Michigan Commission on Law Enforcement Standards

THE LAW ENFORCEMENT RESPONSE TO NON-STRANGER SEXUAL ASSAULT

INSTRUCTOR MANUAL

2010

Acknowledgement

This training curriculum is a compilation of contributions made by professionals and practitioners from various criminal justice disciplines. The staff of the Michigan Commission on Law Enforcement Standards (MCOLES) facilitated work sessions in 2010 and took full advantage of the expertise of those in Michigan who have the requisite knowledge and experience in law enforcement, victim services, advocacy, health care, legal matters, and training. MCOLES and the Michigan Domestic Violence Prevention and Treatment Board would like to acknowledge the time and energy volunteered by all the members of the sexual assault work group and to express our appreciation for all their input.

Introduction

The purpose of this training is to improve the response to victims of sexual assault and to enhance the subsequent investigation of sexual assault crimes. The response to sexual assault victimization should not be conducted in isolation, but rather in partnership with professionals and practitioners in the community. This community coordinated response involves not only law enforcement, prosecutors, and victim services, but also those from the medical sector, corrections, probation, parole, schools, and family/peer structures.

All too often, law enforcement training ignores this larger systems approach. In response, the sexual assault training specifications contained in this Instructor Manual are designed to be contextual in nature. More specifically, the overall goals of the sexual assault training are: a) to improve the response to sexual assault victims, b) to implement resolutions that best serve the needs of victims, c) to improve the investigation of sexual assault crimes, and d) to identify ways the coordinated community response can help. A proper response does not end when the scene becomes safe or an offender pleads to a charge. Law enforcement officers often believe that "success" for a sexual assault complaint means arrest, prosecution, and incarceration. But success can also mean providing an appropriate response to those who have been victimized. Those other than law enforcement must be equal partners in a systems approach and all must provide appropriate services to victims.

This Instructor Manual is divided into five major sections. <u>Chapter One</u> prescribes the module objectives, or the training specifications, for this course. The objectives are written in terms of behavioral outcomes, where basic knowledge <u>and</u> thinking are intended to come together to form competency. Note that the objectives include action verbs such as "demonstrates", "describes", and "recognizes", rather than "lists", understands", or "knows."

This is done to ensure that the training content is anchored to quality decision making and problem solving rather than to rote memorization. On the job, behavior can be affected by a variety of interrelated factors, including organizational or departmental policies and procedures, community expectations, local best practices, and even the "emotional intelligence" of the individual officer or first responder. Therefore, critical thinking and decision making must be essential components of training. That is, both basic knowledge and higher order thinking must come together in the classroom to create positive behavioral outcomes on the job.

Chapter Two provides concrete examples of interactive classroom training techniques that can be used by the instructors. Unquestionably, instructors know how to deliver training content using lecture and PowerPoint slides. But most instructors also understand the importance of teaching decision making and problem solving (higher order thinking) as part of an overall learning strategy. Although the best way to teach higher order thinking is through interaction and discussion, many instructors may be uncertain how to proceed in a practical sense. The learning exercises in Chapter Two are intended to help instructors generate participant dialogs during the training session. For example, higher order thinking can be taught using guided participation in table-top scenarios, practical exercises, incident/case debriefings, or classroom discussions. We believe that in order to build true competency the overall goal should be to shape behavior, whether it be through training, policy, or experience. For a law enforcement officer working the street competently is demonstrated by behaving in certain ways in certain circumstances. Improving performance, whether by modifying existing beliefs or offering new ideas through training, is to alter behavior in a positive way.

Chapter Three is a model Facilitator Guide. This Chapter is essentially the desired lesson plan for the delivery of the training objectives in Chapter One. It is based on the student centered principles of adult learning theory and problem-based learning (PBL). PBL is a teaching methodology that can be defined as knowledge acquisition through the resolution of real world problems. The approach calls for the instructor to generate facilitated discussions and to create interactive dialogs in the classroom, using authentic sexual assault situations as the foundation for the discussions. We understand that these approaches may be new to many instructors and we understand that instructors will not become expert facilitators overnight. Moreover, using interactive learning may not always be practical, but we always urge our instructors to explore ways to make knowledge and content "stick" in the minds of the participants. Training content must be clear, relevant, and concrete. Traditional lectures and PowerPoint presentations are useful and should not be discarded entirely. But adults learn in a variety of ways and instructors should deliver training content in a variety of ways as well. Instructors must tailor their training to the individual needs of their audience.

Chapter Four contains the PowerPoint slides, which are to be used in conjunction with the practical exercises and case studies in the Facilitator Guide. Some slides contain video vignettes, to be used as the basis for class discussions and input from the participants. The slides should be used sparingly, however, to preserve the interactive nature of the training and learning environment.

Chapter Five contains supporting materials, including a note on testing and evaluation. Although other resource materials have been provided as well, the instruction must remain true to the objectives and the overall lesson plan. We do encourage instructors to use their own proven resource materials, depending on the needs of the participants and the

prerogatives of local agencies and training administrators, but any additional training material must first be approved by MCOLES and the Domestic Violence Prevention and Treatment Board prior to any sexual assault training session.

A Brief Note on Terminology

In this Instructor Manual we use the term "victim" to refer to individuals who have been victimized by a sexual assault. We do this in order to emphasize the criminal nature of such incidents. However, we know that in the professional literature victims of sexual assault are often referred to as survivors, victim/survivors, complainants, rape victims, or complaining witnesses. Additionally, the use of female pronouns is deliberate since women constitute the overwhelming majority of victims of sexual assaults. By doing so, our intent is not to ignore the extent, severity or seriousness of male victimization. Our intent is to recognize the reality and pervasiveness of sexual assault and the victimization of women in our culture.

The terms "rape", "sexual assault", and "sexual conduct" are used interchangeably in much of the professional literature, but the terms may not be commonly understood. Unless otherwise specified, the term "sexual assault" is used in this Instructor Manual. It refers to violations of Michigan's Criminal Sexual Conduct statutes—Michigan Compiled Laws sections 750.520b through 750.520l. These statutes define four degrees of criminal sexual conduct, which are gender neutral, include both sexual penetration and sexual contact, and categorize conduct by degree of force or coercion. In Michigan, the crime of rape is considered first degree criminal sexual conduct.

We avoid using the word "rape" because historical rape laws have traditionally embodied sexist assumptions. Similarly, we use the term "non-stranger" sexual assault, rather than "acquaintance rape" since the term "acquaintance" can be limited in scope.

Training Delivery

The Instructor Manual is not a text book or an academic research paper, although it can be used as a primary resource for best practices in Michigan. We expect our instructors to have a practical in-depth understanding of the topic and possess the requisite experience in classroom teaching and training. We ask our instructors to examine the training objectives, select the core concepts embedded in the objectives, and then bring these ideas to life in the classroom. Although the training focuses on the response to sexual assault by law enforcement officers, we designed this training to be delivered by a pair of instructors—those with expertise, education, and experience in either law enforcement or victim services. We believe that a team-teaching approach can result in outcomes that are useful and relevant for the working officer or first responder. We expect each team member to provide information or facilitate a discussion during the delivery of each training objective. Although the training was designed to be delivered statewide, local community partners and stakeholders, particularly local victim services and prosecutors, may be involved as guest lecturers as well.

Each training objective includes a section entitled, "Notes to Instructor." These Notes are intended to provide guidance regarding the underlying meaning of each objective and sub-objective. Note that there are no time frames associated with the training modules, although in a practical sense, instructors should plan for one 16-hour session. Some instructors may expand to more hours, but must determine the appropriate detail for each objective based on anticipated time frames.

Understandably, not all relevant information regarding the response to sexual assault can be delivered in one training session. The sexual assault learning domain is much too large. In a general sense, the training contained in this Manual is intended to provide law enforcement

officers, and other first responders, with several concrete ideas to more effectively handle

sexual assaults and provide services to victims. Above all else, the participants must

understand that sexual assault victimization must be taken seriously and that victims must be

believed. The training will be considered a success if, at the end of the session, the

participants can:

- understand the role of victim credibility, vulnerability, and accessibility;
- communicate with victims, witnesses, and suspects by accurately interpreting behaviors and reactions;
- use a systems approach by working with partners in the community; and
- conduct a victim-centered, offender-focused investigation.

CHAPTER ONE

TRAINING OBJECTIVES

I.   Participate in a Classroom Facilitated Discussion of a Situation Involving a Sexual Assault.

a. Using the table-top scenario or video clip that depicts the response to a sexual assault, actively participates in a facilitated discussion that explores:
   (1) the knowledge, skills and abilities needed to safely handle the situation;
   (2) unique challenges that may arise during sexual assault investigations;
   (3) behaviors at the scene, as displayed by both the victim and the offender;
   (4) available resources (who in the community can help); and
   (5) how underlying beliefs, emotion, or world views may affect the response.

b. Recognizes that the overall goals, or core concepts, of the training are to:
   (1) understand the concepts of vulnerability, accessibility, and credibility;
   (2) communicate with victims, witnesses, and suspects by accurately interpreting behaviors and reactions;
   (3) consider a systems approach by working with partners in the community;
   (4) conduct a victim-centered, offender-focused investigation; and
   (5) understand how culture can affect the nature of the investigation.

Notes to Instructor

The scenario is intended to generate a conversation about what is on the minds of the participants when they think about sexual assault. The discussion is meant to: a) demonstrate a connection between work experience and the training content, b) identify the skills and abilities needed to respond to sexual assaults, c) explore potential preconceptions and misunderstandings, and d) promote higher order thinking. Ask questions, probe for responses, challenge ideas, and include everyone in the discussion.

In sub-objective a(1) above, discuss what the participants know and what they *need* to know when responding to sexual assaults. Sometimes knowing what you don't know can be helpful. Discuss how the training can have on-the-job relevance for the participant.

This is also an opportunity to clarify misconceptions, prejudices, or misunderstandings that may surface during the discussion. See "a(5)" above. An officer's underlying beliefs about sexual assault will affect the nature of the response, the relevance of the questioning, and the thoroughness of the investigation.

Use a traditional lecture and summarize sub-objective "b" to introduce the overall goals of the training so there is a common understanding among the participants.

II.   <u>Define Sexual Assault.</u>

    a. Defines sexual assault as a wide range of forced or non-consensual sexual acts, characterized by lack of consent, or an inability to consent, and by:
        (1) force or coercion;
        (2) penetration or contact;
        (3) manipulation or intimidation, which includes:
            (a) marital rape;
            (b) intimate partner rape; or
            (c) victimization of males, females, and persons of all sexual orientations.

    b. Summarizes the elements of Michigan's Criminal Sexual Conduct Act, which contain a range of conditions and misconduct, as specified in law (MCL 750.520a-g):
        (1) definitions (e.g., sexual penetration, sexual contact, victim, etc.);
        (2) first degree criminal sexual conduct, a felony, which includes forced or coerced sexual penetration, including rape;
        (3) second degree criminal sexual conduct, a felony, which includes forced or coerced sexual contact;
        (4) third degree criminal sexual conduct, a felony, which includes forced or coerced sexual penetration, including incest;
        (5) fourth degree criminal sexual conduct, a misdemeanor, which includes forced or coerced sexual contact; and
        (6) assault with intent to commit criminal sexual conduct (incomplete acts), a felony.

    c. Recognizes that sexual assault is not merely "sex gone bad" and that it differs from healthy sexuality--the distinction is based on mutuality, as characterized by consent and by care and concern for the other person.

    d. Considers that, during the initial report, officers may not have all the information needed to determine if the incident fits neatly into one of the degrees of criminal sexual conduct and that officers may be asked to provide services to a victim even if all the elements of an offense have not been met.

III.   <u>Demonstrate an Understanding of the Dynamics of Sexual Assault.</u>

a.   Determines that the lack of voluntary <u>consent</u> is an essential element of sexual assault and that a victim's compliance does not mean there was consent (resistance is not an element of sexual assault and surrender is not consent).

b.   Recognizes that sexual assault is a crime of violence and that it is characterized by force and coercion, not sexual gratification.

c.   Considers an offender-focused response by recognizing that offenders:
   (1)   are most likely to be serial offenders;
   (2)   select opportunities for victimization (most sexual assaults are planned);
   (3)   use strategies to create vulnerability and accessibility through:
       (a) intoxication;
       (b) intimidation; or
       (c) isolation;
   (4)   use coercion to complete the assault;
   (5)   target those who are less likely to be believed or create situations that diminish victim credibility;
   (6)   target victims known to them;
   (7)   rationalize or minimize their behavior based on stereotypical beliefs about sexual assault; or
   (8)   play the role of "nice guy" or "good guy" as part of their plan to offend.

d.   Considers a victim-centered approach by recognizing that emotional reactions to trauma will vary and even seem counterintuitive, but common reactions include:
   (1)   anger;
   (2)   embarrassment;
   (3)   guilt;
   (4)   shame;
   (5)   fear;
   (6)   self-blame;
   (7)   numbness;
   (8)   denial; or
   (9)   betrayal.

e.   Recognizes that the victim's emotional reactions may result in:
   (1)   difficulty in reporting facts logically and in sequence;
   (2)   denial or rationalization of the sexual assault;
   (3)   difficulty in making a decision;
   (4)   a reluctance to talk about the crime;
   (5)   a delay in reporting the crime;
   (6)   forgetting specific facts or details;
   (7)   depression or mood swings; or
   (8)   nightmares or flashbacks.

III.	Demonstrate an Understanding of the Dynamics of Sexual Assault. (continued)

f.	Demonstrates an understanding that:
(1)	most sexual assault victims know their perpetrator (especially children and family members);
(2)	victims do not cause sexual violence through risky behavior;
(3)	those with mental disorders or developmental disabilities experience higher rates of victimization;
(4)	the overwhelming majority of sexual assault reports are true;
(5)	victims often feel they are not believed, particularly if victimized by someone they know;
(6)	victims often do not report at all, anticipating a biased response;
(7)	the offender usually does not physically injure the victim or use a weapon; and
(8)	in-home offenders are as problematic as "community" offenders.

Notes to Instructor

Understanding the nature of sexual assault from the perspective of both the offender <u>and</u> the victim is not meant to turn officers into social workers or criminal profilers. Instead, understanding the dynamics of sexual violence can provide a conceptual framework within which evidence and victim statements can be validly interpreted.

