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Sexual Assault: The Police Response

A Training Manual
prepared by Approach Associates

50376

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SEXUAL ASSAULT: THE POLICE RESPONSE

*A TRAINING MANUAL PREPARED
BY APPROACH ASSOCIATES FOR
the PALO ALTO POLICE DEPARTMENT
and the CRIMINAL JUSTICE EDUCATION
& TRAINING RESOURCE SYSTEM*

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ACQUISITIONS

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INTRODUCTION TO THE TPAINER

INTRODUCTION TO THE TRAINER

USE OF THE MANUAL

In cooperation with the Palo Alto Police Department, Approach Associates made an in-depth study of the crime of rape in Palo Alto and Santa Clara County.* The information in this training curriculum resulted from that study.

This manual is a curriculum for a 20-hour training program for officers in responding to rape. The manual does not address child molesting or homosexual rapes. THE MANUAL IS A BASIC GUIDELINE. Trainers are encouraged to adapt and build from the manual, according to local needs. Some of the curriculum material is suited to a class in the Basic Academy; other material is applicable to Advanced Officer Training. Also, agencies will have different policies and procedures for rape cases; nevertheless, the material in this manual can be adapted and applied to all departments. It is divided into four units:**

Unit One.	<u>Criminal Justice & Legal System</u>	2 hours
	The administration of justice as it relates to rape; research findings on rape; related statutory provisions and trial strategies	
Unit Two.	<u>Rape Investigation</u>	6 hours
	Recommended procedures for the police role; initial interview strategies; physical evidence	

*

The study findings, "Sexual Assault: Improving the Institutional Response," 1975, can be obtained from the Research and Training Division of the Palo Alto Police Department, Palo Alto, California.

**

There is an additional 4 hour optional unit on Community Resources (Unit V)

INTRODUCTION TO THE TRAINERUSE OF THE MANUAL

Unit Three. Rape Victims 4 hours

The emotional impact of rape on the victim

Unit Four. Role Playing: Practice Interviews 8 hours

Practice exercises to reinforce the recommended procedures for the initial interview

Each unit has sections for "Why," "What," and "How." These sections are printed on different colors.

The "Why" section answers the question: why is this unit relevant to the officer?

The "What" section sets forth the content of the unit in the form of an outline of the material to be presented as well as a sample lecture.

INTRODUCTION TO THE TRAINER

The "How" section provides the suggested approach to teaching the content (i.e., what advance preparations are necessary; what handouts; what audio-visual aids; what techniques for lecture, for discussion, for roleplays, etc.).

Trainers should read the entire curriculum and then make decisions according to need, constraints, and resources. Trainers will need to consider issues related to overall training administration:

1. Organization and Materials: Trainers should schedule training at a suitable site (e.g., accessible, quiet, and near eating establishments). A written explanatory notice of what and where should be well distributed. Copies of all materials needed by trainers should be ready to distribute (e.g., hypotheticals, checklists, procedures, contained in the curriculum).
2. Resource Development: Trainers must choose what outside resources are needed (e.g., guest lecturers, films, panel members, victims. Community groups, public agencies, criminal justice officials, etc., should be considered. Guests should be screened (through an interview), precisely scheduled, and carefully oriented as to what is expected of them.
3. Evaluation and Feedback: Quality training requires written evaluations from all trainees, as to the scope, relevancy and quality of each unit. (See attached evaluation form). In this way training can be modified and improved.

TRAINING EVALUATION

Trainers should evaluate the sexual assault training program, either after each of the 4 (5) units, or, after the training is concluded.

If units are to be evaluated separately, remember to leave 10 minutes at the end of each unit for evaluation. If all training will be evaluated, remember to leave a half hour or an hour for overall evaluation. Trainers should emphasize that no names are requested on the evaluation forms, and that the material collected from the forms will be used to improve the training.

Following are two optional forms for evaluation. Form A is for evaluation of individual units; Form B is for overall evaluation.

FORM A

EVALUATION OF SEXUAL ASSAULT TRAINING PROGRAM UNITSTRAINING PROGRAMUNIT 1SECTION A - Criminal Justice and Sexual Assault

	Low									High
(a) relevancy	1	2	3	4	5	6	7	8	9	10
(b) scope	1	2	3	4	5	6	7	8	9	10
(c) quality	1	2	3	4	5	6	7	8	9	10
(d) ability of trainer to present material effectively	1	2	3	4	5	6	7	8	9	10

Comments:

SECTION B - Sexual Assault Research Findings

	Low									High
(a) relevancy	1	2	3	4	5	6	7	8	9	10
(b) scope	1	2	3	4	5	6	7	8	9	10
(c) quality	1	2	3	4	5	6	7	8	9	10
(d) ability of trainer to present material effectively	1	2	3	4	5	6	7	8	9	10

Comments:

SECTION C - The Legal Setting

	Low										High
(a) relevancy	1	2	3	4	5	6	7	8	9	10	
(b) scope	1	2	3	4	5	6	7	8	9	10	
(c) quality	1	2	3	4	5	6	7	8	9	10	
(d) ability of trainer to present material effectively	1	2	3	4	5	6	7	8	9	10	

Comments:

UNIT II

SEXUAL ASSAULT INVESTIGATION

SECTION A - Overview of Police Duties

	Low										High
(a) relevancy	1	2	3	4	5	6	7	8	9	10	
(b) scope	1	2	3	4	5	6	7	8	9	10	
(c) quality	1	2	3	4	5	6	7	8	9	10	

(d) ability of trainer to 1 2 3 4 5 6 7 8 9 10
 present material effectively

Comments:

UNIT III

SECTION B - Initial Interview - Do's and Don'ts

		Low										High
(a)	relevancy	1	2	3	4	5	6	7	8	9	10	
(b)	scope	1	2	3	4	5	6	7	8	9	10	
(c)	quality	1	2	3	4	5	6	7	8	9	10	
(d)	ability of trainer to	1	2	3	4	5	6	7	8	9	10	
	present material effectively											

Comments:

SECTION C - Organizing the Investigation

	Low										High
(a) relevancy	1	2	3	4	5	6	7	8	9	10	
(b) scope	1	2	3	4	5	6	7	8	9	10	
(c) quality	1	2	3	4	5	6	7	8	9	10	
(d) ability of trainer to present material effectively	1	2	3	4	5	6	7	8	9	10	

Comments:

SECTION D - Physical Evidence

	Low										High
(a) relevancy	1	2	3	4	5	6	7	8	9	10	
(b) scope	1	2	3	4	5	6	7	8	9	10	
(c) quality	1	2	3	4	5	6	7	8	9	10	
(d) ability of trainer to present material effectively	1	2	3	4	5	6	7	8	9	10	

Comments:

SECTION E - Follow-up Investigation

	Low										High
(a) relevancy	1	2	3	4	5	6	7	8	9	10	
(b) scope	1	2	3	4	5	6	7	8	9	10	
(c) quality	1	2	3	4	5	6	7	8	9	10	
(d) ability of trainer to present material effectively	1	2	3	4	5	6	7	8	9	10	

Comments:

SECTION F - Film

	Low										High
(a) relevancy	1	2	3	4	5	6	7	8	9	10	
(b) scope	1	2	3	4	5	6	7	8	9	10	
(c) quality	1	2	3	4	5	6	7	8	9	10	
(d) ability of trainer to present material effectively	1	2	3	4	5	6	7	8	9	10	

Comments:

UNIT IIITHE RAPE VICTIM

	Low										High
(a) relevancy	1	2	3	4	5	6	7	8	9	10	
(b) scope	1	2	3	4	5	6	7	8	9	10	
(c) quality	1	2	3	4	5	6	7	8	9	10	
(d) ability of trainer to present material effectively	1	2	3	4	5	6	7	8	9	10	

Comments:

UNIT IVPRACTICE INVESTIGATION - Lecture and Role Playing

	Low										High
(a) relevancy	1	2	3	4	5	6	7	8	9	10	
(b) scope	1	2	3	4	5	6	7	8	9	10	
(c) quality	1	2	3	4	5	6	7	8	9	10	
(d) ability of trainer to present material effectively	1	2	3	4	5	6	7	8	9	10	

Comments:

OVERALL EVALUATION OF TRAINING PROGRAM

	Low									High
(a) relevancy	1	2	3	4	5	6	7	8	9	10
(b) scope	1	2	3	4	5	6	7	8	9	10
(c) quality	1	2	3	4	5	6	7	8	9	10
(d) ability of trainer to present material effectively	1	2	3	4	5	6	7	8	9	10

Comments:

FORM B*

EVALUATION OF SEXUAL ASSAULT TRAINING

1. What impact (negative or positive) has this program had on you personally?

2. What do you feel were the main objectives of the sexual assault training program, in order of importance.
 - a)

 - b)

 - c)

 - d)

3. In your opinion, were the above described training objectives achieved?

Yes _____	Generally Yes _____
No _____	Generally No _____

*

Evaluation Form, Palo Alto Police Department, Palo Alto, California.

4. Please rate the training program as to the following points:

- | | Low | | | | | | | | | | High |
|--|-----|---|---|---|---|---|---|---|---|----|------|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | |
| (a) Exchange of information | | | | | | | | | | | |
| (b) Understanding others' problems; increasing personal awareness: | | | | | | | | | | | |
| (c) Increased skill or knowledge | | | | | | | | | | | |
| (d) Changes in attitudes | | | | | | | | | | | |
| (e) Awakening interest for further pursuance of topics discussed | | | | | | | | | | | |
| (f) Practical applications to problems discussed | | | | | | | | | | | |

5. As a result of this training program, I have probably changed most in:

(If you select more than one subject, please rank them by placing a priority number in the blanks. 1 being most and 6 being least.)

Perception (awareness) _____, Attitudes _____, Behavior _____,
 Increased Knowledge _____, I have not changed _____, Other _____;

Please explain:

6. Do you feel the training program would: (Please check one.)

improve with more structure _____,

improve with less structure _____,

has the "right" amount of structure _____.

7. What do you think you have gained from this training program that will aid you in your understanding, and be of value to you in your duties?

8. What elements did you like most or find most helpful about the training program?

9. What elements did you like least or find least helpful about the training program?

10. How would you evaluate the training program as a whole?

_____ Very effective

_____ Fairly effective

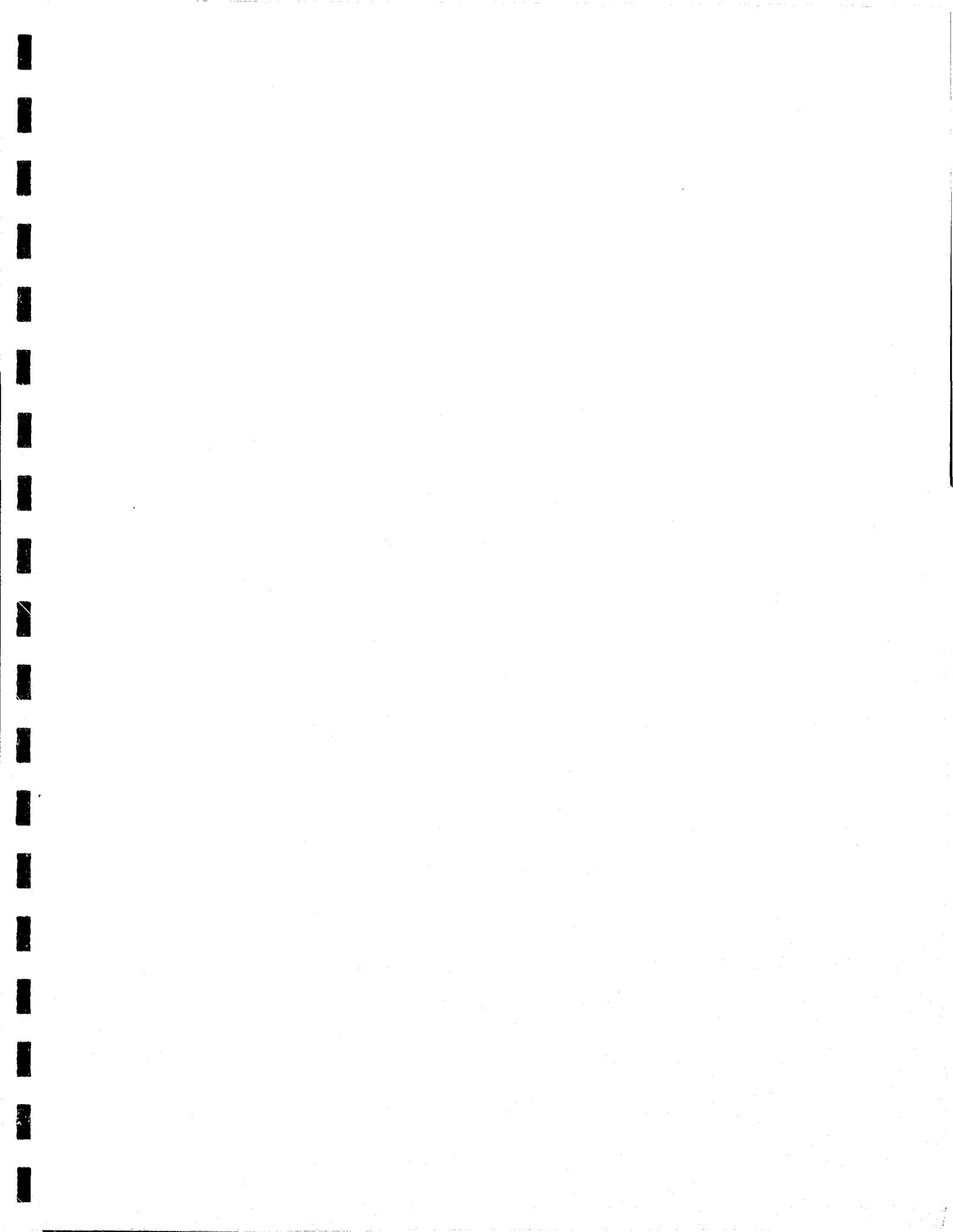
_____ Fairly ineffective

_____ Very ineffective

11. What changes would you make to improve the training program?

12. Other comments: (Please write any other relevant thoughts)

INTRODUCTION TO TRAINEES



INTRODUCTION TO TRAINEES

WHY

Why is this training in sexual assault investigation important?

The problem of sexual assault investigation is a critical one.

While all violent crime rates are going up, the crime rate for rape is increasing alarmingly. The most recent publication of the California Bureau of Criminal Statistics indicates that 8,480 forcible rapes were reported in California in 1974; 10,000 forcible rape reports are estimated for 1975.

What is most alarming, is that official rape statistics only represent a small portion of the problem. Criminologists estimate the number of actual rapes at anywhere from 3 to 10 times the number of reported rapes, and surveys report that even these estimates may be conservative.

Non-reporting is a severe problem. One of the issues cited as a problem in victims not reporting rape is the treatment of the victim by the criminal justice system.

Media in the form of TV fiction, articles, books and movies have portrayed the victim as being treated as though she were the offender by the police and other authorities.

Women's groups, such as Women Against Rape, have waged long and powerful political campaigns bringing these issues before the public.

Pressure has been brought to bear on all fronts for better treatment of the rape victim and primarily for an understanding of the unique aspects of this crime.

Rape is not another violent assault; it is unique in its complex combination of horrors to the victim. It must be treated accordingly.

INTRODUCTION TO TRAINEES

WHY

One of the ways to encourage victims to report is to dispel the negative image of the police response to rape victims.

The police play a primary role in introducing most offenders into the justice system. The police are the "gatekeepers". The first encounter between the rape victim and police officer is a vital one in which the officer can either provide some comfort for the victim and set the stage for her cooperating in a thorough investigation; or the officer can offend the victim, who is oversensitive at the time, and make her uncooperative and ultimately not a good witness in the case.

This training is geared to give trainees the knowledge, guidelines and techniques to do the former: to provide the victim with some comfort and to set the stage for a complete and thorough investigation that can best lead to a successful prosecution.

INTRODUCTION TO TRAINEESWHATLECTURE OUTLINE

- I. 20-Hour Curriculum in Police Response to Rape
- II. Information is based on Palo Alto Police Department research on
 - Victims
 - Judges
 - DA's
 - Jurors, legal professionals
 - Mental health professionals
 - Hospital personnel
 - Community organizations
 - Police
- III. Purpose: To enhance investigative functions
To better understand victim needs
(To acquaint the police with community resources)
- IV. Description: Divided into four parts
 - A. Criminal Justice & The Legal System (2 hours)
 1. Problems in the administration of justice and how this affects sexual assault investigation.
 2. Presentation of Palo Alto Police Department research results.
 3. A history of rape, statutes, the trial, and basic legal principles which could impact on the success of the investigation.
 - B. Rape Investigation (6 hours)
 1. Police duties in rape investigation.
 2. Guidelines, including do's and don't's, for initial interview.
 3. Details of collecting physical evidence.
 4. A film on investigation.

INTRODUCTION TO TRAINEESWHATLECTURE OUTLINEC. Rape Victim (4 hours)

1. Lecture on the psychological impact of rape on the victim.
2. Film and discussion.
3. Victim panel.

D. Role Playing: Practice Interviews (8 hours)

1. Each participant can practice initial interview of victim in different situations.
2. Video tape feedback of roleplays.

INTRODUCTION TO TRAINEES

WHAT

SAMPLE LECTURE

This is a 20-hour program in police response to rape. It is based on an in-depth study done through the Palo Alto Police Department of rape victims, both reporting and non-reporting; of judges and jurors and District Attorneys; of mental health professions; of hospital personnel; community organizations; and of Santa Clara County police responses.

Research has shown the limitations of the existing system, in terms of victims' needs; and the profound trauma of a sexual assault. These findings provide the direction to this training.

Training in sexual assault investigation must be multi-faceted and should include an understanding of the justice system, the particular recommendations for the officers' investigation, the needs, problems and reactions of victims (and community resources available).

Sound procedures and resources must be developed and practiced to prepare investigators for an adequate response to sexual assault investigation.

Based on the research findings, this training program is designed to enhance the investigative function by calling attention to the specific legal and technical issues involved in sexual assault cases as well as providing special techniques to deal with the emotional needs of the victims.

INTRODUCTION TO TRAINEESWHAT

The training is divided into four parts. We'll begin (this afternoon)* with

Unit One: Criminal Justice & The Legal System (2 hours)

Twenty minutes will be spent on the problems in the administration of justice and how this affects sexual assault investigation.

Twenty minutes will be spent reviewing the results of the Palo Alto research.

An hour and 20 minutes will be spent on the legal system, including a history of rape, discussion of statutes, the trial, and basic legal principles which could impact on the success of the investigation.

(The rest of the afternoon and tomorrow morning will be spent on)*

Unit Two: Rape Investigation (6 hours)

A discussion of police duties in dealing with rape interviews, what is unique about the interview and specific guidelines and procedures, including do's and dont's for the investigation, will be presented. The (next morning)* will provide a presentation on the details of physical evidence and a film on investigation.

*

Trainer should insert appropriate schedule.

INTRODUCTION TO TRAINEESWHAT

(That afternoon)* will focus on

Unit Three: The Rape Victim (4 hours)

There will be a lecture first explaining the psychological impact of rape on the victim, followed by a film to generate empathy for the victim. Lastly a panel of two rape victims will come in and discuss the aftermath of their rapes.

The third day will be all**

Unit Four: Role Playing (8 hours)

Everyone will be asked to practice the initial interview of a rape victim in different situations according to the guidelines presented in this training.

*

Trainer should insert appropriate schedule.

**

It is crucial to keep all role playing on the same day. Schedules should be arranged accordingly.

INTRODUCTION TO TRAINEES

HOW

This is a 10-minute introductory lecture to describe the training program.

Content

An outline and sample lecture are presented. The key points to get across are:

- This course is needed and important.
- Legitimacy; all information comes from in-depth research.
- Clarification of expectations. Briefly describe the units and when they will be presented so trainees know what to expect.

Advance Preparation

The entire curriculum must be reviewed and times rearranged to adapt to individual program needs. Adjustments should be made in sample lecture accordingly if it is to be followed.

Handouts

A sheet containing a brief description of each unit may be handed out.

Readings

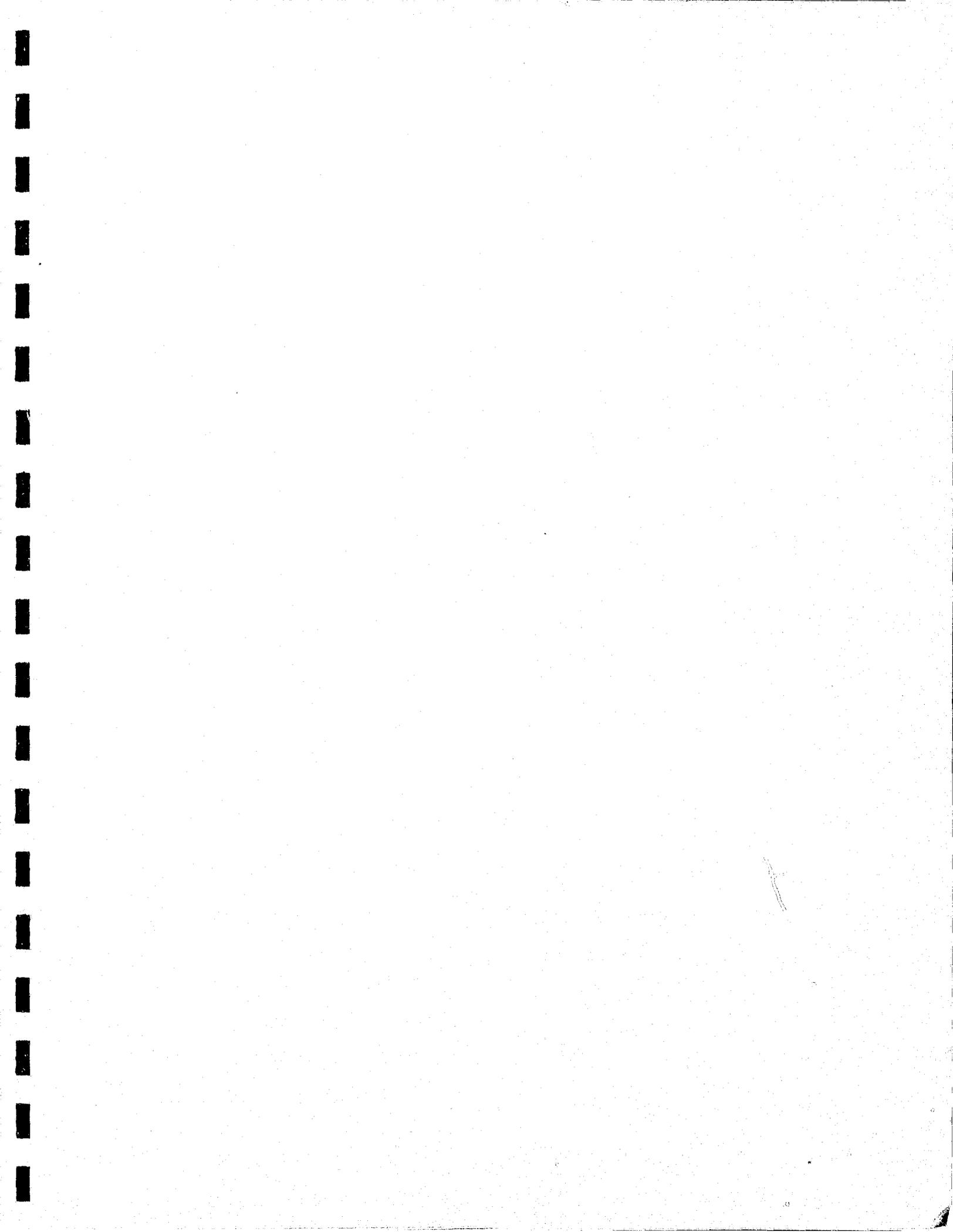
None necessary. May offer readings available in Resource Guide for entire curriculum for anyone interested. There will be required reading only for the legal section on statutory law and decisions. Several one-page handouts will be distributed during the course of the training and gone over in class.

UNIT ONE

THE CRIMINAL JUSTICE & LEGAL SYSTEM

SECTION A

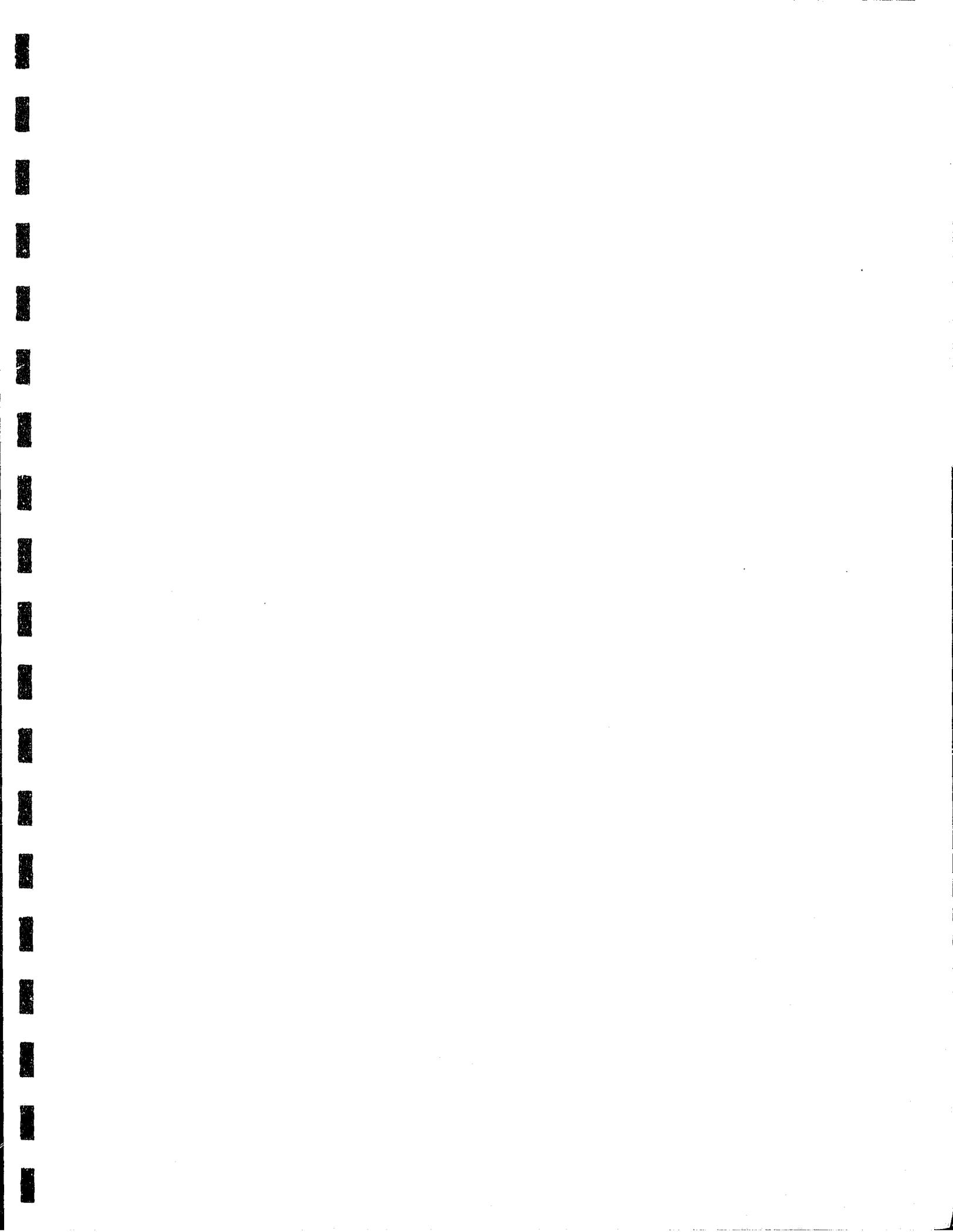
CRIMINAL JUSTICE AND SEXUAL ASSAULT



UNIT ONE, SECTION A: CRIMINAL JUSTICE AND SEXUAL ASSAULTWHY

Officers who seek to develop broader skills in sexual assault investigation must first "take a step back", and review their perspective on the Criminal Justice System as a whole. A perspective is needed to develop an awareness of the officer's unique role in the justice process; and, in particular, the special issues of sexual assault investigations.

