



# OMBUDSMAN'S REPORT

## A Victim-centered Response to Sexual Assaults

Issued June 30, 2004

by

Pierce Murphy

Community Ombudsman



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### *A Victim-Centered Response to Sexual Assaults - June 30, 2004*

#### **BACKGROUND**

On August 25, 2003, the Office of the Community Ombudsman released a Complaint Investigation & Findings Report (case #OMB02/0261) concerning the response of the Boise Police Department (BPD) to a reported rape on June 9, 2002. In my report, I credited BPD with improvements made in their initial response and handling of sexual assault reports. I also indicated that additional improvements might still be possible and desirable.

In light of the possibility for additional advancements in how Boise officers and detectives respond to and investigate reports of sexual assault, the Office of the Community Ombudsman and the Boise Police Department agreed to conduct a joint review of BPD's response to sexual assaults.

A team of experts was assembled in October of 2003. The team consisted of the following individuals from inside and outside the Boise Police Department:

- Detective Lance Anderson – BPD Violent Crimes Unit
- Dr. Scott Armentrout, Ph.D. – Warm Springs Counseling Center
- Dr. Lee Binnion, MD – St. Alphonsus Regional Medical Center
- Ms. Michelle Callahan – Office of the Community Ombudsman
- Ms. Tina Perkins – BPD Victim/Witness Program
- Detective Mark Vucinich – BPD Violent Crimes Unit
- Ms. Melissa Wintrow – Boise State University, Women's Center

The team was assisted in their efforts by the following individuals:

- Ms. Sandra Breuer (team building) – Boise Cascade Corporation
- Ms. Brandi Clough (note taker) – Boise State University intern
- Ms. Lise Stewart (process improvement consultant and meeting facilitator)

It should be noted that all of the outside experts and support persons worked on this project as volunteers, donating their time and talent to the effort. The Office of the Community Ombudsman, BPD, and the entire community owe a debt of gratitude to each of these fine individuals. I extend my heartfelt thanks to them all.

This group of experts, the Sexual Assault Investigation Process (SAIP) Team, met 14 times between October, 2003, and May, 2004. During their meetings, which lasted three to four hours on average, and for countless hours in-between meetings, the SAIP Team reviewed BPD's current sexual assault investigation policies, practices, and training; considered "best practices" from other agencies and communities around the nation; and formulated a set of recommendations for consideration by the Office of the Community Ombudsman and BPD. These recommendations and a report of the SAIP Team's overall findings were delivered to me and to the chief of police on May 11, 2004. The SAIP Team's report, including their recommendations, is included here as an appendix.

The SAIP Team is to be commended for the thoughtful and thorough work they performed. Their vision of a "victim-centered" response to reports of sexual assault should provide direction and inspiration to those who provide services and support to survivors of this most horrible crime. The SAIP Team spoke out strongly regarding the underlying social myths, taboos, and stereotypes that make it so difficult for survivors to report the assault and such a challenge for first responders and investigators to handle without precipitating inadvertent trauma or offense. The SAIP Team wrote:

*It is important to recognize that the crimes of rape and sexual assault occur within the context of a patriarchal culture in our country that has not always valued women as equals with men. Unfortunately, the United States has a history of discrimination based on race, gender, class, and sexual orientation, to name a few. In the context of that discrimination, men and women have been socialized in different ways to accept that certain roles are established for women that are separate from roles expected of men. In the context of male/female relationships, when men and women veer from these roles, they are many times judged, stereotyped, and/or punished. For example, if a woman initiates sexual activity, veering from that traditional role of being demure and modest, she may be labeled a "slut." Labeling and stereotyping are limiting and hurtful. They contribute to a climate where inequality and male violence against women is tolerated.*

*A common social myth is that a real rape only occurs when a total stranger jumps out of the bushes in the dead of night and violently attacks and rapes a virgin. The facts do not support this notion. The majority of rape victims know their assailant and rarely fight back. Less than 5% of victims suffer grievous bodily harm. Finally, a woman perceived to be voluntarily in a dangerous situation, such as in a bar, in a "bad" area of town, or wearing provocative clothing may be unfairly blamed or accused of "asking for it." Due to these perceptions, a victim may be reluctant to report the crime because she fears she will be judged by her behavior. Likewise, she may easily resent questions regarding her activities (Sexual Assault Investigation Process Improvement Report – May 2004, page 7).*

After receiving the report, both BPD and the Office of the Community Ombudsman carefully reviewed the SAIP Team's report and recommendations. We are in agreement that the SAIP Team's recommendations are worthy of enthusiastic endorsement. The chief of police has decided to begin implementation as soon as possible. In fact, it is my understanding that BPD has already begun implementing some of the SAIP Team's recommendations. I applaud BPD for their actions in this regard and support their commitment to completely implement the report's recommendations.

Chief Tibbs and I met, together with other staff members, to discuss the SAIP Team's findings. We agreed that additional actions could be taken to further implement the

“victim-centered” philosophy proposed by the SAIP Team. I strongly support these ideas. Chief Tibbs has stated his intention to work on their implementation as soon as practical. A list of these additional actions can be found later in this report.

Implementation of the SAIP Team’s recommendations, along with the additional actions identified in our meetings, will require organizational will and adequate funding. Chief Tibbs and his staff have already begun to implement these process improvements. It is my hope that Mayor Bieter and the Boise City Council will encourage these efforts and provide the funds necessary to put these improvements in place as soon as possible.

