

CRIMINAL INVESTIGATIONS

Sexual Assault

The student will know and understand a peace officers duties and responsibilities involving sexual assault cases. The student will gain a basic understanding of how to respond to a call for service regarding sexual assaults and some of the ways and means by which the student can identify and gather evidence in sexual assault cases.

PERFORMANCE OBJECTIVES:

The student will:

- CI 11.01 The student will recall the Oklahoma statutes relating to sexual assaults.
- CI 11.02 The student will explain an officer's statutory obligations, duties and responsibilities in responding to a sexual assault victim.
- CI 11.03* The student will recognize elements of rape trauma including physical injury, emotional and mental injury and sociological factors experienced by sexual assault victims.
- CI 11.04* The student will recite the components and uses of a Sexual Assault Evidence collection kit (Rape kit) and those persons who are qualified to conduct a forensic sexual assault examination.
- CI 11.05* The student will define the role of a victim's advocate in the investigative process of a sexual assault investigation.
- CI 11.06 The student will demonstrate basic rapport building techniques and interview methods to solicit information from a sexual assault victim in a manner that avoids needless additional trauma to the victim.
- CI 11.07 The student will describe how to identify, collect, and preserve other physical evidence in a sexual assault case.
- CI 11.08* The student will recall where to locate local resources and protocols needed to respond to a sexual assault case.

* - Instruction, slides and handout material to be provided by a certified victim's advocate (associate instructor).

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- I. Introduction
 - A. Sexual Assault cases are considered to be among the more taxing and time consuming types of investigations.
 - B. Victimology and victim services are significant issues. Agencies must have adequate protocols and cooperation with community care providers such as rape crisis centers, family crisis service centers, medical and mental health care providers, etc. is essential.
 - C. Agency and personnel (and personal) commitment to investigative process is essential. Good understanding of expectations of the District Attorney's Office in case preparation is important.
 - D. An area where research, court decisions, statutes, policies and protocols change continually requiring continuous training and updating to remain effective.
- II. Oklahoma Statutes Relating to Sexual Assaults

CI 11.01 The student will recall the Oklahoma statutes relating to sexual assaults.

- A. Title 21, Chapter 45, Section 1111 - Rape Defined: Rape is an act of sexual intercourse involving vaginal or anal penetration accomplished with a male or female who is not the spouse of the perpetrator and who may be of the same or the opposite sex as the perpetrator under any of the following circumstances:
 - 1. Where the victim is under sixteen (16) years of age;
 - 2. Where the victim is incapable through mental illness or any other unsoundness of mind, whether temporary or permanent, of giving legal consent;
 - 3. Where force or violence is used or threatened, accompanied by apparent power of execution to the victim or to another person;
 - 4. Where the victim is intoxicated by a narcotic or anesthetic agent, administered by or with the privity of the accused as a means of forcing the victim to submit;
 - 5. Where the victim is at the time unconscious of the nature of the act and this fact is known to the accused;

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6. Where the victim submits to sexual intercourse under the belief that the person committing the act is a spouse, and this belief is induced by artifice, pretense, or concealment practiced by the accused or by the accused in collusion with the spouse with intent to induce that belief. In all cases of collusion between the accused and the spouse to accomplish such act, both the spouse and the accused, upon conviction, shall be deemed guilty of rape;
 7. Where the victim is under the legal custody or supervision of a state agency, a federal agency, a county, a municipality or a political subdivision and engages in sexual intercourse with a state, federal, county, municipal or political subdivision employee or an employee of a contractor of the state, the federal government, a county, a municipality or a political subdivision that exercises authority over the victim; or
 8. Where the victim is at least sixteen (16) years of age and is less than twenty (20) years of age and is a student, or under the legal custody or supervision of any public or private elementary or secondary school, junior high or high school, or public vocational school, and engages in sexual intercourse with a person who is eighteen (18) years of age or older and is an employee of the same school system.
- B. Rape is an act of sexual intercourse accomplished with a male or female who is the spouse of the perpetrator if force or violence is used or threatened, accompanied by apparent power of execution to the victim or to another person.
- C. Title 21, Chapter 45, Section 1111.1 - Rape by Instrumentation: Rape by instrumentation is an act within or without the bonds of matrimony in which any inanimate object or any part of the human body, not amounting to sexual intercourse is used in the carnal knowledge of another person without his or her consent and penetration of the anus or vagina occurs to that person. Provided, further, that at least one of the circumstances specified in Section 1111 of this title has been met. Except for persons sentenced to life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of this section shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post-imprisonment supervision shall be in addition to the actual imprisonment.