Moreover, by knowing the dynamics of sexual assault officers will be better equipped to identify an appropriate strategy for questioning, locate relevant evidence, and conduct a thorough investigation. Enhancing an officer's understanding of the dynamics of this type of crime may also lead to appropriate methods of intervention and referral, based on community partnerships, as the victim interacts with the criminal justice system.

Avoid being too abstract. Instead, use specific, real-world examples to make the information concrete. The participants must understand how the principles taught in this objective can be applied on the job.

Experienced investigators know that alcohol is the most frequently used substance to facilitate a sexual assault, although other substances like GHB, Rohypnol, or prescription medication may also be used to induce loss of consciousness or impair judgment. Perpetrators seek ways to make potential victims vulnerable.

IV.	Develop an Appropriate Response Strategy.

a.	Responds immediately to the scene, but recognizes that reports of sexual assaults are usually not crimes "in-progress" and that the victimization probably occurred prior to the call to law enforcement.

b.	Assesses the situation safely and formulates response strategies by:
(1)	identifying the nature of the call before deciding which response will be the most effective (in-progress call, victim at emergency room, delayed reporting, etc.);
(2)	obtaining relevant information en route from dispatchers (e.g., physical injuries, weapons, suspect at scene, etc.);
(3)	determining if immediate medical attention is needed;
(4)	assessing whether the crime was facilitated by drugs or alcohol (such evidence may be quickly lost);
(5)	evaluating accurately victim behaviors and reactions; and
(6)	recognizing how an officer's non-verbal cues can affect the initial response (e.g., body language, facial expressions, etc.).

c.	Decides that proper investigative procedures must be followed for every sexual assault reported and that officers should:
(1)	focus on safety;
(2)	consider the presence of weapons;
(3)	ask relevant questions in a respectful manner;
(4)	understand the importance of a thorough investigation; and
(5)	identify potential physical evidence and obtain corroborating statements.

d.	Manages the investigation by determining the need to:
(1)	locate and detain corroborating witnesses;
(2)	obtain a search warrant;
(3)	locate and interview the suspect (the suspect may be a source of evidence):
(4)	request additional resources, assistance, or back-up units;
(5)	notify crime scene technicians or investigators; and
(6)	arrange for a medical examination by a medical professional (some communities have trained sexual assault nurse examiners--SANE).

e.	Recognizes the complexity of responding to sexual assaults, which can be influenced by the nature of the call and the context of the victimization (e.g., intimate partner, mental disorders, culture, etc.), which calls for individualized investigative strategies.

f.	Employs a victim-centered strategy by:
(1)	understanding the range of reactions to trauma;
(2)	giving power and control back to the victim (e.g., explaining options, giving choices, respecting choices, etc.);
(3)	suggesting the involvement of an advocate and explaining advocacy services; and
(4)	recognizing the advantages to providing SANE services to the victim.

IV.   Develop an Appropriate Response Strategy. (continued).

    g.   Recognizes how the cultural community of the victim and offender may affect the officer's interpretation of behavior and that officers should:
        (1)   perform in an unbiased manner;
        (2)   challenge their own world view;
        (3)   recognize cultural differences;
        (4)   apply appropriate communication techniques, based on culture;
        (5)   distinguish suspicious behaviors from behaviors attributed to culture;
        (6)   recognize non-verbal behaviors (e.g., body language, social distance, etc.); and
        (7)   initiate an action plan that will lessen an officer's own cultural misconceptions:
            (a)   develop networks with individuals from cultures in the community;
            (b)   affirm cultural differences as unique and positive;
            (c)   reassess the police culture; and
            (d)   maintain professionalism.

Notes to Instructor:

The purpose of this objective is to explore general overall strategies for an appropriate response to sexual assault. Until now there has not been a focused effort in Michigan to train officers regarding best practices. There is a high probability that the previous training and experience may not reflect best practices.

Officers should recognize that some sexual assault reports will be anonymous. Allowing for anonymous reporting provides the victim time for the initial trauma to subside before making serious decisions. As a result, appropriate investigative strategies should be formulated.

Officers must conduct victim-centered interviews, using strategies specific to the anticipated defense challenges. For example, non-stranger victimizations may result in significant reporting delays, longer recovery times, increased guilt, and the victim may feel less entitled to obtain help.

Often, responding officers may not observe physical injuries or physical injuries may not be immediately obvious. The sexual assault itself is an injury and victims fear for their lives.

Officers must also avoid strategies that may create a "cycle of mistrust." Mistrust may occur if an officer approaches the case with skepticism, the victim senses this doubt, and becomes defensive. This, in turn, may cause the officer to be even more frustrated and believe that the report is a waste of time.

Some jurisdictions may have a 24-hour victim advocate available, and if so, the advocate should be called as soon as possible, regardless if a medical examination is determined to be necessary.

V.   Actively Manage Sexual Assault Investigations.

a. Recognizes the need to conduct a thorough investigation of every sexual assault incident and to locate, identify, and document all relevant evidence.

b. Considers that the value and relevance of information obtained by the officer may depend on how well the officer interacts with the victim during the investigation.

c. Prepares an appropriate strategy for the initial questioning of the victim by:
    (1) maintaining honesty, patience, and understanding;
    (2) treating the victim with dignity and respect (no victim blaming);
    (3) spending extra time to open lines of communication;
    (4) asking direct, open-ended questions and remaining impartial;
    (5) offering choices so the victim can make decisions; and
    (6) evaluating information to determine the elements of a crime.

d. Interviews the victim of a sexual assault at an appropriate (private) location and allows time for the initial trauma to subside (crisis model):
    (1) puts the victim at ease and encourages a conversational interview by:
        (a) exercising patience and sensitivity (open-ended listening);
        (b) establishing rapport and trust, but making no promises;
        (c) using plain language and explaining the purpose of the interview;
        (d) believing what the victim is saying; and
        (e) allowing the victim to select who will be present during the interview;
    (2) asks open-ended questions to obtain basic information and to identify:
        (a) the elements of the offense (what specific acts took place);
        (b) where the assault took place (crime scene);
        (c) where evidence or potential evidence may be located;
        (d) if force or the threat of force was used by the offender;
        (e) if a weapon was involved;
        (f) a description of the offender and any statements made during the crime;
        (g) the nature of the assault from the victim's point of view;
    (3) provides information and assistance about support services (e.g., victim advocacy); and
    (4) plans for follow-up interviews, as necessary.

e. Takes photographs and/or collects physical evidence, including evidence:
    (1) from the scene itself (e.g., hair, fingerprints, debris, weapons, etc.);
    (2) contained in bedding, clothing, towels, carpets, etc.;
    (3) that may have been taken from the scene by the perpetrator;
    (4) of physical injuries;
    (5) from the victim's body (collected by medical professionals); and
    (6) from the suspect (biological, physical, etc.).

V.   <u>Actively Manage Sexual Assault Investigations</u>. (continued)

    f.   Considers the standards, protocols, and timing regarding a forensic examination and the collection of evidence by trained medical professionals (sexual assault evidence kit, MCL 333.21527(1)-(3)), including potential toxicology exams.

    g.   Prepares for the suspect interview by:
       (1)   considering the legal authority to detain and question (e.g., Miranda);
       (2)   selecting an appropriate location (usually non-custodial);
       (3)   obtaining corroborative statements from witnesses, if possible;
       (4)   recognizing that the suspect will often insist the act was consensual;
       (5)   recognizing that suspects may know the victim and will not be interested in hiding their identities;
       (6)   observing body language and reactions to questioning;
       (7)   obtaining partial admissions, then re-affirming and expanding; and
       (8)   considering audio-taping or video-taping the interview, when possible.

    h.   Questions the suspect as part of the sexual assault investigation:
       (1)   at the outset, build rapport with the suspect;
       (2)   obtain relevant background information on the suspect (e.g., criminal history);
       (3)   determine the relationship between the victim and suspect;
       (4)   obtain provable lies or implausible accounts of the incident;
       (5)   use the suspect's rationalizations to formulate the direction of the questioning;
       (6)   allow the suspect to make an uninterrupted statement (admission);
       (7)   confront the suspect directly and obtain details;
       (8)   use props and suggestibility (e.g., physical evidence, medical evidence, witness statements, etc.)

    i.   Writes a thorough sexual assault report:
       (1)   documents the sexual assault;
       (2)   uses the victim's own words or terms for the assault and contact;
       (3)   uses accurate anatomical terminology;
       (4)   clarifies victim statements;
       (5)   writes in an impartial and objective manner; and
       (6)   avoids police jargon and includes direct quotes.

Notes to Instructor:

Most participants will be experienced practitioners and professionals, but some agencies may not allow the responding officer to conduct in-depth interviews or interrogations. The purpose of this objective is to offer best practices so officers can better understand what the crime scene is, where potential evidence may be located, and how to proceed with initial questioning. Once an officer leaves the scene there may not be an opportunity to return to obtain additional information or locate additional evidence.

Anticipate what issues the defense attorney or defendant may raise and discuss these ideas with the participants. Officers must always conduct a fair and impartial investigation.

It is not necessary to report the incident to law enforcement in order to obtain a forensic examination by a medical professional. The primary purpose of the medical examination is to diagnose and treat the victim.

The investigative focus should be on the actions of the offender, not on the actions of the victim. Offenders must be held accountable for their actions. Officers should design the suspect interview to contrast the suspect version of consent against the victim's statement regarding what happened.

VI.   Comply With Organizational Policies and Procedures.

a. Actively participates in a discussion of agency policies, procedures, and protocols regarding the response to sexual assault.

b. Considers that decision-making on the job may be affected by:
    (1) the nature and extent of an officer's training;
    (2) individual judgment, based on experience;
    (3) totality of circumstances surrounding the incident;
    (4) underlying attitudes and beliefs (emotional intelligence) of the responder;
    (5) community and local expectations (a history of beliefs held by the community);
    (6) legalities and court precedent; and
    (7) interagency agreements and jurisdictional issues.

c. Recognizes that an organizational or departmental post-incident review may consist of:
    (1) officer debriefings;
    (2) policy reviews; and
    (3) a review of the officer's written offense report.

Notes to Instructor:

Although there are commonalities in the response to sexual assaults, there will be regional differences based on local protocols, organizational culture, and agency practices. Facilitate a discussion with the participants about how they respond to sexual assaults from their individual perspectives, based on agency requirements. The intent of this objective is to explore what the local response looks like from an individual perspective. The participants should think about how their responses may be similar to (or different from) what is contained in the previous training specifications. To the extent that the officers' departmental policies or protocols may be in conflict with the objectives, the participants should think about how the training can be meaningful to them.

Sub-objective "a" gives the participants an opportunity review their organization's policy and procedures and to discuss potential issues, concerns, and implications. The nature of a victim's first encounter with a practitioner, as driven by policy, may influence the quality of the system's response as the case unfolds.

It is often useful to identify the factors that influence behavior on the job. See sub-objective "b" above. Decision making is, to a large extent, influenced by a variety of interrelated factors.

Often, training topics are bundled into individual teaching modules and the larger picture may be overlooked during the session. Objective VI is intended to provide a regional perspective and real-life context.

VII.   Demonstrate an Understanding of the Coordinated Community Response.

a. Considers a coordinated multi-disciplinary response to sexual assault by:
    (1) building working relationship with community stakeholders;
    (2) placing the victim in contact with partners in the community;
    (3) identifying available community resources and services;
    (4) recognizing potential cultural barriers (cultural competence);
    (5) including victims and families as active partners;
    (6) sharing information with multi-disciplinary groups; and
    (7) creating a victim-centered and offender-focused response.

b. Identifies stakeholder institutions, organizations, and individuals in the community to help determine both immediate and long term responses, such as:
    (1) sexual assault nurse examiner (SANE) programs (community-based or hospital-based) and other medical services;
    (2) residential facilities serving victims of sexual assault;
    (3) community-based advocacy programs (e.g., tribal, campus, cultural);
    (4) sexual assault response team (SART);
    (5) prosecutors and the legal sector (including juvenile justice);
    (6) church-based organizations, emergency shelters, and non-profits;
    (7) services for those with substance abuse problems; and
    (8) services for those with mental disorders.

c. Recognizes that the appropriate response depends on the nature and extent of local partnerships in the community and the extent to which needed services can be identified and are available.

d. Recognizes that victims of sexual assaults are not limited to any race, sexual orientation, age, socioeconomic class, educational level, or occupation.

Notes to Instructor:

Each community will be unique, depending on population demographics, the availability of services, and local protocols and practices. The response to victims of sexual assault will work best if community stakeholders have the ability to work in partnership, but recognize that such partnerships may not be available in all communities. Also recognize that victims will enter the system at various points and at various times. The call to law enforcement may not necessarily be the initial contact.

A victim-centered approach means that "success" will not always be defined as an arrest and subsequent prosecution. Victims must experience a supportive response by being believed and taken seriously by the system.

MICHIGAN COMMISSION ON
LAW ENFORCEMENT STANDARDS

INTERACTIVE LEARNING

A GUIDE FOR INSTRUCTORS

July 2017

CREATING AN INTERACTIVE LEARNING ENVIRONMENT

Introduction

The information in this chapter is based on the latest findings in the cognitive sciences on decision making and judgment. It is the perspective instructors should have when preparing lesson plans or training materials for classroom instruction. Basic policing skills must continue to be reinforced so they become ingrained, particularly officer safety tactics, but instructors should be familiar with the evidence-based methods outlined here, and create an interactive classroom, so training matches the way officers actually make decisions on the job. All of us make choices in much the same way and the latest findings in the psychological sciences have important implications for law enforcement training, learning, and performance. This chapter is about how to teach officers to make better decisions.

Patrol officers make important choices every day. Police-citizen encounters require an ability to use judgment in rapidly changing environments and an officer's approach in any given situation is most often based on an intuitive feel for what is right or wrong. And, over time, an officer will acquire an operational demeanor and worldview that are shaped by prior work experiences and underlying beliefs. Yet contemporary law enforcement training seems to focus on basic knowledge and skills rather than reasoning, intuition, and what can be learned from the past.

Although the basic skills are essential for competency, the ultimate goal of training should be to improve the day-to-day decisions officers make on the job, which in turn can lead to positive behavioral change. To accomplish this goal, training must be interactive, outcome-based, and address the intuitive nature of decision making. In most situations officers need to react quickly because there simply is not enough time to consider a list of workable options to

resolve a situation. Moreover, some street encounters can escalate quickly, forcing officers to react on impulse and intuition alone. Training must also prepare officers for the rapid decisions that take place in life-threatening situations. There is little room for error.