Finally, it must be pointed out that the Office of the Community Ombudsman has authority only to make recommendations concerning the policies, procedures, and training of Boise City law enforcement agencies. The SAIP Team, jointly commissioned by the ombudsman’s office and BPD, similarly limited themselves to recommendations dealing solely with BPD. Nonetheless, both the SAIP Team’s findings and our own analysis recognize that the police are only one of many agencies and entities forming an entire system of response once a sexual assault survivor seeks help or decides to make a report. Family members, friends, employers, police officers, police detectives, victim/witness coordinators, rape crisis advocates, hospitals, physicians, other medical providers, teachers, counselors, psychologists, prosecutors, judges, and juries all play a role.

Therefore, I encourage our entire community, including elected officials, legislators, judges, prosecutors, school administrators, teachers, women’s advocates, victims’ rights advocates, religious leaders, the university community, corporate leaders, and all who hope to put an end to violence against women, to read these two reports and consider additional steps that can be taken to improve the services and support provided to the survivors of sexual assault.

## **SUMMARY OF SAIP TEAM'S RECOMMENDATIONS**

The SAIP team made a total of 16 recommendations for improvement, which I support and BPD has agreed to implement as soon as possible. These were summarized by the SAIP Team in the following overall recommendations to “support and further develop the victim-centered approach by:

1. *Supporting the efforts of the current Multi-Disciplinary Team to standardize services in the community as well as to create a team where all members develop a written vision of the “victim-centered” approach*
2. *Supporting current improvements in the BPD by increasing staff, up-grading the current facilities and developing agreed protocols to be included in the Field Operations Manual*
3. *Expanding the experiential training given to all first responders which includes a focus on the model developed by this Team – BET (Belief, Empathy and Time), as these have been identified as fundamental needs of victims*
4. *Creating greater awareness on the part of victims and stakeholders as to the needs and rights of victims*
5. *Creating greater awareness of the implications of the actions of all stakeholders – including the media and the community – in the struggle to reduce sexual assaults and the trauma for the victims involved*
6. *Improving stakeholder communication and involvement in the development of new processes and protocols” (Sexual Assault Investigation Process Improvement Report – May 2004, page 2).*

### ***ADDITIONAL PROCESS IMPROVEMENTS***

In addition to the 16 recommendations made by the SAIP Team, BPD has stated its intention to implement the following; to which I give my full support:

- 1. Establish written protocols for uniformed officers, detectives, supervisors, and victim/witness coordinators for use in cases of reported sexual assault.***

BPD will lead by example as they establish and implement protocols for their own employees. BPD will establish “victim-centered” protocols that will provide direction to officers, detectives, and victim/witness coordinators, be a model for others, and positively impact those who report sexual assaults to BPD.

- 2. Develop greater role clarity and mutually acceptable protocols for victim's advocates who are involved in cases handled by BPD, but are not employed by the police or the prosecutor.***

The SAIP Team recognized the fact that survivors of sexual assault need a variety of advocates who can provide support and journey with them in the hours, days, months, and years following the attack. In Boise, we are fortunate that BPD has created a strong victim/witness program in which BPD employees with specialized education and training provide survivors and their families with advocacy, support, crisis counseling, communication, referrals, and liaison services within the criminal justice system.

The Treasure Valley also has a number of non-profit and institutionally-based women's services that are equipped to provide advocates (both professionals and trained volunteers) to meet survivor's needs in other ways. In advocating for the “victim-centered” approach

the SAIP Team wrote in their report:

*The Process Improvement Team concluded that there is an active role for both volunteer advocates and V/WC's [victim/witness coordinators] in this area [Boise City and Ada County]. The roles of each need to be clearly defined and all parties need to believe that they are vital members of the team, not adversaries (Sexual Assault Investigation Process Improvement Report – May 2004, page 12).*

In support of this, BPD will continue to work with other organizations in our community to gain agreement among all parties to a set of clear, written roles and protocols for advocates who are not employees of the police or the prosecutor.

- 3. Provide specific, experiential training that will provide detectives (especially those who are new or inexperienced in the area of sexual assault investigations) with the knowledge, skills, and abilities needed to conduct victim interviews in a way that meets both the detective's need to obtain as much corroborated detail as possible and the victim's desire to be believed.*

Under the heading "Issues Specific To Sexual Assault Investigation", the SAIP Team wrote about the difficulties victims face in reporting a sexual assault, as well as the problems encountered by investigators when attempting to gain as much information as possible from a victim:

*Corroborating a victim's account can sometimes be particularly challenging for investigators. The use of alcohol and drugs, either voluntarily or by drug-facilitated sexual assault, often causes lapses and gaps in memory. The victim may delay reporting due to trauma, embarrassment, fear of arrest, or because she does not remember. There may be inconsistencies in the history of events and memory may return in bits and pieces. There are rarely signs of resistance in these instances. Embarrassment about the details of the events can make a victim less than forthcoming and appear to be lying or hiding information. Thus, stereotypes held by the victim may affect her responses in each of these*



*areas. It is incumbent upon the officer to reassure the victim and use a variety of interpersonal and investigative skills to encourage full disclosure (Sexual Assault Investigation Process Improvement Report – May 2004, page 8).*

The difficulty of interviewing sexual assault survivors cannot be overstated. The knowledge, skills, and abilities (KSA's) needed in such cases are well beyond those taught in the basic police academy.

Historically, detectives and police officers are given advanced training in conducting interviews and interrogations with suspects. However, the KSA's necessary to conduct successful interviews with survivors of sexual assault are not, necessarily, the same KSA's useful in conducting interviews and interrogations with persons suspected of having committing crimes. Detectives whose job assignments include investigating sexual assaults need a variety of tools in order to thoroughly, sensitively, and empathetically interview sexual assault survivors. Detectives must be given adequate and appropriate training so they are as skilled in interviewing survivors as they are in interrogating suspects. This training should also give detectives the KSA's necessary to effectively interview survivors who come from a diverse set of racial, age, cultural, and other backgrounds.