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- D. Title 21, Chapter 45, Section 1112 - Age Limitations on Conviction for Rape: No person can be convicted of rape or rape by instrumentation on account of an act of sexual intercourse with anyone over the age of fourteen (14) years, with his or her consent, unless such person was over the age of eighteen (18) years at the time of such act.
- E. Title 21, Chapter 45, Section 1113 - Slight Penetration is Sufficient to Complete Crime: The essential guilt of rape or rape by instrumentation, except with the consent of a male or female over fourteen (14) years of age, consists in the outrage to the person and feelings of the victim. Any sexual penetration, however slight, is sufficient to complete the crime.
- F. Title 21, Chapter 45, Section 1114 - Rape in First Degree - Second Degree
1. Rape in the first degree shall include:
 - a. rape committed by a person over eighteen (18) years of age upon a person under fourteen (14) years of age; or
 - b. rape committed upon a person incapable through mental illness or any unsoundness of mind of giving legal consent regardless of the age of the person committing the crime; or
 - c. rape accomplished with any person by means of force, violence, or threats of force or violence accompanied by apparent power of execution regardless of the age of the person committing the crime; or
 - d. rape by instrumentation resulting in bodily harm is rape by instrumentation in the first degree regardless of the age of the person committing the crime; or
 - e. rape by instrumentation committed upon a person under fourteen (14) years of age.
 2. In all other cases the offense is rape in the second degree.
- G. Title 21, Chapter 45, Section 1115 - Punishment for Rape In First Degree: Rape in the first degree is a felony punishable by death or imprisonment in the custody of the Department of Corrections, for a term of not less than five (5) years, life or life without parole. Except for persons sentenced to life or life without parole, any

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person sentenced to imprisonment for two (2) years or more for a violation of this section shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post-imprisonment supervision shall be in addition to the actual imprisonment. Any person convicted of a second or subsequent violation of subsection A of Section 1114 of this title shall not be eligible for any form of probation. Any person convicted of a third or subsequent violation of subsection A of Section 1114 of this title or of an offense under Section 888 of this title or an offense under Section 1123 of this title or sexual abuse of a child pursuant to Section 7115 of Title 10 of the Oklahoma Statutes, or any attempt to commit any of these offenses or any combination of these offenses shall be punished by imprisonment in the custody of the Department of Corrections for life or life without parole.

- H. Title 21, Chapter 45, Section 1116 - Second Degree Rape – Penalty: Rape in the second degree a felony punishable by imprisonment in the State Penitentiary not less than one (1) year nor more than fifteen (15) years.
- I. Title 21, Chapter 45, Section 1119 - Abduction of Person under Fifteen: Every person who takes away or induces to leave any person under the age of fifteen (15) years, from a parent, guardian or other person having the legal charge of the person, without the consent of said parent, guardian, or other person having legal charge, for the purpose of marriage or concubinage, or any crime involving moral turpitude shall be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding five (5) years, or by imprisonment in the county jail not exceeding one (1) year, or by a fine not exceeding One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.
- J. Title 21, Chapter 45, Section 1123. A - Lewd or Indecent Proposals or Acts to Child Under 16:
 - 1. It is a felony for any person to knowingly and intentionally:
 - a. Make any oral, written or electronically or computer-generated lewd or indecent proposal to any child under sixteen (16) years of age, or other individual the person believes to be a child under sixteen (16) years of age, for the child to have unlawful sexual relations or sexual intercourse with any person; or
 - b. Look upon, touch, maul, or feel the body or private parts of any child under sixteen (16) years