This unit sets the stage for the remainder of the training by reminding trainees of the special nature of sexual assault investigation; the need to review their role; and the many constraints on their activities inherent in the justice system and society at large.



UNIT ONE, SECTION A: CRIMINAL JUSTICE AND SEXUAL ASSAULTWHATLECTURE OUTLINE

- I. The Administration of Justice as it relates to rape
 - A. A system of forced social control
 - (1) Tension between arrest/prosecution and victim's needs.
 - (2) The need for discretion.
 - B. Flow-Through System
 - (1) Need to explain system to victim.
 - C. Different clients of the Justice System
 - (1) Victims
 - (2) "The community" (e.g., importance of the crime, public relations for the department.).
 - (3) Perpetrators
 - (4) Other criminal justice and social agencies
- II. Problems in the Administration of Justice
 - A. Discretion
 - (1) Many tensions
 - (2) Lack of information
 - B. Coordination
 - (1) In the department
 - (2) In the justice system
 - (3) Other agencies
- III. Coordination
 - A. Officers must make the new procedures work.
 - B. Feedback/evaluation of training will improve system change.

UNIT ONE, SECTION A: CRIMINAL JUSTICE AND SEXUAL ASSAULT

WHAT

SAMPLE LECTURE (20 minutes)

I. The Criminal Justice System

The Criminal Justice System is a system of forced social control. It is uniquely structured in adversary roles, giving defendants certain rights and placing significant burdens on the state, especially in terms of proving elements of crimes to obtain convictions.

A. A System of Forced Social Control

Although service calls may in fact constitute an officer's chief workload, police and criminal justice procedures are also oriented toward controlling anti-social behavior and enforcing the law.

B. A Flow-Through System

The Criminal Justice System must be viewed as a "funnel", processing an ever-decreasing number of offenders through each stage of the system (e.g., patrol, investigation, prosecution, trial and defense, sentencing and corrections). In each subsequent stage the proof demanded of agents of the system increases, while defendants' rights grow stronger.

C. There Are Many Different Clients of the Justice System

Clients of the Criminal Justice System include victims, "the community", perpetrators, and the agencies of justice themselves. Each grouping has a major interest and certain vested rights in the system's procedures. These interests often conflict, especially in sexual assault cases.

UNIT ONE, SECTION A: CRIMINAL JUSTICE AND SEXUAL ASSAULTWHAT

II. Problems in the Administration of Justice

Problems in the administration of justice are the environment for sexual assault investigation. Among these are the general issues of discretion and the particular limitations on discretion that flow from a lack of knowledge or theory to inform discretionary actions. Failure in coordination may be a consequence.

A. Discretion

All major actors in the Criminal Justice System employ discretion in their daily work (e.g., police patrol officers, police investigators, prosecutors, judges and juries, defense counsel, probation officers, and correctional officials). The sum of these discretionary decisions is the impact of the administration of justice. In sexual assault cases officers must understand that their own discretionary decisions may be influenced or even undermined by those of other actors in the justice system.

Discretion in the administration of justice is constrained by "mixed" policy messages (from legislature, community, citizens, etc.); inadequate reporting (e.g., rape); inadequate data (e.g., reasons why prosecutions fail); and by the many uncertainties inherent in an adversary system of justice.

B. Failure in Coordination

Failures in coordination among criminal justice agencies, between criminal justice agencies and other agencies (e.g., hospitals), and within social service systems, create formidable barriers to

UNIT ONE, SECTION A: CRIMINAL JUSTICE AND SEXUAL ASSAULTWHAT

effective service to victims of sexual assault. Coordination problems are frequent between police and prosecutors, within the prosecution stage (e.g., trial and sentencing and especially plea bargaining); and subsequently, in corrections. Within the larger community, medical and social services may be incomplete, ill-coordinated, and often unresponsive.

C. Need for Coordination

Enhanced coordination of police and criminal justice agencies, and related community services, is vital to improved sexual assault investigation. Although this first requires revised written procedures for agencies, it subsequently requires monitoring and evaluation, on an on-going basis, to ensure that changes really occur, are meaningful, and are improved in response to feedback from all relevant sources.

UNIT ONE, SECTION A: CRIMINAL JUSTICE AND SEXUAL ASSAULT

HO!

This is the first section of Unit One. It is a 20-minute section which contains one lecture.

Content

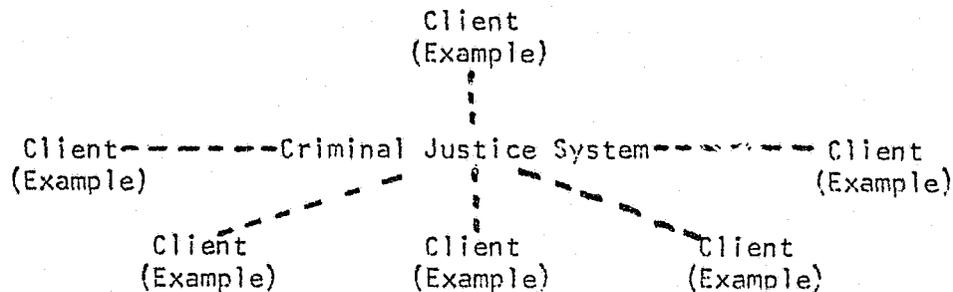
An outline and sample lecture are provided:

The key points to get across are:

- The criminal justice system is a system of forced social control.
- There are many clients in the criminal justice system.
- The differing vested interests of the different clients add to the problems in the administration of justice.
- Discretion and coordination are vitally important to the administration of justice, especially to the rape victim.

Examples

The trainer may want to ask class for comments and examples of the many clients who influence the criminal justice system. An illustrative map can be drawn on the board using their examples (as follows):



Handouts

None necessary.

UNIT ONE, SECTION A: CRIMINAL JUSTICE AND SEXUAL ASSAULTHOWReadings

None necessary.

Behavioral Objectives

The trainees should be able to list the key points of the lecture.

These should minimally include:

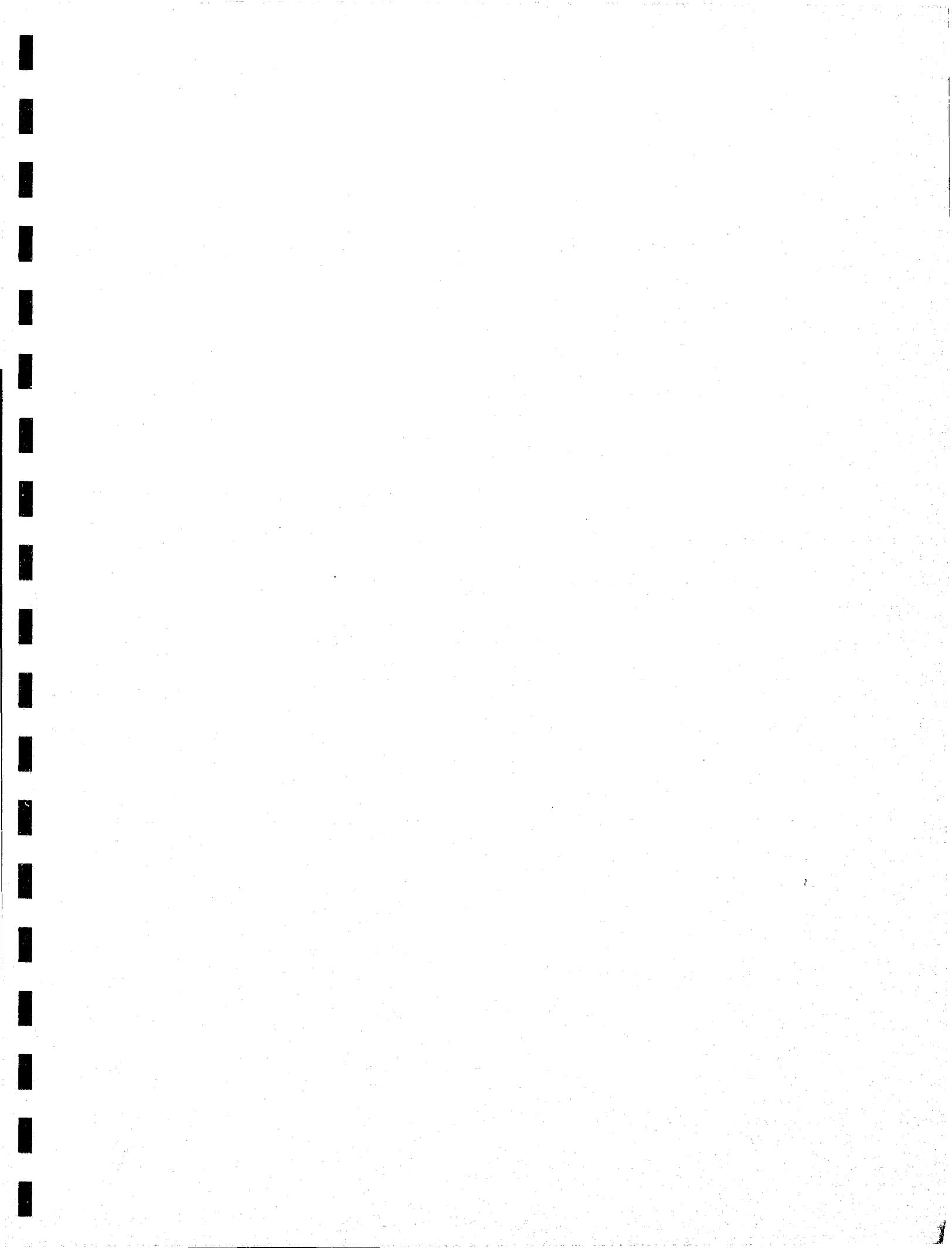
- The Criminal Justice System is a system of forced social control.
- There are many clients in the Criminal Justice System.
- The differing vested interests of the different clients add to the problems in the administration of justice.
- Discretion and coordination are vitally important to the administration of justice, and especially to the rape victim.

UNIT ONE

THE CRIMINAL JUSTICE AND LEGAL SYSTEM

SECTION B

RESEARCH RESULTS



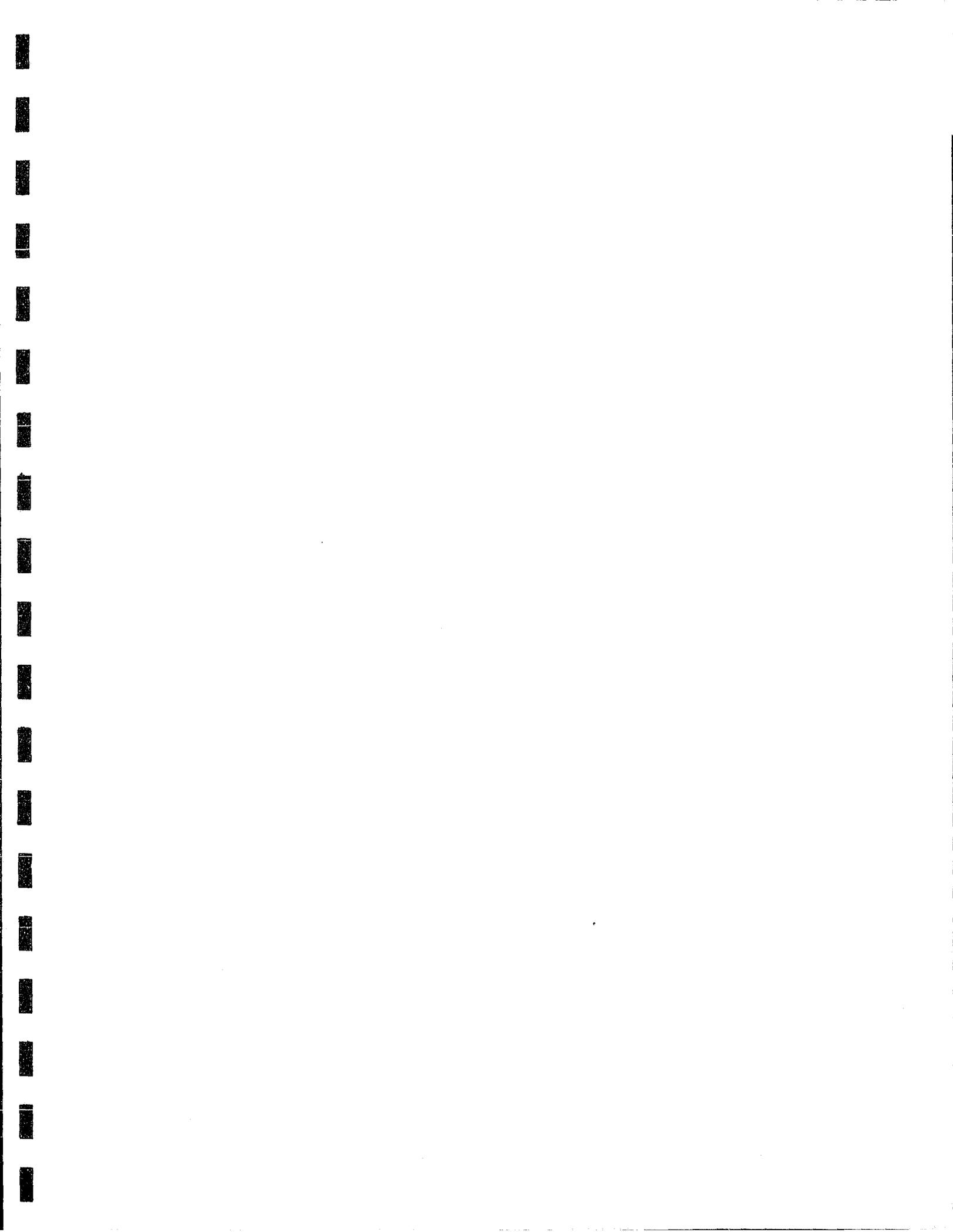
UNIT ONE, SECTION B: RESEARCH RESULTSWHY

The following material highlights the findings and recommendations of a year-long study of sexual assault and criminal justice agency procedures in Santa Clara County.

Prepared by Approach Associates, an Oakland-based consulting firm specializing in criminal justice and urban planning, the study was sponsored by the Palo Alto Police Department through funding from the LEAA in an effort to improve the institutional response to the crime of rape. The firm's recommendations are directed to all components of the criminal justice system and other groups having extensive interaction with rape victims. The consultants provide detailed analyses of --- interviews with sexual assault victims, criminal justice officials, medical and mental health professionals, and members of the Santa Clara community and technical material, such as research design, and sample questionnaires.

The training curriculum that you are presenting resulted from this year-long research effort.

The findings and recommendations are applicable to other cities and counties. The material is important for training purposes as it provides insights into the emotional impact of sexual assault on victims; the circumstances of rape; criminal justice and health agency personnel perspectives on sexual assault; and procedures for improving the institutional response to victims and encouraging more women to report.



UNIT ONE, SECTION B: RESEARCH RESULTSWHATSAMPLE LECTURE (20 MINUTES)

A rape precipitates profound personal crisis for most victims, crisis that can be either intensified or alleviated by the victim's subsequent encounter with family, law enforcement officials, and service agencies.

A study sponsored by the Palo Alto Police Department looked into rape victimization and criminal justice and health agency procedures in Santa Clara County. The study's major findings and recommendations point up an urgent need to provide options and services that will enable the victim to regain control over her environment.

Major findings are summarized below:

- Rape Victimization The study analyzed 68 incidents of sexual assault. Thirty-five incidents were reported and 33 were not reported.

There is no "typical" victim. Rape victims of all ages and backgrounds are on record. The majority of rapes studied were committed by strangers. Almost all of the victims tried to stop the assault either by struggling, verbal persuasion, fleeing or shouting. No clear evidence emerged regarding the advisability of resistance to the rapist. Some women were able to resist successfully and escape. For others, resistance precipitated increased violence.

Interviews revealed that a sexual assault alters the lives and self-images of nearly all victims in some way. Extreme depression, fear, and a sense of powerlessness were frequently reported.

- Reporting and Non-Reporting It was impossible to determine

UNIT ONE, SECTION B: RESEARCH RESULTSWHAT

precisely the percentage of unreported rapes. However the consultants found that even among reported rapes, in the great majority of cases, family, friends, or witnesses (not the victims) initiated contact with police. In only ten of the cases were the police the first persons notified of the assault. In only one case was the victim the person who called the police. Reasons for not reporting include fear of family reactions; fear of police or of publicity; and, perhaps most important, a general lack of information about actions and services available to the victim. Reasons given by victims for reporting were to protect other women or themselves.

The importance of family and friends emerged strongly. Where close personal ties were lacking or where the family reaction was thought to be hostile, victims did not avail themselves of institutional services. Where the primary group environment was supportive, the victim was likely also to seek police, medical and counseling services. Thus, there appears to be a "snowball" effect either toward isolation or toward extensive involvement with support services - depending on the role of family and friends.

- Victim Attitudes Toward Public Agencies Two thirds of the victims who came into contact with law enforcement agencies and medical services had positive experiences with those agencies, reporting that their interactions with personnel had been beneficial for their own emotional states. A sizable minority (up to a third) reported strongly negative reactions. Victims felt unfairly accused of negligence. Police interrogated victims for hours immediately after the assault; they were asked to repeat the complete account of the rape to as many as six different officers in the days following the rape.

UNIT ONE, SECTION B: RESEARCH RESULTSWHAT

A frequent recommendation by victims regarding criminal justice agencies was that more female personnel - police officers and investigators, doctors, and attorneys - be utilized. In the five cases where female police officers were involved, victims reported that it made it easier for them to relate the story of the assault. Victims had additional suggestions for the police. The recommendation considered most important by almost half of the victims was that police officers act in a non-judgmental way toward victims. Victims also were very concerned about not being kept informed about their case. In cases where the police took the victim to the hospital, victims were very appreciative when the police officer called ahead to notify the hospital that s/he would be bringing in a rape victim.

- Evaluation of Services. Through interviews and observations, the consultants identified two-major areas of concern. First, there is a lack of coordination among agencies. Police, prosecutors, and medical personnel were poorly informed about procedures and priorities in other agencies. As a consequence, victims were repetitively questioned about details of the assault. The most striking aspect of the victims' interactions with the criminal justice system is the sheer number of interviews with officials, in which victims' statements about the facts of the cases must be repeated. (Field officers review the details of the incident at least twice with victims, as do follow-up investigators. If the victim goes to the hospital she will have to repeat the details of the assault to hospital personnel. If a suspect is arrested, victims have at least one and often more interviews with prosecutors. Defense

UNIT ONE, SECTION B: RESEARCH RESULTSWHAT

attorneys or their investigators also attempt to interview victims. If the case goes to trial, victims testify in both the preliminary hearing and at the trial. And if the defendant is convicted, probation officials contact the victim as part of their investigation.) If the case proceeds through the entire process, the victim may have to repeat her story as many as ten times. Moreover, none of the agencies assumed responsibility for keeping the victim informed regarding the options and services available. Thus, for the rape victim, there is no "system" of coordinated services.

Second, agencies' routines and practices for handling work efficiently introduced tensions into the response to the victims' individualized emotional needs. Police, for example, noted a conflict between sensitivity to victims' feelings and the requirements of an efficient and thorough investigation. Doctors complained that criminal evidence requirements interfered with desired treatment. Prosecutors stressed the difficulty of balancing the emotional needs of the victims, the winning of rape cases in court, and the overall social value of prosecuting rapists. In sum, within each agency, no one is satisfied - neither the victim nor the agency officials.

Based on the above and other findings, the study consultants developed detailed recommendations for police and other agencies. These recommendations can be grouped into the following major emphases:

- Public Information and Education. Consultants proposed a community education program, including information on preventive measures

UNIT ONE, SECTION B: RESEARCH RESULTSWHAT

and available public services. Measures also are suggested for the provision of detailed information - on procedures, referral possibilities, etc. - to individual victims. A key element of these education-information programs is the production and distribution of pamphlets.

- Agency Coordination. Consultants also recommended several mechanisms for improving the quality and usefulness of information passed between agencies. Particular emphasis is given to improving the quality of information pertinent to rape investigations by police.

- Definition of Personnel Responsibilities. To help overcome tensions between agency routines and individual victim needs and to provide a consistent and personalized contact for the victim, several proposals urge the creation of staff roles directly responsible for victim care. Consultants recommended upgrading the role of police investigators, in effect making them "guides" for victims through the entire course of the rape case. Similar rationales lie behind recommendations for creating hospital "victim care specialists (VCS)" who would conduct many of the necessary medical examinations and would be responsible for providing prompt and supportive medical attention. "Specialists" in rape are also proposed for the District Attorney's office. These specialists would work with police and victims to develop the strongest possible case for courtroom presentation.

- Training. Consultants recommended additional training, particularly for police field officers, investigators, and hospital VCS who would assume direct responsibility to and for victims. Training would emphasize the recommendation of an appropriate interpersonal response to emotional

UNIT ONE, SECTION B: RESEARCH RESULTSWHAT

difficulties typically brought on to victims by the assault.

The study's recommendations were well received by criminal justice and health agency administrators. The Santa Clara County District Attorney's office has established a special unit to handle rape cases and the Stanford Hospital Emergency Room has changed some of its procedures in handling victims. The Palo Alto Police Department's rape investigation process has been altered and reflects the project's recommendations.

UNIT ONE, SECTION B: RESEARCH RESULTS

HOW

The material should be presented in a ten-minute lecture with a ten minute follow-up discussion of the findings. Results from similar studies that agree or disagree with these findings could also be presented and discussed. (See reference material in Resource Guide).

It is important for the trainer to be familiar with the research findings in order to respond to specific questions from the trainees on the methodology, statistical results, etc. Volumes I and II of the study are in the Resource Guide.* Volume III (sample questionnaires) can be obtained from the Palo Alto Police Department.

Content

A sample lecture is presented.

The key points to get across are:

- There is no "typical" victim.
- The importance of family and friends in whether or not a rape is reported.
- The need to provide options and services that will enable the victim to regain control over her environment.
- Two-thirds of the victims felt positively treated by criminal justice and health agency personnel, but up to one-third of the victims reported strongly negative reactions.
- The two major areas of concern with institutions are: lack of coordination among agencies, and that efficient routines and procedures of agencies produce tensions in an individual's ability to provide sensitive treatment to rape victims.
- Importance of training all personnel who come in contact with rape victims.

*Study results can also be obtained from the Research and Training Division, Palo Alto Police Department, Palo Alto, California.

UNIT ONE, SECTION B: RESEARCH RESULTS

HOW

Encourage trainees to ask questions about the research findings. Additional examples can be given from the research to make the above points in several different ways.

Advance Preparation

Familiarity with research results; select additional examples to make the key points.

Handouts

None are suggested.

Readings

The trainees can be referred to the study. ("Sexual Assault: Improving the Institutional Response"), if they are interested in following up and reading the entire research document.

Behavioral Objectives

The trainees should be able to list and discuss the key points of the research results. These should minimally include:

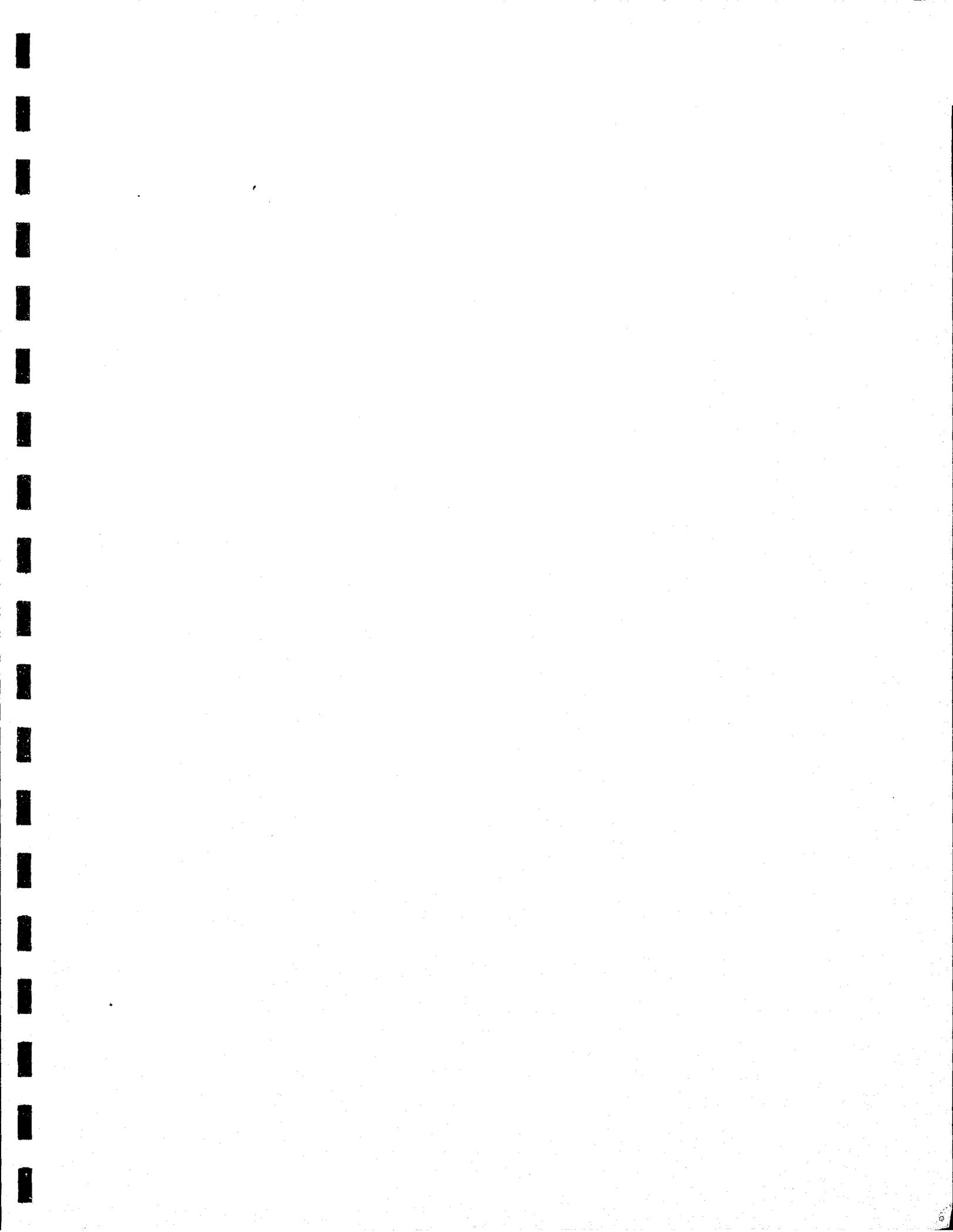
- There is no "typical" victim.
- The importance of family and friends in whether or not a rape is reported.
- The need to provide options and services that will enable the rape victim to regain control over her environment.
- Two-thirds of the victims felt positively treated by criminal justice and health agency personnel but up to one-third of the victims reported strongly negative reactions.
- The two major areas of concern with institutions are: lack of coordination among agencies, and that efficient routines and procedures of agencies produce tensions in an individual's ability to provide sensitive treatment to rape victims.
- Importance of training all personnel who come in contact with rape victims. Rape is a unique crime.