BPD has already begun the process of developing this training. They will look for existing training from vendors and/or other jurisdictions. They will use the expertise available within their own ranks and work with those who are expert at dealing with victims of violent crimes and persons experiencing the effects of traumatic events.

## ***SUMMARY***

BPD has committed to implementing the SAIP Team recommendations, along with the three added process improvements, as soon as possible. Taken together, these

improvements will set Boise on course to becoming a national model for how a community supports the survivors of sexual assault.

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Pierce Murphy  
Community Ombudsman  
P.O. Box 500  
Boise, Idaho 83701-0500  
(208) 395-7859  
[mailbox@boiseombudsman.org](mailto:mailbox@boiseombudsman.org)

**Sexual Assault Investigation Process  
Improvement Project**

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Prepared by

The SAIP Multidisciplinary Team

May 2004

## Executive Summary

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The Violent Crimes Unit of the Boise Police Department is responsible for investigating adult sexual assaults. In the past four years, two investigations have brought the Boise Police Department into the media spotlight. After the first, specific changes in the department were implemented. As a result of the second instance, a Sexual Assault Investigation Process Improvement Team was formed by the Community Ombudsman and the Boise Police Department (BPD) to review procedures. The Violent Crimes Unit investigates over 120 sexual assault cases a year, but it is recognized that any negative perception on the part of the victim or other stakeholders has far reaching effects for the victim, the police department, and the community.

A review of national programs shows a trend in sexual assault investigations including the use of multidisciplinary teams (MDT) that focus on a "victim-centered" approach. A "victim-centered" approach is seen as a method that puts the victim's needs, wants, and rights in the forefront. This multidisciplinary team approach also values equal participation and ownership by all team members. As a member of this multidisciplinary team, the police detectives have the responsibility to collect information about the assault and investigate it to the fullest extent. As they collect information, there may be complexities about the situation that require posing uncomfortable questions to the victim. In this process, the detective should portray a sense of empathy and belief in the victim, while providing her adequate time to tell her story.

In the Boise Police Department, the training of investigators and the process of sexual assault investigation has changed over the past several years and many of the policies, procedures, and programs offered now follow the national trend. The Ada County Prosecuting Attorney's Office has formed a multidisciplinary team that the BPD voluntarily attends along with other area law enforcement agencies, representatives from the Idaho State Crime Lab, and voluntary advocacy groups. This team includes Victim/Witness Coordinators, who act as advocates and service coordinators for victims and their families. The role of the Victim/Witness coordinator within the BPD is highly expanded and services offered are consistent with, and in many areas exceed, the national standard.

While the Sexual Assault Investigation Process Improvement Team determined that many of the current processes of the BPD are appropriate, a thorough review of nation-wide best practices highlighted potential improvements for consideration. Additionally, the Team recognized the significant differences in philosophy amongst the members, resulting from widely differing backgrounds and practices. Thus, the recommendations made reflect the spirit and intent of encouraging ongoing quality improvement, while recognizing they are not indicative of the full range of philosophically inspired practices. Many of the recommendations are already in the process of implementation or would naturally be part of a formal Sexual Assault Response Team methodology.

Overall recommendations of this report are to support and further develop the victim-centered approach by:

- Supporting the efforts of the current Multi-Disciplinary Team to standardize services in the community as well as to create a team where all members develop a written vision of the "victim-centered" approach
- Supporting current improvements in the BPD by increasing staff, up-grading the current facilities and developing agreed protocols to be included in the Field Operations Manual
- Expanding the experiential training given to all first responders which includes a focus on the model developed by this Team – BET (Belief, Empathy and Time) , as these have been identified as fundamental needs of victims
- Creating greater awareness on the part of victims and stakeholders as to the needs and rights of victims
- Creating greater awareness of the implications of the actions of all stakeholders – including the media and the community – in the struggle to reduce sexual assaults and the trauma for the victims involved
- Improving stakeholder communication and involvement in the development of new processes and protocols.

The findings of the Team and the expanded recommendations are included in this report. For the purpose of brevity, all victims are referred to using female pronouns although it is recognized that victims can be male or female.

## **Contents**

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<b>EXECUTIVE SUMMARY .....</b>	<b>2</b>
<b>CONTENTS .....</b>	<b>4</b>
<b>BACKGROUND.....</b>	<b>5</b>
<b>PROCESS.....</b>	<b>6</b>
<b>FINDINGS .....</b>	<b>7</b>
<b>RECOMMENDATIONS.....</b>	<b>15</b>
<b>REFERENCES.....</b>	<b>18</b>

## Background

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The Sexual Assault Process Improvement Team formed in the Fall of 2003 as the result of an investigation completed by the Office of the Community Ombudsman. Case number OMB02/0261 alleged that one or more officers and/or detectives failed to take necessary, reasonable, and timely measures to adequately investigate the crimes committed against the victim. It was also alleged that one or more officers and/or detectives made statements and/or asked questions indicating a belief that the victim was either making false statements to the police or was withholding information from the police that would be material to their investigation and, furthermore, that these statements and/or questions were accusatory, insensitive and antagonistic, thereby causing the victim, her parents, and the complainant emotional distress and embarrassment. At the conclusion of the investigation, the allegations were not sustained.

The Ombudsman's report concluded that "additional improvements may still be possible, particularly with respect to how perceived inconsistencies and doubts about the statements of sexual assault victims are addressed. In light of this opportunity, the Office of the Community Ombudsman and the Boise Police Department agreed to conduct a joint review of the BPD's response to sexual assaults." Further, this joint review was to "analyze the BPD's current procedures, practices, training, and organizational philosophy in order to gain a complete understanding of the current state."