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- of age in any lewd or lascivious manner by any acts against public decency and morality, as defined by law; or
- c. Ask, invite, entice, or persuade any child under sixteen (16) years of age, or other individual the person believes to be a child under sixteen (16) years of age, to go alone with any person to a secluded, remote, or secret place, with the unlawful and willful intent and purpose then and there to commit any crime against public decency and morality, as defined by law, with the child; or
 - d. In any manner lewdly or lasciviously look upon, touch, maul, or feel the body or private parts of any child under sixteen (16) years of age in any indecent manner or in any manner relating to sexual matters or sexual interest; or
 - e. In a lewd and lascivious manner and for the purpose of sexual gratification: urinate or defecate upon a child under sixteen (16) years of age, or ejaculate upon or in the presence of a child, or cause, expose, force or require a child to look upon the body or private parts of another person,
 - f. force or require any child under sixteen (16) years of age or other individual the person believes to be a child under sixteen (16) years of age, to
 - g. view any obscene materials, child pornography or materials deemed harmful to minors as such terms are defined by Sections 1024.1 and 1040.75 of this title,
 - h. cause, expose, force or require a child to look upon sexual acts performed in the presence of the child, or
 - i. force or require a child to touch or feel the body or private parts of said child or another person.
2. Any person convicted of any violation of this subsection shall be punished by imprisonment in the custody of the Department of Corrections for not less than three (3) years nor more than twenty (20) years, except when the child is under twelve (12) years of age at the time the offense is committed, and in such case the person shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections for not less than twenty-five (25) years. The provisions of this subsection shall not

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apply unless the accused is at least three (3) years older than the victim. Any person convicted of a second or subsequent violation of this subsection shall be guilty of a felony punishable as provided in this subsection and shall not be eligible for probation, suspended or deferred sentence. Any person convicted of a third or subsequent violation of this subsection shall be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term of life or life without parole, in the discretion of the jury, or in case the jury fails or refuses to fix punishment then the same shall be pronounced by the court. Any person convicted of a violation of this subsection after having been twice convicted of a violation of subsection A of Section 1114 of this title, Section 888 of this title, sexual abuse of a child pursuant to Section 7115 of Title 10 of the Oklahoma Statutes, or of any attempt to commit any of these offenses or any combination of convictions pursuant to these sections shall be punished by imprisonment in the custody of the Department of Corrections for a term of life or life without parole.

- K. Title 21, Chapter 45, Section 1123. B. Sexual Battery: No person shall commit sexual battery on any other person. "Sexual battery" shall mean the intentional touching, mauling or feeling of the body or private parts of any person sixteen (16) years of age or older, in a lewd and lascivious manner and without the consent of that person or when committed by a state, county, municipal or political subdivision employee or a contractor or an employee of a contractor of the state, a county, a municipality or political subdivision of this state upon a person who is under the legal custody, supervision or authority of a state agency, a county, a municipality or a political subdivision of this state.
- L. Title 21, Chapter 45, Section 1123. C. Any person convicted of a violation of subsection B of this section shall be deemed guilty of a felony and shall be punished by imprisonment in the custody of the Department of Corrections for not more than ten (10) years.
- M. Title 21, Chapter 45, Section 1123. D. The fact that an undercover operative or law enforcement officer was involved in the detection and investigation of an offense pursuant to this section shall not constitute a defense to a prosecution under this section.

CI 11.02 The student will explain an officer's statutory obligations, duties and responsibilities in responding to a sexual assault victim.

