victim first discloses to about the sexual assault before reporting to law enforcement, oftentimes a friend. This person can be used as collaborative evidence in an investigation.

Petechiae — tiny red spots due to ruptured capillaries that may be present after an attempted strangulation.

Post Traumatic Stress Disorder (PTSD) — a mental disorder following exposure to a traumatic event characterized by

a range of symptoms including: changes in arousal such as hypervigilance (i.e., chronic alert state) and difficulties with sleep or concentration; nightmares, flashbacks (i.e., reliving the event) and other intrusive thoughts; avoidance behaviors; and, negative changes in thoughts or mood such as negative views of self and others and lack of trust in others.

Preponderance of Evidence — lower standard of evidence also termed “more likely than not,” used in civil cases and mandated to apply to Title IX sexual assault and sexual harassment cases.

Primary Prevention — a broad range of research informed interventions assessed for effectiveness and comparative value intended to prevent interpersonal violence such as dating violence, domestic violence, sexual assault or stalking before they occur by promoting healthy behaviors which support beneficial, mutually respectful relationships and sexuality, and encourage safe bystander intervention, in order to inspire change in behavior and social norms that champion health and safety.

Protective Factors — factors that reduce the likelihood of sexual assault or violence occurring.

Rape Myth — a set of attitudes, beliefs, ideas and values that are usually incorrect but broadly accepted which promote male sexual aggression toward women. Different myths may integrate and result in victim-blaming; be used to excuse perpetrators of responsibility, minimize the rape trauma, and support a culture that tolerates rape at both the individual and institutional level.

Rape Myth Acceptance (RMA) — accepting rape myths as true (i.e., RMA), is associated with sexually aggressive behavior.

Rape Tax — taking both the direct and indirect cost associated with the crime of rape and averaging on an annual basis by population broken down to what each resident would have to pay as a tax to cover the cost of the rape.

“Real Rape” — a stereotypical belief that a rape is only real if the perpetrator is a stranger, has a weapon, and visible injuries are present. Belief in this stereotype results in many other sexual assaults that do not conform to this bias being dismissed as not being “real.”

Responsible Employee — under Title IX, any employee who has the power to take action to correct or remedy sexual violence; who has the obligation to report incidents of sexual violence or other misconduct to the Title IX coordinator or other appropriate school designee; or whom a student could reasonably believe has this authority or duty.

Risk Factors — factors that increase victim vulnerability and targeting by the perpetrator and therefore, the likelihood of rape occurring.

Risk Reduction — a set of strategies or prevention approaches aimed at reducing risk factors and increasing protective factors associated with sexual violence. Also, prevention choices focused on reducing rates of sexual violence by encouraging safe bystander intervention and student empowerment and creating a campus environment that promotes safety at the individual and community level to redress conditions that facilitate violence.

Sex Crimes — all sexual activities directed against another person, without their permission or consent, including individuals incapable of giving consent. Categories include: rape, sodomy, sexual assault with an object, fondling, incest, and statutory rape under Texas law.

Sexual Assault — the Texas Penal Code defines sexual assault as intentionally or knowingly causes the penetration of the anus, sexual organ, or mouth by any means, without the person’s consent, or causes the sexual organ of another person, without that person’s consent, to contact or penetrate the mouth, anus, or sexual organ of another person.

Sexual Assault Forensic Examination (SAFE) — “An examination of a sexual assault patient by a health care provider, ideally one who has specialized training and clinical experience in the collection of forensic evidence and treatment of those patients. The examination includes gathering information from the patient for the medical forensic history; an examination; coordinating treatment of injuries; documentation of biological and physical findings; and collection of evidence from the patient; documentation of findings; information, treatment and referrals for STIs, pregnancy, suicidal ideation, alcohol and substance abuse, and other nonacute medical concerns; and follow-up as needed to provide additional healing, treatment, or collection of evidence.”⁸

Sexual Assault Kit (SAK) — a national protocol recommended to collect evidence of sexual assault from victims. Each kit includes: a container, instructions/checklists, and evidence collection equipment as required by the appropriate crime laboratory. Types of evidence that can be collected includes, clothing, foreign materials on the body, hair (e.g., head and pubic hair samples and combings), oral and anogenital swabs and smears, body swabs, blood, urine and saliva samples for possible alcohol/drug screening, toxicology testing, and DNA analysis. Each kit also contains instructions on maintaining the chain of custody for evidence collected.⁹

Sexual Assault Nurse Examiner (SANE) — registered nurses who receive specialized education and fulfill clinical requirements to perform sexual assault forensic exams. SANEs have specific knowledge, skills, and training in victim-centered approaches.