Over time a veteran officer will acquire a "working personality" or operational style as perfected through trial and error. What an officer learns through past work experiences can create a range of practical options as new situations present themselves. In the classroom instructors should discuss, evaluate, and reinforce time-tested tactics and provide immediate feedback so prior work experiences have meaning and value. What an officer does today is based almost entirely on what he or she did before. Training must address this reality.

Traditional law enforcement training usually includes lecture, PowerPoint, and note taking. But such methods target basic knowledge, memorization, and short-term recall rather than intuition and reasoning. Instructors should not discard lectures entirely, but the idea is to integrate information and reasoning into an interactive learning experience. Instructors should use the methods outlined here. The techniques are intended to enhance a student's ability to move information from short-term memory into long-term memory for later recognition and recall on the job.
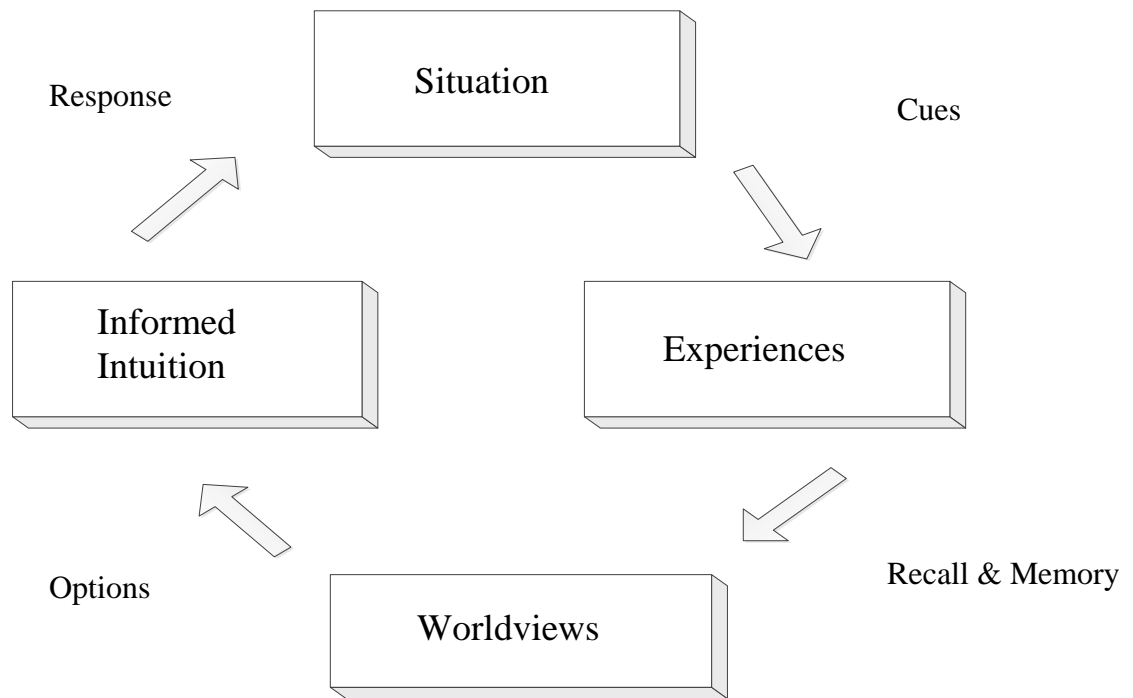
Evidence-Based Training

The latest findings in the cognitive sciences show that all of us have an intuitive part of our brain (System 1) and an analytical part of our brain (System 2) that work together when we make decisions. The intuitive system is unconscious and its job is to constantly monitor the environment and make quick, implicit choices with little mental effort. We encounter millions of pieces of information every day and System 1 filters and categorizes incoming data from the world around us, which is necessary for our existence as human beings.

System 2 is slow, lazy, and takes effort to engage, but is analytical and logical and is needed for complex decisions. For example, reading this sentence takes little effort and is the work of System 1, but multiplying two large numbers together requires a wake-up call to System 2. The two systems work together and it would be impossible to function without this complex mental interplay. But intuitive thinking usually comes first and all of us are prone to jump to conclusions. We do not engage System 2 as often as we should. Or, more specifically, System 1 usually filters incoming information so System 2 often acts on incomplete data. As an experiment, explore a popular computerized version of how the unconscious mind takes the lead in making rapid decisions. Go to www.implicit.harvard.edu and perform one or two of the sample demos. The results may be surprising.

Step-by-step analyses are fine for learning information in the classroom, but on the job officers usually do not select the *best* option when making a decision to act. Instead, they typically choose something workable and practical based on past experiences because there is little time to do otherwise. Prior work experiences need to be interpreted correctly so meaningful feedback through interactive learning should be an important component of training. The three-step decision making model displayed on the following page is adapted from *Sources of Power* by Gary Klein and *Peak: Secrets from the New Science of Expertise* by Anders Ericsson and Robert Pool. Their findings are based on decades of field research and represent the way professionals and first responders such as nurses, firefighters, and military strategists, make decisions in dynamic situations. In other words, they took the science out of the lab and explored decision making in authentic settings. They discovered that decision making on the job is much more fluid than previously thought. See Figure 1.

Figure 1
A Decision Making Model

Response

Situation

Cues

Informed
Intuition

Experiences

Options

Recall & Memory

Worldviews

Scientists know more now about the way the unconscious works than ever before.

Experiments show that most of our choices are usually implicit and that reasoning is less

engaged than originally believed. Some say that reasoning actually confirms our gut feelings

rather than informs us about new information so the idea in training is to improve judgment

by overcoming the unconscious biases we all have.

When teaching, instructors should address how underlying belief systems (worldviews)

can impact an officer's judgment. These belief systems, or worldviews, are the conscious and

unconscious ways we all frame the environment, interpret events, and assign meaning to new

information. On the job, poor decisions generally emerge from narrow worldviews, yet wider

worldviews enable an officer to consider a greater range of workable options. How an

individual mentally frames a situation is formed through a lifetime of experiences, events, and

influences so worldviews are very difficult to change in the classroom or during training. Patrol officers make decisions like the rest of us—quickly and intuitively—so training must match this reality. The idea is for officers to acquire *informed intuition* based on their training and past work experiences. Veteran officers will have experiences to call upon but recruits will need reality-based scenarios, as guided by the instructors, to start them along.

Instructors should make sure the students recognize how implicit thinking shapes, or frames, situations and events. For example, if an officer does not know how trauma can influence memory and recall the statements of a sexual assault or domestic violence victim may not make sense at the scene. Officers should not second guess themselves all the time but snap decisions can lead to biased policing practices.

Instructors should have conversations with the students that address their subconscious attitudes and beliefs. Understanding that we all have biases is the first step in overcoming those biases. Sometimes intuitive thinking can lead an officer astray so it is best to use reasoning whenever possible. Instructors should encourage the students to consider other worldviews and make them challenge their entrenched beliefs. We all have a strong tendency to only consider information that supports what we already believe, but learning occurs through interaction with ideas that are contrary to existing worldviews.

The MCOLES Basic Training Curriculum

Instructors should be creative in the classroom and bring major training objectives and sub-objectives to life through interactive teaching methods. Instructors are directed to the MCOLES website at www.michigan.gov/mcoles to locate the current basic training curriculum. Specific training objectives can be found using the bookmarks or using word-search.
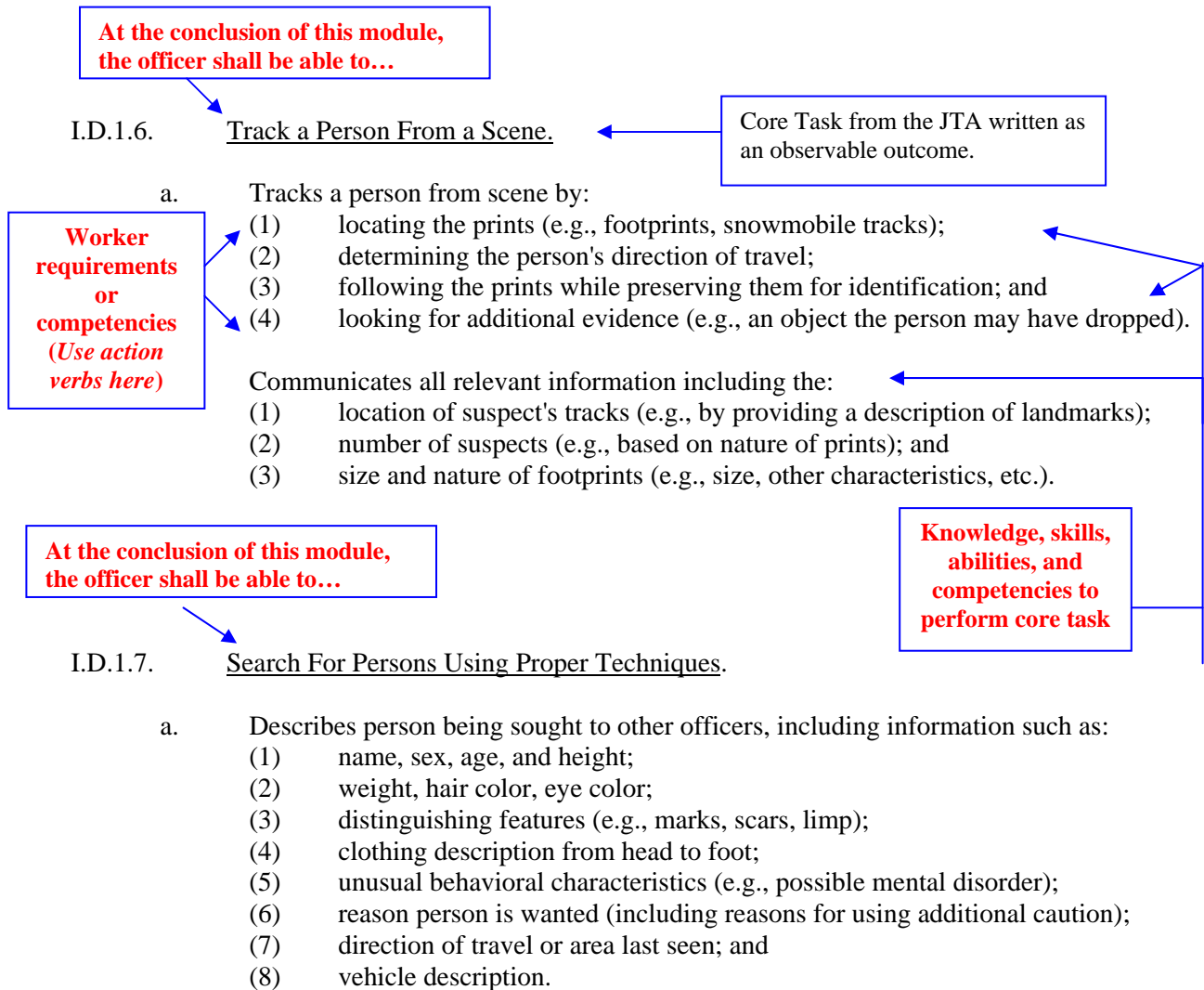
The basic training curriculum is divided into six major functional areas, as displayed in

Table 1. Also, see the training objective template on the following page. Two sample

objectives were selected at random to display the general structure of the training objectives.

Each major objective is accompanied by a set of sub-objectives that determine how the

outcome can be achieved. The major objective is a behavioral outcome and the sub-objectives

are the pathways to the objective. In training, instructors should address all the major

objectives in a module. Notes and commentaries are provided to help along the way.
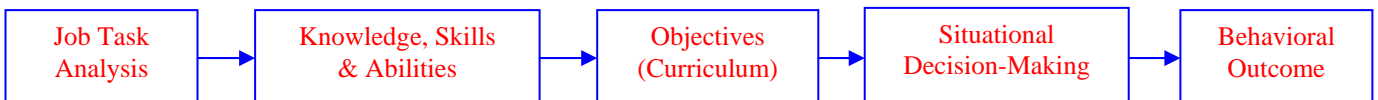
Table 1
Curriculum Functional Areas

Functional Area	Min. Hours	Percent
Administrative Time	31	5.2
Investigations (Legal Matters)	115	19.3
Patrol Procedures	65	11.0
Detention and Prosecution	15	2.6
Police Skills (Firearms, EVO, etc.)	265	44.6
Traffic	70	11.8
Special Operations	33	5.5
Total	594	100

The MCOLES website also contains instructor guides for the advisory in-service standards

for veteran officers. The active duty firearms standard is a mandate. The instructor guides

are useful when teaching experienced officers in topics such as Officer Safety, Emergency

Vehicle Operations (EVO), Legal Update, The Response to Persons with Mental Disorders,

Firearms, and Subject Control. The guides were all approved by the full Commission and are

made available to trainers and administrators across the state.

Sample Training Objectives

At the conclusion of this module, the officer shall be able to…

Core Task from the JTA written as an observable outcome.

I.D.1.6.   Track a Person From a Scene.

Worker requirements or competencies (*Use action verbs here*)

      a.   Tracks a person from scene by:
        (1)   locating the prints (e.g., footprints, snowmobile tracks);
        (2)   determining the person's direction of travel;
        (3)   following the prints while preserving them for identification; and
        (4)   looking for additional evidence (e.g., an object the person may have dropped).

        Communicates all relevant information including the:
        (1)   location of suspect's tracks (e.g., by providing a description of landmarks);
        (2)   number of suspects (e.g., based on nature of prints); and
        (3)   size and nature of footprints (e.g., size, other characteristics, etc.).

Knowledge, skills, abilities, and competencies to perform core task

At the conclusion of this module, the officer shall be able to…

I.D.1.7.   Search For Persons Using Proper Techniques.

      a.   Describes person being sought to other officers, including information such as:
        (1)   name, sex, age, and height;
        (2)   weight, hair color, eye color;
        (3)   distinguishing features (e.g., marks, scars, limp);
        (4)   clothing description from head to foot;
        (5)   unusual behavioral characteristics (e.g., possible mental disorder);
        (6)   reason person is wanted (including reasons for using additional caution);
        (7)   direction of travel or area last seen; and
        (8)   vehicle description.

Students must understand how their underlying beliefs, critical thinking, and intuition affect decision making on the job. Impartial policing practices can be acquired through interactive learning methods.