The group was comprised of representatives of the Boise Police Department: Detective Lance Anderson - Violent Crimes Unit, Tina Perkins - Supervisor, Victim/Witness Unit, and Detective Mark Vucinich - Child Abuse Detective, as well as: Michelle Callaham - Assistant Ombudsman, City of Boise, Dr. Lee Binnion - Medical Director of the Sexual Assault Nurse Examiner Team, Saint Alphonsus Regional Medical Center, Dr. Scott Armentrout - Director of Psychological Services, Warm Springs Counseling Center and Melissa Wintrow - Coordinator for the Boise State University Women's Center, Boise State University.

The mission of the Team was to make recommendations for consideration by the Community Ombudsman and the Boise Police Department for improvement in policies, procedures, protocol, and/or training in the area of police response to and investigation of sexual assault crimes.

The seven member Team met fourteen times over the course of seven months to examine the current process of Sexual Assault Investigation, review best practices, recent changes and enhancements and recommend further steps to continue the journey of improvement. Meetings were scheduled and held at Warm Springs Counseling Center and included all members, as well as a designated facilitator and recorder. The meetings lasted 3-4 hours on average and were scheduled to insure maximum attendance and participation at each meeting.

The purpose of the initial meetings was to clarify the charge of the Team and agree upon roles and responsibilities of group members. During one of the initial meetings, the Team undertook a Gap Analysis exercise to clarify the desired future state of the sexual assault response process. This included describing the current state of the process, identifying root causes of problems, key stakeholders and potential action steps. This exercise assisted the members to more clearly understand how the BPD's investigation process works, where there may be areas of improvement and where the underlying causes of current problems may lie. It was important to ensure that any recommendations made addressed the root or underlying issues rather than simply provide a 'band-aid' approach to a more obvious, presenting symptom.

In addition to the Gap Analysis exercise, members of the Boise Police Department developed an extensive flow chart of the current process, from the first report of an incident to prosecution and beyond. This educated the group about the multitude of options and services that are available to the victims and their families during the investigation and for years later that can include parole hearings and continued counseling.

An important step in understanding the current issues and potential changes was the identification of all those who might be directly or indirectly impacted. The Team identified over fifty stakeholder groups and sub groups that currently are, and could potentially be, affected by any changes in the current Sexual Assault Investigation Process. During the ensuing discussions, the group not only identified these stakeholders, but explored the expectations and needs of key groups and the resources and information that they may need in order to be an effective partner in the process improvement.

Later meetings saw an emphasis on identifying improvements that have been made in the past few years which have had a positive impact on the ability of the Police Department to meet the needs of victims, their families and the community. It was evident to the group that while these were proactive and effective changes, there were additional potential improvements that could accompany those changes.

After reviewing the local process for investigating sexual assault crimes, the group studied a range of 'best practice' examples from other states and organizations. These included materials from the National Center for Women and Policing, the San Diego PD, the Portland, Maine PD, the New York City PD, the New Jersey PD and the Los Angeles PD.

As a result of this review, the group developed a list of improvement ideas and best practices. Each idea was evaluated in terms of how it fit with the BPD process and how it could build upon recent improvements. The group also felt it was important that any recommendations made were practical, in keeping with the original charge of the group, and able to be fully implemented within the scope and jurisdiction of the Boise Police Department.

The mandate of the Team was to review the process of sexual assault investigation used by the BPD and make recommendations for improvement. The Team recognized that the BPD must work with many other agencies and many processes are multi-jurisdictional. While the recommendations do not address other agencies, the Team recognizes that standardized care across the valley would be ideal, including standards for hospital staff, volunteer advocates, and other first responders.

Three key themes emerged from the review of national models and comparison with the Boise Police Department practices. First, there is a need to standardize care within the framework of the victim-centered approach, by fully understanding the roles and responsibilities of current first responders and other agencies. Second, while applauding many of the improvement efforts already undertaken by the BPD, continued effort must be undertaken to fully embrace this model and maintain continuous improvement. Third, that training of all stakeholders – including the first responders, the media and the community is imperative if an integrated, victim-centered approach is to be successful. The findings outlined in this report provide a wealth of information regarding national models, the current policies and practices of the BPD, effective training and information gleaned about the practices and needs of other stakeholders. From these findings, the Team ultimately developed a list of recommendations for the BPD to aid in the continued journey toward a victim-centered approach to sexual assault investigation.

### REVIEW OF NATIONAL MODELS

The Process Improvement Team reviewed models of Sexual Assault (SA) investigation from various jurisdictions across the nation. The current trend in SA, Domestic Violence (DV), and Child Abuse (CA) is the formation of multidisciplinary teams, where members of the team have an equal voice in establishing protocols and procedures. In SA, these are often called Sexual Assault Response Teams (SART). This is a formalization of the relationships between all the members of the multidisciplinary process. In general these teams use a “victim-centered” approach. The primary goals of this focus are to “improve the provision of services to victims of SA by providing sensitive, interdisciplinary services and to ensure accurate evidence collection to promote the apprehension and prosecution of perpetrators.”<sup>i</sup>

This philosophy works to ensure that victims are treated with fairness, compassion and respect in the process of reporting the crime to law enforcement and in seeking counseling and medical services. This type of environment may further encourage victims to report sexual assault crimes.

According to the San Diego SART, the victim-centered model provides for the following improved services to the victim<sup>ii</sup>:

- Shortened time from victim report to medical-legal exam
- Privacy
- Emotional care
- Quality review
- Expert forensic examiners
- Improved communication

These programs create standards of practice for each member of the team. Standards define the responsibilities of each team member and provide guidelines for victim services. They may also specify rationale, outcome, and measurement criteria for each established standard that lays the foundation for evaluation and fosters accountability. These protocols coordinate the efforts of police departments, hospitals, prosecutors, victim witness coordinators and rape crisis advocates in order to enhance the collection, preservation and transmission of forensic evidence, and contribute to the effective prosecution of sexual assault perpetrators.