UNIT ONE

THE CRIMINAL JUSTICE AND LEGAL SYSTEM

SECTION C

THE LEGAL SYSTEM

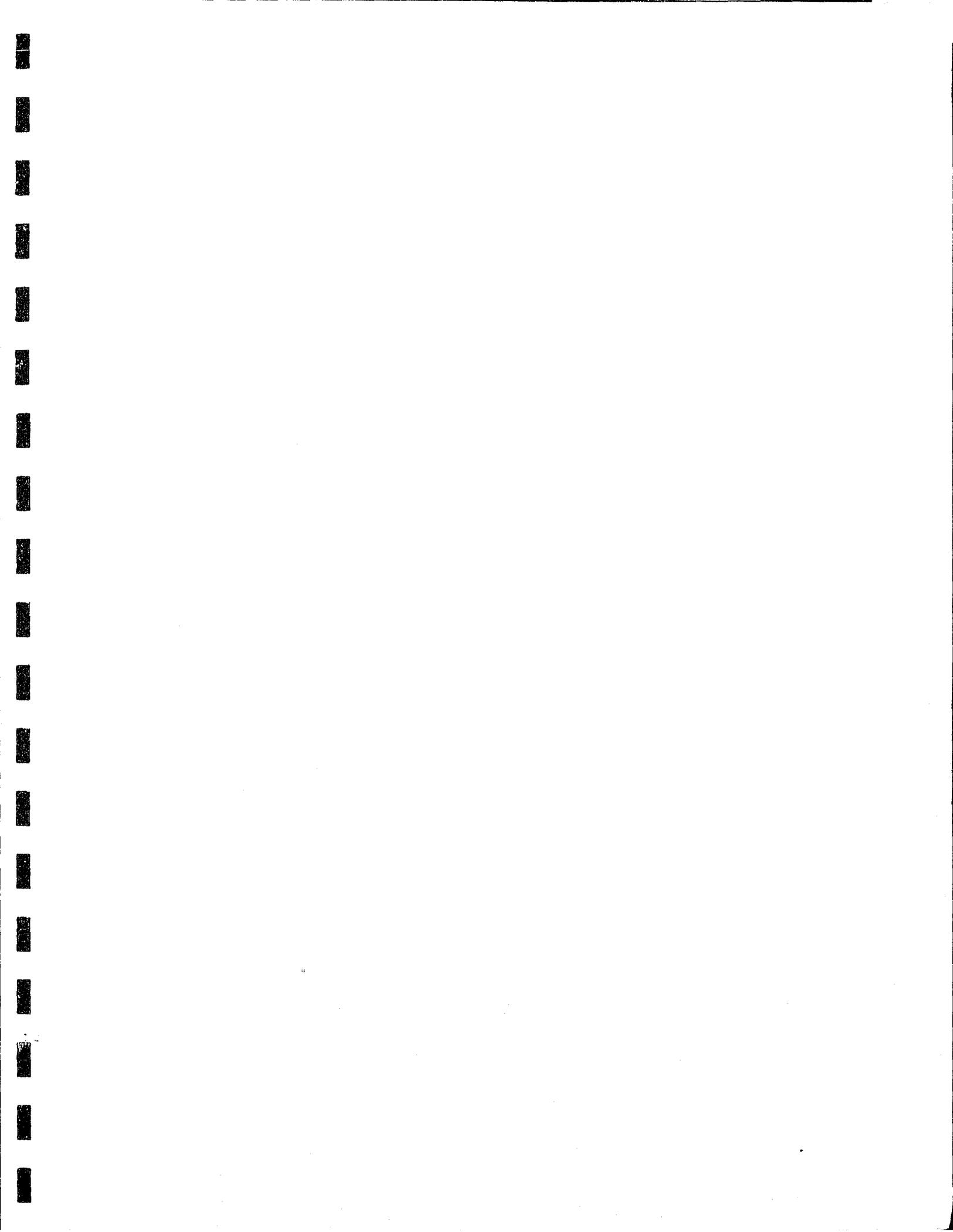


UNIT ONE, SECTION C: THE LEGAL SYSTEMWHY

The following section deals with the legal perspective on the crime of rape. The major focus of the unit is the rape trial, itself. This trial is introduced by a section on the history of the crime of rape and why women do not report the crime, and a discussion of rape statutes, including their common characteristics and deficiencies. This section is designed to demonstrate that the crime of rape has always been a unique social and law enforcement problem and the rape victim has been treated and viewed differently from victims of other assaultive crimes. This differential treatment exists throughout social institutions, from the courts to hospitals and family.

The central segment takes the trainee through all the stages of the trial, focusing on investigation issues and basic legal principles which could impact on the success of the investigation. All the stages of proceedings are tailored to raise issues relating to the special nature of the crime of rape (e.g., the Ballard motion). These are discussed in detail, with legal citations for reference, where appropriate.

Additionally, this entire unit is designed to give trainees an insider's view of how the criminal justice system works in terms which are operational and, above all, understandable. The notion of interdependency of persons and functions in the system is a vital one. Successful prosecution depends on good investigation, and good investigation is guided by the requisites for a prosecutable case. This legal unit will teach what it takes legally to prosecute the crime of rape successfully.



UNIT ONE, SECTION C: THE LEGAL SYSTEMWHATLECTURE OUTLINE

I. Introduction

A. Recent public attention on the problems of rape

(1) The number of reported rapes has tripled in the last 12 years.

(a) Rate increase

(b) Arrests

(c) Prosecutions

(d) Convictions

(2) In California 10,000 reported rapes are estimated for 1975.

B. Criminal Justice System has become the focus of criticism.

(1) Criminal laws are often seen as part of the problem.

(2) Conflicting values regarding the crime have historical origins.

(3) Women as property.

(4) Punishment of women as well as the alleged assailant.

C. Modern women do not report rape for many of the same reasons.

(1) Rape is an act against the woman, her person and her privacy.

(2) It brings on feelings of diminished self worth and guilt. Also fear of shame or ridicule, fear of retaliation, disapproval of prisons, and "what's the use?".

II. Modern Statutory Law

Modern law shows historical origins; it has not overcome the fears or values of the past.

A. The vast majority of states' statutes have three elements in common.

UNIT ONE, SECTION C: THE LEGAL SYSTEMWHAT

B. The California Statute

"Rape is an act of sexual intercourse, accomplished with a female, not the wife of the perpetrator, under either of the following circumstances: (1) where she is incapable, through lunacy or other unsoundness of mind, whether temporary or permanent, of giving legal consent; (2) where she resists but her resistance is overcome by force or violence; (3) where she is prevented from resisting by threats of great and immediate bodily harm, accompanied by apparent power of execution or by any intoxicating narcotic, or anesthetic substance, administered by or with the privity of the accused; (4) where she is at the time unconscious of the nature of the act, and this is known to the accused; (5) where she submits under the belief that the person committing the act is her husband, and this belief is induced by any artifice, pretense, or concealment practiced by the accused with the intent to induce such belief." (Penal Code Section 261)

"Unlawful sexual intercourse is an act of sexual intercourse accomplished with a female, not the wife of the perpetrator, where the female is under the age of 18 years." (Penal Code Section 261.5)

C. New York Statute

"A male is guilty of rape in the first degree when he

UNIT ONE, SECTION C: THE LEGAL SYSTEMWHAT

engages in sexual intercourse with a female to whom he is not married by forcible compulsion." (Section 130.25).

III. Prosecution

Successful prosecution depends on your knowing precisely what is needed to make a case:

(1) It begins with the officer on the beat discovering admissible evidence and discovering facts which will lead to admissible evidence and to discovering facts which may assist the prosecutor in developing a theory of the case which can lead you to discovering additional critical evidence, helping you to filter facts, focusing your investigation on what, where, when and who.

(2) The prosecutor decides whether or not to file the complaint, and for what charge or criminal offense.

(3) Good investigation involves making admissible evidence. To so requires knowing the law on taking statements, preserving evidence, the provisions of the 4th Amendment and how they apply to physical evidence and statements.

(4) Arraignment includes the following issues:

a. Bail

b. Complaint. Often includes other offenses: oral copulation (PC 288); sodomy (PC 286); sometimes kidnapping (PC 207) or kidnapping with the intent to commit robbery (PC 209).

(5) The progress of the case is determined by statutory time restrictions, which may be - and often are - waived.

UNIT ONE, SECTION C: THE LEGAL SYSTEM

WHAT

(6) Plea Bargaining

The police have an important role in plea bargaining:

- a. The actual (present) police role and the possible or potential role.
- b. Content and form of the negotiation or bargaining.
- c. Bargaining is for sentence. There are specialized sentences which are often considered in this type of case (e.g., sentence to Atascadero under the provisions of the Welfare and Institutions Code, (Mentally Disordered Sex Offender.)

(7) Preliminary Examination

The prosecutor has the burden of convincing the magistrate that a crime was committed and that there is a substantial likelihood that the defendant committed the crime.

The defense does not present evidence, typically; but uses the Preliminary Examination to obtain as much information about the case as possible and to test the conviction of the victim about prosecuting.

IV. The Trial

- A. Arraignment in Superior Court
- B. Discovery. This is exclusively a defense motion. The rights of the defendant to discovery are rapidly expanding.

(Rutherford v. Superior Court 9 C 3d (1975))

- C. Unique pre-trial motions

Ballard Motion, 64 C2d 159 (1966)

UNIT ONE, SECTION C: THE LEGAL SYSTEMWHAT

In camera hearing on the affirmative defense of consent.

(Evidence Code § 1103 and 782)

D. Jury Selection

Each side attempts to teach the jury what the case is really about.

E. The Prosecution Case

The prosecutor must prove each element of the offense beyond a reasonable doubt and to a moral certainty.

Elements of the offense of forcible rape.

Intent is often the most difficult element of the crime to prove. It can be proven in many different ways, largely through circumstantial evidence. Knowing the law of similars is essential to proving this critical element.

F. The Defense Case

Typical defenses:

- (1) The "Who done it?" defense
- (2) The "It didn't happen at all" defense
- (3) It occurred, "but it was all consensual" defense

Corroboration is a critical defense argument.

G. Instructions

Trends in legislation. Contact your state legislator.

The Defense Attorneys have recently financed a legislative

lobby. The District Attorneys have always had a lobby.

Recently, women's groups have been particularly successful in getting law changed in the area of sexual assault.

UNIT ONE, SECTION C: THE LEGAL SYSTEMWHATSAMPLE LECTURE (40 MINUTES)

RAPE has recently been adopted by the media. We have been barraged with statistics, books, articles and horrendous fictionalized TV stories. Although many of us may think that the issue of combating rape has been brought to the foreground by the women's movement, it is an issue that quickly gained widespread support. WHY? Because rape is much more than a woman's issue. It is a legal question, a serious problem for law enforcement, and has fundamental social and psychological consequences for the entire society.

For example, in California, the number of reported rapes tripled in the last twelve years. This may reflect increased willingness to report despite the risks, but it must also reflect an increase in the rate of rape. (FBI) The Bureau of Criminal Statistics (BCS) indicated that there were 8,480 (40.5/100,000) cases of reported rapes in California in 1974. For the over 8,000 reported cases, 3,487 arrests were made. Of this group 2,702 were adults and 785 were juveniles. Of the adult arrests, complaints were filed in 2,000 cases. Of these, 615 were misdemeanors and 1,385 were felonies. Of the felony complaints, 450 were terminated in the Municipal Court. Of the remainder, 192 were acquitted or dismissed; 743 were convicted of some felony, not necessarily rape; and 271 were convicted of forcible rape. (BCS computes the average conviction rate¹ for felonies as 80%). BCS also indicates that the acquittal rate for rape, including statutory, is higher than that for any other felony (1967-1974). Finally, BCS notes that "about 10,000 forcible rapes are estimated to be reported in 1975."

UNIT ONE, SECTION C: THE LEGAL SYSTEMWHAT

The criminal justice system has been severely criticized for its response or lack of response to this problem. Our modern rape laws are seen by many as part of the problem. They express both our deep revulsion at this crime and our equally deep distrust of those women who accuse another human being of having committed it. We abhor this crime so intensely that we find it difficult to believe that the particular individual who stands before us, accused of rape, could possibly be guilty of having committed it.

The contemporary criminal justice system is not unique in showing conflicting values. These laws have deep historical origins which can be traced to the earliest societies. Women, according to anthropologists and historians, were considered the first property "owned" in the legal sense. Under the notion of women as property, the "right of sexual access" belonged first to the father, then to the husband. The purpose of the trial, where an accusation of rape had been made, was to determine who "stole" the right of sexual access - the woman or the man involved. If the woman had stolen the "right of access" from her father or husband by previous intercourse, then the accused could not be prosecuted for stealing what had already been stolen. The notion of resistance - raising a hue and cry - was central. In the Old Testament (Deuteronomy 22: 22-29; Exodus 22: 15-16) if the crime occurred in town, the law presumed that the woman could have screamed. If she were a betrothed girl or married woman and did not scream, not only the perpetrator had to die but she did also. An unbetrothed girl did not have as much property value and the perpetrator was merely required to marry her without possibility of divorce. If the

UNIT ONE, SECTION C: THE LEGAL SYSTEMWHAT

father refused to consent, the accused had to pay her dower equivalent or be put to death.

While having serious social consequences for the tribe or tribes involved, the woman ultimately bore the burden of the assault by loss of face, family or life.

Some of the reasons why modern women do not report the crime even today relate to the historical origins of the crime of rape, and directly to issues which are raised in modern trials. Essentially, rape is an act against her person and her sense of privacy. It brings on feelings of diminished self worth and guilt. (Hasn't she always been told that "Nice girls don't get raped?"; "It's always the girl's fault?" And if she reports the incident she fears the immediate question may be "What were you wearing or doing that provoked him?" Or "Why weren't you at home where you belong so it would not have happened?" She may hesitate to tell because of the fear of ridicule or publicity; or bringing shame to her parents, husband, or children; or of retaliation by the offender or his friends. Or she may live in an area or have a life style that renders her story suspect; she may believe that prisons are wrong for anybody and may not want to cause someone to be sentenced or imprisoned; or she may just feel that there are so few convictions, what's the use?

Modern statutory law hasn't entirely overcome these fears or values. In fact, the crime of rape, as proscribed in modern statutes, has much in common with early laws. Let's look at modern statutes. The vast majority of rape statutes have three elements in common:

UNIT ONE, SECTION C: THE LEGAL SYSTEMWHAT

- (1) The resistance standard is the key. If the woman consented to have intercourse she has not been raped. If she did not consent and was involved in intercourse anyway, she has been raped. That sounds like a fairly simple standard, and it would be except for the second common element of rape statutes.
- (2) These statutes, require interpretation and application to individual fact situations. Essential terms such as "utmost resistance", "earnest resistance", "physical violence", and "against the will" are not self-defining. The appellate courts, as they review jury findings and judges' definitions of these words, often give unintelligible, confusing and contradictory interpretations.
- (3) Finally, the vast majority of states recognize only one degree of this crime. Unlike crimes of violence, rape is not broken down into different degrees depending on the severity of the force employed.

Let's look at the California version: Penal Code 261, et. seq. and Penal Code 261.5 Statutory Rape. A defense to the charge of statutory rape is that the defendant had reasonable cause to believe that the woman was above the age of consent. (People v. Hernandez, 61 CA 2d 529).

A feeble attempt to answer some of these issues is found in the New York Code, revised in 1967. In New York, "A male is guilty of rape in the first degree when he engages in sexual intercourse with a female to

UNIT ONE, SECTION C: THE LEGAL SYSTEM

WHAT

whom he is not married by forcible compulsion." (Section 130.25 (1)). The statute defines "forcible compulsion" as "physical force" that overcomes earnest resistance, or a threat, express or implied, that places a person in fear of immediate death or serious physical injury to herself or another person, or in fear that she or another person will immediately be kidnapped. (Section 130.00 (8)). Serious physical injury is also defined in the New York Penal Law. It means, "physical injury which creates a substantial risk of death or which causes death or serious and protracted impairment of health or protracted loss or impairment of the function of any bodily organ." (Section 10.00 (10)). The New York statute makes it clear that it is an element of this crime "that the sexual act was committed without consent of the victim and that, this "lack of consent results from the use of forcible compulsion."

Trial and Prosecution

How does this law operate in the real world? What about the prosecution of a rape case? All of you know about the criminal process but it is important in view of the special nature of the crime of rape to take a new look at prosecution.

Successful prosecutions depend on your knowing precisely what is needed to make a case. (See Resource Guide for case law on specific issues).

The prosecution begins with you, the officer on the beat, and the detectives who investigate the complaints (also preparing the complaint for the prosecution in many of your jurisdictions). It may also end with you and your ability to provide the prosecutor with evidence that will

UNIT ONE, SECTION C: THE LEGAL SYSTEMWHAT

enable him/her to present a case to the jury that will convince them beyond a reasonable doubt and to a moral certainty that the person whom you have brought to court is guilty of the crime.

This means:

- (1) Discovering and obtaining evidence which will be admissible in court; or
- (2) Discovering facts which will lead to admissible evidence; and
- (3) Discovering facts which may assist the prosecutor in developing a theory of the case which can lead you to discovering additional critical evidence, helping you to filter facts, focusing your investigation on what, where, when and who.

After you take your case to the prosecutor, and he decides whether or not to file a complaint, and the magistrate issues the arrest warrant. It is your responsibility to arrest and, sometimes, to locate the suspect. Depending on the policy in your particular jurisdiction, you may also be prepared to attempt to take a statement from the suspect. The Miranda decision and the Fioretto case in California, and relevant search and seizure law will determine whether whatever information you obtain from the suspect can be used in the prosecution's case (as substantive evidence or for its truth), will be suppressed or usable only for impeachment or, possibly, as a point of departure for further investigation.

After arrest, the suspect must be brought before a magistrate within 48 hours for arraignment. At the arraignment the suspect is informed of the charges against him, and with his counsel he enters a plea of not guilty. If he is in custody, counsel makes the appropriate bail motions

UNIT ONE, SECTION C: THE LEGAL SYSTEMWHAT

or presents information to the court to support the motion for his or her client's release on his own recognizance (OR). If the court refuses to release the suspect on his OR, or if the suspect is unable to make bail, he will be given a Preliminary Hearing (PX) date within 10 court days. This assumes that the prosecutor has decided to charge the suspect with a felony. In addition to rape, other counts in the complaint may allege unlawful sexual intercourse (261.5, also referred to as statutory rape); oral copulation (288); sodomy (286); and assorted related felonies such as kidnapping or robbery. After the original 10 days, if the prosecutor shows good cause, s/he may obtain three 2-day continuances. If s/he is not prepared after 16 court days, the court must grant the defendant's motion to dismiss for lack of speedy prosecution. However, the prosecutor may recharge, and as is common practice, will have the papers filed before the accused has left the courthouse. Jeopardy does not attach, except under unusual circumstances.

If the defendant is out of custody, he will typically waive time. That means the PX will probably be calendared for one to three months later. Delay is used here by both sides to get you to investigate the case further to see if it falls apart enough for a dismissal; to see if the defense case develops and holds up under your investigation; or if the prosecution case has enough holes in it to encourage plea bargaining. Only a small percentage of the felonies charged actually go to trial; the majority are disposed of through plea bargaining, either at this level or in Superior Court.

There are very few statutory rules in plea bargaining. All the facts you have discovered about the victim, the defendant, the defendant's

UNIT ONE, SECTION C: THE LEGAL SYSTEMWHAT

reputation, his witnesses, motives, unexplained factors, are brought into play by the prosecutor. The defense, through its investigators, plays the same game. Essentially, any plea can be taken by the court which is reasonably related to the charge and the facts of the case, which does not "so arouse the judicial sense of justice as to be an abuse of discretion", and to which the court, the prosecutor, and the defendant, through his counsel, agree. Except in the unusual situation where a misdemeanor disposition is possible, typically: PC 272 (contributing to the delinquency of a minor); PC 236 (false imprisonment); or PC 242 (battery) the bargaining focuses on sentencing. Bargaining is for a sentence, either probation with a condition of a term in county jail (typically a "bullet"), probation with a suspended state prison sentence, state prison, combined with a statutory provision for psychiatric evaluation or review, California Youth Authority (CYA) for persons under 21, or for a suspension of criminal proceedings and an institution of civil proceedings under the MDSO (Mentally Disordered Sex Offender) provisions of the Welfare and Institutions Code.

At the Preliminary Examination (PX) the prosecutor has the burden of convincing the magistrate that there is a "reasonable suspicion that a crime was committed (assuming, here, forcible rape) and that there is a reasonable suspicion that the suspect is the person who committed that crime." Typically, only the victim will testify, if she can identify the accused. If she cannot, you, another officer, and possibly a technician will testify. The defense will generally not present any evidence, but will focus on the testimony of the victim. Ostensibly, she has been prepared for this by you and the prosecutor. The defense counsel will attempt to undermine her

UNIT ONE, SECTION C: THE LEGAL SYSTEMWHAT

conviction to prosecute, her self confidence, and to discover as much as possible about her, the incident, and the weaknesses in her story.

Medical testimony is generally not introduced. However, some of the most important defense discoveries will result from the medical examination.

Rarely is the accused not held to answer. Depending on the court rules in the particular jurisdiction, the defendant will be arraigned in the Superior Court of the county two to three weeks later. The arraignment is substantially the same as at the Municipal Court level. Additionally, dates for discovery motions (the California Supreme Court case of Rutherford v. Superior Court, provides for extensive defense discovery of statements, physical evidence, reports, etc. Also, a new California statute which goes into effect in January, 1976, will make discovery of the reports of all on-scene and investigating officers discoverable by defense counsel. Other pre-trial hearings will be given dates as well as a trial date. The defendant has the statutory right to be brought to trial within 60 days of the filing of the information. The right may be waived and often is, to allow defense counsel necessary time to prepare the case.

Pre-trial motions are the usual ones regarding the Constitutionality of statements or confessions taken, seizure of any evidence, suggestibility of any lineup or show-up, etc. Unique to rape cases is the California rule which allows the court to order a rape victim to undergo a psychiatric examination "when there is little corroborative evidence of the crime and when the defendant raises the issue of her mental condition." Ballard v.

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Superior Court, 64 C.2d 159 (1966). Obviously, the defense would have to make a substantial showing to obtain such an order.

After the motions, the case will be sent out to a trial court, and a jury selected. By the time the jury is sworn in, if each attorney has prepared and is doing his or her job, each juror has a general idea of what the case is about, and the theory each side will use to try to win their votes. Although the law puts the entire and absolute burden of proof on the prosecution, it is the reality of criminal trials that the jurors look to the defense for an alternative explanation(s) of the facts.

The prosecution case is largely your case, and depending on how comprehensive you do your early work with the victim and your follow-up investigation, the defense case may depend on you and your colleagues as well. The prosecution has the burden of proving each element of the offense beyond a reasonable doubt. The elements of the offense may be a useful way to organize your investigation or thinking about the case.

Basically the elements to be proved are:

- (1) That the woman is not the wife of the accused;
- (2) That the accused had the intent to forcibly have intercourse with the victim (that there was no consent);
- (3) That she was overcome by force or violence and/or threats of great and immediate bodily harm combined with apparent power of execution;
- (4) That there was intercourse (penetration must be shown); finally
- (5) That the defendant is the one responsible for the act(s).

UNIT ONE, SECTION C: THE LEGAL SYSTEM

WHAT

Intent is generally the most critical and most difficult element to prove. Unless the defendant testifies as to his intent - that he had in mind - intent can be proved only by circumstantial evidence. The victim or other witnesses may testify, subject to objection, as to what he said or did, or their related observations. But another, and primary way of establishing intent, is through the law of similars. The Evidence Code provides that the prosecution may introduce alleged similar prior acts of the defendant which meet legal criteria even where the defendant was arrested and never charged. A substantial foundation must be laid by the prosecutor, and this basically depends on the quality of your investigation. For example, a detail of a description by a witness, a unique trait, a portion of a statement, a location, a weapon, may be clues to prior acts which may be critical to establishing intent before a jury.

The Defense Case

The defense case follows one of three general lines:

- (1) The "Who done it?" defense;
- (2) The "It didn't happen at all" defense; or
- (3) It occurred, but it was consensual, defense.

The mistaken identification defense varies little from that defense used in any other trial. The total fabrication defense may focus on motive, present an alibi, etc.; but it also shares certain elements with the defense of consent. Prior to recent court decisions and statutory revisions, the victim's prior sexual history was the central (and sometimes

UNIT ONE, SECTION C: THE LEGAL SYSTEMWHAT

exclusive) focus of the defense case. Almost any prior sexual contact could be and was brought before the jury, dependent upon the diligence of the court and the compassion of defense counsel. The Evidence Code now provides for an in camera showing of relevancy, then strictly limits the scope of cross-examination.

The presence or absence of corroborative evidence (independent evidence that will show that the intercourse was consensual) is critical to the defense case. Although legally California does not require corroboration of the victim's story, the defense counsel will try to use medical evidence to show a lack of force. Defense counsel will inquire, for example, into the time of the examination; the place and names of the attendants; behavior immediately after the assault; presence of sperm; typing of sperm samples; the presence or lack of trauma to the entire body, particularly the face, breasts, genital area, hands and fingernails. Successfully attacking the chain of evidence will substantiate the defense case.