Job Task Analysis	→	Knowledge, Skills & Abilities	→	Objectives (Curriculum)	→	Situational Decision-Making	→	Behavioral Outcome

Principles of Interactive Learning

MCOLES believes the best way to improve judgment is to use interactive learning methods in the classroom. Bloom (*Taxonomy of Educational Objectives*) defines this <u>higher level</u> thinking as: a) analysis, b) synthesis (organizing) and c) evaluation (assessment). See Figure 2.

Figure 2
Bloom's Taxonomy—Cognitive Domain
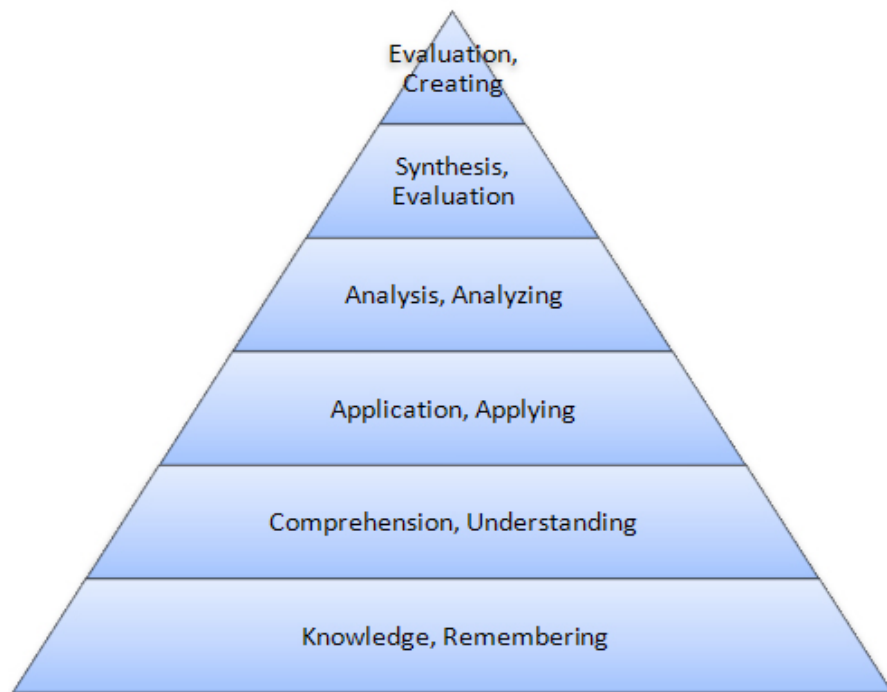
Source: Bloom's Taxonomy of Cognitive Learning, Center for Teaching Excellence, University of Maryland

Instructors may be uncertain how to proceed when first using interactive teaching methods. Therefore, a set of guiding principles is provided below to help instructors motivate the students and use creativity moving forward. Judgment and reasoning are abstract and conceptual, yet training for officers must be concrete and practical, which challenges instructors to experiment with a wide range of teaching and learning approaches in order to make content stick. Instructors start slowly with a few interactive teaching techniques and

then build expertise over time, using a step-by-step approach. The ultimate goal is to improve

decision making on the job by widening underlying belief systems (worldviews) and creating

informed intuition.

> The interactive learning principles listed below are adapted from the Facilitator Training Course Student Handbook, created by the Jefferson County Police Department, Louisville, Kentucky. Also, see *The Righteous Mind* by Jonathan Haidt, *Subliminal* by Leonard Mlodinow, and *Thinking, Fast and Slow* by Daniel Kahneman.

1. **Students must be partners in the learning experience.**
   The students can influence the direction of the training. Stay on-point with the objectives, but create buy-in and relevance.

2. **Students are capable of taking responsibility for their own learning.**
   Insert self-directed learning activities into your lesson plans and training methods.

3. **Students benefit from dialog so have a conversation with the class.**
   Reduce lecture time and have class discussions. Learning improves and lasts longer if new information is linked with existing information and past experiences.

4. **Students learn best when the content is useful to them.**
   Connect the training content with real job responsibilities and provide context. Make the training personal and create informed intuition.

5. **A student's attention span is a function of their interest in the experience.** Allow time to "process" the learning activities. Take breaks and pace your teaching.

6. **Students learn through conscious reflection.**
   Connect new information with existing information so real learning takes place. Have the students reflect on their past experiences and worldviews.

7. **Reasoning and intuition come together to form judgment.**
   Reasoning takes effort so force the students to analyze. Intuition is effortless but sometimes gut feelings can lead a person astray. Reasoning and intuition are not always in sync and don't work together as they should.

8. **Students will only consider information that supports what they already think.**
   Information is always filtered through the unconscious before reasoning kicks-in. Better decisions emerge from wider worldviews whereas narrow worldviews can lead to biases and prejudices so force the students to consider alternative viewpoints.

9.   **Reasoning can improve through interaction with other students.**
       Assign roles and develop openness during discussions even though students may resist
       such activities. Make sure entrenched beliefs are challenged by others.

10.   **The rate of forgetting starts immediately after learning.**
       Students usually forget what they learn within a short time so repeat ideas to overcome
       "rapid forgetting." Present information at intervals so the main ideas are covered.

11.   **Learning is aided by active practice rather than passive reception.**
       Performance is the demonstration of competency. Practice and feedback lead to
       expertise. Deliberate practice sharpens mechanical skills and procedural practice
       through reality-based scenarios improves decision making.

12.   **Decisions are based almost entirely on past experiences.**
       Immediate and meaningful feedback is necessary so students interpret their
       experiences accurately. Lay the groundwork so the students learn from their
       experiences on the job. Immediate feedback is essential.

Problem-Based Learning

Problem-based learning (PBL) is an interactive learning approach intended to improve

decision making by guiding the participants through real world situations in order to acquire

knowledge. MCOLES encourages instructors to adapt PBL into their lesson plans. In that

way, students can learn new things *and* improve decision making at the same time.

Instructors should think of PBL as an expanded version of the case-study, which creates

curiosity by closing the gap between what the students know and what they need to know. In

basic training, the recruits can begin to acquire experience by solving real problems and

participating in reality-based scenarios. For veteran officers, trainers need to focus on

entrenched belief systems so they can be widened if necessary.

Figure 3 displays a PBL model. It is taken from the Royal Canadian Mounted Police

(RCMP). This is one approach to interactive learning that gets at the heart of decision

making. The idea is to divide a single scenario or case study into three main parts and then

insert learning activities between each part. The model calls for each part of the scenario to be presented to the class in sequence and the exercise can unfold over several days of training.

Figure 3:
The Canadian PBL Model (RCMP)

Knowledge Acquisition   Knowledge Acquisition

| Major Scenario Part 1 | → | Major Scenario Part 2 | → | Major Scenario Part 3 |

What's the Problem?   What should I do?   How did I do?

Lecture, Dialog, Case Studies, etc.   Lecture, Dialog, Case Studies, etc.
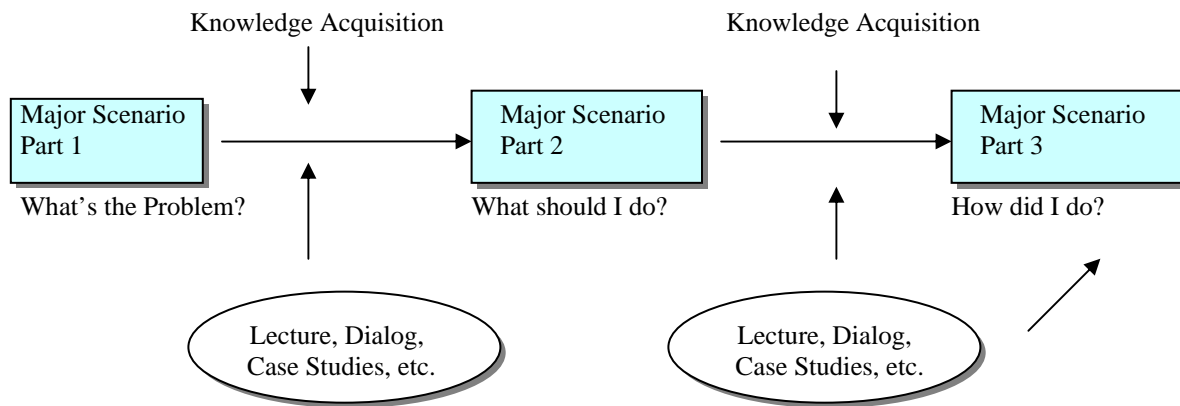
Learning activities provide a variety of ways to acquire knowledge and can include conventional lectures, PowerPoint presentations, writing assignments, articulation exercises, research assignments, group activities, class discussions, role-plays, and so on.   In a traditional training environment a reality-based scenario is presented after learning new information but in the PBL world the scenario introduces the training content and provides the necessary context and buy-in. Instructors should use the MCOLES curriculum and training objectives as a guide when designing the scenarios. At the end of the day, the students must be taught the objectives and sub-objectives in the module.

Instructors should create scenarios that are authentic, open-ended, and contain unknowns yet lead to several acceptable resolutions. Using a scenario that has one, and only one, solution should be avoided because it will oversimplify procedures and may produce a

reliance on scripted responses.   Real life examples help the participants focus on meaning, so be sure to select fact patterns that reflect contemporary policing issues.

Professor John Medina, author of *Brain Rules*, believes that long term memory works best when the training is connected to emotions, so instructors should "personalize" the training by making it in the students' self-interest to learn. Situations should be based on actual encounters on the job and training should tap into the intuitive nature of decision making. PBL requires the students to resolve problems and then reflect on their learning and understanding. Instructors should ensure the students analyze and evaluate situations and identify practical solutions moving forward. In class, instructors should speak to both System 1 and System 2 and emphasize the intuitive nature of choice once on the job.

To keep the discussions free flowing, and the case studies meaningful, instructors should consider the list of sample questions below. The items can be used as a guide during case studies, situational debriefs, table-top exercises, reality-based scenarios, and so on. The prompts are intended to keep the students on-task and the dialog moving.

Sample Prompts For Critical Thinking Exercises:

- Knowing best practices explain what you would do in this situation and why.
- Based on your real life experiences, what do you think the right and reasonable thing to do in this situation? Provide a rationale.
- Identify the two or three most important issues that are involved in the scenario.
- Why did you select a particular resolution to this situation?
- Write a descriptive memo that analyzes the situation.
- Select one word that describes this situation—then, explain why you chose that word.
- What basic principles would you use to solve this problem?
- To what extent does this situation match what you have done in the past?
- What does your intuition tell you to do? Why?

Sample Prompts For Problem Identification Exercises:

- Who is involved and who are the stakeholders?
- What seems to be the problem?
- What skills and knowledge that you previously learned or experienced would help now?

- What new skills and knowledge do you need?
- What does this situation make you think about?
- How does this problem make you feel?
- Identify the issues and make a list.
- Identify needed sources of information.
- Identify potential partners in the community who can help.
- Does the problem have several components? How would you break them out?
- How would you frame this problem?

Sample Prompts For Problem Solving Exercises:

- What additional skills and abilities are needed to handle the situation?
- What immediate information is needed?
- Who can help with the immediate solution?
- What do your experiences tell you about what will work here?
- What steps have you taken in the past?
- Do you have the legal authority to act?
- Shape a specific response to a specific issue in the scenario.
- What skills and knowledge would assist the subsequent investigation?
- What pieces of evidence would be useful in court?
- Should an arrest be made?
- What pieces of information help determine probable cause?
- Is the individual in the scenario committing a criminal offense?
- How can the officers provide service?
- What resource materials can help?
- What is required by agency policies or state statutes?

Decision Making Under Stress

It is important for the students to *demonstrate* acquired skills under stress. Instructors should design reality-based training exercises that require the students to use technical skills over and over in a stressful environment so certain tactics become habitual. Students should be provided with a variety of situations and be de-briefed thoroughly afterward. Some refer to this type of training as "stress inoculation" which is based on practice, rehearsal, and immediate feedback. Too much stress can be counterproductive so just the right balance must be maintained.

Further, instructors should think for a moment about the role *time* plays in making decisions. Field practitioners and researchers believe that decision making can be improved by essentially slowing down the perception of time. In that way the situation itself seems to unfold at a slower pace, giving an officer the ability to think more clearly and weigh workable alternatives. In other words, through training officers have the potential to switch a situation from reflexive decision making to reflective decision making so incidents do not spiral out of control. Using tactics to change a situation from a split-second time frame to a more reasonable time frame allows the officer to get a proper "read" of behavioral cues so better decisions can be made moving forward. One cannot really slow time down, of course, but instructors can change an officer's perception of time by teaching him or her to use sound tactical approaches, particularly as the encounter begins to unfold, which leads to improved performance.

Situations do not need to reach the level of "quick decision making" if officers perform as trained. James Fyfe, former head of training at the New York Police Department, is quoted in *Blink* by Malcolm Gladwell. Fyfe says, "If you have to rely on your reflexes, someone is going to get hurt—and get hurt unnecessarily. If you take advantage of intelligence and cover, you will almost never have to make an instinctive decision." Although officers cannot eliminate high risk encounters entirely they can perhaps avoid them by using sound safety tactics. What an officer does before an encounter is as important as what he or she does during and after the encounter. From a training perspective, rehearsal, practice, and preparation are the keys to success.

A Quick Reference Guide for Interactive Learning

Examine the chart on the following page. It summarizes a variety of classroom teaching methods that can help create an interactive learning environment. Ultimately, MCOLES will rely on the individual creativity of the instructors to determine what will work best depending on the learning environment and audience. What works also depends on the nature and extent of the interaction with the students. Instructors should have a conversation with students and use the instructor notes and commentaries for guidance and direction.

Training for veteran officers should look different than recruit training because the instructor has an opportunity to bring meaning to past experiences. Some mechanical skills deteriorate over time and will need practice but at the end of the day trainers need to assist officers to derive real meaning from their past experiences. For recruit officers, their experiences will consist of performance in reality-based scenarios but the guidance you can provide will start them along their professional paths to success. In the end law enforcement training, regardless if it takes place at the recruit level or the active duty level, must be evidence-based, remain contemporary, and accurately reflect the profession as it exists today.