Specialized training and cross training of all SART members is emphasized to improve communication among responders and to better understand of the importance of all team roles.

## ISSUES SPECIFIC TO SEXUAL ASSAULT INVESTIGATION

It is important to recognize that the crimes of rape and sexual assault occur within the context of a patriarchal culture in our country that has not always valued women as equals with men. Unfortunately, the United States has a history of discrimination based on race, gender, class, and sexual orientation, to name a few. In the context of that discrimination, men and women have been socialized in different ways to accept that certain roles are established for women that are separate from roles expected of men. In the context of male/female relationships, when men and women veer from these roles, they are many times judged, stereotyped, and/or punished. For example, if a woman initiates sexual activity, veering from that traditional role of being demure and modest, she may be labeled a "slut." Labeling and stereotyping are limiting and hurtful. They contribute to a climate where inequality and male violence against women is tolerated.

Nationwide, sexual assault victims have been reluctant to report the crime committed against them. Data collected through an informal survey provided by the New Jersey Division on Women shows that among the reasons for survivors not reporting the crimes are fear of not being believed, lack of confidence in the criminal justice system, fear for their own safety, concern for their families, and concerns about privacy.<sup>iii</sup> The process of sexual assault investigation has many complex unique elements that may make the investigation challenging for all those involved. These include societal perceptions, victim perceptions, and investigation roadblocks.

A common social myth is that a real rape only occurs when a total stranger jumps out of the bushes in the dead of night and violently attacks and rapes a virgin. The facts do not support this notion. The majority of rape victims know their assailant and rarely fight back. Less than 5% of victims suffer grievous bodily harm. Finally, a woman perceived to be voluntarily in a dangerous situation, such as in a bar, in a "bad" area of town, or wearing provocative clothing may be unfairly blamed or accused of "asking for it." Due to these perceptions, a victim may be reluctant to report the crime because she fears she will be judged by her behavior. Likewise, she may easily resent questions regarding her activities.

It is essential that all first responders understand the subtle or the overt messages that are learned about men and women's roles. This socialization process may lead to the internalization of these attitudes, values and beliefs in ways that may inhibit one's ability to provide non-judgmental services. However, by being aware of the myths associated with "real rape" and the stereotypes that unfairly categorize men and women, first responders can begin to understand their own reactions when working with victims. Through knowledge and awareness, it is possible to find ways to suspend judgment and dispel the myths which traditionally lead to challenging a victim's credibility and compromising her care.

The New York City Alliance Against Sexual Assault performed a study in July 2001 to evaluate the interaction between police and victims of SA and how the victim perceives the interview.<sup>iv</sup> The study was performed based on anecdotal reports of negative experiences made by victims. There was concern that, "such negative experiences might exacerbate the trauma suffered by sexual assault survivors and that some survivors were choosing to forgo utilizing the criminal justice system as a result of these experiences."

The alliance postulated that several factors influence the *victim's perception* of the interview:

- Belief in the victim's history of the event
- Empathy for the victim by the investigator
- Adequate Time spent with the victim

Furthermore, the study found "the two most difficult types of cases for recruits are cases where someone has to be notified of a death, and cases of sexual assault. Police Officers working on these cases have a fine line to tread.

They must do what they can to provide crisis intervention for the victim while at the same time obtaining the information they need to do their jobs.”<sup>v</sup>

A victim needs to feel immediately reassured that she is not to blame and regardless of the circumstances, she will be believed. The victim must recall the event in intimate detail and may be reluctant and embarrassed to divulge full information if there is not an empathetic interviewer or she senses that the interview is rushed or perfunctory.

Research also recognizes that there are several areas unique to the investigation of SA that make the interview difficult for the investigator and uncomfortable for the victim and can lead to negative experiences.<sup>vi</sup> The majority of rapes have little physical evidence and the attacker is often known to the victim. Therefore the major focus of the investigation entails completely and accurately corroborating the allegation. Any inconsistencies may lessen the victim’s credibility in court and lend credence to a defense of consenting sex. Thus, this notion of a “real rape” must be dispelled not only by the officer, but also by the victim, and ultimately by society who are the jurors. Unfortunately, if the victim does not appear completely forthright or truthful, it is more difficult to dispel these stereotypes. It is incumbent upon the investigator to “focus their investigative efforts on corroborating every possible aspect of the victim’s story and overcoming the challenges to credibility that come from societal misconception.”<sup>vii</sup>

Corroborating a victim’s account can sometimes be particularly challenging for investigators. The use of alcohol and drugs, either voluntarily or by drug-facilitated sexual assault, often causes lapses and gaps in memory. The victim may delay reporting due to trauma, embarrassment, fear of arrest, or because she does not remember. There may be inconsistencies in the history of events and memory may return in bits and pieces. There are rarely signs of resistance in these instances. Embarrassment about the details of the events can make a victim less than forthcoming and appear to be lying or hiding information. Thus, stereotypes held by the victim may affect her responses in each of these areas. It is incumbent upon the officer to reassure the victim and use a variety of interpersonal and investigative skills to encourage full disclosure.

One interpersonal skill which may help dispel these stereotypes is to reframe investigative language. The words *delay* and *inconsistencies* carry negative connotations and may automatically set a negative tone in the mind of the investigator and the victim. *Hesitance* or *reluctance* may be better terms to describe behavior when a victim waits to report an assault. Inconsistencies should not be resolved, but instead adequate time spent to bring the history into a cohesive order. This process may take time as events are not recalled in chronological order, nor is everything remembered moments after the event. Also, many questions that begins with “why” may feel accusatory, such as, “Why were there no signs of struggle?” Reframing this with an open-ended question may create an entirely different tone to the investigation.