Corroborative evidence of the use or absence of requisite force may come from the testimony of the victim herself or from witnesses who saw or heard any part of the incident or its aftermath. Defense counsel will carefully examine these witnesses for any indication that the victim did not protest, or did not protest enough (i.e., consistent with the behavior of a woman who was unwilling to engage in sexual activity. Based on the testimony and inferences, which defense counsel is able to gather through cross-examination, counsel will argue the complex legal standard of forcible rape to the jury.

UNIT ONE, SECTION C: THE LEGAL SYSTEMWHAT

The courts themselves have groped unsuccessfully for a way to decide whether a woman consented. They have decided on both a subjective and an objective standard, relying heavily on outward manifestations as an index of the woman's state of mind. The rule seems to be: when the woman has determined that her opposition has been carried to the limits of safety and any additional resistance would result in peril to her life or safety, she may cease to resist. Then it is up to the courts and the jury to determine if her assessment was reasonable. (People v. Harris, 108 CA 2d 84 (1946) for example).

After closing arguments are made by both sides, the court will instruct (or give the applicable law) to the jury. The Cautionary Instruction (CALJIC 10.22) - which has been one of the central and unique facets of rape trials - has recently been held to be no longer relevant to society by the California Supreme Court. It may no longer be given in a rape case. The Instruction reads:

"A charge such as that made against the defendant in this case is one which is easily made, and once made, difficult to defend against, even if the person is innocent. Therefore, the law requires that you examine the testimony of the female person named in the instruction with caution."

There is a strong movement in the State Legislature to revise all rules of procedure or evidence which in any way differentiate criminal proceedings according to the nature of the crime, or unique historical origins.

UNIT ONE, SECTION C: THE LEGAL SYSTEMWHATCONCLUSION:

The greatest problem for lawmakers and those of us in the criminal justice system is how to redress the balance to protect the victim's privacy and reputation; and society, while not infringing on the accused's right to a fair trial, based on the presumption of innocence, which is the cornerstone of the American system of justice.

UNIT ONE, SECTION C: THE LEGAL SYSTEMWHATHYPOTHETICALS (40 MINUTES)HYPOTHETICAL 1

The record discloses that the prosecutrix, the 15-year-old step-daughter of the defendant, was awakened on or about 2:30 in the morning by the defendant, who was then in bed with her; that although she knew a younger sister and brother were in the house at that time, but was not sure if her mother was then there, she made no outcry; that she tried to get away from the defendant and out of the room, but there was little she could do because of his actions in physically holding her on the bed; and that she was crying throughout the commission of the act. The act occurred about August 1, 1957, but she told no one until some time in September when she told a friend, Mrs. Erma Fenton. (People v. Newlan 173 CA 2d 579 (1959)).

UNIT ONE, SECTION C: THE LEGAL SYSTEMWHATHYPOTHETICAL 2

The record shows that Carmen Brown is a divorcee and the mother of two small children. She testified that on February 20, 1947, in the late afternoon, she visited the United States Employment Office at 13th and Mission Streets, San Francisco, in search of employment; that the appellant accosted her as she was leaving and asked her if she wanted a job; that he told her that he could get her a job as a "soda fountain girl" at \$12 per day; that there was a gambling place in the rear of the fountain premises, but he assured her that no one engaged in the gambling enterprise would bother her; that there was another girl working at the fountain by the name of Marie who would tell her what to do; that the boss's name was Tony; that she informed appellant that she would consider the job "as long as I won't have nothing to do with men"; that appellant invited her to come over to the hotel to meet "the boss and this girl"; that they then drove in appellant's automobile to 14th and Valencia Streets where appellant parked near a hotel; that they entered the hotel where appellant got a key at the desk and proceeded to the fourth floor; that appellant opened the door to a room; that she said "I didn't want to go in and he pushed me through" the open door; that she then asked appellant why Tony and Marie were not there as he had promised; that appellant denied that he had made any such representation and told her "to sit down and relax"; that he then talked to her about the job and she told him "I didn't want the job, I wanted to go home"; that appellant then said "you should have thought of that

UNIT ONE, SECTION C: THE LEGAL SYSTEMWHATHYPOTHETICAL 2 (Continued)

before, because you are not going to get out of here until you undress and go to bed"; that she told appellant she had to go home at once because her sister was sick and she had to look after her children; that appellant told her she was not getting out, and that if she tried to get out "I will call the clerk downstairs and the clerk will call the police and pick you up; they are good friends of mine; I will tell them you are a prostitute and they will take your children away"; that "I got scared; I hesitated for a while; and I didn't know what to do."

(People v. Cassandras 83 CA 2d 272 (1948)).

UNIT ONE, SECTION C: THE LEGAL SYSTEMWHATHYPOTHETICAL 3

Around 2 a.m. on July 28, 1965, Mrs. Robinson was in a telephone booth at 59th and Normandie using the telephone when she heard someone behind her. She turned around and saw defendant and another boy with a knife in his hand coming toward the booth. Becoming frightened, she dropped the phone and tried to close the door; but the defendant and the other boy, whose face was heavily scarred or pock-marked, pushed open the door; they grabbed her and told her she had better not scream or fight because they would kill her. She struggled but fell, and they dragged her across the parking lot by her hair and arms to the back of a market where she was forced into the back seat of a parked vehicle, a 1954 Mercury, in which a third man sat at the wheel. The car was driven to 64th Street where they ordered her to remove her slacks and in turn each of the three held the knife against her side and forced her to have sexual intercourse. Then they forced her to dress and drove her to 70th and Haas where she was pushed out of the car. She went to a nearby house, where the occupant called the police. The officers retrieved her purse from the phone booth and her sweater from behind the market, then took her to a hospital where a doctor examined her and took smears. Tests indicated the presence of male sperm. At the trial Mrs. Robinson said defendant was wearing a dark striped shirt and the boy with the knife, an olive green sweater; at the juvenile hearing she had said that defendant was wearing the olive green sweater and the boy with him, a black striped shirt, and that the latter had no

UNIT ONE, SECTION C: THE LEGAL SYSTEMWHATHYPOTHETICAL 3 (Continued)

identification marks. While in the car, she heard one of the boys say he had to get back to work in Pasadena. (People v. Livingston 252 CA 2d 630 (1967)).

UNIT ONE, SECTION C: THE LEGAL SYSTEMWHATHYPOTHETICAL 4

On September 10 at approximately 8 a.m. Central Police Station received a call from someone claiming to be a friend of Kathy Corral telling them that Kathy had been raped and giving them an address where she could be found. When the police arrived, Kathy told them the following: at approximately midnight the preceding evening, as she was entering the lobby of the building in which she lives, she was engaged in conversation by a stranger. He seemed pleasant. Other persons entered the lobby; he seemed to know one of them. When she got into the elevator, he followed, still talking to her. As they were about to reach her floor, he put his hand into his jacket pocket and said "I have a knife; take me to your apartment. I don't want to hurt you, but I will if you don't do what I say." She walked from the elevator, past other apartments, until she reached hers. He poked her in the back with what felt like a knife, then held onto her arm as she opened the door to her apartment. Once inside, he told her that he would not cut her and would put the knife in his pocket if she would "make love to him, like I want." She started to cry but he threatened to "cut you like the other woman who tried to be funny." After they had intercourse, he had a cigarette, then left, telling her not to call the police or he "would be back".

Kathy showered, and called her best friend, who convinced her that the police must be called. A medical examination at 11 a.m. showed no sperm or trauma to the genital area. She did have small bruises on her arms. Kathy gave a description of the man as 25, white, with brown hair, 6 feet tall, weighing 180 pounds, with no distinguishing marks. Kathy

UNIT ONE, SECTION C: THE LEGAL SYSTEMWHATHYPOTHETICAL 4 (Continued)

is 30, 5'2" tall and weighs 110 pounds.

Four years prior, Alex Mason (one man who was under investigation for the rape) had been convicted of a battery on a woman involving a knife. Two years before that, he had been arrested but not convicted of a similar incident involving a woman and a knife.

UNIT ONE, SECTION C: THE LEGAL SYSTEMWHATHYPOTHETICAL 5

Debbie told the reporting officers that she had met him in the bowling alley where she worked each evening after school. The man (Jim Johnson) who she said raped her, had come into the restaurant of the bowling alley many times, although she had never been formally introduced. They had talked about a variety of things including his job, his family, her plans for the future and football.

On the evening of the assault, there was a party at the home of the owner of the bowling alley (Debbie's employer). Debbie finished closing up after the gang had left. Jim offered to give her a ride. When they arrived at the party, he started drinking. She reluctantly had some mixed drink, but she couldn't identify it. A little after 2 a.m. she asked Jim to take her home. He agreed. They stopped at the bowling alley to pick up her pocketbook, which she had forgotten in the excitement earlier. Debbie told the officers that when they reached the bowling alley, he began to talk to her about the problems which he was having with his family, and asked her about her boyfriends and her plans for marriage and a family. He told her that he had to stop off at a friend's apartment before he took her home to get some clothes for work for the following day. When they entered the apartment, Jim began to make advances. When she refused to "play along" he pushed her onto the bed. They began wrestling. The next thing Debbie recalls is waking up at the bowling alley. She thinks that she must have lost consciousness. She immediately telephoned her boyfriend, who took her home.

UNIT ONE, SECTION C: THE LEGAL SYSTEMWHATHYPOTHETICAL 5 (Continued)

He was mad at her for going to the party without him so she "told him what he wanted to hear but not what really happened". When she got home, and after her boyfriend left, she broke down and told her mother all that she could recall of the previous evening. At first she refused to identify the man but finally told her mother who he was and where he worked. After she had taken Debbie to the family doctor, Debbie's mother called the police. The doctor determined that there was a slight trauma to the genital area and that there were signs of intercourse within the preceding 24 hours.

Police investigation determined that Jim Johnson had been seeing a psychiatrist. The prosecutor discovered from the defendant's wife that part of the therapy involved impotency.

UNIT ONE, SECTION C: THE LEGAL SYSTEMHOW

This is the third section of Unit One. It is a one hour and 20 minute section which contains a lecture and hypotheticals.

1. Lecture

Content

An outline and sample lecture are provided.

The key points to get across are:

- The laws and values surrounding the crime of rape have not changed greatly since early societies.
- The resistance standard is the essential element of all rape statutes.
- Rape has the lowest number of successful prosecutions of serious felonies.
- Special legal rules apply to the rape trial.
- The elements of the offense of rape.
- Emerging law attempts to change the treatment of victims by the courts.

Resources

1. A panel composed of a District Attorney and defense attorney may be used to expose the trainees to the personalities and adversary roles operating in the criminal justice system.
2. The District Attorney may be invited as a single speaker or a defense attorney may be invited as a single speaker each to present his/her own perspective on the prosecution defense of a rape case.
3. A defense investigator could be used to exemplify the many ways legal issues combine with investigative tactics in the defense case. This alternative view could be used to engender discussion on new investigation tools and techniques and how to improve the interface between police investigation and the development of the prosecution case.

Handouts

None necessary.

UNIT ONE, SECTION C: THE LEGAL SYSTEMHOWReadings

It is suggested that the statutes and legal articles found in the Resource Guide be assigned for reading by the trainees prior to presentation of the unit.

2. Hypotheticals

Content

Five hypotheticals are presented.

Purpose

The hypotheticals should be used primarily as a means of bringing the legal issues home to the trainees. The purpose of the hypotheticals is to reinforce the elements of the crime and the unique secondary issues raised for investigators by the crime of rape.

By placing the legal rules in everyday contexts, the trainees will become more knowledgeable of the application of basic principles and comfortable with the specialized approach to investigation necessary in sexual assault cases.

Methodology

In reviewing the hypotheticals, thorough discussion of each is essential.

Questions to structure the discussion on the hypotheticals:

- (1) What are the fundamental legal issues raised in each hypothetical?
- (2) What is the Prosecution Case?
- (3) What is the Defense Case?
- (4) What are the investigation issues?
- (5) What did the court (or the jury) decide on the issues (or guilt or innocence)?

UNIT ONE, SECTION C: THE LEGAL SYSTEMHOW

Certain facts may cause debate. Debate is useful to learning the importance of details and nuances to the resolution of the primary issues. Where a particular hypothetical does not raise serious, profitable discussion, the trainer should insert additional facts, asking the question: Does this fact make any difference in the resolution of the case, or the issue? For example, facts such as the following may be inserted to stimulate discussion: the age of the persons involved; cultural background; prior contact between the victim and the accused; physical evidence; delay in reporting; aiding and abetting.

3. Issues

Issues to be raised by discussion of the hypotheticals:

HYPOTHETICAL 1

- (1) Fabrication
- (2) Consent
- (3) Penetration
- (4) Competency
- (5) Delay in reporting
- (6) Intent
- (7) Corroboration
- (8) Statutory rape (PC 261.5)
- (9) Resistance
- (10) Sufficiency
- (11) Evidence of use of force

UNIT ONE, SECTION C: THE LEGAL SYSTEMHOWHYPOTHETICAL 2

- (1) Penetration
- (2) Force
- (3) Evidence of resistance
- (4) Psychological coercion
- (5) Consent
- (6) Intent of accused
- (7) Physical evidence
- (8) Corroboration

HYPOTHETICAL 3

- (1) Corroboration
- (2) Evidence of physical abuse on victim
- (3) Other physical evidence
- (4) Prior testimony
- (5) Associated crimes
- (6) Medical evidence
- (7) Identification

HYPOTHETICAL 4

- (1) Initial contact between victim and defendant
- (2) Consent
- (3) Evidence of weapon
- (4) Reporting to other persons
- (5) Corroboration
- (6) Introduction of similars to show intent

UNIT ONE, SECTION C: THE LEGAL SYSTEMHOWHYPOTHETICAL 4 (Continued)

- (7) Physical evidence
- (8) Witnesses
- (9) No trauma to genital area
- (10) Differences in size of victim and assailant

HYPOTHETICAL 5

- (1) Prior relationship between victim and defendant
- (2) Differences in ages
- (3) Statutory rape
- (4) Consent
- (5) Rape through intoxication or use of drugs
- (6) Motive
- (7) Impotency
- (8) Penetration
- (9) Medical evidence
- (10) Force
- (11) Sufficiency

Behavioral Objectives

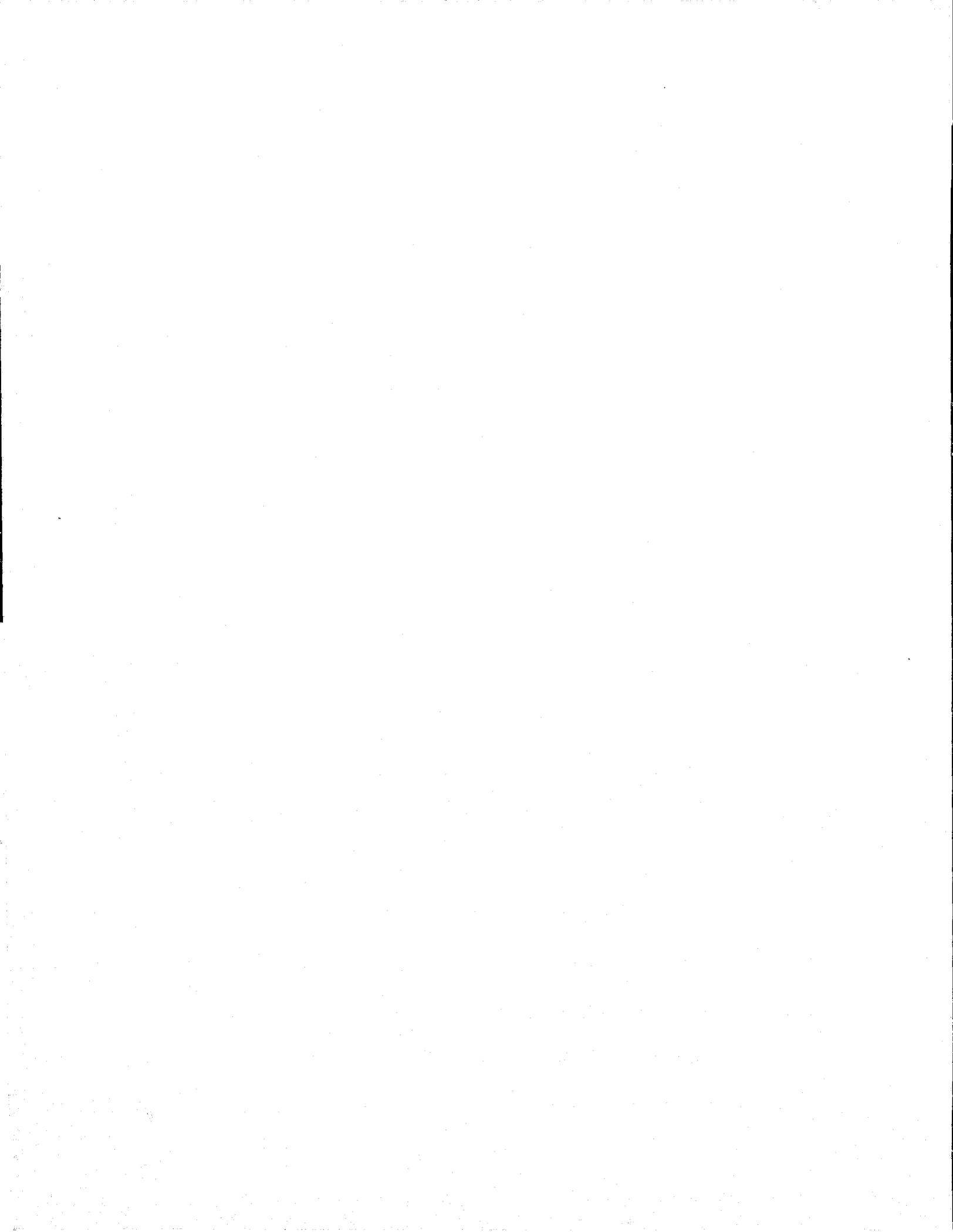
The trainees should be able to list the following:

- The laws and values surrounding the crime of rape have not changed since early societies.
- The resistance standard is the essential element of all rape statutes.
- Rape has the lowest number of successful prosecutions of serious felonies.

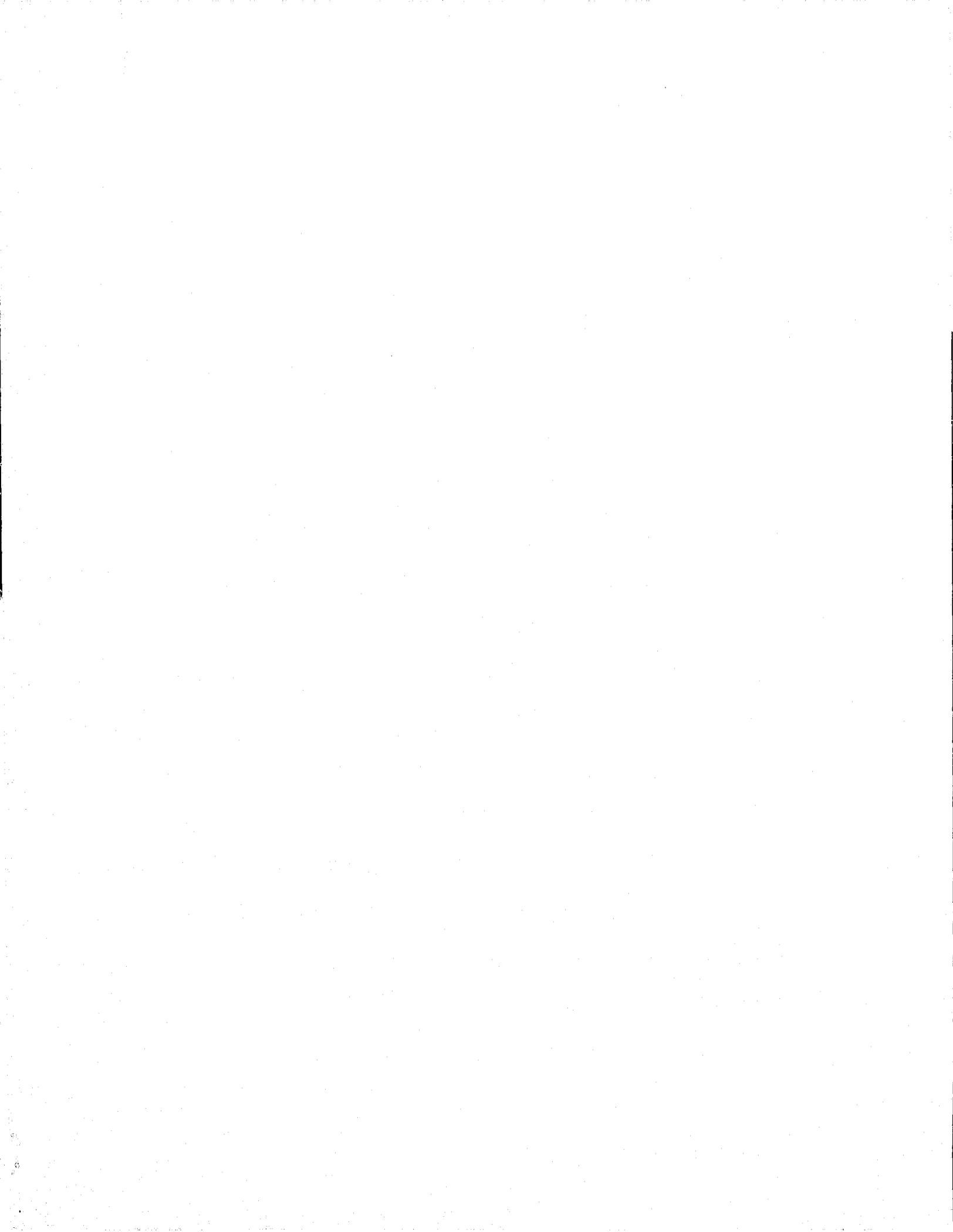
UNIT ONE, SECTION C: THE LEGAL SYSTEMHOW

- Special legal rules apply to the rape trial.
- The elements of the offense of rape.

Given a hypothetical situation trainees should be able to identify the issues involved.



UNIT TWO
RAPE INVESTIGATION



CONTINUED

1 OF 3

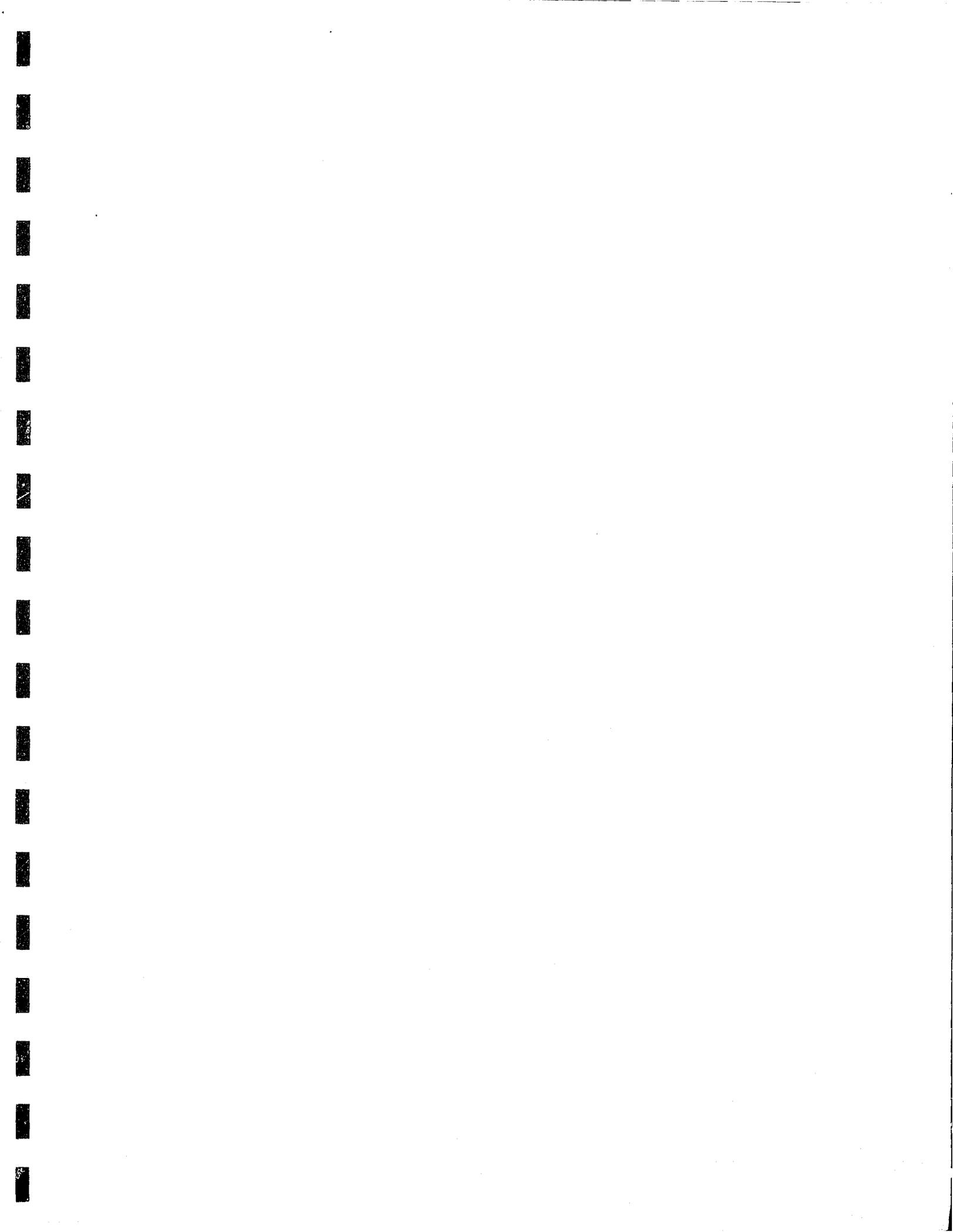
UNIT TWO: RAPE INVESTIGATIONWHY

This section contains detailed information on physical evidence and some material on the psychology of rapists. The key goal in this section, however, is to go over the procedures of the investigation of sexual assault.

In particular, this section is intended to encourage a kind of "mind-set" about police roles and responsibilities. Because rape is a unique crime, officers - particularly the first officers to interview the victim - have unique responsibilities. One of these responsibilities - and perhaps the one that will meet with the most resistance - is the responsibility for "backing off" from too detailed a preliminary investigation. The tendency of officers is to make the preliminary investigation as thorough as possible. Even in departments where policies stress a thorough initial investigation certain techniques such as offering the victim simple choices should be added to provide the necessary balance.

This balance is not only in the interest of the victim's emotions. It is pragmatic as well: over the entire course of the investigation, the sensitivity displayed in the initial police-victim encounter will pay dividends in continued victim cooperation and assistance.