Sexual Assault Response Team (SART) — the standard delivery system or multidisciplinary team used to provide services to victim survivors of sexual assault.

Secondary Assault or Victimization — negative experiences victim survivor’s encounter following the assault often due to victim-blaming and shaming, perpetrated by friends or family as well as the community systems the survivor comes into contact with after the initial victimization.

Stalking — a recurring pattern of unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to feel fear for their safety or the safety of others and suffer significant emotional distress.

Strangulation — external squeezing of the neck that impedes oxygen transport by preventing blood flow to or from the brain or direct airway compression.

Texas Penal Code — the compilation of state criminal law.

Title IX Coordinator — the employee designated at every college or university that receives federal funding who coordinates the school’s efforts to comply with and implement their responsibilities under Title IX of the Education Amendments of 1972, which prohibits sex discrimination in educational programs and activities.

Title IX of the Education Amendments of 1972 — the gender equity law that prohibits gender discrimination in educational institutions that receive federal funding.

Tonic Immobility — a biological response to trauma known as rape-induced paralysis that is characterized by a complete shut down of the body.

Trauma-Informed Approach — an approach to sexual assault that recognizes the wide-ranging impact of trauma as well as potential paths to recovery; understands the signs and symptoms of trauma in individuals, families and community members involved in systems addressing sexual assault; takes steps to integrate evidence-based knowledge on trauma into policies, procedures, and practices; and seeks to prevent re-traumatization.

Unfounded — decision in a sexual assault investigation where the sexual assault claim was found to be false or baseless.

Uniform Crime Report (UCR) — official data for reported crime in the United States published by the Federal Bureau of Investigation, which relies on specific crime definitions.

Unsubstantiated Allegation — if an investigation fails to prove that a sexual assault occurred, which is not the same as a false allegation.

VAWA Forensic Compliance Division — federal law that provides sexual assault victim’s forensic medical exams free of charge and without the requirement of cooperating with law enforcement or participating in the criminal justice process.

Victim-Centered Care — recognizes that sexual assault victims are “central participants in the medical forensic exam process and they deserve timely, compassionate, respectful, and appropriate care. Victims have the right to be fully informed in order to make their own decisions about participation in all components of the exam process. Responders need to do all that is possible to explain possible options, the consequences of choosing one option over another, and available resources, as well as support victims in their choices.”¹⁰

Victim-Centered Approach — a systematic focus and sensitivity to the needs and concerns of the sexual assault victim/survivor from initial contact onward to ensure uncritical, comprehensive and compassionate delivery of services. This framework places the safety, requests and well being of the victim in the forefront of all matters and procedures.

Victim-Blaming — when the victims are held responsible for their own assaults.

Victim/Survivor — any individual who experiences a crime such as sexual assault, domestic violence or stalking.

Violence Against Women Act (VAWA) — federal law enacted in 1994, reauthorized in 2013 that addresses violence against women by providing grant funding and established the Office on Violence Against Women (OVW).

“Yes Means Yes” — affirmative consent requirement for colleges and universities passed in California in 2014, which shifts the burden of evidence from how the victim refused the sexual advances to establish consent, to how the sexual initiator how they asked and received consent, shifting the responsibility to the sexual initiator rather than the victim to prove consent.

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SECTION 14

Further Learning

SECTION OUTLINE

ABOUT HOOK-UPS

STRESS AND RESILIENCY

COLLECTING EVIDENCE: THE FORENSIC EXAM

About Hook-Ups

When describing a typical hook-up, students said it usually involves two strangers, who initially flirt, drink alcohol, hang out, talk, and/or dance.¹ The usual places where hook-ups occur were reported as at parties, residence halls or fraternity houses, or any place available. In most cases women and men mutually instigated hook-ups. The majority of students report that hook-up partners do not communicate about what is happening. Sexual activity ranged from kissing, manual stimulation/petting, oral sex, and sexual intercourse. A range of feelings were described post-hook-up with women more likely than men to feel regretful or disappointed and men more likely than women to feel proud and satisfied.² Often feelings were mixed, both positive and negative. A majority of respondents also talked to their friends about the hook-up afterwards if it was viewed as a positive hook-up, but less so if it was negatively viewed. A relationship rarely ensues after a hook-up. In fact, the two parties may try to avoid seeing each other.