METHOD	THE PARTICIPANT SHALL…..
Table-Top Scenarios	Identify a problem, determine resolutions, evaluate outcomes
Focus Statements	Generate statements or ideas that describe a single issue or problem
Concept Mapping	Identify the relationships among concepts or ideas of a single issue
Writing	Complete an offense report or write a brief position paper
Articulating	Present thoughts or articulate ideas to the full class or to small groups
Walk and Talk	Identify a partner and walk while discussing an issue
Case De-Briefing	Evaluate the merits of a court decision or the actions of responders
Case Study	Identify solutions to new problems by examining or adapting old solutions
Policy & Procedure	Create or evaluate an agency P&P based on a situation or incident
Pro and Con Exercise	Recognize competing or alternative sides of an issue
Categorizing Grid	Find out "what goes with what" conceptually
Analytic Memos	Write about an issue or situation and evaluate outcomes
One-Sentence Summaries	Summarize an issue with a single, informative, grammatical sentence
Journaling	Identify one word to describe and issue and write a rationale for the choice
Three-Part Scenarios	Identify the problem, decide on resolutions, and evaluate actions
Vignettes	Identify problems and solutions based on short fact patterns
Panel Discussions	Listen to content experts discuss a case or situation from their perspectives
Video Tape De-Briefs	Study videotaped scenarios, 9-11 calls, offenders talking, victims talking, etc.
Reality-Based Scenarios	Perform in a scenario with role players
Moot Court Exercise	Testify on the witness stand regarding the facts or actions taken
Role Reversal	Assume another discipline and evaluate a situation from that perspective
Skills Demonstration	Demonstrate a skill by performing it (driving, firearms, etc)
Expert portrayals	Discuss the actions of experienced practitioners to learn alternative solutions
Ethical Dilemmas	Evaluate ethical issues embedded in a situation or fact pattern
Performance De-Briefs	Discuss "emotional intelligence" after performance in a role-play scenario
What-If…	Determine alternative resolutions to constantly changing fact patterns
WIIFM	Consider "What's In It For Me" to create a buy-in and relevance.

CHAPTER THREE

FACILITATOR GUIDE

Introduction

The training specifications contained in this Instructor Manual are organized into seven major behavioral objectives, which are intended to be delivered in a classroom setting. This Chapter of the Instructor Manual, the Facilitator Guide, is intended to help instructors integrate adult learning methodologies with conventional teaching strategies. The Facilitator Guide is essentially a lesson plan for the sexual assault response instructor. The Guide is divided into seven modules that match the seven major training objectives in the curriculum. Each module includes learning activities, or participant exercises, accompanied by anticipated responses and instructor commentaries. The instructor commentaries discuss how the objective should be taught and which components of the training content should be highlighted and emphasized. Some modules begin with a reality-based scenario or case study. These activities are intended to provide a conceptual framework for training (context) and to stimulate and direct the class discussions, as guided by the instructor.

We emphasize the use of facilitated learning strategies as part of an overall approach to learning. During instruction, we believe that it is best to actively engage the participants in the learning experience and find ways to make the training content stick in their minds. Moreover, the participants must experience context and must be able to relate what they learn to their job responsibilities. The Facilitator Guide is also intended to help instructors become facilitators in the classroom and to enhance the learning experience both through guided instruction and the resolution of real world problems.

The educational research demonstrates that competency can best be developed in an interactive (adult) learning environment, particularly if professional practitioners are the intended audience. The research calls for instructors to challenge participants, foster critical

thinking skills, and to generate relevant decision making capabilities. Adult learning theory suggests that instructors to become "facilitators", rather than "lecturers", who actively engage the participants in an interactive environment where both learning *and* critical thinking can take place. Experiential learning and situational awareness can enhance discretionary decision making on the job. In other words, true competency is achieved when both knowledge and creative thinking come together simultaneously in the learning environment.

In a traditional training setting, the content specialist (instructor) typically delivers a lecture on a specific topic, using a written lesson plan or PowerPoint presentation, and then provides several examples relevant to the training content. The participants listen passively, take notes, absorb the material, develop an acceptable level of comprehension, and then perhaps respond to multiple-choice questions on a written examination. But in an interactive learning environment, the content specialist is really a facilitator, one who clarifies misunderstandings, challenges beliefs, verifies and supports correct knowledge and skill, probes thinking through questioning, confirms understanding, and motivates the participants to life-long learning. Therefore, specific techniques should be developed to enhance interaction, using the Facilitator Guide as a model. Here, participants are learning new content and knowledge, but in a manner that reflects real life experiences. When the initial discussions begin the participants may not have all the answers, so instructors must guide the conversation in such a way that each training objective is covered completely by the end of each session.

Model Facilitator Guide

Module I

Objective I: <u>Participate in a Classroom Facilitated Discussion of a Situation Involving A</u>
<u>Sexual Assault</u>.

<u>Slide 1</u>: **Introduction:** Introduction of presenters and class participants. Note on <u>Slide 1</u>:
Training was developed by the Michigan Commission on Law Enforcement Standards and the
Michigan Domestic Violence Prevention and Treatment Board. The training content was
adapted, in part, from a training curriculum developed by the Oregon Attorney General's
Sexual Assault Task Force.

Opening Exercise: What do you hope to get from this training? Have a conversation with the
participants about what they want to learn during the training day. Record their responses on
a flip chart. Talk about what will be taught and what will not be taught. This gives the
participants an opportunity to achieve "buy-in" and provides the instructor with an
opportunity to shape the instruction to the needs of the group.

Distribute Handout #1

<u>Slide 2</u>: **Exercise:** Have the participants read the scenario and discussion questions. Allow
them a few minutes to record their responses to the questions. Then, generate an interactive
dialog with the full group. Record their responses on a white board or flip chart.

<u>Case Study</u>: (This case study is based on an incident that took place in mid-Michigan)

You respond to an apartment to take a complaint of rape. At the scene, a woman (Janene)
tells you that she and her friend (Sherika) had been drinking at a local bar a week ago where
they met two men. The four drank for a while in the bar and were having fun. At closing the
four paired-up and the men asked the women to ride around in their vehicle so they could
continue drinking. The two men eventually parked in a wooded area. Janene says that both
she and Sherika got nervous at this point, and they asked the men to take them home. The
men just laughed and one of them said: "Not until we get what we came for." Janene reports
that one of the men raped her and the other raped Sherika.   Janene believes she can identify
the assailants and wants to prosecute the offenders. Sherika is afraid to talk to you.

Respond to the following questions:
1. What thoughts come to mind when you think about responding to this sexual assault complaint?

2. What challenges to the investigation of the above case do you anticipate facing?

3. What crisis interventions or other non-law enforcement services may be available?

Anticipated Responses:
1. Intercourse or touching against the will of the victim; "he said/she said" situations; behaviors of the victim and offender; interview strategies; advocacy; consent; medical exams; etc.

2. Drinking; going willingly with the men; delay in reporting; reluctant victim; consent; etc.

3. Locating and obtaining relevant evidence; suspect identification and interrogation; medical examination issues; consent issues; etc.

4. Sexual assault services; SART; other community services; non-profits; victim advocates; etc.

- Briefly discuss the brainstormed ideas. Point out similarities and commonalities. Identify beliefs that are clearly incorrect and point out what skills and knowledge are needed to handle sexual assault victimization. Point out the issues that are raised in the discussion that will be addressed later during the training.

- Introduce concept perpetrators seek victims who are **VULNERABLE, ACCESSIBLE, LACKING IN CREDIBILITY** (or can be made to be so).

Slides 3, 4 (T/F): Review information on slides

Exercise: Ask the participants to share other common beliefs or misconceptions that people have about sexual assault (about victims, offenders, law enforcement, what sexual assault is, etc.). List them on a flip chart. Explain that training will include looking at the societal contexts that create and support these beliefs, because:

(1) this affects an officer's own interaction with victims and offenders, and

(2) this reflects what the victim, the suspect, the judge, the jury, and the victim's friends/family may think about sexual assault.

TRUE OR FALSE?

Sex offenders perpetrate because they have no consensual sexual partners

Study of 114 incarcerated rapists estimated that 89% engaged in consensual sex at least twice a week

Study of 71 self-disclosed, non-incarcerated rapists showed that the men were sexually active with consensual partners

TRUE OR FALSE?

Victims of sexual assault are chosen because they are pretty, young, or sexy.

In a study of incarcerated offenders, 89% of rapists described the victims as not being provocative.

"The victims did not verbally provoke nor were they sexually attractive to the attacker."

Patterns of Behavior in Adolescent Rape, 1988

<u>Objectives of Training</u>:

- Enhance the ability to communicate with victims, witnesses and suspects as critical part of effective response

- Understand how victim vulnerability, accessibility and credibility are key to offender strategy

- Enhance the ability to conduct a victim centered and offender focused investigations

- Improve the understanding of how cultural context can affect response to, and investigation of, sexual assault

<u>Commentary</u>:

There are several purposes for an exercise such as this. First, discussing a reality-based situation provides *context* and *meaning*. This creates a "buy-in" for the participants. On the job, basic knowledge is demonstrated through action and behavior at the scene of a sexual assault, where critical thinking is combined with acquired knowledge to identify an appropriate response. From this perspective, context and meaning become visible when practitioners resolve real problems in training that simulate work related situations. Sexual assault calls are never handled in isolation and they must be considered in their full context. This objective sets the foundation for the remainder of the sexual assault response training.

Second, the exercise is intended to promote higher order thinking (decision making and problem solving). Ultimately, the goal is for practitioners to solve problems and make appropriate decisions at the scene after returning to the job. Although basic knowledge is an important component of any training, its acquisition should occur simultaneously with the development of critical thinking abilities.

Third, lack of knowledge and beliefs based on myths or misinformation often influences the decisions that are made in real life. An interactive, facilitated discussion will draw ideas to the surface so they can be explored by the participants. Facilitators will be able to identify gaps in training so the specific needs of each group can be addressed during training. For example, some may believe that the behavior of the woman actually invited the assault even though she did nothing wrong and did not violate any laws.

The overall purpose of this objective is to provide the "big picture" by identifying the core concepts associated with sexual assault. An individual's knowledge is quite often organized around core concepts and adult learners need to discover meaning before they can accurately remember details. Start with general ideas first and become more detailed as the training session unfolds. Emphasize that detailed information will be provided as the subsequent training specifications are taught.

- Objective II: <u>Defining Sexual Assault</u>.

Slide 5: Exercise: Using flip chart have group brainstorm the elements of sexual assault that will help them determine whether a crime has occurred and what charges may be available. **Anticipated responses:** Consent, age, force used/threatened, coercion, penetration, contact, weapon used/threatened, concealment/surprise, incapacity, multiple actors, other felony, attempt, blood affinity relationship, member of same household, teacher, position of authority, other….

Distribute Handout #2

Slide 6: Exercise: Conduct this exercise as an individual activity. Allow the participants only a few moments to think about 3-4 pre-selected vignettes, depending on time. Then, discuss their responses with the full group.

<u>Indicate the potential crime, if any, from the following choices. Identify elements that will lead to charge, if any.</u>

1. A man strikes his wife twice to force her to have sexual intercourse.
2. A family's 12-year old babysitter, who is a neighbor, agrees to an act of intercourse with the family's father.
3. A male acquaintance talks a woman with a developmental disability into having sexual intercourse with him. There are no physical injuries.
4. A man and woman have been dating and having consensual sexual intercourse for months. On this occasion, the woman is asleep when he arrives home. She awakens after he has penetrated her.
5. A man threatens a woman with a knife in her home so he can force sexual penetration on her. The woman's neighbor knocks on the front door and the man runs out the back door.
6. A man and woman are dating but have not yet had sex. The woman threatens to break off the relationship if the man does not have sex with her. The man does not want the relationship to end so he has sex with the woman.
7. A man encounters a woman in a stairwell and backs her into a corner. He quickly rubs her breasts with his hands and then runs away.
8. A woman is encouraged by her boyfriend to drink a lot at a party. The woman is intoxicated but willingly has sexual intercourse with her boyfriend.
9. A man stands at his living room window and exposes himself to the woman he hired to tend his garden and yard.
10. A substitute teacher has sexual intercourse with a high school freshman. The student was a willing participant.
11. A man convinces a woman he is someone he is not to defraud her of money. Based on this deception, she believes he is "the one" for her and she has sexual intercourse with the man.

Slide 7-8: Breifly review CSC crimes and reference handout defining CSC crimes:

- Have a conversation about the elements of Michigan's Criminal Sexual Conduct statute, but do not spend a lot of time here. The participants have the ability to read the statute themselves. Reference provided CSC handout.

- After the small group exercise, present the objective and sub-objectives using a traditional lecture with the PowerPoint slides as a guide. Refer to the ideas generated during the discussion, reinforce the appropriate responses, and correct any misconceptions that may have surfaced.

- Discuss the common characteristics of sexual assault and the various types of sexual assault. Introduce the concept of "consent."

CSC in Michigan- The Law

- 750.520b Criminal sexual conduct in the first degree; felony;
- 750.520c Criminal sexual conduct in the second degree; felony
- 750.520d Criminal sexual conduct in the third degree; felony
- 750.520e Criminal sexual conduct in the fourth degree; misdemeanor

Other Sex Crimes: The Law

- 750.520g(2) Assault with intent to commit criminal sexual conduct; felony
- 750.520g(1) Assault with intent to commit criminal sexual conduct involving sexual penetration; felony
- 750.92 A specific intent to commit a crime with an overt act that goes beyond preparation

Slide 9: Health Sexuality vs. Sexual Assault: The behaviors that form parts of the sexual assault may be some of the same behaviors that are part of healthy sexuality, such as touching, kissing, fondling, and sexual intercourse/penetration. However, sexual assault is not "sex gone bad." It is different from healthy sexuality altogether. In a sexual assault there is no consent, no mutuality, and no care or concern for the other person. On the other hand, healthy sexuality is defined by consent and care or concern for the other person.

Healthy Sexuality

- Is mutual and consensual
- What is consent?
  – It is the presence of a "yes" when "no" is a viable option
  – Surrender is *not* consent

In addition to the differences in mutuality and consent noted above, sexual assault begins with victim selection. Victims are purposefully selected because they are perceived as accessible, vulnerable and lacking in credibility.

Slides 10 – 13: Work through slides on how history, society and culture influence our beliefs and perceptions of what consent is, what sexual assault is.

- Context of Sexual assault: Each of these factors shape how society -- including victims, responders and offenders -- view sexual assault.

- Historical: Sexual assault as a property crime: Offenders had to pay restitution to the victim's father/husband because women were considered property of their husbands/fathers or other male relative.