It is extremely important to educate society about sexual assault and to dispel the notion of a “real rape.” Community outreach, education in schools, and media spotlights are all important avenues to help change society’s notions regarding sexual assault.

Another interesting finding from one study is that adolescents are more likely to perceive an interview as negative.<sup>viii</sup> The Team did not further research this information, but it is interesting to note that both the complaints against the Boise Police Department involved adolescents.

## COMPARISON

The Team undertook a comparison of how the City of Boise now investigates sexual assaults and what the group considered best practice. In 1997, a state mandate required a Multi-Disciplinary Team (MDT) for child abuse investigations composed of representatives from law enforcement, Health and Welfare and the prosecutor’s office to meet and discuss the current cases and concerns. This group now meets weekly. In 2001, the Violent Crimes Unit investigators, prosecutors and advocates recognized the need to develop an MDT for adult sexual assault as well. This group meets once a month and has grown to include representatives from the two hospitals that routinely deal with the forensic aspects of the crime as well as members from the Boise Women’s and Children’s Alliance. Several

law enforcement entities in Ada County attend these meetings, including the Boise Police Department, Meridian Police Department, Ada County Sheriff's Office, and Garden City Police Department, as well as representatives from the Idaho State Crime Lab and the Ada County Prosecutor's Office.

While the MDT is functioning informally, all team members are voluntarily present and issues, procedures, and policies are discussed and reviewed. Both Ada County and Canyon County are independently working on a formal SART and exploring the idea of creating a freestanding Justice Center to provide services for SA, DV, and CA. These centers would house the members of the team and provide easier access for victims. A formal SART would foster the standardization of care for all the disciplines across all service areas.

Throughout the last ten years, the Boise Police Department has expanded many of its services and increased staff to more closely align with the expectations of the community. The detective division divides sexual assault investigations into two primary areas. The Child Abuse Unit has six investigators and a supervisor that deals primarily with victims that are under the age of 18. Only two additional detectives have been added to the unit in the last ten years. The adult victims and their cases are investigated by the Violent Crimes Unit that also investigates cases such as deaths, armed robberies, aggravated assaults and batteries, officer involved shootings, kidnapping, hate bias crimes, suspicious missing person cases, extortion and stalking. The Violent Crimes Unit is composed of four investigators and a supervisor and has not expanded in numbers in the last ten years. Understaffing may limit the quality of investigations and ability to apply the recommended BET model: burnout leads to disbelief, vicarious trauma may limit empathy, and the pressure of multiple case loads decreases the time spent with the victim.

In approximately 1989, the BPD recognized the need to spearhead a movement that included the incorporation of Victim/Witness Coordinators to assist citizens that had suffered the effects of a crime. The Boise Police department initially hired one coordinator and after recognizing the significant benefits to victims, has steadily increased staffing to the current staff of six coordinators and support staff, with a designated supervisor. The benefits and resources provided to victims through Victim/Witness Coordinators are provided in person, on-scene, as well as through written materials in the form of current resource packets. V/WC's respond with detectives from both the Child Abuse Unit and the Violent Crimes Unit as well as patrol officers and other Ada County and surrounding county law enforcement agencies. Victim/Witness Coordinators provide crisis counseling, explain resource materials to the victims including professional counseling, financial assistance, and coverage of medical, counseling, and funeral expenses through the State's Victims' Compensation Fund. Additionally, Victim/Witness Coordinators assist victims and their families through the criminal justice system by serving as liaisons between victims and law enforcement/prosecution agencies. Victim/Witness Coordinators arrange and attend meetings between prosecutors and detectives and stay with the victim throughout the court process. Many times the services and support provided by V/WC's continues long after case disposition and may include support at defendant's parole hearings years after sentencing.

It is now common practice that Victim/Witness Coordinators are sent out on reports of sexual assault rather than leaving it to the officer or supervisor's discretion. In addition, the BPD recognized the need to have a more comfortable room to more appropriately interview victims and witnesses. This room is furnished with sofas, magazines, a television and toys for children, but it is in disrepair, and unfortunately the victim's room is a reflection of the facility as a whole. The Team recommends allocating resources for facility and furnishing upgrades.

Recognizing the needs for increased security on the part of victims, the BPD utilizes Varda alarms. These alarms can be placed in a victim's residence and if they suspect they are in danger of being re-victimized by an offender, they can immediately and silently summon help from area patrol officers through a pre-recorded message that is sent directly to the officer's patrol cars to insure the quickest response. Additionally, cell phones are available to victims enabling them to contact 911 if the need arises. This is provided as a free service to the victim and the police department.

The department recognizes that a victim of sexual assault may have just experienced the single most traumatic event of her life. Therefore it is incumbent on the BPD staff to insure the detectives and Victim/Witness Coordinators

assigned to these units are given the best training available. The current training includes interview schools, evidence collection and legal updates as well as sensitivity training.

Recent improvements to the training provided have addressed many of the issues specific to the sexual assault interview. In 2003, a detective and a Victim/Witness Coordinator from the Boise Police Department were selected by the Idaho Peace Officer Standards and Training Council to join a team including a prosecutor and a forensic technician to develop a training CD that condenses several hours of sexual assault investigation information. This CD is being made available to every police agency in Idaho and every police officer attending the POST academy. The CD stresses a non-judgmental attitude, open-ended questions, and empathy from the investigator.<sup>ix</sup> It covers discrepancies in information and how to deal with this in the course of the investigation. Furthermore, a checklist was developed as a guideline to ensure a complete and thorough investigation but is currently not incorporated in the BPD Field Operations Manual.