Hook-ups are made easier through social media online dating sites and smart phone apps that are often specific to sexual orientation, religion, hobby, or kink. Some of these sites cater to those interested in long-term relationships, including marriage, while others are very clear that they are about more casual sexual encounters. Some popular sites, to name a few, include Grindr, Tinder, Swoon, Bang with Friends, Craigslist, and OKCupid.

In a qualitative study of campus hook-up behavior that asked about best and worst hook-ups, two themes emerged that are especially relevant to sexual assault: the omnipresence of alcohol and pressure on females to engage in unwanted sexual behavior.³ In the best hook-up scenarios, alcohol was viewed as a social lubricant for lowering social and sexual inhibitions. However, in the worst hook-up experiences, intoxication led to unwanted sexual experiences, the inability to remove oneself from the situation, and the inability to remember what happened during the hook-up experience.

Women as a group also felt pressured to engage in sexual intercourse and attributed the pressure to 1) male partner's aggression, 2) their own and their partner's alcohol use, 3) societal/peer/gender pressure and 4) personal weakness (low self-esteem).⁴ One of the women in the study related a scenario that could meet the definition of sexual assault:

I (drunkenly) fell asleep and woke up with the person on top of me. He wasn't drinking, I was. I wanted to leave. He just mauled me in my drunken stupor. I wanted to cry and throw up. I felt used. The guy was gross and totally took advantage of me.⁵

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Stress and Resiliency

Research suggests that police work is one of the most stressful occupations.¹ For example, the occupation fatality rate of law enforcement officers is nearly three times that of the average American worker.² As documented throughout the *Blueprint*, sexual assault cases are complex, labor intensive, and at times, frustrating, which can add to the officer's stress level. The high rate of police officer stress is due to numerous factors including the dangerous nature of the job; working within a highly rigid, bureaucratic organization; fatigue due to shift work and long hours; an ever-changing environment; lack of support from coworkers and supervisors; punishment for minor infractions; being second-guessed in the field; excessive overtime; having to take a second job to make extra income; vicarious traumatization due to witnessing harm to others; officer-involved shootings; family stress as a result of the job; and fearing for one's own personal safety.^{3,4} One study found that smaller police departments in smaller cities had greater rates of burnout and physical stress than larger departments in larger cities.⁵

The results of this stress are multiple, including family problems such as divorce; alcohol misuse like binge drinking; anxiety and depression; post-traumatic stress symptoms and disorder; sleep disturbances; suicide; chronic fatigue; job burnout; increased citizen complaints; rapid employee turnover; obesity; physical illness such as cardiovascular disease, high blood pressure, and certain cancers.^{6,7} For instance, one study reported that posttraumatic distress and PTSD avoidance symptoms predicted greater alcohol use among officers.⁸ The myriad of serious mental and physical reactions to occupational stress is complicated by the fact that being a traditionally male-dominated profession with strong workplace norms, police officers are reluctant to seek help for these stress reactions, often due to the stigma of asking for and receiving assistance. One study found that more than 15% of officers were reluctant to seek assistance and avoided any benefits. Reluctance to ask for assistance was associated with increased job dissatisfaction, job stress, and intention to leave the job.⁹ The main reason cited by officers that prevented them from seeking assistance was that it could affect their future with the organization and their relationships with other officers.

In addition to these everyday stressors and reactions, law enforcement officers are under increased scrutiny today due to a wave of high profile police shootings, most prominently white officers shooting black men. Director Michael Heidingsfield responded to the increased scrutiny and distrust by assuring his officers that "I believe in you."¹⁰ He continues:

I also remain committed to the notion that policing is a noble pursuit and those who choose the police service do so because they have been called to do so. This is no ordinary job or vocation — the people whom we have pledged to protect and serve have granted us the authority to do so. We must passionately respect that extraordinary authority, treat that social contract with the respect and deference that it deserves and always remember we are not here to adjudicate people's lives. Instead, we protect and serve in order to keep from harm those who might be victimized and enable the enjoyment of civil liberties by our fellow community members.¹¹

This kind of support from the Director of Police can increase the resiliency of officers in the field knowing that their command has their back. Building officer resiliency to these multiple occupational stressors and the resulting physical and mental health risks is a priority of many departments across the nation. Programs to address these issues include: closer monitoring of physical and mental health, exercise programs for health benefit and stress relief, supportive counseling and therapy, improved nutrition education, and immediate psychological interventions following traumatic events.¹² There are identified protective factors within the police environment as well, such as the strong bonds, group loyalty, and connectivity between officers who tend to socialize with each other.¹³ However, more work needs to be done to change police culture to reduce the stigma about asking for help. Asking for help is a sign of strength, not weakness.