What Affects Individual's and Communities' Understanding of Sexual Assault?

- History

- Portrayal in society's "stories"

- Cultural/Religious beliefs and standards

- Family and individual beliefs and values

Historical View of Women and Sexual Assault

"One hundred women are not worth a single testicle."
Confucius, (551-479 BCE)

"But if you can't rape your wife, who can you rape?"
Sen. Bob Wilson, D-CA, 1979

Historical View of Sexual Assault

- Until 1988, it was not a crime to rape one's wife in Michigan
  - Marital rape exemption eliminated in Michigan in 1988
  - Marital rape exemptions eliminated in all 50 states by 1993

Slide 13, Yale clip: Fraternity pledges required to march through freshman dorm areas chanting "no means yes, yes means anal." What is the message about consent? How likely is it that these pledges will interrupt/ stop or report an assault by a fraternity brother that they witness or become aware of?

Yale Fraternity Pledges (2010):
Marching through freshman women's dorms "No means yes, yes means anal"

Slides 14-18: Media portrayal does not cause sexual assault, but it provides strong messages to members of our society about relationships, the role of men and women, consent, and violence. *A society that accepts ads like these without thought is also a society that accepts and perpetuates rape myths, accepts sexual assault as normal, excuses the acts of offenders, and does not convict or incarcerate them at any meaningful level.*

- **Slide 14:** Duncan Quinn ad in a men's magazine.

- **Slide 15:**
  o Ask participants to guess which magazine the Fetish ad was displayed in? (Seventeen magazine). Who is the target audience of 17 Magazine? (teen and pre-teen girls). What does this say about consent? Imagine your teen age daughter or sister in this picture?
  o "Two beers…" t-shirt. Sold in a tourist shop in boulder. What does it describe?

- **Slide 16:** Che Men's Magazine ad: What does it say about both men and women? Who has the power? Does the woman have the ability to consent?

- **Slide 17:** Dolche & Gavvana ad: What do you see happening in this ad (gang rape)

- **Slide 18:** Natan Jewelers ad: What does this ad say about marriage and consent to sex?

<u>Module II Commentary</u>:

During the exercise and class discussion of Handout 2 address any differences among the responses. The participants may need more information than what is presented in the vignettes so discuss with them what they need to know. Tell the participants to categorize the vignettes and not try to determine if a prosecutor would actually proceed with charges. The exercise is intended to help bring some clarity to what constitutes sexual assault and the meaning of force and coercion. Point out how vulnerability, credibility, and accessibility play a role in some of the scenarios.

Sexual assault can sometimes be difficult to define. Often, the terms sexual assault, criminal sexual conduct, attempt sexual assault, assault with attempt to commit criminal sexual conduct, and rape are used interchangeably, which may cloud the issues during a criminal investigation or prosecution. Make sure the participants have a clear understanding of the distinctions.

Have a conversation about the elements of Michigan's Criminal Sexual Conduct statute, but do not spend a lot of time here. The participants have the ability to read the statute themselves.

Connect what the participants already know with new information and dispel any common myths and misconceptions. Learning will take place when the facilitator builds on information already known by the participants.

The focus of this sexual assault training is on older teen and adult victims of non-stranger sexual assault, but many of the investigative principles can be effective in cases involving young adolescent and child victims. If a victim is a child, refer to state procedures for the proper investigative protocols. Parental involvement will unquestionably be necessary for certain stages of the investigation.

Objective III: Demonstrate an Understanding of the Dynamics of Sexual Assault.

Distribute Handout #3

Slide 20: Exercise:

Ask attendees to raise hands if have been involved in any of these incidents. Pick one or two to *briefly* describe the incident they are thinking of (important that discussion doesn't get bogged down into numerous and lengthy "war stories").

Who has been involved in:
- High speed chase?
- Grappling with a suspect?
- Felony stop?
- Officer involved shooting?
- R/A in progress?
- Officer needs assistance?

Slide 21

Work through list one at a time, inviting attendees to share their experiences. Were there pieces of the event they didn't remember right away, or ever? How did they feel during the incident, immediately afterwards? Did their feelings change after the passage of time? Did time seem to move at a regular pace, or freeze or speed up? Are there parts that they didn't hear or see or feel?

How did they feel the next time this kind of incident happened or appeared imminent? Did they do anything differently?

Impact on
- Memory?
- Emotions?
- Perception?
- Future behavior?
- If you told anyone, what did they say or do that was helpful?

What was the most helpful thing someone said to them, and why? What was the least helpful, and why?

Slides 22-27: Neurobiology of Trauma

Review with participants how trauma affects behavior during the traumatic event; how it affects the acquisition of memory and ability to recall, from a neurobiological perspective. Relate back to some of the events and reactions that participants shared about their experiences.

Explore how a victim of sexual assault might relate what happened? How do we as officers, or as a society, interpret the victim's narrative when his/her memory is inconsistent or fragmented?

The Neurobiology of Trauma and *Behavior*

- As a prey species for millenia, humankind developed a highly effective biological response to fear in order to enhance chances of survival
- Fear triggers cascade of neurochemicals and hormones that instantly alter heart rate, breathing, blood distribution, pupil dilation
  Adapted from Dr. David Lisak, "The Neurobiology of Trama," unpublished article, 2002

The Neurobiology of Trauma and *Behavior*

- "Flight or fight" response is unconscious; it bypasses the cortex (brain center of higher and integrative thinking) and is wired directly into the amygdala
- Seeing a gun, for example, triggers the response long before we say to ourselves: "That's a gun!"
  Adapted from Dr. David Lisak, "The Neurobiology of Trama," unpublished article, 2002

The Neurobiology of Trauma and *Behavior*

- First stage before "flight" or "fight" can be "freeze"
  - When threat appears to be distant, is survival mechanism that allows one to assess threat while body prepares for flight
  - Not to be confused with "tonic immobility," which is response that occurs when threat is imminent and near, and neither flight nor fight is perceived to be possible

  Adapted from Dr. David Lisak, "The Neurobiology of Trama," unpublished article, 2002, and "Sex Offender Behavior & Characteristics: Implications for Investigation, Prosecution & Prevention," a powerpoint presentation 2011

The Neurobiology of Trauma and *Behavior*

- Both "flight" and "fight" are triggered by high adrenaline response and increased alertness and focus, with increased physical capacity to enable either fight or flight
- "Flight" or "fight" depends on proximity of threat
  Adapted from Dr. David Lisak, "The Neurobiology of Trama," unpublished article, 2002, and "Sex Offender Behavior & Characteristics: Implications for Investigation, Prosecution & Prevention," a powerpoint presentation 2011

The Neurobiology of Trauma and *Behavior*

- "Tonic immobility:" verbal and physical immobility, induced by fear and physical restriction or perceived inability to escape
- An adaptive response when one does not perceive the possibility of successful flight or fight
- Studies have found tonic immobility to have been a response in adult survivors of rape and in survivors of childhood sexual abuse

The Neurobiology of Trauma and *Memory*

- Radically altered neurochemical environment of trauma affects how memory of the trauma is encoded, and thus how it is latter accessed
- Traumatized person cannot generate the same kind of narrative memory
- Memory typically fragmented, out of sequence, with gaps
- Intense detailed memory of some things, fuzzy or no memory of other things

Slides 28-29: Review true/false **(Slides not shown here)**

Slide 30: Ask the class what the criminal justice system uses to rank the severity of sexual assault against victims (penetration, use of weapon, personal injury, etc.). The level of trauma that criminal justice system recognizes is not necessarily reflective of the primary causes of trauma to the victims.

The last three on the list are primarily experienced *in the aftermath* of the assault. Law enforcement has the ability to mitigate these traumas or make them worse – ask participants to give examples of what they could do to lessen the trauma or potentially make it worse.
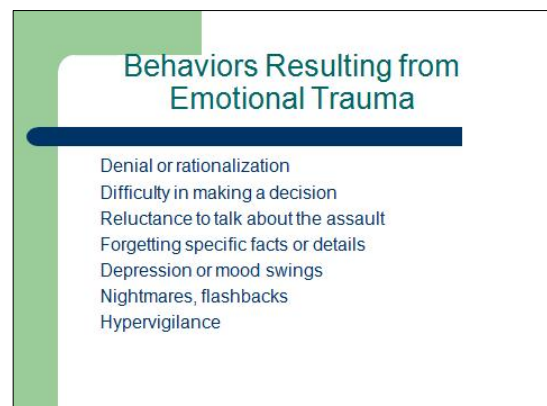
Primary Causes of Victim Trauma from Sexual Assault

- Betrayal
- Extreme fear or terror
- Fear and numbness
- Self-blame
- Anger
- Guilt

Slide 31: How could these behaviors affect the criminal investigation and/or prosecution?
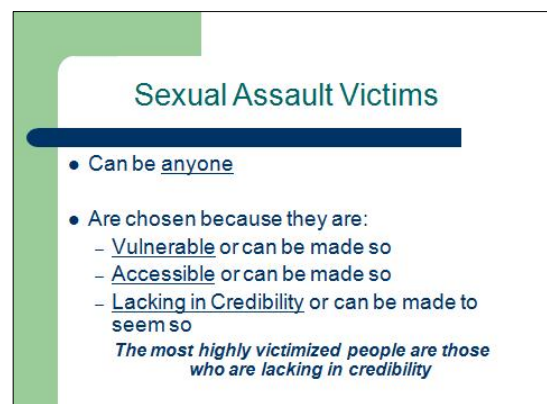
Note that an additional reaction the victim may have is *concern for the offender – why might that be so, and how could it affect criminal investigation and prosecution?*

Behaviors Resulting from Emotional Trauma

Denial or rationalization
Difficulty in making a decision
Reluctance to talk about the assault
Forgetting specific facts or details
Depression or mood swings
Nightmares, flashbacks
Hypervigilance

Slide 32: Ask the group to give examples of each aspect: how can a victim be made vulnerable? Accessible? Not credible?

Sexual Assault Victims

- Can be anyone

- Are chosen because they are:
  - Vulnerable or can be made so
  - Accessible or can be made so
  - Lacking in Credibility or can be made to seem so
  The most highly victimized people are those who are lacking in credibility

Slide 33: Exercise Using a flip chart, have the class quickly brainstorm a list – examples could include children, teens, women (especially women of color), people with physical and developmental disabilities, people with impairment to communication (e.g. deaf and hard of hearing community), those who are institutionalized or incarcerated, poor/homeless, undocumented, those with mental illness, gay, lesbian, bi-sexual, transgendered or other non-dominant gender identity or expression; under the influence of drugs/alcohol; those who are involved in or on fringes of criminal activity.

Point out that:
- we can quickly identify those who are vulnerable to victimization and who can be portrayed as incredible—it is not surprising, then, that perpetrators can do this as well

- victims may have overlapping layers of vulnerability, some of which may be permanent and some of which may be temporary (situational vulnerability, accessibility, lacking in credibility)

Slides 34-35: review true/false **(Slides not shown here)**

Slide 36: Exercise. **Who are sex offenders?** Have the class share a list of characteristics of a stereotypical sex offender.
- Point out that this myth is who we all are taught to look for, but not who actually perpetrates the majority of sexual assaults.
- As a result, many offenders go **undetected** and will have no criminal record.
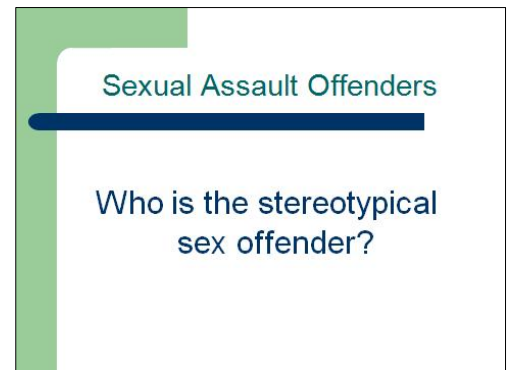
Slide 37: Who Are Sex Offenders?

- (Top right) Mike Tyson, former Boxer– In 1992, Tyson was convicted of raping Desiree Washington, for which he served three years in prison.
- (Bottom left) Andrew Luster – Convicted of raping three women two of whom he drugged and taped his brutal assault on them. Luster fled during his trial and was on the run for over five months before being picked up in Mexico.
- (Bottom right) Roman Polanski – Director of The Pianist, Rosemary's Baby and the Ninth Gate, convicted of raping a 13 year old when he was 43 y.o. (used the pretext of photographing her for Vogue France, plied her with alcohol).
- (Center) Mary Kay Letourneau – School teacher convicted of raping a 12 year old male student. Served seven years (but only after breaking conditions of her early release).

- (Top left) Alex Kelly –a former drug addict and juvenile offender who became an honors student in high school and a top athlete in Darian, Conn., was charged with the rapes of two teen-age girls in 1986. Before his trial was due to begin in 1987, Kelly fled the United States and spent the next seven years on the run, mostly in Europe. In 1995, Kelly surrendered to authorities in Switzerland just as his passport was about to expire. On November 24, 2007, Kelly was released from prison on "good behavior."

Slide 38: Review True/False **(slide not shown here)**

Slide 39:   The Undetected Rapist

Slide 40: Results of Study: Engage in dialogue to explore conclusion to be drawn from study. Anticipated responses: A small number of self-reporting rapists committed a surprisingly high number of sexual assaults in addition to other violent crimes against women and children. *Each rapist is a potential one-man crime spree.* This helps support the need for law enforcement to investigate for a pattern of offending even if no criminal record exists.

Slide 41: Play Frank Video (slide not shown here)

Slide 42: Small Group Exercise

Group Discussion Points:
- Point out planning, premeditation, and instrumental use of violence (if participants do not bring these up in their answers).
- Discuss how the suspect's size, the location of the assault, or the presence or absence of others may affect how a victim reacts to the assault and how much physical resistance she may or may not display.

Slide 43:   Review slide. Ask participants to describe how Frank fits this description. What did Frank do or say to undermine the victim's credibility (e.g. stating "she's done this 1,000 times.").

Commentary on Module III:

A law enforcement officer should lead the initial discussion around the officer involvement in emergency or traumatic incidents and responses. A service provider or victim advocate should lead the discussion of the dynamics and victim trauma. A law enforcement officer should facilitate the discussion of the Frank video and undetected rapists. Both the officer and the victim advocate should remain active and engaged throughout each part of the module.