Bear in mind that this curriculum is cumulative. In this unit we move from a general statement of responsibilities to detailed descriptions of what to do, and when. The role-playing unit, which follows, will then develop that information into a skill - into an experience of how to accomplish the responsibilities. While this unit is individually important, it should also be understood as a preparatory stage for the final unit on role-playing.



UNIT TWO: RAPE INVESTIGATIONWHATOUTLINE OF SECTIONS

This is a six-hour unit. It contains six sections as follows:

- A. Overview of Police Duties - mixed lecture and discussion (45 minutes).
- B. "Do's and Dont's" in the Initial Interview with a Rape Victim - mixed lecture and discussion (45 minutes).
- C. Organizing the Investigation: Who Does What, and When - mixed lecture and discussion (30 minutes).
- D. Physical Evidence, using resource specialists (2 hours).
- E. Follow-up Investigation - lecture (30 minutes).
- F. Film and Discussion (90 minutes).

Each section contains a "What", in the form of a sample lecture in outline form; and a "How", with the particulars of methodology.

UNIT T/0

RAPE INVESTIGATION

SECTION A

OVERVIEW OF POLICE DUTIES

UNIT TWO, SECTION A: OVERVIEW OF POLICE DUTIESWHATSAMPLE LECTURE (45 MINUTES)1. Tensions in Police Responsibilities in Rape Cases

Rape is a unique crime. In addition to the normal duties related to the police function of investigation and arrest, police officers in rape cases must pay special attention to the emotional responses and needs of victims. The psychological effects of rape are usually far more severe than in other crimes, even other serious crimes of violence. Therefore officers - and particularly the first officer to talk with the victim - must balance the need to accomplish their customary investigatory duties with the need to be responsive to the victim. In addition to simple human consideration, there are practical reasons for this:

If you push a victim too hard and increase her disorientation, you may get information which is incorrect or damaging in other ways to the prosecution of the offender.

The initial encounter has other lasting effects. It sets the "tone" for the victim's attitude toward authorities. If the criminal justice process appears or becomes too threatening to the victim, she may well "drop out". A supportive and respectful attitude from the beginning will help prevent this situation.

2. Outline of Duties

A. Investigation Oriented:

1. Establish the elements of the crime.
2. Establish the "story" of the crime; fill in elements with details as to what happened, when and where.
3. Establish the behavior and description of the offender.

UNIT TWO, SECTION A: OVERVIEW OF POLICE DUTIES

WHAT

4. Collect statements from victim, witnesses and other relevant persons.
5. See that medical evidence is collected and preserved.
6. Preserve crime scene; collect physical evidence.
7. Apprehend, arrest and assist in prosecution of the offender.

B. Victim Oriented:

1. See that victim gets medical attention, immediately if necessary.
2. See that victim gets information and, if necessary, treatment for venereal disease and pregnancy.
3. Inform victim of counseling resources.
4. Inform victim of criminal justice system functions and procedures.
5. Serve as "contact point" or guide for victim throughout progress of the case.

3. The Setting of the Initial Police-Victim Encounter

Why is rape different, and how does this cause problems for the initial investigating officer?

4. Review of Victim Psychology

The discussion should be geared to the following:

- A. Victims often feel powerless, overwhelmed. Psychologists suggest that the usual approach of officers - to take firm control of the situation - may aggravate this part of the victim's emotional trauma unless handled carefully.
- B. Victims are often in shock, embarrassed, or terrified. They will often be reluctant to discuss crucial investigative issues, such as the sequence of events and/or the identity of the offender.

UNIT TWO, SECTION A: OVERVIEW OF POLICE DUTIESWHAT

- C. Sometimes victims will not reveal those feelings, and appear calm and even disinterested on the surface even though they are in reality very distressed. Officers may misread this and assume, incorrectly, that the report is unfounded. Officers may misread their impact on the victim.

5. Summary and Preview

The list of responsibilities does not say much about which police officers should do which activities and when. That will, of course, vary according to: (a) the organizational structure of the police departments; and (b) the particular situation in any given rape. The following units will go into detail about the central aspects of the investigation - how to do them and when to do them.

In these upcoming units, two overall priorities - or guidelines - should be kept in mind:

- A. Physical and medical evidence must be collected and/or protected as soon as possible.

- B. Detailed statements from victims may not be needed immediately. In fact, better and clearer statements can be taken after the victim has received medical attention and has had time to calm down.

UNIT TWO, SECTION A: OVERVIEW OF POLICE DUTIES

HOW

Content

A sample lecture in outline form is provided.

The key points to get across are:

- Rape is a unique crime because of the depth of emotional trauma experienced by the victim.
- Rapes must be handled with particular care, especially in the initial interview with a victim who has just been raped.
- Sensitivity to the victim is important, because her long-term emotional well being may be affected. Her state of mind will, in turn, affect her cooperation in the investigation and prosecution.
- Physical and medical evidence MUST be collected as soon as possible. Detailed statements can usually wait until the victim is calmed down.

Discussion

After the lecture, begin discussion of the setting of the initial police-victim encounter.

- Begin by asking trainees to review what they have learned (or knew) about the immediate reactions of rape victims.
- Ask how that might affect normal police procedures.
- Summarize the discussion by pointing to the typical kinds of tensions or unusual reactions listed in the lecture.

Handout

The handout for this part is the List of Police Responsibilities. A quick review of the handout, when it is distributed, will be sufficient. Note that after the next part, in which these duties are spelled out in "how-to-do-it" details, you will return to this handout for review.

UNIT TWO, SECTION A: OVERVIEW OF POLICE DUTIESHOWBehavioral Objectives

The trainees should be able to list and discuss the key points in the lecture. These should minimally include:

- Rape is a unique crime because of the depth of emotional trauma experienced by the victim.

- Rapes must be handled with particular care, especially in the initial interview with a victim who has just been raped.

- Sensitivity to the victim is important, because her long-term emotional well being may be affected. Her state of mind will, in turn, affect her cooperation in the investigation and prosecution.

- Physical and medical evidence MUST be collected as soon as possible. Detailed statements can usually wait until the victim is calmed down.

Outline of Duties

A. Investigation Oriented:

1. Establish the elements of the crime.
2. Establish the "story" of the crime; fill in elements with details as to what happened, when and where.
3. Establish the behavior and description of the offender.
4. Collect statements from victim, witnesses and other relevant persons.
5. See that medical evidence is collected and preserved.
6. Preserve crime scene; collect physical evidence.
7. Apprehend, arrest and assist in prosecution of the offender.

B. Victim Oriented:

1. See that victim gets medical attention, immediately if necessary.
2. See that victim gets information and, if necessary, treatment for venereal disease and pregnancy.
3. Inform victim of counseling resources.
4. Inform victim of criminal justice system functions and procedures.
5. Serve as "contact point" or guide for victim throughout progress of the case.

UNIT TWO

RAPE INVESTIGATION

SECTION B

THE INITIAL INTERVIEW WITH THE VICTIM:

A LIST OF DO'S & DONT'S

UNIT TWO, SECTION B: INITIAL INTERVIEW DO'S AND DON'TS

WHAT

SAMPLE LECTURE (45 MINUTES)

The following is a list of guidelines only. Some may be easily adaptable to departmental policies; others may not. What is important is achieving a balance between gaining the necessary information and providing the victim with care.* The following items are geared to give behavioral form to the general findings regarding victims and to specify ways of accomplishing police duties in a difficult situation. This session is to go over what to do; the role-playing will follow up on how to do it.

Overall the idea to stress is delaying the details of the investigation (e.g., get the important facts immediately - suspect information, elements of crime.), leaving the rest to be dealt with later.

These do's and don't's are based on typical victims. Each individual victim will be different. The final measure of the officer's skill is not how precisely this list is followed but, rather, how well it is adapted to the given circumstances.

Information on the Suspect

1. DO ask the victim immediately if there is any reason to believe that the offender is in the immediate vicinity. Explain that if the man has just left her or if she knows where he is, he could be arrested immediately, and that it would be helpful to the investigation because he may still have evidence of the crime on his person. If the victim responds that he may be nearby, ask for her help in answering the usual questions:

Vehicle description
Physical description, including clothes
Does he have a weapon?
Direction of departure

*The following is not an exhaustive list of guidelines. At the end of the section, you will be asked to add other items to the list from your own departmental policies and procedures.

UNIT TWO, SECTION B: INITIAL INTERVIEW - DO'S AND DONT'SWHAT

2. DO NOT immediately press for a detailed description of the suspect or his behavior if immediate apprehension is not at all possible.

Rationale:

Discussion of the offender may be upsetting to the victim. The officer cannot always rely on external signs, however; so rather than try to guess at the victim's feelings, the officer should gear the questioning to the more objective criteria of whether or not the suspect can be caught immediately. If that does not appear likely, there is no need - with a victim who has just been raped - to probe further during the initial interview.

Obviously, the sooner a suspect is arrested the better. There is a greater chance that semen and other evidence (including hairs from the victim) will still be on his person and that other physical evidence, such as articles belonging to the victim, will still be present. However, if no arrest appears imminent, the balance between investigation and responsibility to the victim's well being shifts toward avoiding further disturbance of the victim. This is a trade-off which the officer will have to evaluate.

Victims will not, as a rule, repress or block out memories of the offender. The investigation will not suffer because a description is left for later. In fact, the victim may well remember more clearly and accurately after she has been able to calm down.

3. If you decide to postpone taking a detailed statement about the offender, DO explain to the victim that one will be requested later. Ask her to spend some time thinking about how he might be identified or

UNIT TWO, SECTION B: INITIAL INTERVIEW - DO'S AND DONT'SWHAT

located. Suggest that as things occur to her she should jot them down.

Rationale:

This mitigates the problem of loss of memory. At the same time it is one further indication to the victim of how and why she can assist in the case.

The officer should mention key investigative questions: general description; distinguishing marks which could lead to positive identification; circumstances of the encounter which might indicate the offender's habits or "haunts"; words and behaviors during the assault which might link this offender to other crimes and to "MO" files which police keep.

4. DO NOT press the victim directly about her relationship with the offender in the initial interview unless she brings the issue up for discussion.

Rationale:

If there is any such relationship, this will probably come up anyway while asking about whether there is a likelihood of immediate apprehension.

Particularly given the publicity about police "skepticism" of rape reports, victims view questions such as "Do you know him?" or "Have you seen him before?" defensively. There is a risk they will cease cooperating.

Responding to the Victim's Emotional State

1. DO NOT attempt to be a therapist, counselor or psychiatrist.

UNIT TWO, SECTION B: INITIAL INTERVIEW - DO'S AND DONT'SWHAT

Rationale:

Avoid adding to the victim's sense of being overwhelmed or controlled. An attempt to press the victim to explore her distress may serve only to aggravate it.

2. DO be respectful, professional, and concerned with victim's well being. Inquire immediately about the victim's medical needs - injuries, etc.

Rationale:

It is important that the victim recognize that there is "official" concern and support for her. This "tone" is crucial for continued cooperation. It is different from, and supplements, the more personal and intimate concern and support the victim hopefully will be receiving from family and close friends.

3. DO provide the victim with simple choices: choices she can respond to on the basis of simple "gut reactions" without much worry. Such choices may include:

Would you like to have anyone here while we talk? (Friend, husband, boyfriend, or family?)

Would you like anyone to accompany us to or meet us at the hospital?

If possible, Would you prefer to talk to a female officer?

If appropriate (and possible), Would you like a woman from a local women's group to accompany you?

Would you like to talk about what happened now or would you prefer to wait to talk about it?

UNIT TWO, SECTION B: INITIAL INTERVIEW - DO'S AND DONT'S

WHAT

Rationale:

Choices help the victim begin to work her own way out of feelings of powerlessness; they give her some renewed sense of control over events.*

4. DO provide the victim with simple explanations of police needs and procedures and of hospital procedures. What and how much to explain will vary according to the specific circumstances. Some common kinds of explanations include:

Why the victim needs to go to the hospital. What will happen there. What the victim should take there, including a change of clothing.

What things are needed in an investigation. These include information about what happened and where so that evidence can be collected; about the behavior and description of the offender, etc.

Rationale:

Particularly for sexual assault victims, a sense of institutional coherence and positive personal involvement is important for long-term emotional healing. To help overcome feelings of being overwhelmed, the victim should know, in a general sense, what lies ahead of her and how she can help.

Regarding the police investigatory needs, the more the victim understands about what is needed, the better able she is to focus her thoughts and provide useful information.

5. DO try to talk to the victim in a quiet setting. Minimize distractions and the victim's sense that she is being looked at by a lot of people.

*Once again, certain choices may not be possible because of departmental policies or procedures. However, offering some simple choices is the important issue.

UNIT TWO, SECTION B: INITIAL INTERVIEW - DO'S AND DONT'SWHAT

Rationale:

Too much hustle and bustle, too many people, may add to the victim's sense of confusion and loss of control.

Victims often complain that having lots of police cars, with red lights and the other signs of "serious crime", adds to their embarrassment. They feel that the curiosity of neighbors has been aroused and that their situation will be public - and embarrassing.

If the victim has asked for another person to be present, the officer should allow this. Officers should use discretion, of course. If the person interferes with the interview by making the victim more nervous or by trying to answer questions which only the victim can answer, the person should be cautioned or asked to leave.

Medical Evidence

1. DO know the procedures in the local hospital so you can answer the victim's questions and provide an explanation of what will happen.
2. DO provide the victim with a brief explanation of the purposes of the trip to the hospital. Purposes include: treatment of injuries; treatment for venereal disease and pregnancy; and the collection of medical evidence.
3. DO ask the victim about where the doctor should look for "evidence", including signs of force (lacerations, cuts, bruises, etc.); and tissues, fluids, or other indications of contact from the offender. DO NOT ask in great detail about the assault - how long, how many times, and so forth - unless the victim volunteers the information.

UNIT TWO, SECTION B: INITIAL INTERVIEW - DO'S AND DONT'SWHAT

Rationale:

The officer has to tell the doctor where to look; and for what to look, depending on how clear the hospital procedures are. An explanation of the evidentiary purposes should encourage the victim to provide the minimal information needed (e.g., about oral, anal and vaginal penetration). This information can be gathered without pushing for excessive detail.

4. DO call ahead to the hospital to inform the staff that a victim will be brought in shortly.

Rationale:

Hopefully the hospital will be able to: (a) spare the victim a long wait before a doctor arrives; and (b) provide a private area for checking in and for waiting for the doctor if that is needed.

Information on the Crime, Location, and Assault

1. DO ask about the location of the assault and the movements of the offender. Request the victim's assistance in this police task. Explain to the victim that this information is needed in order to gather physical evidence. Point out to the victim the importance of finding any information or evidence that the offender was there.

Rationale:

Rape cases require corroboration of the victim's story. Because this is often difficult, effective collection of physical evidence is necessary. Officers should be prepared to ask probing questions in order to collect physical evidence. Questions should be limited to those which are reasonably and directly related to locating physical evidence.

UNIT TWO, SECTION B: INITIAL INTERVIEW - DO'S AND DONT'SHOWContent

A sample lecture in outline form is provided. This part gives a detailed "behavioral" component to the idea that rape is unique, requiring a balance between responsibilities for investigation and the well being of the victim. The instructor should expect that there will be disagreement over some of the "do's" and "dont's". These disagreements or protests will be based on trainees' conceptions of what a "good investigation" usually is. It is not essential to convince trainees on each item. It is more important to keep repeating the overall goal of achieving a balance between thorough investigations and concern for the victim. Instructors should encourage discussion of trainees' departmental policies and procedures. In addition, instruction in this unit should repeat the idea that, particularly for officers conducting the initial investigation, physical and medical evidence are crucial while extensive statements from the victim are less crucial.

Methodology

Give brief orientation and introduction. Note that you will be going over "do's" and "dont's: of interview with victim.

- Stress that they - "do's and dont's" - are not fixed in concrete; that in each situation they will have to use discretion and good sense.
- This part is for the "what" of interviewing victims. Role-playing will teach "how" to adjust to individual circumstances.
- Pass out the list of "do's" and "dont's".
- Go through list with trainees. Discuss the rationale behind each item, as in the lecture, particularly for those items which arouse controversy. Use the rationale to explain the item.
- Be open to discussion.

UNIT TWO, SECTION B: INITIAL INTERVIEW - DO'S AND DONT'SHOW

- Encourage officers to bring up experiences they have had which are pertinent.
- Leave ten minutes at the end of this part for trainees to discuss the list as a whole. Invite the trainees to suggest additions. Summarize by noting that this list will again be used during the role-playing as a checklist for evaluating their own performance.

Handout

The handout of the "do's" and "dont's" follows.

Behavioral Objectives

The trainees should be able to describe their own departmental policies in regard to the crime of rape and discuss how to achieve the balance between thorough investigation and concern for the victim.

Information on the Suspect

1. DO ask the victim immediately if there is any reason to believe that the offender is in the immediate vicinity. Explain that if the man has just left her or if she knows where he is, he could be arrested immediately, and that it would be helpful to the investigation because he may still have evidence of the crime on his person. If the victim responds that he may be nearby, ask for her help in answering the usual questions:

Vehicle description

Physical description, including clothes

Does he have a weapon?

Direction of departure

2. DO NOT immediately press for a detailed description of the suspect or his behavior if immediate apprehension is not at all possible.

3. If you decide to postpone taking a detailed statement about the offender, DO explain to the victim that one will be requested later. Ask her to spend some time thinking about how he might be identified or located. Suggest that as things occur to her she should jot them down.

4. DO NOT press the victim directly about her relationship with the offender in the initial interview unless she brings the issue up for discussion.

Responding to the Victim's Emotional State

1. DO NOT attempt to be a therapist, counselor or psychiatrist.
2. DO be respectful, professional, and concerned with victim's well being. Inquire immediately about the victim's medical needs - injuries, etc.
3. DO provide the victim with simple choices: choices she can respond to on the basis of simple "gut reactions" without much worry. Such choices may include:

Would you like to have anyone here while we talk? (Friend, husband, boyfriend, or family?)

Would you like anyone to accompany us to or meet us at the hospital?

If possible, Would you prefer to talk to a female officer?

If appropriate (and possible), Would you like a woman from a local women's group to accompany you?

Would you like to talk about what happened now or would you prefer to wait to talk about it?

4. DO provide the victim with simple explanations of police needs and procedures and of hospital procedures. What and how much to explain will vary according to the specific circumstances. Some common kinds of explanations include:

Why the victim needs to go to the hospital. What will happen there. What the victim should take there, including a change of clothing.

What things are needed in an investigation. These include information about what happened and where so that evidence can be collected; about the behavior and description of the offender, etc.

5. DO try to talk to the victim in a quiet setting. Minimize distractions and the victim's sense that she is being looked at by a lot of people.

Medical Evidence

1. DO know the procedures in the local hospital so you can answer the victim's questions and provide an explanation of what will happen.

2. DO provide the victim with a brief explanation of the purposes of the trip to the hospital. Purposes include: treatment of injuries; treatment for venereal disease and pregnancy; and the collection of medical evidence.

3. DO ask the victim about where the doctor should look for "evidence", including signs of force (lacerations, cuts, bruises, etc.); and tissues, fluids, or other indications of contact from the offender. DO NOT ask in great detail about the assault - how long, how many times, and so forth - unless the victim volunteers the information.

4. DO call ahead to the hospital to inform the staff that a victim will be brought in shortly.

Information on the Crime, Location, and Assault

1. DO ask about the location of the assault and the movements of the offender. Request the victim's assistance in this police task. Explain to the victim that this information is needed in order to gather physical evidence. Point out to the victim the importance of finding any information or evidence that the offender was there.

UNIT TWO

RAPE INVESTIGATION

SECTION C

ORGANIZING THE INVESTIGATION

UNIT TWO, SECTION C: ORGANIZING THE INVESTIGATIONWHATSAMPLE LECTURE (30 MINUTES)

This section lays out the organization of a rape investigation. Since each department's procedures will differ somewhat (for example, in whether or not follow-up investigations are done by patrol officers or detectives), these are general issues and guidelines. You will have to adjust them to the circumstances of your own departments.

In this section, we will return to the handout on police responsibilities in rape cases. Before doing that, one general issue which has received a great deal of attention in police and public discussions will be addressed.

I. Who Should Talk to the Victim - a Male or Female Officer?

A. For many departments, this is not a real issue because there are not yet any women officers employed.

B. Sexual assault investigation is not "sex-specific"; it does not require a "feminine intuition or sensitivity" to do it well. It requires interpersonal perceptiveness and training, qualities which either male or female officers can have or can develop.

C. Many victims do prefer to talk about the incident with a woman. (This is not always true, and it should not be assumed. When possible, however, the victim should be offered the opportunity or choice of talking to a female officer). Thus it is to a department's advantage (and works toward effective investigation and victim cooperation) to have female officers trained and available to interview victims when requested.

UNIT TWO, SECTION C: ORGANIZING THE INVESTIGATIONWHAT

II. Review of Duties; With an Eye to Who Does Them and When

A. Investigation oriented

1. Establish elements

Who: preliminary investigator

When: during first interview with victim

In reviewing the elements and examining the list of "do's" and "dонт's", some officers may point out that there are no questions which go to the issue of consent and force. Because victims often react strongly to questions about consent ("Of course I didn't! Don't you believe me?") it is prudent to avoid asking questions on this directly. Particularly for the purposes of the initial crime report, the allegation of force usually can be inferred from other comments by the victim.

Establishing the elements of the corpus of the crime is not the same as deciding whether the allegation of rape is "founded". The preliminary investigation is NOT the time to look for suspicious circumstances. Even in those cases where the officer feels there is cause for suspicion, those feelings or suspicions should NOT appear in the written crime report.

2. Establish story, details

Who: both preliminary and follow-up officers

When: during first interview, only information needed to collect physical evidence

3. Offender description and behavior

Who: both preliminary and follow-up officers

UNIT TWO, SECTION C: ORGANIZING THE INVESTIGATIONWHAT

When: Preliminary investigation goes into description only if there is a likelihood of immediate apprehension, and into behavior only to establish location of evidence. For more direct investigation (of MO's, for example) the follow-up investigation is soon enough.

4. Take statements

Who: Both preliminary and follow-up officer

When: detailed statement by victim can wait until follow-up

5. Medical evidence

Who: preliminary officers

When: immediately

6. Crime scene, physical evidence

Who: preliminary officer

When: immediately

7. Arrest

Who: either preliminary or follow-up officer; more likely the latter unless the suspect is in the immediate vicinity.

When: as soon as possible

B. Victim oriented

1. Medical attention

Who: preliminary officer

When: immediately

2. Other medical - VD, pregnancy

Who: preliminary follow-up officers

When: should be discussed with doctor on first visit to hospital. In some agencies,

UNIT TWO, SECTION C: ORGANIZING THE INVESTIGATIONWHAT

follow-up officers may want to give out informational pamphlets.

3. Counseling services

Who: follow-up officer

When: during follow-up interview, a day or two later

4. Criminal Justice System Information

Who: follow-up officer

When: during follow-up interview, a day or two later

Whether the patrol officer or a detective does the follow-up investigation, that person should serve as the victim's "contact" and guide throughout the investigation and prosecution. The follow-up interview(s) - more extensive than the initial interview with the victim - is the time to establish an on-going police-victim trust and cooperation. The quality of interaction will be improved if the follow-up officer keeps the victim informed of the progress of her case and of the various procedures and expectations in other criminal justice agencies.

UNIT TWO, SECTION C: ORGANIZING THE INVESTIGATIONHOWContent

A sample lecture in outline form is provided.

Key points are:

- The preliminary interview with the victim should be brief.
- The follow-up investigator will fill in the details and gaps.
- Victims often complain bitterly about duplication and repetition of questions.

Discussion

Encourage trainees to compare the current procedures in their departments with what is theoretically "best" as indicated in the guidelines.

Behavioral Objectives

The trainees should be able to identify which officer will have which responsibility and when the responsibility should be carried out in terms of their own department.

UNIT TWO
RAPE INVESTIGATION
SECTION D
PHYSICAL EVIDENCE

UNIT TWO, SECTION D: PHYSICAL EVIDENCEWHATSAMPLE LECTURE (2 HOURS)

I. Introduction

In addition to the kinds of evidence which may be found at most crime scenes (fingerprints, footprints, pry marks, and so forth) evidence in rapes may include semen, hairs, and other bodily tissues.

This unit will discuss in detail the collection and preservation of this evidence, particularly the kinds not commonly encountered in other crimes.

Mr. (ms.) _____, a trained criminalist from _____, is here to discuss some of the more technical details of physical evidence.

II. Importance of Physical Evidence in Sexual Assaults

Careful and immediate collection of physical evidence is crucial in rape cases. It may be useful for:

Corroborating the victim's allegation that a sexual contact occurred.

Narrowing the range of possible suspects by blood and secretion typing. This can eliminate some suspects and add circumstantial weight to a case against other suspects.

Establishing that the victim and/or the suspect were at the scene of the assault.

Rape cases are difficult to prove in court because they seldom have witnesses, involving primarily the victim's word against the defendant's. Therefore any corroborative evidence may be useful.

UNIT TWO, SECTION D: PHYSICAL EVIDENCEWHAT

Even though few pieces of evidence are themselves conclusive, physical evidence can significantly strengthen the prosecution case.

III. Types of Evidence

In each of the following types of evidence, attention should be paid to these questions:

What are the possible uses in investigation, arrest and prosecution?

Where is this type of evidence likely to be found?

How should this evidence be collected and preserved? (Conversely, what are common ways of tainting the evidence?)

What are the most advanced techniques or technology for gathering and analyzing this evidence?

- A. Semen
 - 1. Victim's person
 - 2. On wiping agents; bedclothing, etc.
- B. Other secretions
 - 1. Saliva
 - 2. Vaginal
 - 3. Feces; urine
- C. Blood
- D. Hair
 - 1. Pubic
 - 2. Head; facial
 - 3. Other; body hair

UNIT TWO, SECTION D: PHYSICAL EVIDENCEWHAT

- E. Other tissues; fingernail scrapings
- F. Other, more "customary" kinds of evidence
 - 1. Fibers; clothing
 - 2. Objects, artifacts; cigarette butts; hairpins; weapons, etc.
 - 3. Casts
 - 4. Fingerprints

UNIT TWO, SECTION D: PHYSICAL EVIDENCEHOW

This section has two parts: a lecture by the trainer and a presentation by a guest criminalist.

Content

A sample lecture outline for initial lecture.

The key points are:

- Establish the crucial significance of physical evidence as corroboration for the victim's story in court.
- Impart as much information as time allows, in as much detail as possible.

1. Recommended times for each item are:

Semen - 30 minutes

Secretions - 10 minutes

Blood - 15 minutes

Hair - 20 minutes

Tissues - 10 minutes

Other - 15 minutes

2. For each item, the following structure is recommended:

The instructor will begin by commenting on investigative and prosecution uses of the evidence. The criminalist then outlines key facts regarding collection and analysis of the evidence. Leave time for student questions.