- N. Title 22, Chapter 2, Section 40; Victims of Rape, Forcible Sodomy, or Domestic Abuse—Rape and Forcible Sodomy Defined: As used in Sections 40 through 40.3 of this title: "Rape" means an act of sexual intercourse accomplished with a person

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pursuant to Sections [1111](#), [1111.1](#) and [1114](#) of Title 21 of the Oklahoma Statutes; and "Forcible sodomy" means the act of forcing another person to engage in the detestable and abominable crime against nature pursuant to Sections [886](#) and [887](#) of Title 21 of the Oklahoma Statutes that is punishable under Section [888](#) of Title 21 of the Oklahoma Statutes.

- O. Title 22, Chapter 2, Section 40.1 - Victim of Rape or Forcible Sodomy - Notice of Rights: Upon preliminary investigation of any rape or forcible sodomy, it shall be the duty of the officer who interviews the victim of the rape or forcible sodomy to inform the victim, or a responsible adult if the victim is a minor child or an incompetent person, of the twenty-four-hour statewide telephone communication service established by the Office of the Attorney General for victims of sexual assault pursuant to Section 18p-5 of Title 74 of the Oklahoma Statutes and to give notice to the victim or such responsible adult of certain rights of the victim. The notice shall consist of handing such victim or responsible adult a written statement in substantially the following form:
1. "As a victim of the crime of rape or forcible sodomy, you have certain rights. These rights are as follows:
 - a. The right to request that charges be pressed against your assailant;
 - b. The right to request protection from any harm or threat of harm arising out of your cooperation with law enforcement and prosecution efforts as far as facilities are available and to be provided with information on the level of protection available;
 - c. The right to be informed of financial assistance and other social services available to victims, including information on how to apply for the assistance and services;
 - d. The right to a free forensic medical examination; and
 - e. The right to be informed by the district attorney of other victim's rights available pursuant to Section 215.33 of Title 19 of the Oklahoma Statutes."
 2. The written notice shall also include the telephone number of the twenty-four-hour statewide telephone communication service established by the Office of the Attorney General in Section 18p-5 of Title 74 of the Oklahoma Statutes. Failure to report the crime to law enforcement may impede the investigation and prosecution of the assailant.

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- P. Title 22, Chapter 2, Section 40.2 - VPO for Victim of Rape or Forcible Sodomy - Officer Not to Discourage Pressing Charges: A victim protection order for any victim of rape or forcible sodomy shall be substantially similar to a protective order in domestic abuse cases pursuant to Section 60 et seq. of this title. No peace officer shall discourage a victim of rape or forcible sodomy from pressing charges against any assailant of the victim.
- Q. Title 22, Chapter 2, Section 40.3 - Emergency Temporary Order of Protection - Preliminary Investigation: When the court is not open for business, the victim of rape or forcible sodomy may request a petition for an emergency temporary order of protection. The peace officer making the preliminary investigation shall:
1. Provide the victim with a petition for an emergency temporary order of protection and, if necessary, assist the victim in completing the petition form. The petition shall be in substantially the same form as provided by Section [60.2](#) of this title for a petition for protective order in domestic abuse cases;
 2. Immediately notify, by telephone or otherwise, a judge of the district court of the request for an emergency temporary order of protection and describe the circumstances. The judge shall inform the peace officer of the decision to approve or disapprove the emergency temporary order;
 3. Inform the victim whether the judge has approved or disapproved the emergency temporary order. If an emergency temporary order has been approved, the officer shall provide the victim, or a responsible adult if the victim is a minor child or an incompetent person, with a copy of the petition and a written statement signed by the officer attesting that the judge has approved the emergency temporary order of protection;
 4. Notify the person subject to the emergency temporary protection order of the issuance and conditions of the order if known. Notification pursuant to this paragraph may be made personally by the officer upon arrest, or upon identification of the assailant notice shall be given by any law enforcement officer. A copy of the petition and the statement of the officer attesting to the order of the judge shall be made available to the person; and
 5. File a copy of the petition and the statement of the officer with the district court of the county immediately upon the

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opening of the court on the next day the court is open for business.