During the lecture, emphasize that sexual assault victims are reacting to emotional trauma and may display the behaviors identified by the participants. Often, training content will be remembered longer and with greater accuracy if it occurs within an emotional context.

The PowerPoint presentation has segments built-in to show brief video clips of offenders or victims describing their experiences. Where helpful, pause the video every few minutes and point out that similar behaviors will be encountered at the scene of a sexual assault. Consistent with adult learning theory and cognitive recall, the participants will be better able to recognize these behaviors on the job if they can explore them first in a training environment.

A societal misconception of sexual activity is that men assume a dominant role and women resist their advances as part of a sexual "game" – that "no," or "I don't want to" is just a pretense. Therefore, the issue of consent may be part of the offender's rationale for his behavior, particularly in cases of non-stranger rape. A defense attorney may argue that there was no force or threat used and that the sexual encounter was consensual. Officers must therefore consider the entire context of the situation. Consent is not valid if it is coerced, forced, or threatened – if "no" is not an option. Make sure the participants understand that consent is not the same as the absence of refusal of non-consent.

In cases where consent is the defense, the focus will be on behaviors and actions. There will undoubtedly be challenges to the victim's credibility and believability, as promoted by the offender. Silence and passivity are not the same as giving consent to a sexual encounter. For example, those who are incapacitated are presumed to be incapable of consenting to sexual activity.

There are many stereotypes associated with sexual assault. The general public believes that victims of sexual assault should be out of control, hysterical, and extremely emotional after the victimization. These beliefs are often based on unrealistic depictions on television and in the movies. The public also believes that victims should report the crime immediately to law enforcement. Such myths may be held by responding law enforcement officers as well, which may influence the quality of their investigation.

Emphasize that sometimes the victim may actually be completely under control after the sexual assault. This may obscure the emotional trauma and may reinforce the tendency of others to disbelieve the victim, which may be problematic for the criminal investigation. In fact, victims will demonstrate a variety of emotional reactions. For example, the arbitrary nature of sexual assault may lead the victim to search for concrete explanations, including self-blame. Or, victims may experience long lasting feelings of vulnerability.

In court, the offender's attorney will want to convince the judge or jury that the victim did not behave like a "real" victim and will play on the general public's misconceptions and stereotypes. They will argue that the behaviors displayed by the victim are counter-intuitive and therefore should not be believed.

Officers should avoid putting a label on victim behaviors. Using terminology such as Rape Trauma Syndrome (the behavioral reactions to sexual assault trauma) or Post Traumatic Stress Disorder (PTSD) in the report should be avoided because: (1) they are responses that fall within the expertise of other professions, and (2) they may over-simplify complex emotional responses. Rather, recognizing and understanding the reasons why a victim is

behaving in a certain way in a certain circumstance can enhance a victim-centered response. Officers should not diagnose behavior and that is not the intent of this objective. Categorizations should be left to the behavioral experts.

Similarly, officers should avoid profiling the offender. The professional research demonstrates that there is no scientifically reliable profile of a sexual offender. In fact, many judges will not allow such testimony in court. However, officers may observe some common offender strategies or behaviors. Typically, offenders will use strategies that place a potential victim in a vulnerable position or will select a victim who may have credibility issues. In other words, offenders will create opportunities to victimize through their actions. Therefore, offender interrogations should be structured on a clear understanding of overt actions and behaviors. For example, identifying and documenting specific actions taken by the offender to create vulnerability will assist in the investigation. This will enhance an offender-focused response.
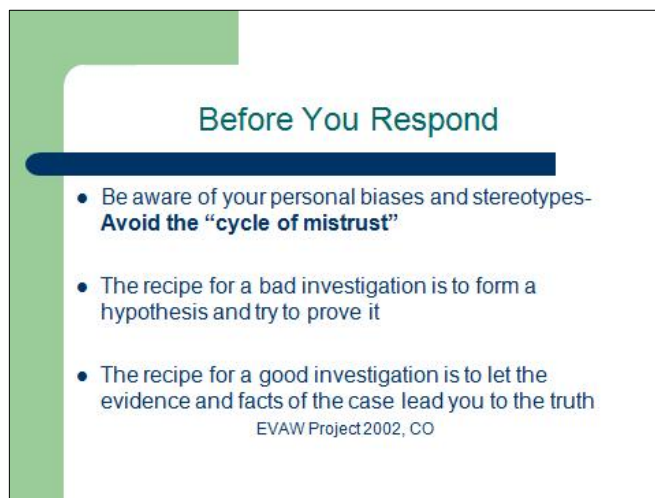
Objective IV: <u>Respond Appropriately to Sexual Assault</u>.

Play the 911 Call (Slide 45 not shown here)
Exercise: Ask the participants to discuss the following:
1. How would you approach the victim?
2. How would your approach to the victim affect the outcome of the investigation?
3. How would it affect the victim's experience of trauma?
4. What do you want to know?
5. What challenges will there be to victim credibility?
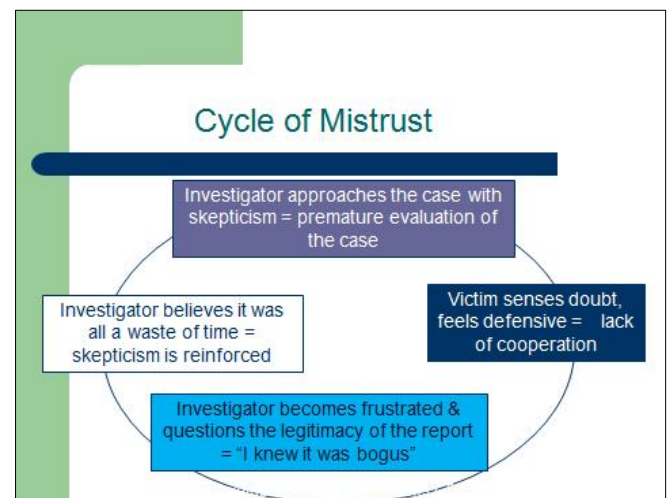6. How might you begin to address the issues of credibility?

Introduce Cycle of Mistrust: Slide 46-47:

Slide 48: Show Karen Video (Slide not shown here)

Exercise/Discuss: After the Karen video, ask the participants
- How did personal bias of the officer affect Karen's case?
- How was Karen's credibility challenged?
- What was Karen's message to law enforcement?
- How does Karen's experience illustrate the Cycle of Mistrust?

Slide 49: Review true/false (Slide not shown here)

Slide 50: Exercise: Ask the participants to give examples of cultural behavior that could be incorrectly interpreted as deception or that could create discomfort for the victim. For example,

- in some cultures, making eye contact with a stranger is considered disrespectful.
- In some cultures, personal space boundaries are farther away such that you may stand or sit too close to someone without realizing a problem.
- If language is a barrier, use an interpreter from the local community. Language may create barrier for the victim due to fears of loss of privacy.

Response Strategies--Culture

- Perform in an unbiased manner
- Challenge their own world view
- Recognize cultural differences
- Apply appropriate communication techniques, based on culture
- Distinguish behaviors attributed to culture from suspicious behaviors

Commentary on Module IV:

The purpose of this objective is to consider general overall strategies when responding to sexual assaults. More detailed information regarding the management of the crime scene is covered in Objective V. Engage the participants in a conversation about what goes through their minds when responding to sexual assault calls. Use Objective IV to set the stage and provide context for a more detailed discussion later in the training.

Objective IV may be a review for some officers. Here, the idea is to explore the complexities of the response to sexual assaults and how such responses may be the same as, or different from, other types of law enforcement calls. Connect the details of this objective with the global concepts discussed in Objective I.

As soon as practical, officers should notify a sexual assault advocate or victim advocate to help the victim through the investigative process. The availability of advocates will be dependent on where the crime occurred and will vary from jurisdiction to jurisdiction. Some communities may have victim service professionals on call and others may not.

Objective V: <u>Conduct a Thorough Investigation of Sexual Assault Crimes.</u>

Slide 52:
A core challenge in most CSC cases are areas of victim credibility. Key to an "offender focused" investigation is the shift to thinking about and examining the actions of perpetrators. What did the perpetrator do to undermine credibility? What is their history? We are going to talk throughout the day about how to address some common challenges in CSC cases and how to interview victims, perpetrators ,and gather evidence to address some of these challenges.

Investigating and Interviewing:
Overcoming Challenges to Victim Credibility

- What are the major challenges to victim credibility?
  - Lack of physical resistance
  - Delayed reporting
  - Inconsistent, incomplete, or untrue statements
- During interview and investigation be on the look out for ways to explain and bolster victim's response to the assault

Have group brainstorm major victim credibility challenges. We have identified the "big three" in Slide 52.

Slides 53-55:
Have group brainstorm the reason for each credibility challenge and ideas for overcoming it during victim interview or investigation. *Slides are animated to show only the questions first*.
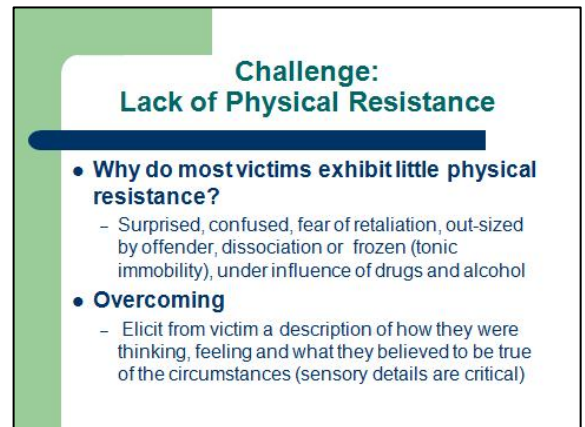
Slide 53: Physical Resistance: In one study 47% of rape victims *feared* serious injury or death.

AVOID asking victims questions such as:
- Did you fight the suspect?
- Why didn't you run or escape?
- Did you scream for help?

DO Ask:
- What did you do next?
- Tell me what you were thinking at that point?
- Tell me what you were feeling when he did that?

Challenge:
Lack of Physical Resistance

- Why do most victims exhibit little physical resistance?
  - Surprised, confused, fear of retaliation, out-sized by offender, dissociation or frozen (tonic immobility), under influence of drugs and alcohol
- Overcoming
  - Elicit from victim a description of how they were thinking, feeling and what they believed to be true of the circumstances (sensory details are critical)

This type of question will provide the victim with the opportunity to talk about thoughts, feelings, and experiences during the assault.

Slide 54: Delayed Reporting:
Between 16%-40% of all rape victims report.
Sexual assault is the most under-reported crime in
the United States.

**Challenge:
Delayed Reporting**

- Why are the majority of reported sexual
  assaults delayed?
  - Unsure that they are victim of a crime, self-blame, guilt,
    shame, fear of reprisal (family, community, offender), fear of
    not being believed
- Overcoming delayed reporting
  - Elicit from the victim, through open ended questions, her
    thoughts and actions after the assault
  - Interview anyone victim told about the assault ("outcry"
    witness) to corroborate explanation of delayed report

Slide 55: Inconsistencies:
- Discomfort with sexual details
- In the case of inconsistencies or suspected
  untruths it is critically important that officers
  realize these inconsistencies or untruths not
  necessarily indicative or, nor should they be
  confused with, a "false" report or allegation.
- **Find an appropriate time to** follow up on and
  clarify inconsistencies with the victim at the
  end of the interview, without interrupting .

**Challenge:
Inconsistent or Untrue Statements**

- Why would a victim make inconsistent or
  untrue statements?
  - Trauma and disorganization, discomfort with sexual details,
    criminal activity preceding the assault, fear of doubt or
    blame
- Overcoming
  - Alleviate victim's fears
  - Address inconsistencies—ask for clarification on specific
    parts
  - False statements not indicative of a false allegation

Distribute Handout #3

Slide 56: Exercise: Divide the class into "prosecutors" and "defense attorneys" and have the participants work through the following exercise by responding to the prompts in their respective roles.

Case Study:

Tanya engages in frequent online dating. She meets Rod online.

After a week of chatting on line, they meet at a downtown BYOB for dinner on Saturday night. Rod brings 2 bottles of wine. Tanya consumes at least 4 glasses of wine over a 2-hour period. Rod has at least 1 glass of wine. Both bottles of wine are open.

Tanya has a great time at dinner and is attracted to Rod. She barely eats her dinner. Tanya and Rod go to a bar after dinner, where Rod buys her 2 whiskey-sours, which she drinks. Rod drinks 1 glass of a clear liquid.

Tanya doesn't feel well, and starts to walk unsteadily, tripping as she walks. Rod offers to drive her home, as Tanya lives outside the city.

Tanya and Rod go to Rod's apartment, which is within walking distance of the bar, in order to "get Rod's car keys."

Inside the apartment, Rod kisses Tanya, and she kisses him back.

The next thing she knows, Rod is pulling off her clothes. Tanya physically resists Rod and states she doesn't feel well.

Rod pushes Tanya down on the couch and tells her to relax. Tanya throws up on Rod's rug. Rod becomes angry, gets up, and brings Tanya a glass of water.

Rod goes into the bathroom.

Tanya passes out on the couch and wakes up to find her pants and underwear removed and Rod penetrating her. Tanya says "get off of me" and tries to resist, but she is too drunk. Rod ejaculates inside of Tanya, gets up, and goes into his bedroom.

Tanya locks herself in Rod's bathroom and showers. Tanya then calls a cab on her cell phone at 4:30 a.m.

The Monday after Rod raped Tanya, one of Tanya's coworkers (Jim) knocks on her office door and says, "Hey, my friend Rod told me you went out on Saturday night and he had a great time. Rod is a really nice guy and one of my good friends."

That afternoon, Rod sends Tanya an email stating, "I had a nice time on Saturday. Take care." Tanya does not respond to Rod's email.

That night, Tanya reports to a friend, who convinces her to call the police.

Rod gives the police a statement saying he and Tanya had consensual sex and she is "crying rape" because he didn't call her after their date.

Small Group Questions:

1. **Prosecutors:** How would you proceed to obtain a guilty verdict in court? What is the theory of the case (the story) you need sell to the jury? What kind of evidence do you want to corroborate it? What will the defense say? What evidence do you need to refute the defense? Make a short list.

2. **Defense attorneys:** What issues will you raise at trial in defense of your client? How will you challenge the prosecution's assertions? What version of events will the defendant be reporting? How will you frame the evidence in the case? Make a short list.