In 2002, an inter-office e-mail program was established to mandate investigators advising the rest of the detective division of the status of cases in the event that the lead detective is going to leave town or be unavailable. This was developed to maintain the integrity of an investigation during the time the lead detective was absent. The Violent Crimes Unit detectives meet weekly to discuss the previous week's cases and concerns with existing cases. These meetings include representatives from the Victim/Witness Unit and the Idaho State Crime Lab. A more formal assessment or evaluation process is under consideration for the individual investigator's performance.

Currently, the Violent Crimes Unit consists of senior detectives. In the next 2-3 years, there will be significant turnover, due to senior detectives becoming eligible for retirement, in the staffing of the adult sex crimes investigators. With the recruiting of new staff, training should focus on and be consistent with the victim-centered approach. The Team believes that if new staff is not hired and trained early, there may be a majority of inexperienced investigators in the unit.

## EXPERIENTIAL TRAINING

The Team discussed the potential benefit of integrating additional skill-building training that directly reflects findings of empirical research and studies in sexual assault investigation. The findings suggest that, regardless of the size of the municipality, there are three issues that have been identified as particularly salient when interactions between first responders and victims of sexual assault are evaluated. The three issues are: 1) whether the victim feels as though the officer believes her description of events; 2) the degree of empathy the officer is perceived as having towards the victim; 3) whether the victim perceives the officer has spent adequate time with her. The Team combined these three most salient issues into an easily referenced model: **BET** (belief, empathy, time), and offers recommendations that reflect these issues.

The Team discussed the benefits of regularly scheduled training exercises that relate directly to building competencies in the BET model. The combination of utilizing multi-sensory training techniques (seeing, hearing, doing) with an objective expert in intra- and interpersonal skills may enhance current training protocols. Other ideas discussed included the benefit of having an expert in interpersonal skills periodically rate interactions between first-responders and victims of sexual assault for feedback in current rates of competencies in addressing the BET model. The use of the expert would eventually be phased out as first responders build competencies and could rate each other as part of the sexual assault investigation protocol.

Additional training should include pertinent perspectives on the social context of interactions with victims of sexual assault. The Team recommended that training include broad social context variables (e.g. the affects of the patriarchal society in the interactions between first responders and victims) as well as narrow variables (the uniqueness of demographic groups like geriatric, adolescents, ethnic groups, etc).

The Team agreed to recommend changes in the current utilization of block training. Detectives who investigate sexual assault need to receive training specific to building competencies in the BET model rather than participate in training that is not applicable to sexual assault and other violent crime investigation.

Training protocols should include short, specific, and concrete exercises on a regular basis to strengthen and grow competencies in the BET model. The Team agreed that there be a period of time dedicated to continuing education, and that there be a clear distinction between training and review. A focus on relevant and current information may help keep interest high.

Finally, all those involved in the investigations must receive training and interventions designed to address the negative affects of vicarious trauma on first responders. Through examination of the process of sexual assault investigation, it became clear that the issue of credibility was reciprocal, and that first responders' stress is often exacerbated in circumstances when those they are attempting to assist question their credibility and good faith. In addition, first responders' accumulated emotional response to exposure to violent crime may lead to vicarious trauma. Therefore training to recognize this should be mandatory for supervisors and first responders and counseling always available and strongly encouraged.

## VICTIM'S RIGHTS

The Team recognizes the importance of established victims' rights that are modeled after best practice examples, at both the national and state level, as a tool to empower victims. The Team reviewed best practice models from: Boise State University Sexual Assault Guarantee; the National Center for Women & Policing training curriculum in investigating sexual assault; the San Diego County Sexual Assault Response Team's Standards of Practice; and a study prepared by the New York City Alliance Against Sexual Assault, that addressed the interactions that occur between the police and victims of sexual assault. The Team agreed that the development and dissemination of victims' rights would result in victims being better prepared to make decisions during the process of whether or not to pursue prosecution. Established victims rights not only benefit the victim, but benefit all involved or affected by the sexual assault, by providing a clear understanding of what should be expected from the process. In addition to victims being made aware of their rights, victims must also be assured that each service provider she encounters operates under established ethics and standards that support a victim-centered approach and will employ techniques that affirm and support her.

Victims should be notified of their rights in writing for easy reference. Information should include the following statements:

*A victim of sexual assault has the right to:*

- *be treated with respect in order to maintain her dignity*
- *be believed*
- *be informed of all reporting options*
- *be made aware of who each service provider is and what their duties are*
- *be made aware of community resources*
- *be informed of the criminal justice process*
- *receive protection from intimidation and harm*
- *have her case thoroughly investigated for possible prosecution*
- *understand her rights as they relate to the media*

The form should also contain information for filing a complaint if the victim perceives her needs or rights have not been met.

## ADVOCACY

The Process Improvement Team took considerable time to clarify the roles and scope of practice of Victim/Witness Coordinators and rape crisis advocates, who are volunteers in the community and the university. The Team compared and contrasted issues of advocacy, confidentiality, and training. The need to understand and clarify the two roles is not unique to Boise and causes discussion nation-wide. SART programs across the country coordinate these roles in different and unique ways to best meet the needs of their community.

One specific issue discussed was that the victim needs an advocate available to her early in the course of the SA investigation. This role should include full discussion of all the alternatives available to her. The advocate should be available to the victim throughout the criminal investigation and prosecution. It is notable that this is separate from long-term counseling. This advocate can be a V/WC or a volunteer advocate, or even both, but whoever does perform the function needs to be highly educated in all the aspects of local SA investigation processes along with the role and duties of each member of the team. Imperative to the success of this approach is a clear understanding that the victim, law enforcement, advocate, and hospital staff are a team working together. Every member of the team is essential and offers a unique perspective and expertise to support the victim.