6. The forms utilized by law enforcement agencies in carrying out the provisions of this section may be substantially similar to those used under Section [60.2](#) of this title.

PERFORMANCE OBJECTIVES 3—5 SHALL BE ADDRESSED BY THE ASSOCIATE INSTRUCTOR (RAPE COUNSELOR). HANDOUT MATERIAL AND SLIDES WILL BE PROVIDED AT THE TIME THE COURSE IS GIVEN.

CI 11.06 The student will demonstrate basic rapport building techniques and interview methods to solicit information from a sexual assault victim in a manner that avoids needless additional trauma to the victim.

Contacting and Initial Interviewing of the Victim:

If possible choose a good setting. The location should provide:

Privacy

Safety

Minimize distractions and/or interruptions

Victim should always have option for support person/advocate.

Officer should be cognizant of their verbal and non-verbal communications.

Show respect

Show support

Don't stand in "command" position—get down to eye level with victim.

Ask victim how they want you to address them. "Mrs. ____" might cause more distress to a married victim who is concerned about how her spouse is going to react. It is okay to address them by whatever name or title they tell you to call them.

Introduce yourself. If you have a card offer it to the victim. Tell them your working hours and how you may be reached—even if the case is going to be turned over to another officer or investigator—sometimes victims will "bond" more with the initial officer.

Project confidence and ability: if you appear calm and in control the victim may "model" your behavior. The more confidence the victim has in the officer

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and in the protocols the officer is operating under the better the victim will be able to assist in the investigative process.

Be patient. Tell the victim that you are going to work at *her* pace.

Acknowledge the trauma the victim has undergone.

Will help establish rapport and communication

Helps victim feel they have “permission” to express feelings and concerns.

Explain what you wish to do, and why, before doing it.

Get victim’s consent for each various step of the process.

Give the victim the reason why the steps are important.

If the victim understands the reasons for the questions they are being asked they will be more able and willing to cooperate.

If they understand their body has evidence that can help with the investigation the need for the exam will be better understood.

Whenever possible let the victim make choices. This helps the victim re-establish a feeling of having some control, promotes their self-confidence, and can begin to re-build their self-esteem.

“Do you mind if I sit?” “Where would you like me to sit?” “Do you want to sit?” (Some victims might want to pace, etc.) “Where would you like to sit?” Etc.

How, when, where, and by what method her statement can be taken may be viable options that she should be able to chose from.

Male Officers: If agency policy allows and one is available *ask* the victim if they would prefer to speak to a female officer, but do not automatically assume they will want to talk to a female officer. Sometimes *a positive male figure that sincerely offers help can do much to begin the victim’s healing and can begin to address trust issues with males.*

Encourage the victim to cooperate and participate in the process—do not appear to be *forcing* their cooperation. Encourage feedback from the victim; if she needs to take a break, is too uncomfortable at the moment to continue a particular task she should feel able to tell you. Respond to her feedback in an appropriate manner.

Enable the victim to share as many details they can recall—even if they think they are trivial or unimportant.

Enforce those aspects of the victim’s courage, resolve, and self-esteem as you see them emerge. The victim is already a *survivor* of a heinous and atrocious

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act—positive re-enforcement of those traits that enabled her to survive and to report the offense will go a long way toward both the case resolution and her recovery.

Additional Initial Contact and Interaction with Victims When a Suspicion that the Sexual Assault was Facilitated by Use of Drugs:

Communicate to the victim that officer and agency are committed to investigation and prosecution of drug related sexual assaults. Some drugged sexual assault victims are afraid that no one, including the police, will believe they were assaulted. Drug related sexual assaults do occur and the victim needs to know the officer and agency are not going to automatically disbelieve them.