Resources

Check Resource Guide, pages 3-36, 37, 38 for model evidence collection format.

UNIT TWO, SECTION D: PHYSICAL EVIDENCEHOW

This should be seen as a checklist for student reference and a sample formalization of the thinking and reporting involved in professional physical evidence collection.

Advance Preparation

The success of this unit depends completely upon adequate preparation. The preparation has two components: the trainer preparing him/herself in the basics of physical evidence; and preparing with the criminalist for the criminalist's role in the unit.

1. Self-preparation: The trainer should know the materials provided in the Resource Handbook (especially the materials from the Washington, D.C. Police Department). If the material is properly understood, the trainer will be able to give solid answers to the discussion questions concerning the use, collection, and analysis of each type of evidence.
2. Preparation with criminalist*: The following are points to remember:
 - a. Meet with the criminalist ahead of time. Plan to spend as much as half a day with him or her, if time allows.
 - b. Explain in detail the division of labor involved and go over the lecture outline item by item. Explain your purpose and audience to the criminalist. Discuss questions which might come up, key points to

*As criminalists are difficult to obtain from the County, check local colleges and universities for teachers.

UNIT TWO, SECTION D: PHYSICAL EVIDENCEHOW

cover, and questions you personally would like to have answered.

- c. Give the criminalist a written statement of where and when to appear. Have the criminalist arrive 15 or 20 minutes ahead of time so that you can go over your plans again briefly.
- d. Remember to write the criminalist a brief note of appreciation within a couple of days after the training session. His/her expertise and good will may be needed in subsequent training courses.

Behavioral Objectives

The trainees should be able to discuss the crucial significance of physical evidence as corroboration for the victim's story in court and be able to comment upon investigative and prosecution uses of the evidence.

UNIT TWO

RAPE INVESTIGATION

SECTION E

FOLLOW-UP INVESTIGATION

UNIT TWO, SECTION E: FOLLOW-UP INVESTIGATIONWHATSAMPLE LECTURE (30 MINUTES)

The role of the follow-up investigator was discussed in an earlier section. There emphasis was placed on the investigator's role vis-a-vis the victim. This section provides some additional information concerning the follow-up investigation as it relates to the apprehension of the offender.

The Psychology of the Rapist

It is difficult to generalize about the psychological motivations of rapists. They are not a homogeneous group.

On the one hand reports have concluded that rapists have antisocial and impulsive character structures. "The rape act," declares one such report, "is an expression of hostility by a male who feels weak, inadequate and dependent."

In his study Dr. Manfred Guttmacher found that most rapists are not deprived of normal sex. He concluded that rapists are motivated, not by normal sexual desire, but by a desire to punish and hurt the victim or to achieve sexual satisfaction through the suffering inflicted.

Ms. Gladys Shultz, author of How Many More Victims? and authority on sex offenders, theorizes that the rapist has a rigidly controlled surface which allows steam to accumulate to an explosive degree. When controls are weakened - for example, by alcohol - the result is explosive and violent behavior.

Other studies indicate that sex offenders do not constitute a unique or psychopathological group.

UNIT TWO, SECTION E: FOLLOW-UP INVESTIGATIONWHAT

It does seem that, although there is no one description of a rapist, more often than not their aggressive and violent drives are intertwined with their sexual drives and often the two get confused.

Sources of Information Useful in Identifying Rapists

The key to follow-up investigation is getting some item of information concerning the suspect to work with - a description, a vehicle, a nickname, or a distinctive MO. A partial list of files and other resources useful in investigation follows (although trainees may wish to suggest other sources):

1. Usual computerized hook-ups with DMV, when a license number or partial number is available.
2. Teletypes, or circulars from other departments.
3. Sex offender files.
4. Sex offender registration. *

* It is the law in California that released sex offenders must register with the police in the county in which they reside. Although these files are seldom up to date and addresses seldom checked, such information could prove useful, particularly if it were updated systematically.

UNIT TWO, SECTION E: FOLLOW-UP INVESTIGATIONHOWContent

A sample lecture is provided.

Key points include:

- The motivations of rapists typically involve a complex intertwining of sexual and violent urges.
- There is no one "psychology of the rapist" (e.g., a profile with reliable and observable symptoms.)

Behavioral Objectives

The trainees should be able to list and discuss the key points of this section as enumerated above. These should minimally include:

- The motivation of rapists typically involve a complex intertwining of sexual and violent urges.
- There is no one "psychology of the rapist" (e.g., a profile with reliable and observable symptoms.)

The trainees should be able to identify 3 sources of information useful in identifying suspects.

UNIT TWO

RAPE INVESTIGATION

SECTION E

FILM: "RAPE"

UNIT TWO, SECTION F: RAPE INVESTIGATIONHOWFILM: "RAPE" CALIFORNIA ATTORNEY GENERAL'S OFFICE

This is a 90-minute unit focusing on a film, in two parts. Part I (25 mins.) demonstrates how a case can be tainted from the beginning. Part II (25 mins.) demonstrates how a case can be handled correctly from the outset.

Following the film there will be a summary discussion.

Advance Preparation

- Order film through: Attorney General's Office (16 mm.), Sacramento, Ca.
or through your local District Attorneys' Office (this film is only available to law enforcement personnel.)
- Be sure to get both Parts I and II.
- Arrange to have equipment set up.
- Preview the film with discussion questions in mind. Make notes on key scenes, actions, and statements as preparation for discussion.

Discussion Techniques

- Open up for general comments initially.
- Begin with opening questions, such as "What did you think?"
"How did you like it?"
- Guide discussion into the differences in technique and use as a vehicle for summarizing and integrating material covered so far.
- Discussion questions include:
 1. What differences were there between the manner in which the two officers (in Part I and Part II) interviewed the victim?
 2. How much are these differences attributable to differences in the victims themselves?

UNIT TWO, SECTION F: RAPE INVESTIGATIONHOW

3. How are the differences attributable to good and bad police technique?
4. What are some of the ways in which the case in Part II was handled better than the case in Part I regarding the collection of physical evidence?

UNIT THREE

THE RAPE VICTIM

UNIT THREETHE RAPE VICTIMWHY

I. Why should officers study the rape victim?

Why is the rape victim special?

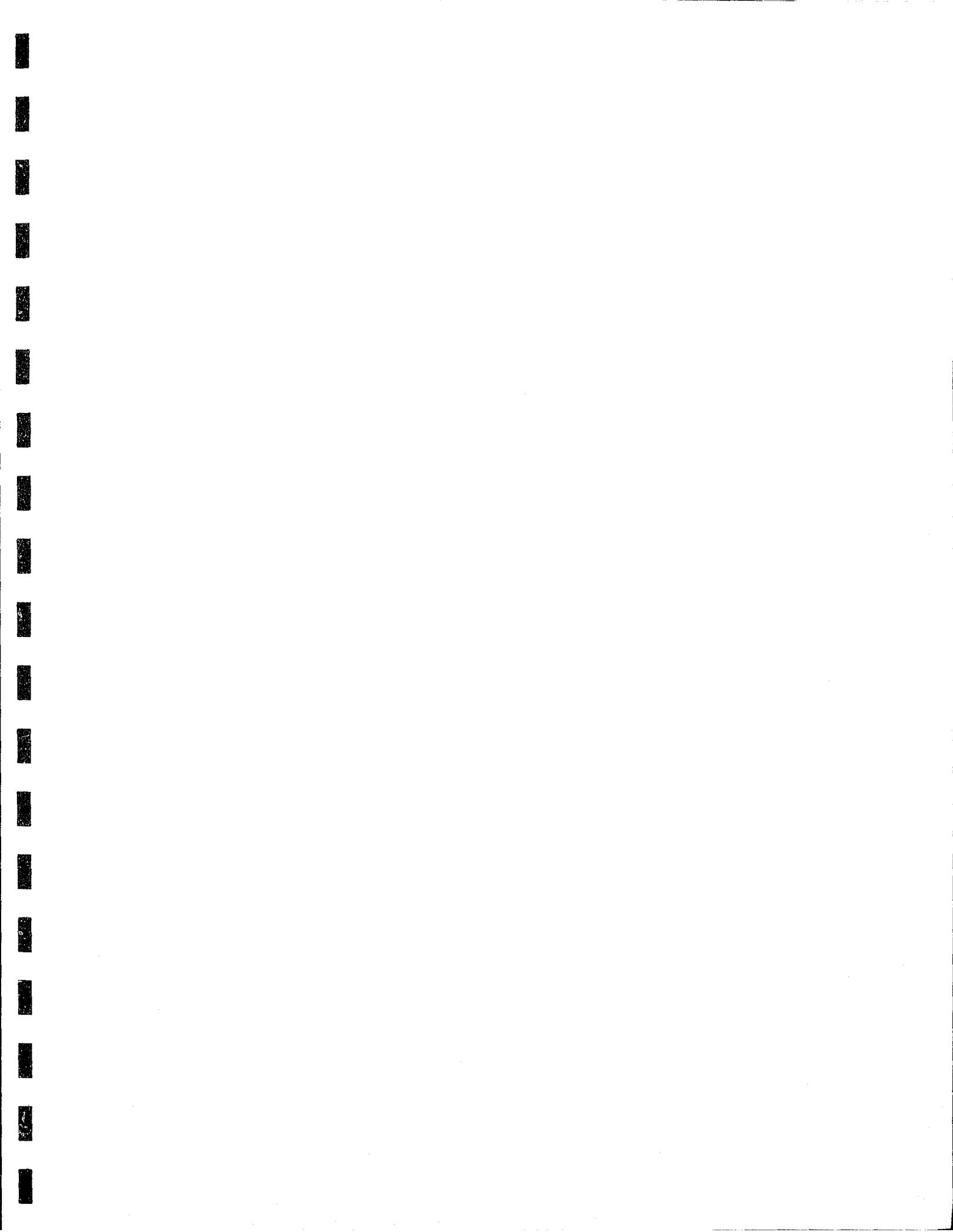
There are two basic reasons:

A. Officers spend a great deal of time as community resource personnel. All research on rape shows that victims are severely traumatized. Although the officer is not a therapist, if s/he understands some of what the victim is going through, s/he can offer some comfort and help in the course of his/her duties.

B. Since there is such a high estimate of unreported rapes, it is important to understand why victims do not report and what the officer can do to encourage victims to report.

One of the reasons for non-reporting victims is the image of the police in dealing with rape victims which the media has put across by such films as "Cry Rape".

It is important to counteract that image and understand how best to treat the rape victim so that more women will report.



UNIT THREE: THE RAPE VICTIMWHATLECTURE OUTLINE

1. Understanding Victims in General
 - A. Mendelsohn coined the word victimology in 1956 and began the study of victims.
 - B. A lot of research since then has shown society's response to its victims.
 1. Superstitious response
 - a. May be contagious
 2. Rationalizing or justifying response
 - a. Victim deserved it
 - b. Victim caused it
 - (1) Fairness forbids that nasty things happen to nice people. Therefore victim either wasn't nice or victim precipitated nastiness
 - C. Studies show the victim's own responses.
 1. Feeling of helplessness
 2. Out of control
 3. Desire to gain back sense of power
 4. Rage at offender
 5. Self-blame; trying to figure out what should or could have been done differently
 6. Searches to make sense out of a nonsensical act
 - D. Examples of what victims experience
 1. Being robbed

UNIT THREE: THE RAPE VICTIMWHAT

2. Having badge and gun removed
 3. Solicit one from the class
- II. Understanding Rape Victims in Particular
- A. Rape victims are extremely traumatized
 - B. Rape leaves victims even more helpless and powerless than other victims
 1. Rape attacks the person at her innermost core while other crimes attack victims at the outer layer of their selves.
 - a. Self as onionskin with four layers
 - (1) Outermost layer (extension of self)
like clothes, car, home
 - (2) Next layer in - body, the outer physical self
 - (3) Third layer in - inner body, inner physical self
 - (4) The innermost core - values, emotions, beliefs, ethics
 - b. All crimes against the person are violations against the self at one or another layer
 - c. The closer the layer to the innermost core, the more trauma that's created
 - d. Comparison with other crimes using onionskin approach
 - (1) Burglary - attacks outer layer; extension of self (car, clothes, etc.)

UNIT THREE THE RAPE VICTIMWHAT

- (2) Armed robbery - attacks outer layer; threatens next layer
- (3) Assault and robbery - attacks outer two layers; takes things as extension of self and harms outer body
- (4) Rape goes beyond into two innermost layers - inner body and one's core self-concept. The sex act intrudes on values, cherished concepts, powerful emotions

2. Because rape attacks the victim at levels closest to her core, the rape victim is extremely overpowered and greatly traumatized

C. Empathy with the rape victim

1. Watch film - Reality of Rape
2. Discussion; follow guide book in Resource Guide.

III. Different kinds of rape victims

- A. All people show their emotions differently
- B. How women respond to rape will generally depend on three things:
 1. The circumstances of the rape
 2. Their relationship to and expected response from family, friends and police
 3. Their prior ability to deal with stress
- C. These factors come together to make different rape syndromes.

UNIT THREETHE RAPE VICTIMWHAT

Two opposite prototypes of rape will be presented as illustrations

1. The "classic rape" - the sudden unexpected attack by an unknown assailant on a white middle class victim in her home
 - a. Most likely to be understood by family, friends, police, courts, even victim
 - b. Most likely to be reported
 - c. Trauma - worst immediately; not generally long lasting
 2. The "justifiable rape" - the date-rape on a minority victim, after meeting assailant in a bar and going out afterwards
 - a. Least likely to be understood by family, friends, police, courts, even victim
 - b. Least likely to be reported
 - c. Trauma does not show badly immediately, but generally is severe and long lasting.
- D. Both extremes need sensitive responses as both victims are highly traumatized
- E. Officers need to respond openly to those whose rape comes closer on the spectrum to "justifiable rape" because these are many of the non-reporters
- F. Palo Alto Police Department responses to Rape Victimization Study verified these facts

UNIT THREE : THE RAPE VICTIMWHAT

- I. Rape incidents involving 68 women (one half reporters, one half non-reporters) were studied
 - a. Three fourths of the reporters were close to the "classic rape"; they were raped by strangers
 - b. More than one half the non-reporters were close to "justifiable rape"; they were raped by non-strangers

UNIT THREE . . . THE RAPE VICTIMWHATSAMPLE LECTURE (2 HOURS)Victimology

In order to better understand the rape victim, I'm going to discuss, first, victims in general; and, then, what makes the rape victim different from other assault victims.

In 1956, a sociologist named Mendelsohn coined the word victimology, which is the study of victims of any kind of crime or accident. Since then there has been a lot of research to try to understand how society responds to its victims.

Interestingly enough, society, rather than feeling much empathy for its victims, has a series of basic responses to them as one does to a loser. While most people don't think that way about victims, their primal feelings, feelings which come without the mind controlling them, are almost superstitious. If someone is a victim, we think of them as a loser and we'd rather stay away from one. If we think about it, we don't think that way; but in our basic feeling responses we separate victims from ourselves, almost as though it's catchy.

Our culture is based on fairness; there is a feeling that fairness forbids that nasty things happen to nice people. We need to understand why things happen and feel we can do something to cause or not cause what happens to us.

When something happens to victimize someone, the response is either that he is such a loser he deserved it; or that he actually did something to cause it.

UNIT THREE: THE RAPE VICTIMWHAT

For example, studies have been done on homicide victims which show that the community response was either to find things wrong about the victim: "he hung around bad crowds - what could he expect?"; "he was a scumbag"; "the family is better off without him"; or to believe that the victim acted to provoke the murder: "he was a fool to fight them - of course they shot."

Our need to make sense out of a severe injustice is what leads to those kinds of attitudes. Everyone of us needs a sense of power, of control over his or her own life so that we can feel on top of it, so it's not chaos. There are key things we use to control the world we live in. Our mind is one of them. We set up structures, ideas, ways to understand what's happening, why and how. The more we understand an event, the more we know what actions to take, the more we are in control and the more comfortable we are with it.

Now, when you're victimized you are always made to feel helpless. Someone else took away your power and you could do nothing to control the situation: that's primarily what it feels like to be a victim. You become a powerless person.

In a situation like that you want to gain control. The first thing to do is to try to understand it. The victim does to himself something of what society does to him. He begins to blame himself a little. He thinks, "If I had done such and such differently, maybe it wouldn't have happened." We search for ways to make sense out of what seemed to be a nonsensical and unfair act.

UNIT THREE: THE RAPE VICTIMWHAT

Every one of us has had that experience in some small way.

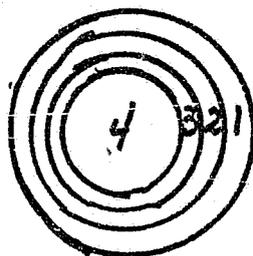
- Give police examples -
- a) having badge and gun removed
 - b) being robbed

In our success-oriented society, then, the natural response is not empathy with losers or victims - it is rationalization, justification, and a search for why the victim got what happened to him or her.

Rape Victims

With the rape victim, it is an even more powerless situation. Rape is the crime that leaves its victims more totally out of control than any other. The closer a crime affects one's self and self concept, the more traumatized and powerless one feels.

The self is like an onion, with several layers of skin. 1) The top layer, the outermost layer, is the property one gets as a kind of extension of self, like a person's clothes, car, home. 2) The next layer in, the second layer, is one's body, one's outer physical self. 3) The third layer - one's inner self physically. 4) The innermost layer, the fourth, is the core of the self concept: one's values, one's inner emotions.



UNIT THREE: THE RAPE VICTIMWHAT

All crimes against the person are violations against the self at one layer or another and as such create a trauma.

1. Burglary, for example, hurts the victim at the outermost layer - the property which is the extension of the self. The burglar intrudes upon things that are the extension of the victim's self - his watch, his car - and is one of the least psychologically traumatic because it intrudes on the self at the outermost level.

2. In armed robbery, the victim is not only deprived of the goods which are an extension of himself, but he is forcibly deprived of any control or autonomy; so the second layer in, his body, is threatened.

3. In assault and robbery, the outer two layers are peeled away. Here there is not only the loss of autonomy and control and the loss of goods at the outermost layer, but also an intrusion and injury inflicted on the outer body, the envelope of the self. Because two layers of the self are violated, the victim is more personally traumatized in assault and robbery than in burglary.

4. Rape goes beyond assault and robbery by two additional levels. Forcible penetration intrudes on the third layer, the physical inner body. Added to that, is the fourth innermost core of the self - the component of sex which is the most powerfully charged emotion a woman has. While males, in order to have an erection, must physiologically experience stimulation and, hence, physical pleasure even in a psychologically distasteful situation, women can engage in sex with absolutely no pleasurable sensation. Thus, the woman has not only been

UNIT THREE: THE RAPE VICTIM

WHAT

assaulted, had her most private innermost body penetrated, but her values and most crucial emotions have also been violated. Therefore, the rape victim is the most helpless and powerless and out of control of all victims.

The closer one gets to his or her core, one's inner being, the more important the situation. With a rape victim, you have someone who is all the things we talked about in all general victims, exaggerated because they have been attacked at all layers central to themselves. All research corroborates this: Rape victims are overwhelmingly helpless and are greatly traumatized, humiliated, degraded and devastated by the act.

When you see it in these terms, empathy comes a lot easier. In order to give us an empathetic look at the rape victim before we discuss different types of victims, let's look at a 15-minute film of a rape.

FILM - REALITY OF RAPE

15 Minutes

30 minute. discussion

Different Kinds of Victims

Why is it that some victims report and some don't? And if rape is so traumatic, why is it that some victims act ok and others sob and get hysterical?

People show their feelings about this, like everything else, in different ways. How women respond to the rape and whether or not they

UNIT THREE: THE RAPE VICTIMWHAT

report will depend on three things:

1. The circumstances of the rape
2. Their relationship to and expected response of family and friends and police
3. Their prior ability to deal with stress

With #3, the victim's own ability to handle stress, there is nothing the officer can do except realize that this affects how the victim will act on the surface but not how badly she privately feels. Research shows that even victims who know how to stay together on the surface in time of crisis will still be experiencing trauma underneath.

Numbers 1 and 2, the circumstances of the rape and the victim's relationship to and expected response from family and friends and police, strongly influence whether or not the victim will report. I am going to describe two prototypes:

A. The "classic rape" - the sudden unexpected attack by an unknown assailant on a white middle class believable victim in her home. This case is most likely to be understood by the family, friends, the police, the courts, even the victim. The "classic rape" is the most likely to be reported. The trauma to the victim tends to be highest immediately after the rape; and, because the victim and others can find the least reasons to blame her for this attack, she feels less personally implicated, and the trauma will not be as severe over time.

B. The "justifiable rape" - in sharp contrast at the other end of the spectrum is the rape which occurred after a "bar date" to a

UNIT THREE: THE RAPE VICTIMWHAT

minority woman. Having agreed to go out with the man at the bar, having mannerisms foreign to the authorities, this woman sees her case as least likely to be understood by family, friends, the police, the courts. Society, and often even the victim herself, blames this victim. It is seen almost as "justifiable rape", as though agreeing to go out from the bar justifies the man raping the victim. This "justifiable rape" is the least likely to be reported. Research shows that this kind of rape is still highly traumatic and often the trauma lasts longer because the victim continues to blame herself.

Most all rapes fall somewhere between these two prototypes. In the study done by the Palo Alto Police Department of 68 rape incidents, half reporters and half non-reporters, more than three fourths of the reporters were close to the classic rape - they were raped by strangers. More than one half of the non-reporters were raped by non-strangers - this goes from someone at work, next-door neighbors, a dating situation, ex-husband, etc.

Those who are raped by non-strangers often expect some suspicion if they report, or cannot face turning in someone they know. Most do not tell anyone immediately after the fact. This is important in reporting because the Palo Alto Police Department Study showed that of all the reporters, only one called the police themselves. Everyone else told someone either physically or emotionally close to them, and that person called the police. An extensive investigation of Philadelphia Police Department files found that little more than one third of the reported rapes

UNIT THREE: THE RAPE VICTIMWHAT

were reported by the victims themselves.

In the Palo Alto Police Department study, two thirds of the reporters - most of whom came close to the "classic rape" syndrome - told someone about it right away.

On the other hand, three fourths of the non-reporters did not tell anyone at all immediately after the rape.

It is critical for officers not only to be responsive to victims of a rape close to the "classic rape", but also to be responsive to victims of so-called "justifiable rape". Because a woman has chosen to have sex with other men in the past, because she agreed to go dancing with the man who later raped her, because she once lived with or slept with the man who now raped her, does not mean that she chose to have sex with this man. She can still be equally brutalized, hurt, made powerless, out of control and severely traumatized.

If you, as officers, can understand how to best respond to victims not only close to the "classic rape" but those close to "justifiable rape", we can begin to induce these non-reporters to report the crime.

I've brought in two actual victims, one who comes close to representing the "justifiable rape", one who comes close to representing the "classic rape". The first is a non-reporter, the second a reporter. They'll be talking with us about their experiences with the aftermath of the rape.

Let's let them talk about their experience, then we'll ask questions.

UNIT THREE: THE RAPE VICTIMWHAT

Please don't ask about the details of the rape unless the victim says she wants to discuss them. Let's focus on reporting or not reporting - what the police did or could have done.

UNIT THREE: THE RAPE VICTIM

HOW

This is a four-hour unit with three parts

1. Lecture (1 hour, 15 minutes)
2. Film and discussion (45 minutes)
3. Victim panel (2 hours)

1. Lecture

Content

An outline and sample lecture are presented.

The key points to get across are:

- All victims feel powerless and without control.
- This is an awful feeling.
- Rape victims are made even more helpless and powerless by having their body and their most private feelings and values violated.
- Just about all rape victims are highly traumatized and need some concern, not suspicion, from those who respond to them.
- There are different types of victims and different circumstances of rape, but they all need sensitive responses.
- These responses will encourage more non-reporters to report.

Examples

Examples are needed to get everyone aware of what it feels like to be a victim and without control.

After giving either the example in the sample lecture or one of your own about being robbed or having your badge and gun removed in a difficult situation, solicit experiences from the class. "Have any of you ever been robbed?" or have any of you...(any situation the trainer thinks is fitting).

UNIT THREE: THE RAPE VICTIM

HOW

Try to direct their comments to make them aware of how frustrated they were to be so helpless. Afterward, how they fell into blaming themselves or thinking about what could they have done differently.

Handouts

The following handout of the layers of the self as an onion skin is suggested. It is easy to understand without prior reading and hopefully will get the point across about why rape victims are more helpless and more traumatized than any other victims: because they were attacked at the very core of their beings.

An additional handout, which follows "Was He Asking For It?" is a good second option to stimulate discussion of the idea so often put forth about certain victims (e.g., "She asked for it.").

Readings

None suggested. This whole unit is primarily to get a sense of empathy with the victim and understand how empathy will not only help the victim but, in the long run, will encourage reporting. Reading is not necessary for this goal.

2. Film and Discussion

The film Reality of Rape (Street Skills Series) and discussion guide can be obtained from Motorola Teleprograms, Inc., 4825 Scott St., Schiller Park, Illinois, 60176, or through the Criminal Justice Education and Training Resource System, 447 N. First Street, San Jose, California 95112.

UNIT THREE: THE RAPE VICTIMHOW

3. Victim Panel

1. Selecting the victims: suggestions for who

- At least two victims; no more than four
- There be one reporting victim and one non-reporting victim
- The reporter be as close to the description of the "classic rape" as possible.
- The non-reporter be close to the "justifiable rape" (a minority; a woman who knew her assailant).
- The women want to talk with officers, not at them; want to help officers understand their attitudes, not lecture at officers.

2. Selecting the victims: suggestions for how

- For the reporter:

Go through department files.

Contact Palo Alto Police Department.

- For the non-reporter:

Contact one of the community groups in local area (i.e., WAR, NOW) that works with victims.

- Explain the purpose as encouraging officers to develop empathy with victims and to understand why some victims do not report.
- Contact Palo Alto Police Department for women who participated in the study who might want to help.

“WAS HE ASKING FOR IT?”

Recently, *Harper's Weekly* carried an item from the American Bar Association *Journal* declaring that few rapists are punished for their crime: only one in five rapes is reported and only one out of eight reported rapes ends in conviction. In a dialogue to demonstrate why most rape victims prefer not to press charges, the article asks us to imagine a robbery victim undergoing the same sort of cross-examination that a rape victim does:

“Mr. Smith, you were held up at gunpoint on the corner of First and Main?”

“Yes.”

“Did you struggle with the robber?”

“No.”

“Why not?”

“He was armed.”

“Then you made a conscious decision to comply with his demands rather than resist?”

“Yes.”

“Did you scream? Cry out?”

“No. I was afraid.”

“I see. Have you ever been held up before?”

“No.”

“Have you ever given money away?”

“Yes, of course.”

“And you did so willingly?”

“What are you getting at?”