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Collecting Evidence: The Forensic Exam

Although the majority of sexual assault victims do not report the assault, the victims that do might want to obtain a Sexual Assault Medical Forensic Examination (SAFE). The exam serves to address their health needs and collect evidence when appropriate for potential use in the criminal case investigation, which could hold the perpetrator accountable and prevent further sexual violence.¹ However, many other victims might want to just go somewhere familiar and safe, clean up, and forget the assault ever happened or they may not even define the experience as sexual assault if they knew their assailant, due to the trauma, or due to lack of information about the legal definition of sexual assault/rape.

Time is of the essence in a SAFE. In the past many jurisdictions used 72 hours after the assault as the cutoff period for conducting the exam and preserving the evidence. However, some jurisdictions have moved toward longer time frames including five days to a week due to advances in deoxyribonucleic acid (DNA) technologies.² Decisions about timeliness issues for evidence collection should be made on a case-by-case basis, guided by the knowledge that outside time limits for obtaining evidence vary due to factors such as the location of the evidence or type of sample collected.³ A recent report indicates that DNA evidence testing could be collected ten days after the sexual contact if Y-STR (Y chromosome testing) is conducted by the forensic lab.⁴

It is important for law enforcement personnel to know where a SAFE can be obtained 24-hours a day. If the victim presented first to an emergency room before informing law enforcement officials, they should be informed of their reporting options. A SAFE can still be performed if the victim does not want to report at this time, for they may opt to do so later. Recognize that making the decision to undergo a SAFE exam takes courage. Even when the exam is performed well and compassionately, the exam can still feel invasive, uncomfortable, painful, intrusive, embarrassing, and re-traumatizing.

To provide victim-centered care, sexual assault patients should be provided confidentiality, priority and privacy as well as culturally competent care. The SAFE should be explained to the patient, what it entails and its purpose. Medical and evidentiary procedures should be integrated where possible. Special consideration and practices might be necessary for male, LGBT, disabled, older, military, non-English speaking, or adolescent victims.

Medical providers can also explain to a victim that a SAFE can be conducted at no cost without making a report to law enforcement. This allows for the preservation of evidence for up to two years while the victim takes time to decide whether to report.⁵

To prevent having victims repeat their stories many times, a SAFE and investigator can conduct their interviews simultaneously to the extent feasible, with one asking questions while the other one listens. Advocates may also be present to support the victim. After the exam sexually transmitted infections (STIs) and pregnancy risk evaluation and care occur. Discharge planning and follow up care are outlined. Clothes to wear home must be provided as the victim's clothes will be retained as evidence. In the case where the assault leads to prosecution, the SAFE may be called to testify in court as a fact and/or expert witness.

It is crucial that only a law enforcement official or duly authorized agent transfer evidence from the exam site to the appropriate crime laboratory or other designated storage site. Each jurisdiction will have a procedure that must be followed to ensure evidence preservation and chain of custody.

Law enforcement involvement in this process includes 911 dispatchers, patrol officers, officers who process crime scene evidence, investigators, and federal law enforcement officers. Their roles can include:

- Respond to initial complaints;
- Work to enhance crime victim's safety;
- Arrange for victim's transportation to and from the exam site as needed;
- Interview victims;
- Coordinate collection and delivery of evidence to designated labs or law enforcement property facilities;
- Investigate case, including interviewing suspects and witnesses, requesting crime lab analysis, reviewing medical and lab reports, preparing and executing search warrants, writing reports, and presenting the case to a prosecutor.⁶

Since this is an intense and complicated process, it is important for patrol officers to know when to inform others and call for additional resources.