Let the victim know that everyone's physiology is different and while drugs are designed to affect the human body in specific ways not everyone reacts to every drug, or combination of drugs, in the same manner. While the victim's reaction(s) might be unique, they are still "normal."

Initial questioning should focus on the things that the victim can remember rather than on those things she cannot. This helps build confidence and helps the victim keep from becoming discouraged. Also sometimes one memory can lead to another memory.

Remember that the victim might be experiencing any number and combinations of physiological reactions to substance(s) that were administered. They might be "hung over," giddy or anxious, or the substance(s) might be depressing their affect.

Tell the victim that the case will not rest solely on their interview(s) or ability to recall details: forensic evidence, witnesses, and other avenues are available to pursue to "make" the case. [This applies to any case but should be pointed out particularly in these cases]

CI 11.07 The student will describe how to identify, collect, and preserve other physical evidence in a sexual assault case.

General Response and Case Initiation of Sexual Assault Cases

General Procedures

Respond to Victim's emotional state: calm her down if she is acting upset, empathize with her anger if she is angry, etc.

Introduce yourself (follow suggested introduction and interview protocols)

Explain necessity and reasons for evidence collection, sexual assault exam, etc.

Accompany victim to place examination is to be conducted.

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Stay with the victim at a minimum as long as it takes for her to begin to feel safe and secure (as long as agency policy and protocol allow)

A victim may ask for a female officer—make best effort to accommodate that request *if it is made* However;

It is a myth that female victims always prefer female officers And;

Studies show that some female victims often perceive male officers to be less accusatory or judgmental and more sympathetic than females. They may also feel more protected from further harm by a male officer.

At the point you are leaving (whenever that may be) do not just disappear—let the victim know you are leaving if at all possible.

Conduction of Sexual Assault Examination

Some type of Protocol should be established with secondary or “back-up” protocols in place.

SANE examiner

Rape Trauma Center

ER Doctor

Private Physician

Protocol should provide for a VICTIM'S ADVOCATE

Exam should be conducted as soon as is practicable

OSBI requires collection within 72 hours of occurrence. If using a departmental lab or other lab check to find out if they have different timeline. Adhere to whatever timeline the lab the agency uses sets out.

Let victim (and the hospital if applicable) know that the cost of the exam will not be charged to the victim. Victim exams are paid by the state.

Recording and Documentation of Injuries

Obvious observable injuries should be documented (photographed) by peace officer, even though sexual assault examiner will also do it.

Officer should explain that further photographs of areas of injury will be taken by sexual assault examiner in a private clinical setting. If no exam is going to be conducted a female officer, nurse, or advocate should be enlisted to take photographs of areas that are not visible.

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Officer should explain to the victim that all photographs are evidence and will be treated as confidential and sensitive items of evidence.

Injuries that have particular markings should be noted and attempt to recover instrument of infliction made: ring imprint, belt buckle, rope or other ligature, etc.

Identify and Locate Evidence

Contact clothing should be collected and preserved by sexual assault examiner following kit protocol.

Exterior clothing, blankets, pillows, sections of carpet, etc. should be located and secured by officers.

Sexual Assault Examination Kit (Rape kit) should be received by hand from examiner and transported to lab ASAP by hand. If temporary storage must occur kit should be refrigerated.

Initial Victim Statement

Initial statement versus formal statement should be explained to victim.

Follow suggested victim interview protocols.

Formal statement timing, method, etc. should be considered in light of victim's desires and ability. Victim should be offered choice.

Formulate Investigative Plan

Follow established agency protocols

Summon trained investigative personnel if available.

Initial Investigation and Report Information

Initial Information:

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Date and time of occurrence

Date and time of disclosure

Victim still at scene

Victim removed from scene: by self or other person? Conversation(s) with others prior to officer's arrival.

Type of offense (rape, sexual battery, etc.)

Victim's personal information

Location of occurrence

Exact address if known (to include apartment number, office number, etc. if known)

Description of the location:

If dwelling get description even if you have address.