“Well, let's put it like this, Mr. Smith. You've given money away in the past. In fact you have quite a reputation for philanthropy. How can we be sure you weren't *contriving* to have your money taken by force?”

“Listen, if I wanted—”

“Never mind. What time did this holdup take place?”

“About 11 P.M.”

“You were out on the street at 11 P.M.? Doing what?”

“Just walking.”

“Just walking? You know that it's dangerous being out on the street that late at night. Weren't you aware that you could have been held up?”

“I hadn't thought about it.”

“What were you wearing?”

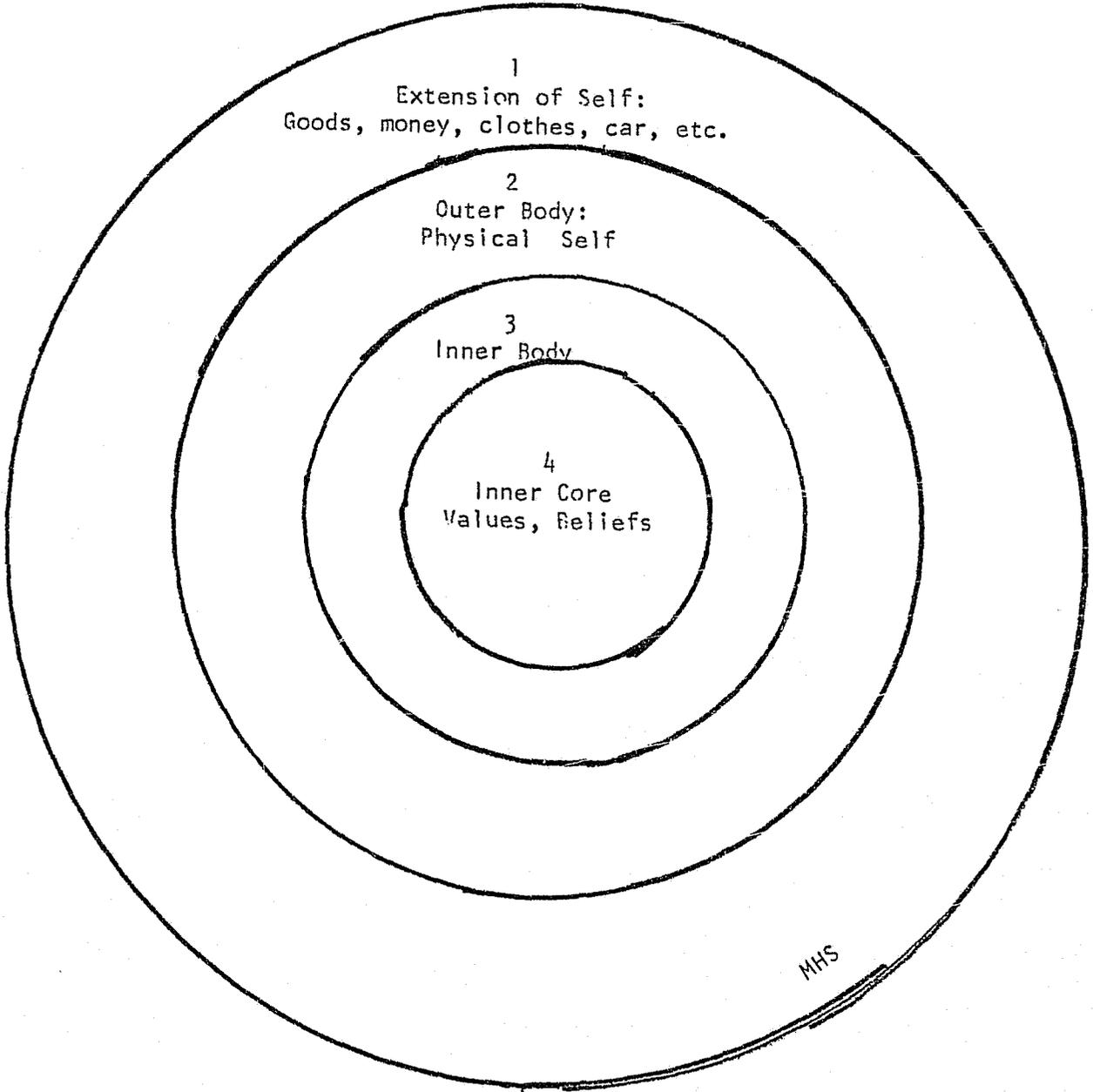
“Let's see—a suit. Yes, a suit.”

“An expensive suit?”

“Well—yes. I'm a successful lawyer, you know.”

“In other words, Mr. Smith, you were walking around the streets late at night in a suit that practically advertised the fact that you might be a good target for some easy money, isn't that so? I mean, if we didn't know better, Mr. Smith, we might even think that you were *asking* for this to happen, mightn't we?”

SELF CONCEPT



UNIT THREE: THE RAPE VICTIMHOW

- Contact Mimi Silbert, 4237 Piedmont Ave., #201, Oakland, Calif. who has worked with numbers of minority victims who might be available.

3. Preparing the victims

- Meet individually with each victim candidate for the panel.
- Explain your purpose in setting up the panel as helping officers empathize and gain an understanding of the aftermath of rape and the traumatic feelings it causes.
- Ask victim how comfortable she would be discussing the aftermath of her rape.
- Assure victim she will not have to discuss the details of the assault if she doesn't want to. The stress is on the aftermath. If she wants to discuss the rape itself, assure her this is ok, that she should tell officers she doesn't mind.
- Victim does not have to use her true name.
- Stress that victims can refuse to answer any questions they want.
- Assess attitude, particularly of non-reporters. You'll want to avoid victims who will be openly hostile to officers.
- Go over format: victim runs story, then opens to questions.
- Might go through possible questions asked.

4. Preparing the officers

- Give brief description of each victim, the circumstances of the rape, whether or not she reported, her basic attitudes.
- Present format.

UNIT THREE: THE RAPE VICTIM

HOW

- Stress that officers must follow victim's leads in what she does and does not want to discuss.
 - Stay away from details of actual rape unless the victim states otherwise.
 - Stress aftermath: feelings afterwards; how treated by family, friends, police; why she did or did not report; what police could do differently.
5. Administrative details
- Set up meeting time one half hour before victim panel is to begin.
 - Make sure victim has map and everything else necessary to get there.
 - Let victims meet one another prior to panel.
 - Check preference for tea, coffee, etc., and have available for victims.
 - Make sure financial arrangements (e.g., fees, honorariums) are clearly agreed upon prior to class.

Behavioral Objectives

The trainees should be able to list and discuss the key points in the lecture. These should minimally include:

- All victims feel powerless and without control.
- Rape victims are made even more helpless and powerless by having their body and their most private feelings and values violated.
- Just about all rape victims are highly traumatized and need some concern, not suspicion, from those who respond to them.
- There are different types of victims and different circumstances of rape, but they all need sensitive responses.
- These responses will encourage more non-reporters to report.

UNIT FOUR

ROLE PLAYING: PRACTICE INTERVIEWS

UNIT FOUR: ROLE PLAYING - PRACTICE INTERVIEWSWHY

Why are role playing and video feedback necessary?

Recent research demonstrates that when people took the opportunity to practice handling different situations in role playing scenes, over 75% could handle the situation more effectively when it actually arose in the field.

Because rape victims are so highly traumatized and sensitive to the kind of questioning which might blame them or impute consent to them, a checklist of how to handle the rape victim is presented. These procedures will be practiced on situations involving victims in different circumstances in order to ensure the most sensitive and effective police action.

Every victim contact is a two-sided event. The officer has intentions to do "A through H", and the victim has her view of what the impact was on her of the officer's interaction. There is no single reality of what happened in the contact. No matter what the officer intended, if the victim felt the impact on her was not the same, then her perception changes the reality of what happened.

It is important, therefore, not just to go over the checklist of what to do with rape victims, but also to practice them on different types of victims to see what items have which kinds of impacts on different victims.

UNIT FOUR: ROLE PLAYING - PRACTICE INTERVIEWSWHY

This will be done by setting up simple role plays and then getting feedback on what the impact was from the "victim" and from viewing it on the Video Monitor.

Those items which have an effective impact on the victim will be reinforced.

Those which do not have an effective impact on the victim will be reworked to create the effective impact.

UNIT FOUR: ROLE PLAYING - PRACTICE INTERVIEWS

WHAT

SAMPLE OPENING LECTURE

As we discussed earlier, the emotional traumas of rape victims are severe, unique, often not apparent, and require careful response on the part of officers to help ensure their long-term emotional well being and continued cooperation with police personnel.

The officers' responsibilities include:

1. Putting out a BOL*for the suspect if the suspect has left recently.
 - Aside from a description officers should ask:
 - Which direction did he go it?
 - Did you get a license number?
 - * Did you leave any marks on him that could help us identify him?
 - ++ When did you first see him?
 - + Rather than, did you fight back or resist, which could imply the victim might have consented if she did not fight back.
 - ++ Rather than, did you know him, which also could imply some element of consent to a sensitive victim.
2. Attending to the victim's physical and psychological well being:
 - An officer should not attempt to console or counsel victims aggressively. The best comfort s/he can provide is to be professional and respectful and to display concern for the welfare of the victim without being excessively intimate.
 - Officer should begin with a line of concern (e.g., "You've been through a real ordeal." Then explain

*

Be On the Lookout

UNIT FOUR: ROLE PLAYING - PRACTICE INTERVIEWSWHAT

his/her need of the victim's immediate help to get out a description of the suspect; then focus on victim's needs.

- The officer should pose simple choices for the victim in order to begin alleviating feelings of powerlessness and to begin building a cooperative relationship between the police and the victim.

Choices should include:

Would you like to have anyone here while we talk? (Friend, husband, boyfriend, or family?)

Would you like anyone to accompany us to or meet us at the hospital?

If possible, Would you prefer to talk to a female officer.

If appropriate (and possible), Would you like a woman from a local women's group to accompany you?

Would you like to talk about what happened now or would you prefer to wait to talk about it?

3. Identifying and preserving the physical evidence.
4. Establishing the minimal corpus of the crime.

NOTE: As 3 and 4 are covered in other training, the focus here will be on 1 and 2.

UNIT FOUR: ROLE PLAYING - PRACTICE INTERVIEWSWHATSAMPLE INTERVIEW

Introductions:

Are you badly hurt? (If answer is yes and victim needs immediate hospital care, ask questions en route). What happened - You mean you were forced to have intercourse? You've been through an awful ordeal. I'll be asking you a few questions about what happened and explaining what we'll be doing. I need your help with one thing right away - finding the suspect. There are other officers waiting to look for him right now. The more information you can give me now, the better chance we have of finding him.

When did he leave? Which way did he go? By car? Can you describe it? Did he have a weapon? Did you happen to catch a license number? Can you describe him? When did you first see him? Where was that? O.K., good; I'll put that report right out.

Now, would you prefer to talk with a woman officer?

Is there anyone you'd like to have present with you: a friend or family member or advocate? If you'd like I can call them for you and they can meet us at the hospital.

Let me tell you a little about what we need to do. We'll try not to bother you any more than we have to, but there are some things which must be done right away. I need to ask you a few questions about what happened and where it happened, so that we can get the investigation going. We need to check right away for the things the man may have left behind - weapons, clothing, anything like that - and fingerprints.

UNIT FOUR: ROLE PLAYING - PRACTICE INTERVIEWSWHAT

Would you rather go into the facts in detail now or later? If you prefer, I can go over the basic facts now and a follow-up investigator will call you tomorrow to set up an appointment to talk with you about the details of the assault. S/he will have a lot of questions about what exactly was said and done, so if you can remember the details, that'll help.

I'd like to take you to the hospital now. We want the doctor to give you any medical treatment you need - treat any injuries and VD and pregnancy prevention. As much as you may want to, I must ask you not to wash or change clothes until after the doctor's examination. Washing or changing your clothes might destroy important evidence against your attacker. The doctor will need to run some tests for our investigation. We'll talk about those a little later, after I've found out what happened.

- Call ahead or have the dispatcher call to notify the hospital that a rape victim will be coming in.
- Ask the victim if she would like to have someone else take her home, or if she will want to stay with someone for the night. The officer should explain that s/he will have to wait at the hospital for the doctor's report and will be available to transport the victim if she wishes.
- Remind the victim that she should take a change of clothing.

UNIT FOUR: ROLE PLAYING - PRACTICE INTERVIEWSWHATROLE PLAYING SCENESScene 1

The Victim: The victim is a black 19 year old, dressed in a mini-skirt; she works at a "Jack-In-The-Box"; uses vulgar language. Victim has obviously been sobbing. No overt bruises. Is very mused up and shaken.

The Story: The victim, Carol, was visiting a girl friend who now goes with the victim's ex-lover, Joe. About midnight Joe came in drunk with two other buddies. Carol and Joe had a verbal fight. Carol then became upset, began swearing at all of them. The other two pulled her into the bedroom. One tied her to the bed. They each raped her, one at a time. The second one forced her to have oral copulation. They threw her out of the house. She walked around for a long while; then she called her sister, who invited Carol to her house. The father came over and brought her to the police to report the rape.

The Scene: At the Station.
Carol and her Father.

UNIT FOUR: ROLE PLAYING - PRACTICE INTERVIEWSWHATScene 2

The Victim: The victim is a Caucasian 43 year old mother of three. She works part-time as a secretary. She appears in control and is very eager to talk.

The Story: The victim, Louise, was in her home with her husband and children. About 10 p.m. a burglar with a knife came through the window, took some items, stripped and tied up the husband and told him he was taking the wife into the bedroom to rape her. Which he did. She did not resist. He ripped the phone out of the wall and left. The husband called the police from a neighbor's phone and reported a rape.

The Scene: At the home.
Louise and her husband.

UNIT FOUR: ROLE PLAYING - PRACTICE INTERVIEWSWHATScene 3

The Victim: The victim is a 28 year old Puerto Rican student at a junior college. She is withdrawn and "Old Country" in her dress, demeanor and values.

The Story: The victim, Rosa, was coming back from a night class at 10:30 on the bus. A black man on the bus followed her off, pulled her into some bushes, pulled a knife, pushed her down and raped her. She did not resist. He took the knife and lacerated her vagina. She began to scream. He ran. A passerby, knowing the woman was down and screaming, called the police.

The Scene: On the street; victim down and apparently hurt and uncooperative.

UNIT FOUR: ROLE PLAYING - PRACTICE INTERVIEWSHOW

This is an all-day unit with three parts:

1. Lecture
2. Role plays
3. Video feedback

1. LectureContent

An outline and sample lecture are presented.

The key points to get across are:

- Tone should be strong yet consoling.
- Cover all points on checklist:
 - Suspect information
 - Evidence
- Attend to victim's physical and psychological well being.
- Offer simple choices.
- Explain police procedures.
- Take victim to hospital; explain hospital procedures.

Examples

None necessary.

Advance Preparation

Xerox copies of checklist.

Handouts

The following handout of the checklist for the initial interview is important.

UNIT FOUR: ROLE PLAYING - PRACTICE INTERVIEWSWHATScene 3

The Victim: The victim is a 28 year old Puerto Rican student at a junior college. She is withdrawn and "Old Country" in her dress, demeanor and values.

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- Explain police procedures.
- Take victim to hospital; explain hospital procedures.

Examples

None necessary.

Advance Preparation

Xerox copies of checklist.

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The following handout of the checklist for the initial interview is important.

UNIT FOUR: ROLE PLAYING - PRACTICE INTERVIEWS

HOW

Since it has been gone over in detail in Unit Two and briefly reviewed in the lecture, it will serve to remind trainees of issues to be covered in their role plays.

Readings

None suggested.

2. Role Plays

All role plays will be based on prepared scenes. The goal will be to have each officer practice the best way to follow the guidelines in the checklist on victims in different situations.

Advance Preparations

Read scenes and develop any other situations not covered that may be important to your area.

Decide who will play victims. The following options are suggested:

1. If you know your trainees and can assure yourself cooperation, select "victims" from trainees. The advantage here is participation and the important empathy that comes from playing the victim's part. The disadvantage is the possibility no one will want to play the victim.
2. Actual victims who are willing to do role plays are available. Contact the Palo Alto Police Department for some names. Also, local community women's groups may have some members willing to role play. The advantage is that the credibility of the role plays is greatly increased

UNIT FOUR: ROLE PLAYING - PRACTICE INTERVIEWSHOW

(e.g., trainees cannot dismiss the exercise as unreal). The disadvantage is the difficulty of finding victims who are willing to do role plays in your area.

3. Actresses may be contacted through local school drama departments. The advantage is that they are easily obtained and can handle the part without difficulty. The disadvantage is that the credibility of the role play is diminished by the use of actresses.

Prepare "victims". Decide who will play what scene. Give them copies of the scene to study.

If the class can be divided between two trainers to allow for a longer practice and feedback time per trainee, decide the format for dividing the group (i.e., who will go in which group).

Content

A sample interview for the trainer to use as the first role play is presented in the "What" section. It is suggested the trainer either read it, learn it prior to the role play, or adapt it to his/her own style.

Included are 3 scenes for role plays of different situations. These were developed to cover a range of different circumstances to which the officer may be called for an initial interview of a rape victim.

UNIT FOUR: ROLE PLAYING - PRACTICE INTERVIEWS

HOW

Setting the Scene

- The trainer should do the first simple scene, using the sample interview. This will give trainees a role model of what to say and how to act, if they have never participated in a role play. The trainer should encourage feedback from the group and from the "victim".

- Select the next scene.
- Always stand to set up the scene.
- Read it in detail and set up chairs and props.
- Always be sure to have the role players and the microphone well situated to be picked up by Video TV.
- Select someone who has been active in training to play the officer in the first scene so a positive trend for participation is set.
- Always point out to victim that while her circumstances and past are determined by the set scene, her response should be to each officer. When she's annoyed by one, she should act it; when she's pleased or thankful, act it. For example, if a victim is down and crying, if the role player's approach makes her want to get up and give him information, she should follow her natural responses to his/her style. If the role player's approach makes her recoil and feel more upset, she should do that to make him/her realize the style employed is not working effectively.
- If there are 20 people in the class, allow about ten minutes per role play. If divided into ten trainees, allow 20 minutes per scene.
- Be ready to stand behind any role player who is having difficulties. You can ask leading questions or give cues to get him/her on the track again.

3. Video Feedback

Every 10-minute role play will be followed by a replay of the scene on the video monitor.

UNIT FOUR: ROLE PLAYING - PRACTICE INTERVIEWS

HOW

Advance Preparations

- Secure adequate machinery in good condition and check the room for necessary plugs and outlets and lighting conditions.
- Make sure there is an operator who understands the set-up (e.g., ten-minute scene, then replay).
- Pretest the microphone and placement of chairs and select spot for placement of mike.

Setting Up the Feedback

- Before playing back the scene on the video monitor, let the role player say anything on his mind. Give him an open question, like "What did you think? How did it seem to you?"
- Next ask the victim for general feedback on the impact of the officer (e.g., "How did you feel about the way this officer responded to you? Did you end up generally comforted or annoyed with the officer contact? What mostly about the response made you feel that way?")
- Then go to replay of the scene.
- As each item on the checklist is covered (or forgotten), stop the video. For each item, check the impact on the way each was handled.

For example, on the checklist item "Solicit information about suspect": is the way the officer handled that situation one which made the victim want to cooperate and give more information, or did the style make the victim clam up and become uncooperative?

- Go over each item on the checklist this way. Was the manner in which it was covered effective or not effective enough?

Always reinforce the effective responses with a positive comment and suggest different possibilities for the problematic responses.

UNIT FOUR: ROLE PLAYING - PRACTICE INTERVIEWS

HOW

- For each item, ask questions not just of the victim, but of the group. In order to encourage group participation, address your questions to people sitting in different parts of the room.
- Always - repeat, always - offer some overall support and approval for each and every role player at the summation of the feedback.
- Never humiliate an officer or overcriticize an ineffective response.
- There is an extra hour available for the replay of scenes for any role player who needs additional practice.

Problem Participants

If a trainee refuses to engage in role playing or feedback discussion, just pass him over. Don't make an issue of it.

If there is an overtly hostile or insensitive officer, do not humiliate him or challenge him. Try instead to solicit participation from the others in the class. Either they will respond to him for you or he will eventually get the point by watching and hearing all the comments of others.

If there is someone who challenges the way you are conducting the sessions, use the research as a basis for this particular format, saying something like "I can see where your way worked in what you were doing, but this training is based on the specifics derived from in-depth research; and the style I'm using is necessary to reinforce those specifics."

UNIT FOUR: ROLE PLAYING - PRACTICE INTERVIEWSHOWBehavioral Objectives

Given a written fact situation of a sexual assault, the trainees should be able to identify the issues to be addressed. These should include all eight points covered in the checklist handout.

Given various simulated situations of sexual assault, trainees should act in a manner that both promotes victim well being and produces the most thorough investigation.

CHECK LIST FOR SEXUAL ASSAULT INITIAL INTERVIEW

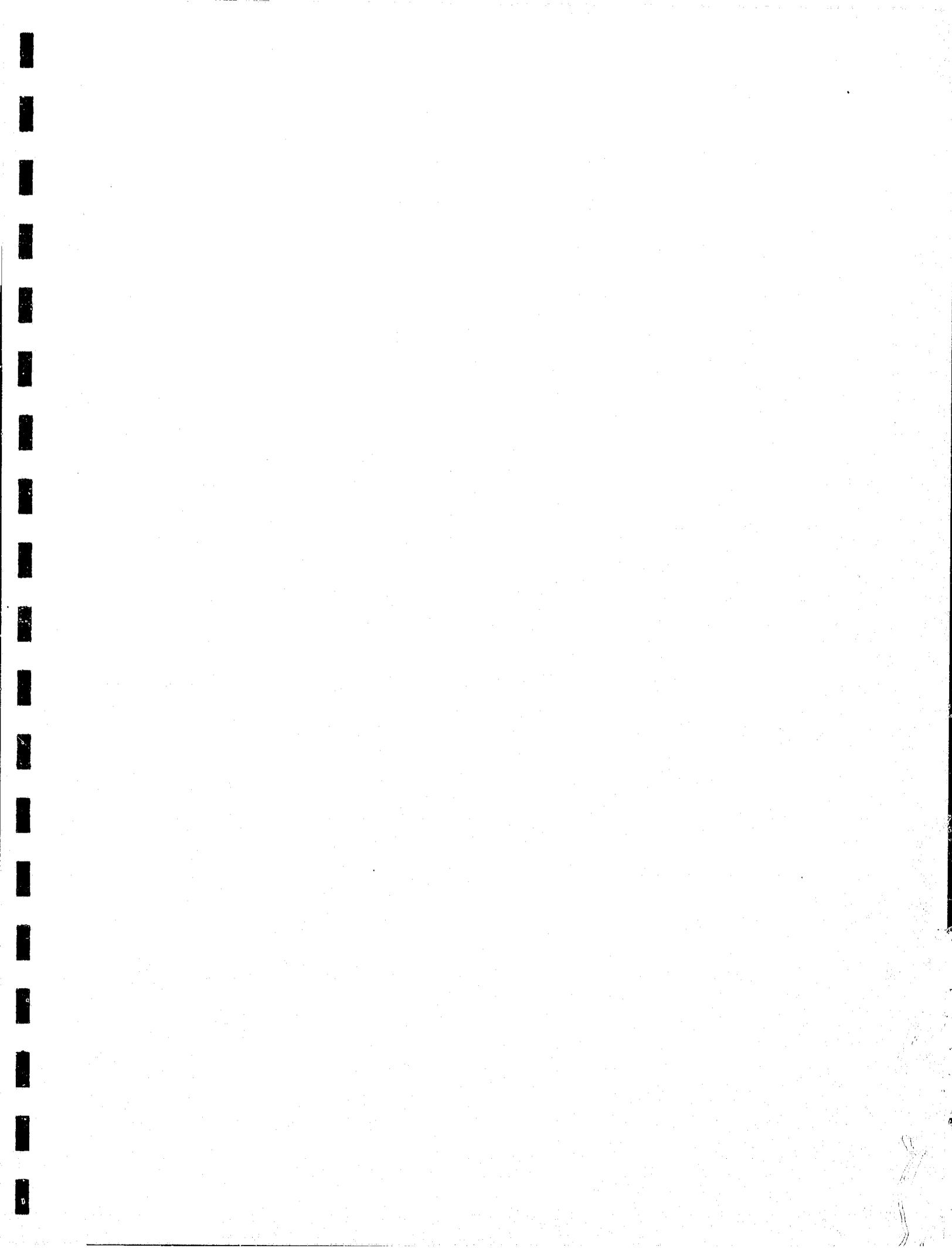
1. Ask what happened; verify forced penetration
2. Acknowledge ordeal for victim
3. Verify victim's physical well being - take immediately to hospital if necessary
4. Solicit victim's help in identifying suspect
 - when did he leave?
 - which way?
 - was he alone?
 - car license, description
 - carrying a weapon?
 - physical description
 - did victim leave any marks to help in identification?
 - when did victim first see him?
 - acknowledge and give approval for victim's help
5. Establish elements of the crime
 - was there penetration
 - where did it take place
 - do not press for additional sexual details not necessary to establish the corpus
6. Provide simple choices
 - does victim want a friend (or relative-advocate) called? - have them meet you at hospital?
 - if possible, does victim want to talk with woman officer?
 - does victim want private doctor instead of hospital emergency room.
 - check about insurance coverage for private doctor

CHECK LIST FOR SEXUAL ASSAULT INITIAL INTERVIEW

7. Explain procedures that will follow
8. Preserve crime scene and collect physical evidence
9. Take victim to the hospital
 - explain hospital procedures including necessity of evidence collecting, treatment for lacerations, V.D., and pregnancy prevention, and necessity of not showering or changing clothes.
 - request, if possible, that victim bring change of clothing
 - notify hospital ahead of time of arrival of rape victim

UNIT FIVE
COMMUNITY RESOURCES
(OPTIONAL)

NOTE: This unit can be added for a 24-hour curriculum. It is suggested that it be placed between Units Two and Three. Discretion should be used in considering the addition of this unit. It is controversial in nature and its effectiveness is highly dependent on personalities.



OPTIONAL UNIT FIVE: COMMUNITY RESOURCES (4 HOURS)WHY

Victims who participated in the Palo Alto study often requested referral information from study personnel. Police officers were not well informed of all referral possibilities and the specifics of services provided (e.g., cost, location,).