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SECTION
15

Appendix

INTERVIEW GUIDES:

IHE ADMINISTRATORS
CHIEFS OF POLICE
COMMUNICATIONS STAFF
PRESIDENTS

Interview Guides

Interview Guide — *IHE Administrators**

1. How do police departments and Title IX coordinators share information?
2. At what level does this sharing take place?
3. What can be legally shared and not shared?
4. What are the circumstances in which information is shared?
5. What are the consequences of sharing information?
6. What are the consequences of not sharing?
7. If information is shared, why and how is it shared?
8. If information is not shared, why not?
9. Does this pose any conflict of interest?
10. Does sharing depend on relationships, personalities or policies?
11. Are their disagreements about what can be shared and what cannot be shared?
12. What are the controlling documents that determine information sharing?
13. What are the interpretations of the controlling documents and who interprets?
14. Is sharing on a continuum rather than yes or no?
15. Are the lines porous like a membrane or impenetrable like a firewall?
16. What is the best model of sharing information?
17. What are the consequences/penalties of crossing the line on information sharing?
18. How does this information sharing differ across campuses?
19. At what level is the information shared?
20. Is information formally or informally shared?
21. Are there any information sharing protocols?
22. Does this information sharing differ by who is in the positions? Who is the Title IX Coordinator?
23. If the victim does not want to move forward with the case, who overrides that decision and decides it is in the best interest for the safety of the community to proceed?
24. In what specific instances is that being done?
25. How much of this information sharing is regulated by General Counsel?

** IHE administrators may include deans of students, Title IX Coordinators, student conduct and compliance officers, and victim assistance counselors.*

Interview Guide — *Chiefs of Police*

1. Tell me about your role as Chief related to campus sexual assault. This could include areas around working with the media, providing guidance to other levels of police, including lieutenants, sergeants, investigators and patrol officers, conducting prevention and risk reduction efforts, working with campus administrators, etc.
2. What types of decisions about campus sexual assault do you make in your role as Chief of Police?
3. With regards to campus sexual assault, what are some of the unique barriers or challenges you encounter as Chief of Police?
4. What recommendations do you have for improving the way Chiefs of Police handle campus sexual assault crimes?
5. How and when do you communicate with other campus and off campus partners?
6. What recommendations do you have for improving the way Chiefs of Police work with the campus community on the issue of campus sexual assault?
7. Is there anything victims can teach law enforcement that can impact approaches to sexual assault crimes?
8. What works well in terms of engaging victims and survivors of campus sexual assault in the university police response?
9. Are there ways in which victims' perspectives and participation can become challenging to campus law enforcement response?
10. What are some of the barriers or challenges you encounter in engaging victims and survivors?
11. What recommendations do you have for improving the way campus law enforcement engages victims in the response to sexual assault?
12. What would concretely help campus law enforcement in engaging with sexual assault victims? (Probes may include: What kinds of tools would be helpful to law enforcement officers who respond to the scene of a campus sexual assault crime? What kinds of tools might be helpful to campus law enforcement officers who investigate sexual assault crimes?)
13. Do you distinguish between primary prevention and risk reduction? If so, how do you see each? What recommendations do you have for how Chiefs of Police can play a role?
14. What resources and partnerships are essential to expanding law enforcement practices in the context of college campuses?
15. What is the philosophy you use to direct the response to an investigation of campus sexual assault cases?
16. We are becoming familiar with the written processes surrounding sexual assault. Can you review for us? What is unwritten that we might need to know about?
17. What do you think the problems are surrounding sexual assault (SA) on campus?
18. What makes leadership around the issue of campus sexual assault investigations so difficult?
19. What are the challenges and obstacles?
20. What would you want to see in the report we are preparing?
21. What do you want to know that would help you do your job better?
22. What could we include that would be useful to your fellow Chiefs of Police?
23. Do you know what the new federal requirements involve?
24. What are the tensions for you as chief in dealing with sexual assault on campus?

Interview Guide — *Communications Staff*

1. Tell us about your positions with regard to campus sexual assault.
2. Describe how you work with campus police.
3. How long have you been working with campus police? Tell us about the climate around media and campus sexual violence? Has the messaging changed over time?
4. From your perspective, what are the critical issues about campus sexual assault that police chiefs must consider when releasing information to the public about campus sexual assault?
5. What are the goals that you have for when campus law enforcement communicate with the media and public about campus sexual assault?
6. If we think about 'excellence' as a standard for our law enforcement communications, what would you say that involves?
7. What else should we have asked about this issue that we did not ask you that would be important for us to know?

Interview Guide — *Presidents*

1. What is your role with campus sexual assault?
2. How do you work with other administrators on the issue of campus sexual assault?
3. How do you work with the campus police department to share information?
4. What intervention and prevention efforts are successful or promising from your perspective?
5. How do you handle communication on the issue of campus sexual assault?
6. How do relationships, personalities, and policies affect sharing information?



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