If outside area: Park; what part of the park? Street: what end of the street? Etc.

Distance or location from a known point: "Three blocks north from my office." "About a mile east on 12th from my friend Sandy's house." "The area of the park near the dam."

Conditions at the scene: temperature, lighting, weather, visibility, etc.

Condition of the victim

"Normal" victim demeanor can be anything: shocked, angry, withdrawn, hyperactive, depressed—just note what it appears that the victims is undergoing.

Voluntary use of drugs and/or alcohol; use of prescription or over-the-counter medications by the victim.

Physical condition

Clothing condition; clothing missing? [Trace evidence]

Medical examination results/reports.

Modus Operandi (Method of Operation) of suspect

Date rape? (Husband, boyfriend, ex-husband, ex-boyfriend)

Abduction?

Ruse/lure used to isolate victim?

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Home invasion rape?

Stalker?

Vehicle involved? (Suspect's? Victim's?)

Color, Year, Make, Body, License

External damage, accessories, etc.

Interior aspects

Color and type of upholstery

Condition

Odors

Accessories

Personal items in view or left in vehicle.

Suspect Information

Personal Information if known

Detailed description of suspect's person

Physical oddities? Limp, lisp, accent, repeated use of particular words or phrases, etc.

Familiar? Does the suspect remind the victim of someone famous or someone known that a comparison can be made with?

Detailed description of suspect's clothing

Prior observance or contact between victim and suspect

Has victim seen suspect before? Did victim notice suspect "hanging around" office, store, etc.? [Acquaintance rape, stalkers, etc.]

Did suspect ask victim for "date" in past?

Prior indication of coercion, force in previous encounter?

Victim's reaction to prior contact

Locale:

Observations from victim of locality where offense occurred

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Sights, sounds, smells, texture of surfaces

Establish all of the elements of the offense

Kidnapped or drugged victims may not be able to establish location (jurisdiction) immediately—multiple jurisdiction cooperation may be necessary

Remember every element of the offense is necessary for successful prosecution

Identify, Document, Collect and Preserve Physical Evidence

Clothing

Victim's

Suspect's

Personal belongings (of both victim and suspect)

Discarded items. "Trash" can yield fingerprints. Cigarette butts, partially eaten food will have saliva for DNA, etc.

Blood, hair, semen, fibers and other trace evidence

Fingerprints, footprints, tire tracks, etc.

Botanical material

Inventories

Photographs

Of Victim

Of Suspect

Of scene(s)

Of evidence

Records

Prior offenses by suspect: Sometimes evidence of prior crimes is admissible (Burke v State) if it shows, "...common scheme or pattern," etc.

Prior victims can sometimes testify (Burke's)

Interviews & Interrogations

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Victim

In depth interview carried out at appropriate time.

Victim might initially obscure or hide information (out of embarrassment, etc.) and defense attorney will attack their credibility about the “lie.” Sometimes a victim might have lied outright, but simple omissions, obscurities, etc. should be “rehabilitated” in formal interview.

Witnesses

“Eyewitness” can be rare but secondary and tertiary witnesses can “place” suspect at location, etc.

Alibi witness interviews should be followed up by investigation and credibility check.

Suspect

Confession

Statements against interest

Proved lie or multiple lies

Sexual Assault Crime Scenes

Basic Crime Scene Search, Identification, Documentation, Collection and Preservation of Evidence factors apply

Outdoor scenes—search for:

Shoe prints

Tire tracks

Bloodstains

Semen

Clothing items

Jewelry

Buttons

Hairs

Condoms

Signs of struggle or disruption

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Trash, condom wrappers, cigarette butts, other trace evidence

Indoor scenes—search for:

All the above with exception of tire tracks (unless in garage, etc.) and

Bedding

Carpet

Furniture

Glasses, plates, utensils, ashtrays, etc. handled by suspect/victim

Vehicles may be crime scene or additional crime scene

Obtain Search Warrants where needed.