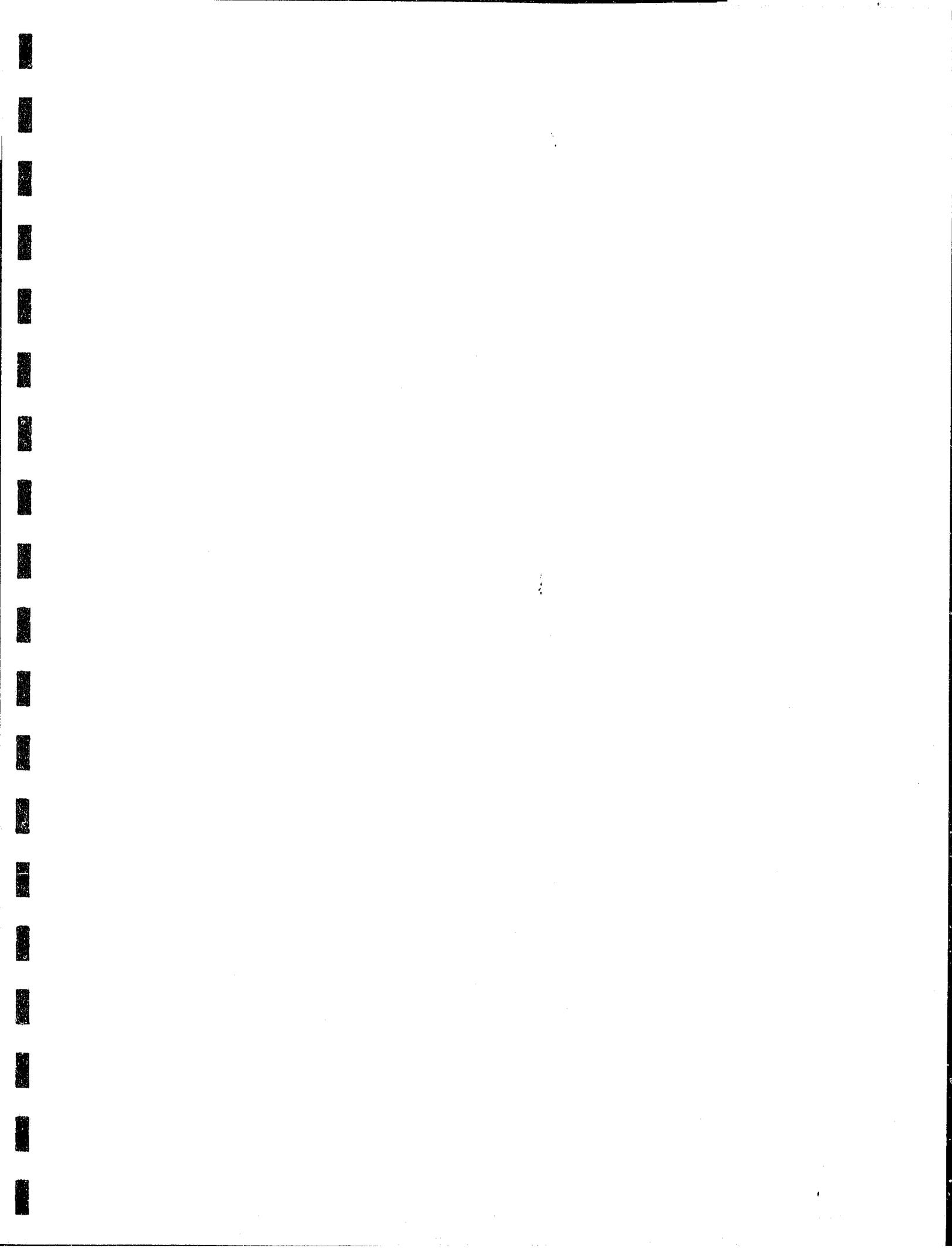
In addition, community groups and police departments are in some cases hesitant about working with each other.

It is important that police officers see their role as one of finding out what community services are effective. The Resource Guide contains draft pamphlets that can be used as models to develop information on community resources, explanation of the criminal justice process, and safety precautions.

A panel of community group representatives will allow police officers to discuss openly how community groups and the police department can work together to aid rape victims and find out exactly what services exist and whom to call.

The hospital panel can also be included in this unit. District Attorneys and police officers often complained about the lack of cooperation on the part of hospital personnel in their investigation.

The panel format will provide an opportunity to discuss procedures, identify problems, and develop lines of communication.



OPTIONAL UNIT FIVE: COMMUNITY RESOURCESWHATLECTURE OUTLINE

- I. Community Groups
 - A. Brief history of women's groups.
 - B. Importance of interfacing between community groups and police.
 - C. Name all groups in area dealing with rape victims.
 - D. Introduce panel members.
 - E. Guide discussion to learning as much as possible about community groups' resources.

- II. Hospitals
 - A. Importance of interfacing between hospital personnel and police.
 - B. Name hospitals in area to which victims are taken.
 - C. Note issues of concern to police or victims in hospital policies or practices (e.g., too long a wait before victim sees doctor).
 - D. Introduce panel members.

OPTIONAL UNIT V: Community ResourcesWHATA Sample Introductory Lecture: The Women's Movement

In a sentence: it is about the sentiments, values, and power which is exemplified in idle comments such as the following which have been made about women since the beginning of recorded history:

- (1) I thank thee, O Lord, that thou hast not created me a woman. ---
Daily Orthodox Jewish Prayer (for a male)
- (2) When a woman thinks...she thinks evil. --- Seneca
- (3) Suffer women once to arrive at an equality with you, and they will from that moment become your superiors. --- Cato, the Elder
195 B.C.
- (4) The five worst infirmities that afflict the female are indolency, discontent, slander, jealousy, and silliness....such as the stupidity of woman's character that it is incumbent upon her, in every particular, to distrust herself and to obey her husband. ---
Confucian Marriage Manual.
- (5) To men a man is but a mind. Who cares what face he carries or what he wears? But woman's body is the woman. -- Ambrose Bierce
- (6) Regard the society of women as a necessary unpleasantness of social life, and avoid it as much as possible. --- Count Leo Tolstoy
- (7) Women have great talent, but no genius, because they always remain subjective. --- Arthur Schopenhauer
- (8) The woman's fundamental status is that of her husband's wife, the mother of his children. --- Talcott Parsons

OPTIONAL UNIT V: COMMUNITY RESOURCESWHAT

- (9) It would be preposterously naive to suggest that a B.A. can be as attractive to girls as a marriage license. -- Dr. Grayson Kirk (former President, Columbia University)
- (10) And, an old favorite: Women are usually more patient in working at unexciting repetitive tasks...Women on the average have more passivity in the inborn core of their personality...I believe women are designed in their deeper instincts to get more pleasure out of life---not only sexually but socially, occupationally, maternally -- when they are not aggressive. To put it another way, I think that when women are encouraged to be competitive too many of them become disagreeable. --- Dr. Benjamin Spock, Decent and Independent
- (11) Finally: "Well, can you type?" heard by every woman ever trying to get a job away from a child, a kitchen, or a file cabinet.
- (12) Or, "I would hire a woman, if I could find a qualified one." And, perhaps some of you are familiar with this one: "Well, after all, would you want to have to depend on one, as your partner, to back you up?????????"

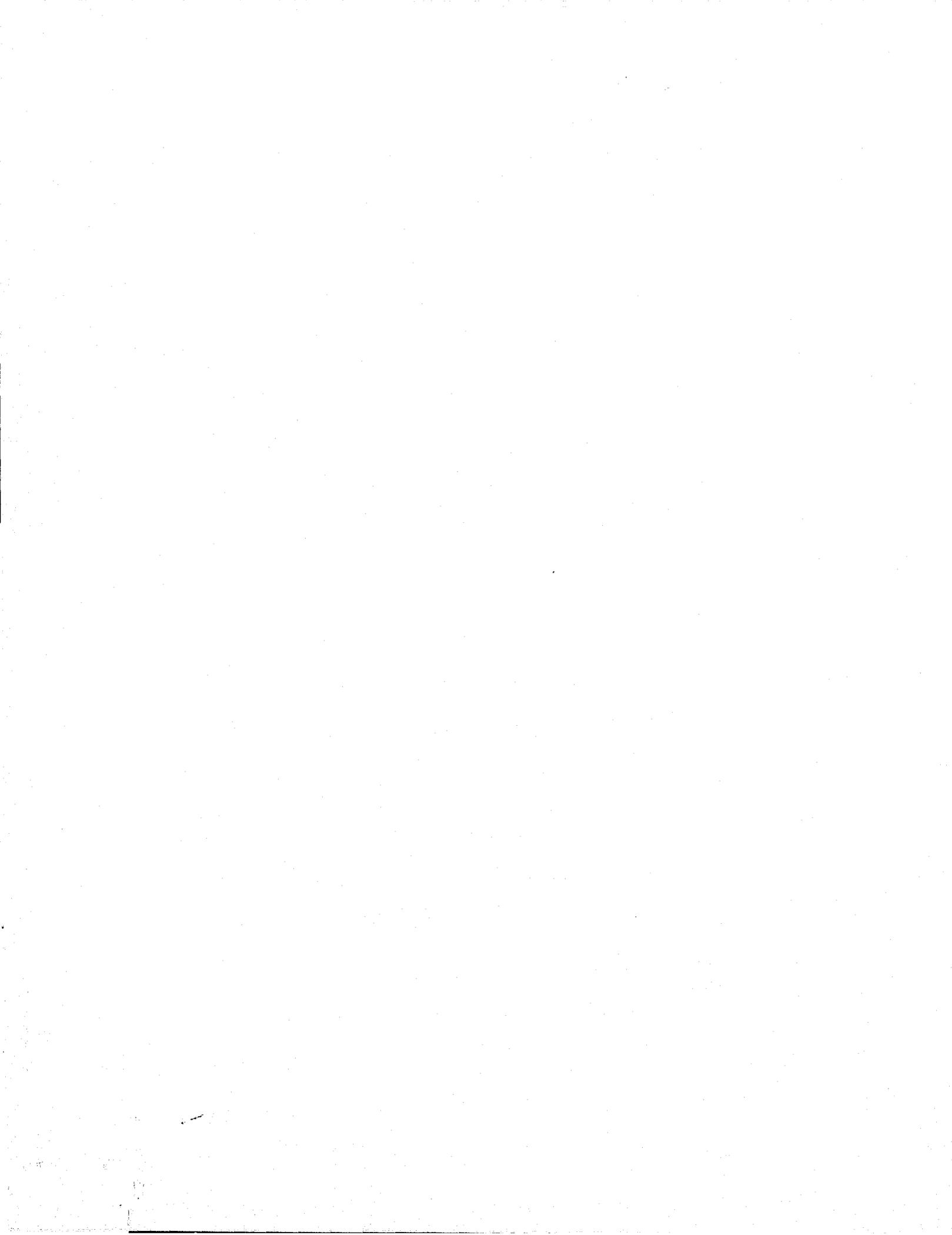
The womens' reaction in the past, and today to these statements has been: "We want self determination --- we want to make our own decisions, about our our lives, decisions that are not restricted by the accident of biology or about, how we should look, how we should act, and what we should get our satisfaction from." Women have been reacting for decades.

OPTIONAL UNIT 5: COMMUNITY RESOURCESWHAT

The so-called womens' movement in the United States has origins in the 19th Century. There may have been organized womens' groups prior to this period, but women are just beginning to research into their history. History books, including one of the most important, Beard's Basic History of the United States, didn't think women were important enough to mention them, until the last decade, Beard, himself, devotes almost 10 pages in his book on the womens' rights movements.

Despite this oversight, we do know a few things about "uppity women" even in colonial times" --- they were often responsible for industrial strikes. Women ran self-sufficient domestic factories, producing, among other things, clothes, candles, soaps, and bedding. With industrialization however, and the adoption of such inventions as the spinning jenny and the power loom, womens' energies and talents were increasingly exploited for profit. (Now, you may be saying --- "they didn't have to work" or "well, they were paid". Until recently, any money obtained by a woman, any property, and her children included belonged to her husband. Women could not own property. She could not sign a contract and until recently, within the last year (in fact) could not obtain credit, without the co-signature of her husband, in a majority of businesses.

Many industries employed women, some in the home, some in the factories and especially as the migration westward produced shortages of manpower. The owners of spinning and weaving factories sought out women and children in the belief that their smaller hands were more suited to the work than those of the men. These women typically were underpaid. (Here, at least not much has changed). To add to the troubles of the woman worker, the idea remained fixed



CONTINUED

2 OF 3

OPTIONAL UNIT 5: COMMUNITY RESOURCESWHAT

that the real and happy province of the woman was the home. Despite long and arduous labors at a job, the woman was expected to assume household chores, thus fulfilling her "natural role" of wife and mother. If she was exhausted by leading both lives, her exhaustion was an expression of the natural physical inferiority of women.

Beginning in the 1830's, many short-lived organizations for home-working women were formed. These early efforts failed at least in part because the women, isolated and inexperienced received little support from the men's groups of their trade. The first strike by women took place in Pawtucket, Rhode Island, in 1824. These women were joined by men with similar grievances. This was among the first successful textile strikes. It led to the establishment of a woman's organization which initiated some of the most progressive changes in industrial practice, particularly involving health and safety procedures.

The 19th Century rigid social order, with its Puritanical origins, broke down to some extent outside the close and homogenous community of the colonies. The frontier was settled by isolated families from a wide variety of backgrounds. In this atmosphere of social mobility, where life was dangerous and widows were often left to run a farm alone, women gained some new advantages. Most western states did not duplicate Eastern laws prohibiting women from owning property, and they were the first to grant suffrage to women.

OPTIONAL UNIT 5: COMMUNITY RESOURCESWHAT

The origins of an organized womens' movement can be traced to the anti-slavery movement, in the North. Women were extremely active, and some of the most read abolitionists. The Grimke sisters, Lucy Stone, Elizabeth Cady Stanton, Lucretia Mott and Susan B. Anthony shared the libraries and podiums with Frederick Douglas and Blackwell and Garrison.

The official Woman's Movement in America was inaugurated in the Seneca Falls convention of July, 1848. This meeting arose out of abolition, for at the World Anti-Slavery Convention held in London, no women were allowed to participate. Women who had sought to attend on behalf of American abolitionist organizations, created an alliance which resulted in the conference and the "Statement of Seneca Falls". Basically, it is a simple paraphrase of the Declaration of Independence. 75 years after the American Revolution, women were daring to apply this document to themselves, extending its premises --- the proposition of inalienable human rights and the legitimacy of government relying upon the consent of the governed -- even, and at last, to their own case. The reforms they advocated here, and in womens' rights conventions which began to spring up everywhere, related to the issues of control over their own earnings and the right to own property, access to education and divorce, the guardianship of their children, and most explosively, the demand for suffrage.

The Civil War and Reconstruction, which quickly followed, were periods of great social upheaval and forced record numbers of women into positions away from home. The enormous growth of industry, due to the demands of a country

OPTIONAL UNIT 5: COMMUNITY RESOURCESWHAT

at war, created a new need for workers. Women went to work in greater and greater numbers. For the first time, women entered government office jobs in large numbers and became the majority in the teaching profession.

The changes wrought in the society by the war made it impossible to return to pre-war occupations and ideas. A significant number of the Seneca Falls goals were secured in some states during the latter quarter of the 19th Century. Womens Rights Organizations were re-established, the most prominent devoted to womens rights was the National Women's Suffrage Association. The Association recognized the lack of the vote was a symptom of women's exclusion from the society and not its cause, yet it was such a powerful symbol that proponents and opponents expected liberating results all out of proportion to what finally came about when women were granted the vote. The strategy of the majority of the Suffragists involved "educating" the public to the righteousness of their cause. They used the slow, persevering methods of petition, pamphleteering, leafletting, speechmaking and canvassing male votes in local elections. Only, the apparent futility of this strategy provoked some towards more spectacular methods: mass demonstrations, parades, pickets. Even in the angriest moods, nonviolent methods prevailed, sharing more with the movements of Gandi and for Civil Rights, than their predecessors.

Many historians and reporters credit the abrupt and prolonged "vanishing act" of the Womens Movement after 1919, to the movement's concentration on suffrage. (I suggest the article "You've Come A Long Way Baby" in Robin Morgan's anthology SISTERHOOD IS POWERFUL, for some insights on the womens'

OPTIONAL UNIT 5: COMMUNITY RESOURCESWHAT

role between 1920 and 1950). The exclusiveness of this focus helped the movement to fade, disappear and even lose ground when the vote was gained. Commentators point at the absence of a philosophical basis, since Seneca Falls, and the superficiality of its societal analysis as the critical flaws. Marriage, the primary role of the woman in the home,

childbearing as the central duty of every woman, monogamy, the family, sexual mores, unequal rights to work were not challenged in any coherent fashion.

The 1960's wrought tremendous changes for all segments of American society, and women were not far behind. Much of the impetus for the current women's movement has come from women who had been active in the civil rights movement, in the anti-war movements, and the student movements. Women's caucuses sprang up in all varieties of political organizations, from which evolved a recognition of what was gradually called "female solidarity". Even among the most radical groups, women found themselves doing "the dirty work".

Today, many groups compose the womens' movement. There is no single spokesperson for the Women's Movement. There is much diversity, and strong lines of solidarity. Some voices are louder than others. Some groups are exclusively concerned with employment, getting training and education for jobs, being paid the same as men performing the same tasks, and being promoted accordingly. Other groups are social. There are professional groups, concerned with increasing the status of women in that profession, e.g., the National Women Lawyers Association. There are student groups at high schools and colleges, and support groups for older women returning to school. Generally, these groups are not looked at as being part of the womens movement. Partly,

OPTIONAL UNIT 5: COMMUNITY RESOURCESWHAT

because of their diversity and partly because all of us have a tendency to label, and the loudest groups are easiest to label. But all these groups and many more together compose the womens' movement because they all share one common and central demand: self-determination.

It is my opinion, and this may not be shared by anyone, my colleagues or leaders of womens' groups, that the commitment to self-determination is one of the reasons why the issue of RAPE has received such widespread attention. Womens' groups from NOW to the local League of Womens' Voters, to the County and State Commissions on the Status of Women have committees to discuss and analyze the crime of rape and the impact of women, have agendas and seminars on what local community groups can do to support rape victims and help other women protect themselves from the heinous act.

It is difficult to totally explain the rapid rise of concern about the crime among women. As we know, rape is not new. But perhaps, as social mores have become more realistic, less rigid and people have begun to be more open about talking about sex, it became apparent to women that being overpowered by a man and forced to submit to some sexual act was a violation of the most fundamental rights they possess and that not acting made them responsible for their own degradation. (Accomplices to their own degradation.) Also, perhaps as this crime became more public, and by that I mean came more frequently into the view of white, middle-class society, more mothers became concerned about what could happen to their daughters, and gradually, came to realize that it could happen to them. Additionally, statistics show us that

OPTIONAL UNIT 5: COMMUNITY RESOURCESWHAT

reported rapes are increasing at a faster rate than any other violent crime, including assault and homicide, nationally.

Let me leave you with one example of how the crime of rape was brought home to a group of mothers in a local city: When a couple of teenage girls were raped in the corridors of their high schools, and their mothers were not informed until 1-2 hours later to come to the principal's office, where they waited for the juvenile officers to finish questioning, these women became upset. One mother tells of being kept outside the principal's office, where she could almost hear her daughter. Then, when she finally could see her daughter, they were taken to the hospital, where after waiting in the emergency room for almost an hour, the daughter was examined, without her being allowed to be present. Then being ordered to go to the police station, to look at photographs, and for additional questioning, before being allowed to go home.

The increasing refusal of women to impute guilt for rape to themselves or to their daughters, sisters or friends and the liberalized view of sexual behavior has encouraged the growth of supportive groups such as Women Against Rape, and Womens' Refuges and Womens' Health Clinics. By going to a womens' organization of some type, by being involved, many women feel that they are asserting their individual and collective power, doing something important and affirmative to determine the terms under which they will live their lives.

The Womens' Movement is spreading through all groups and classes in American society. Alternative institutions are springing up: womens' child care centers and cooperative nurseries; all-women communes; half-way houses for women

OPTIONAL UNIT 5: COMMUNITY RESOURCESWHAT

separating, divorcing or recently widowed; abortion counseling and referral services; women's publishing companies; and construction companies; womens' banks; and even womens' law firms. Will the movement continue? Because of its diversity and the underlying analytical dynamic which says (loudly) that women as women, have something to contribute to each other, something to say to each other regardless of class, race, or age, the energy of the women involved may be its only limitation, and it will be (as it already is, in many areas) a force to be reckoned with.

OPTIONAL UNIT FIVE: COMMUNITY RESOURCESHOW

Panel of Representatives of Community Groups Providing Services to Rape Victims

1. Selecting Community Groups: Suggestions for Who

- Representatives of at least two different community groups; no more than four.
- Groups must be providing services to rape victims.
- Groups must be willing to work with law enforcement agencies.

2. Selecting the Group: Suggestions for How

- Request list of groups working with rape victims from community relations or other departments or groups working with victims and community groups (e.g., WAR, NOW).
- Contact Palo Alto Police Department for women who participated in the study who might want to help.
- Contact Carol Kizziah; 4237 Piedmont Ave., #201, Oakland, Calif. She has worked with community groups who might be available.
- Call groups and explain purpose (provide information to officers on services available to rape victims) and request that they send a representative.

3. Preparing the Community Group Representatives

- Meet individually with each representative for the panel.
- Explain your purpose in setting up the panel as providing information to officers on services available to rape victims.
- Assess attitude. You will want to avoid representatives who will be openly hostile to officers.
- Go over format. Representative talks about services, then opens to questions.
- Might want to go through possible questions asked.

OPTIONAL UNIT FIVE: COMMUNITY RESOURCESHOW

4. Preparing the Officers

- Present format.
- Encourage officers to ask questions about services and coordination between police departments and community groups.

5. Administrative Details

- Request panel members to be at training location one half hour before panel is to begin.
- Make sure each representative has map and everything to get there.
- Introduce panel members to each other.
- Check preferences for tea, coffee, etc., and have available.
- Make sure any financial arrangements are agreed upon and signed prior to class.
- Remember to send thank-you notes to each panel member who participates.

Panel of Representatives of Hospital Personnel

1. Selecting Hospital Panel: Suggestions for Who

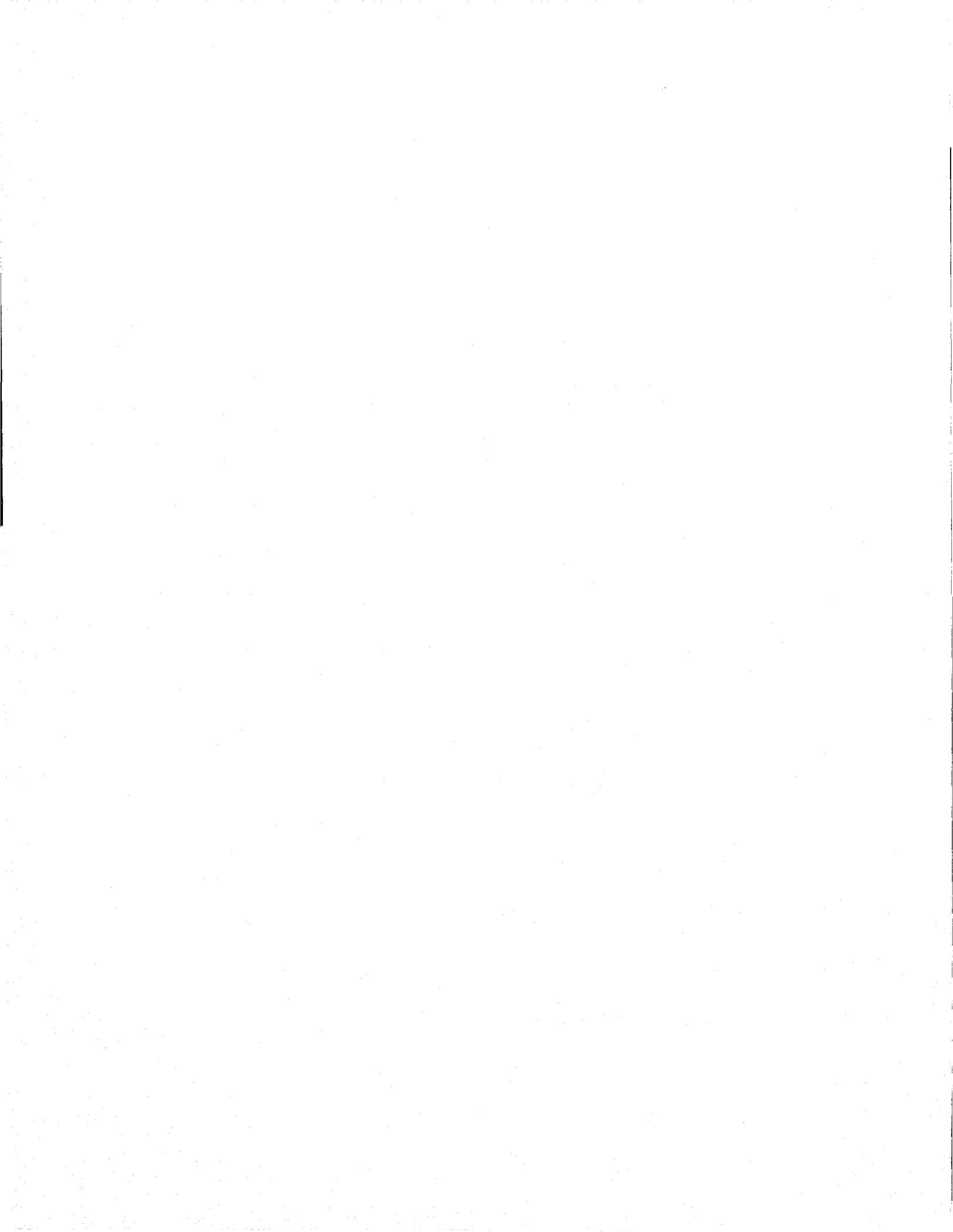
- Representatives from every hospital to which victims are taken, if more than one.
- Representatives from administration, nurses, doctors and intake personnel if possible.
- Individuals must be willing to discuss problems of hospital in dealing with rape victims (e.g., doctors' feelings about collecting evidence).

2. Selecting the Hospital Panel: Suggestions for How

- Contact hospital.

OPTIONAL UNIT FIVE: COMMUNITY RESOURCESHOW

- Talk briefly with head of Emergency Room and request relevant personnel. Talk with Director regarding problems of hospital vis-a-vis rape victims.
 - Request approval from hospital to use speakers.
3. Preparing the Hospital Personnel
- Meet with panel members from each hospital separately.
 - Explain purpose of panel as sharing information and exploring problem issues from both police and hospital point of view.
 - Assess attitude. Encourage panel members to engage in open dialogue with officers.
 - Go over format. Panel members present the hospital procedures; officers ask questions.
 - Go over possible questions.
4. Preparing the Officers
- Review important issues.
 - Encourage officers to enter discussion and ask questions about services and coordination between hospital and police department.
5. Administrative Details
- Request panel members to be at training location one half hour before panel is to begin.
 - Make sure each representative has map and everything necessary to arrive.
 - Introduce panel members to one another.
 - Check preferences for tea, coffee, etc., and have available.
 - Remember to send a thank-you note to each participating panel member.



END