Additionally, national models advocate that a volunteer needs a minimum of 40 hours of training before acting as a crisis responder. This is equal to national standards for volunteers and advocates in SART programs. Locally, Victim/Witness Coordinators must have a combination of education and experience that would equal a master's level of training. The scope of practice and roles of the V/WC's, which are detailed elsewhere, are highly expanded and many of the services provided are unique to Boise and Ada County.

The Process Improvement Team concluded that there is an active role for both volunteer advocates and V/WC's in this area. The roles of each need to be clearly defined and all parties need to believe they are vital members of the team, not adversaries. Area-wide protocols have been started through the MDT. The MDT continues to discuss the issue and refine policies based on the needs of the community.

## STAKEHOLDERS

The Team recognized many stakeholders in the process of SA investigation. Although the victim and the victim's family are the central focus, sexual assault has far-reaching effects throughout society. Any changes to the approach can have varying effects on these different stakeholders, be it positive, neutral, or negative. This must be kept in mind with each proposed change in the process. Timely updates, notification of procedure changes, and feedback are important to agencies such as the hospitals, the prosecuting attorney's office, and advocacy groups. Likewise, the BPD needs to be responsive to changing needs from these agencies. While the Team did not interview specific stakeholders as part of this process, it was agreed that communication between the various stakeholders is imperative if a victim-centered approach is to be effectively maintained.

The community as a whole needs to be educated on many issues including: gender roles, crimes of rape, reasons for hesitancy in reporting, the use and effect of drugs and alcohol in sexual assault, and prevention. Dedicated resources should be available for outreach programs in the schools and campuses.

The Team also recognizes that the media is a major stakeholder in the process of sexual assault investigation and duties include education and dissemination of information. The media can play a vital role in informing victims of their rights, educating them of the process, and encouraging reporting.<sup>x</sup> However, it is imperative that these processes not revictimize people and those disseminating information to the media must recognize this potential effect. To be an effective partner in supporting a victim-centered approach, the media will need to be trained in how to release/report information and the impact that this may have on victims.

## Recommendations

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The Sexual Assault Investigation Process Improvement Team offers the following recommendations to be implemented by the Boise Police Department:

### Policy and Practice

- Through involvement in the Multi-Disciplinary Team, work to develop a written vision and supporting standards of training and care that reflect the victim-centered philosophy for all first responders
- Work through the MDT to develop and present standards which mirror national best practices of using rationale-outcome-measurement criteria to ensure continuous quality improvement and accountability
- Upgrade facility and furnishings throughout the Violent Crimes Unit and, in particular, the victim's room
- Increase staffing in the Violent Crimes Unit to support the victim centered approach and population changes
- Develop and support a specific mandate that a Victim/Witness Coordinator be dispatched along with the first responder to a report of a sexual assault
- Continue development and implementation of the investigation checklist aimed at performance improvement, and incorporate this into the department's field operations manual
- Develop a written statement of victim rights for distribution to victims.

### Training

- Review the allocation of training time during Block Training to ensure that more time is spent in the development of skills that pertain specifically to the issues of Sexual Assault for the officers involved in these cases
- Develop and present specific information during training which addresses the needs and challenges that a variety of people may face in the process of reporting a crime: people who are elderly, people who are gay/lesbian/bisexual/transgender, adolescents, people of color, and multicultural backgrounds.
- Increase the breadth of experiential training to include all aspects of the BET (Belief, Empathy and Time) model, including the skillful use of language that is exploratory in nature rather than accusatory
- Include training covering sociological issues and concepts that impact judgment and practice to better understand the context and culture in which sexual assault exists, such as training on bias, how men and women are raised, stereotypes, and choice of language, etc.
- Include the use of outside, subject matter experts as part of the BPD Sexual Assault investigation training
- Acknowledge the effects of vicarious trauma and present professional, external training programs for BPD supervisors and first responders to recognize and mitigate the negative effects.

## Stakeholder/Community Education

- Expand two-way communication regarding the MDT and more specifically, the BPD practices with all stakeholders
- Conduct community education with regard to sexual assault through the Boise Police Department's media contacts
- Partner with the media to understand the causes and decrease the likelihood of re-victimization.



## References

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<sup>i</sup> San Diego Sexual Assault Response Team (SART) Standards of Practice, County of San Diego Board of Supervisors, April 2001.

<sup>ii</sup> Ibid.

<sup>iii</sup> Standards For Providing Services To Survivors Of Sexual Assault, August 1998. State of New Jersey.

<sup>iv</sup> [http://www.nycagainstrape.org/media/pirp\\_exec\\_summary.pdf](http://www.nycagainstrape.org/media/pirp_exec_summary.pdf). Accessed March 2004.

<sup>v</sup> Ibid.

<sup>vi</sup> "Successfully Investigating Acquaintance Sexual Assault: A National Training Model for Law Enforcement." Developed by the National Center For Women and Policing, with support provided by the Violence Against Women Office, Office of Justice Programs.

<sup>vii</sup> Ibid.

<sup>viii</sup> Ibid.

<sup>ix</sup> Boise Police Department Sexual Assault Training CD, 2003. "Sexual Assault" developed for the Idaho Peace Officer Standards and Training by The Backup Training Corporation, 800-822-9398, Copyright 2003.

<sup>x</sup> [http://www.taasa.org/latest\\_news/release02242003.php](http://www.taasa.org/latest_news/release02242003.php). Site accessed 4-4-04.