   Anticipated discussion: Identify the themes of vulnerability, accessibility and diminished credibility. Rod created an opportunity by providing alcohol, he played the "nice guy" by offering to take her home, his keys conveniently were not with him. What happens to the "nice guy" when she gets sick or actually needs a ride home at 4:30 am?

   Make sure group discusses micro corroboration—what evidence is there? The bottles that he bought? The rug she threw up on? Explore how and why she locked the door to shower? Cab records for her trip home? Rod's e-mail to Tonya?
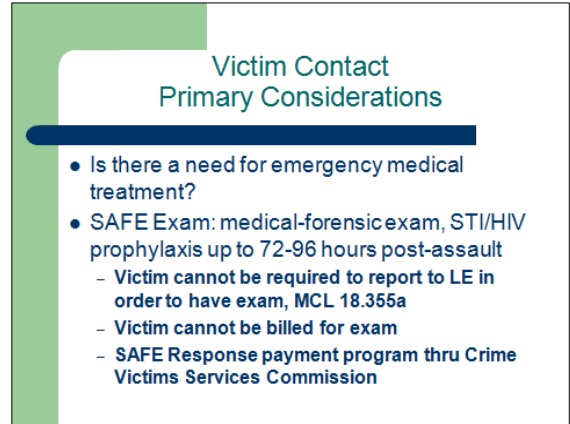
Slide 57: Initial Victim Contact

- Research has shown that the response that a victim receives from the person to whom s/he first discloses has an important and long lasting impact on that victim's ability to heal. Understand that you may be that person for the victim. The victim's belief that they are being treated fairly and heard can have a huge impact on victim healing and creating a "cycle of trust".
- What is the goal of initial contact? Acknowledge that the initial contact may be a patrol officer with limited investigative authority. How does that change the nature of the first contact?

Initial Victim Contact

- Conducting an initial victim interview will inform you of your plan of action:
  - Identify the suspect
  - Establish elements of crime
  - Identify crime scene
  - Collect evidence
  - Identify the need for additional resources
  - Identify other follow-up leads

Slide 58:

- Review Slide
- Communities have a variety of options for medical care and forensic evidence collection for victims. Officers should learn what services are available in their community, typically:
  - o A **SANE (Sexual Assault Nurse Examiner) Program** has specially trained nurses that can provide medical care and forensic evidence collection if the victim chooses.
  - o Hospital ERs will also provide evidence collection when SANE programs are not available. Some ERs have nurses on staff who are specially trained for evidence collection, and sometimes evidence collection is simply performed by ER staff with little or no expertise in performing sexual assault medical forensic examinations.

Slide 59: Exercise. Have the group answer questions and engage them in a dialogue. Emphasize that:

(1) Victims who have advocacy and support are more likely to participate with the criminal justice system, and

(2) Victim advocates provide a lot that law enforcement cannot, including information, referrals, support, and crisis intervention. Also, current State Protocols for SAFE examinations and sexual assault investigations recommend having an advocate present with victim.
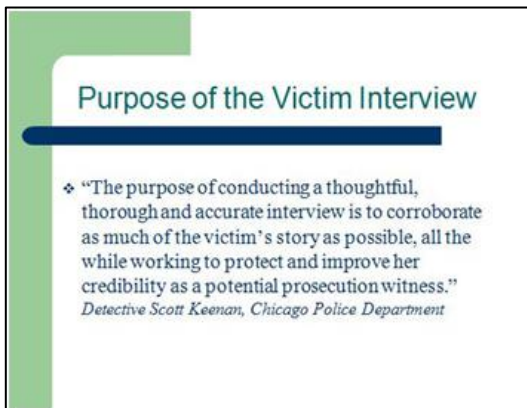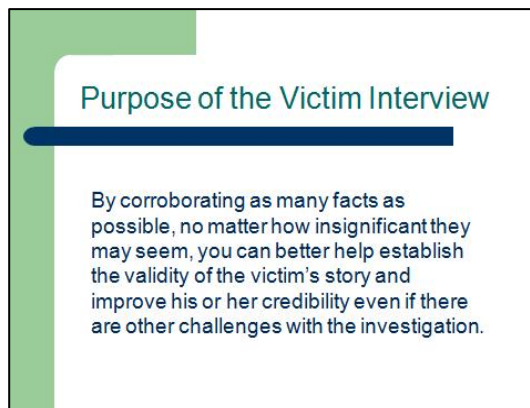
Slides 60-61:

Ask participants to share their understanding of purpose of victim interview, especially in light of what they have learned about effect of trauma on memory and behavior, and other reasons why victims are unlikely to present the "perfect" narrative. Good victim interview will elicit information that can be corroborated in other ways to bolster victim credibility.

Purpose of the Victim Interview

❖ "The purpose of conducting a thoughtful, thorough and accurate interview is to corroborate as much of the victim's story as possible, all the while working to protect and improve her credibility as a potential prosecution witness."
Detective Scott Keenan, Chicago Police Department

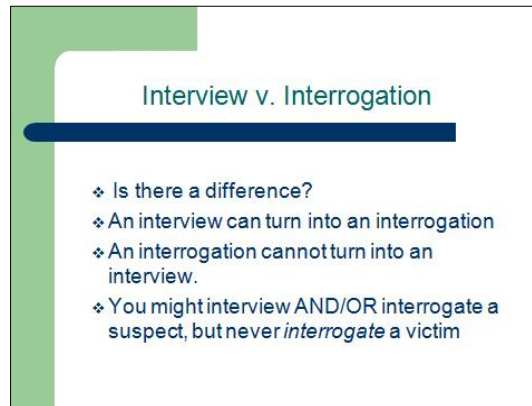Purpose of the Victim Interview

By corroborating as many facts as possible, no matter how insignificant they may seem, you can better help establish the validity of the victim's story and improve his or her credibility even if there are other challenges with the investigation.

Slide 62:

Interview vs. Interrogation

Distinguish between an "interview" and an "interrogation." Ask participants to brainstorm a list of the hallmark characteristics of an interview and of an interrogation. Note how these are different.

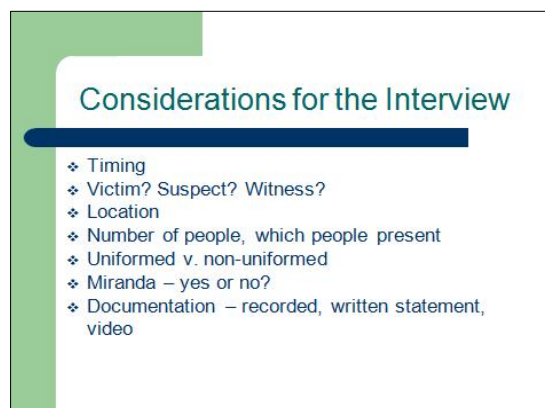What effect would interrogation have on a victim?

Interview v. Interrogation

❖ Is there a difference?
❖ An interview can turn into an interrogation
❖ An interrogation cannot turn into an interview.
❖ You might interview AND/OR interrogate a suspect, but never *interrogate* a victim

Slide 63:

- Location where the victim will feel safe and comfortable.
- Evaluate need for an interpreter and/or culturally specific advocate.
- Who to include/exclude: talk with victim about support/advocate that she may need, in general anyone who might be a witness in the case should not be included in the interview.

Considerations for the Interview

❖ Timing
❖ Victim? Suspect? Witness?
❖ Location
❖ Number of people, which people present
❖ Uniformed v. non-uniformed
❖ Miranda – yes or no?
❖ Documentation – recorded, written statement, video

<u>Slide 64:</u> **The Victim Interview**

Purpose of a detailed interview:
- Confirm, clarify, and expand on any preliminary interview
- Establish the elements of the crime
- Determine the theme of the investigation—what to corroborate and likely defenses

Throughout interview, good investigators will carefully examine the victim's story for any aspect that can be corroborated to establish the validity of the claim and bolster her credibility.

Beginning the Victim Interview

- Facilitate victim comfort
- Acknowledge the trauma of the assault
- Explain purpose of interview
- Allow victim to vent if needed
- If appropriate, to facilitate victim comfort offer the victim the option to write narrative about events
- Be empathetic
- Build rapport
- Ask simple questions
- Address concerns re: investigation, prosecution, safety

<u>Slide 65:</u> **Victim Narrative:**

Take Breaks: Let the victim know it is her choice and right to take a break or end the interview at any time. Advocates can also help determine if the victim needs a break.

Active listening and rapport. How can officers establish rapport? How do they demonstrate active listening? What would be an example of "disinterested "listening?

First Stage -- Victim's Narrative

- Avoid touching the victim
- Monitor the victim's body language
- Take breaks as needed
- Use victim's words describing sexual acts or body parts, clarify what those terms mean as needed
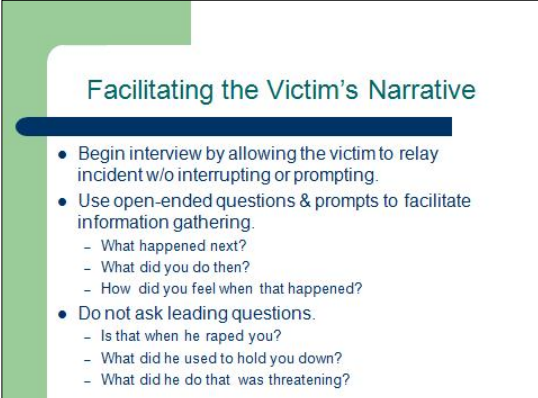- Engage in active listening
- Use reflective comments

Use of sexual language: Avoid using police terminology with the victim. Use the terms the victim uses to describe the sex acts, and clarify as needed. Don't sanitize victim's statement or replace with police terminology. It is important not to appear shocked or embarrassed by the language a victim uses to describe a particular act. If victim appears uncomfortable with sexual language and details it is sometimes helpful to reassure the victim that you have heard these things before and reiterate the importance of getting all the information about the assault.

Use reflective comments:
- Victim: So I had met him at a few parties, but I didn't really know his name."
- Officer: "He was someone you knew casually."

Slide 66:

Ask for examples of open-ended, non-leading questions that officers would ask in an interview.
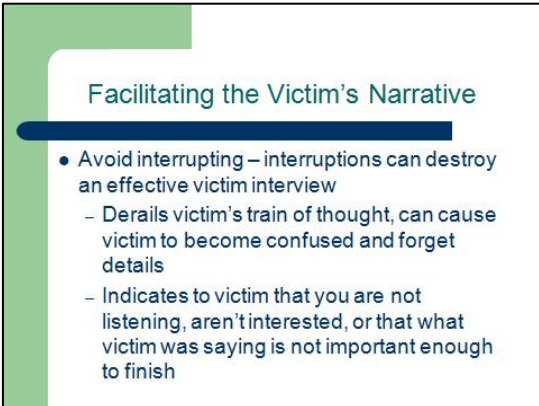

Facilitating the Victim's Narrative

- Begin interview by allowing the victim to relay incident w/o interrupting or prompting.
- Use open-ended questions & prompts to facilitate information gathering.
  – What happened next?
  – What did you do then?
  – How did you feel when that happened?
- Do not ask leading questions.
  – Is that when he raped you?
  – What did he used to hold you down?
  – What did he do that was threatening?

Slide 67: Avoid Interruptions

Before clicking slide past the heading and first bullet point, ask participants to brainstorm list of how and why interruptions can destroy an effective victim interview
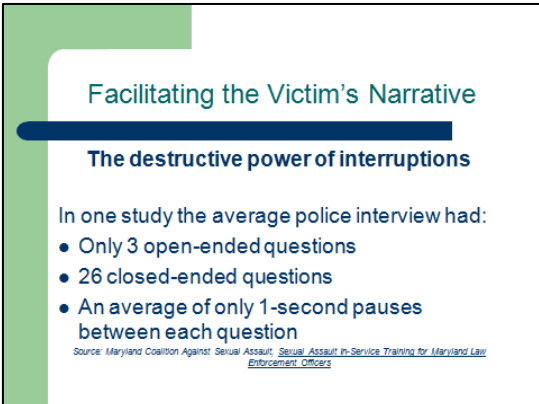

Facilitating the Victim's Narrative

- Avoid interrupting – interruptions can destroy an effective victim interview
  – Derails victim's train of thought, can cause victim to become confused and forget details
  – Indicates to victim that you are not listening, aren't interested, or that what victim was saying is not important enough to finish

Slide 68:

Is this average police interview an "interview" or an "interrogation?"

Facilitating the Victim's Narrative

The destructive power of interruptions

In one study the average police interview had:
- Only 3 open-ended questions
- 26 closed-ended questions
- An average of only 1-second pauses between each question

Source: Maryland Coalition Against Sexual Assault, Sexual Assault In-Service Training for Maryland Law Enforcement Officers

Slide 69:

Review information on slide with participants. Ask group to brainstorm list of reasons why officers might interrupt in interviews (e.g., Feeling rushed to finish report, get to next call? Disbelief of victim? Clarify something immediately? Bored? Impatient? Discomfort with case or information being disclosed?) Identifying causal factors can help officers identify in future and resist temptation to interrupt.

Slide 70: The second stage of victim interview

Inappropriate sequencing: Avoid letting a form dictate what questions are asked and when they are asked. A sequence of questions on a form may not represent the order in which information is stored in the victim's memory or the order in which events happened

Clarify and summarize: To make sure that the officer is following the victim's story, clarifications and occasional summaries can be used during natural pauses in the victim's narrative or in the second stage of the interview.

Clarifying questions: For instance, ask participants how they would clarify the statement— "He touched my breasts?"

Slide 71: Engage in a dialogue with participants on each item – what information is needed and why? **YOU DO NOT NEED TO COVER ALL OF THE FOLLOWING**. The following is a list of some of the ideas that can be drawn out in the discussion.

Victim behavior and relationship with the suspect:
- Activity prior to assault
- Past relationship or contact with suspect
- How suspect and victim initially came into contact
- When victim last had consensual intercourse and with whom (MUST be prefaced with compassionate explanation of WHY this information is important).
- Who victim first told about the assault
- Any witnesses with information about the assault, the suspect, or prior assaults.

Describing how the victim felt

- A victim's feelings and beliefs can help explain choices and behavior. Think about Frank Video. Frank's victim did not call out for help. Brainstorm: What might have she been feeling that prevented this??

Sensory details:
- What the victim smelled, saw, or heard can corroborate what she said happened.

Document suspect's behavior:
- How did suspect enter and leave crime scene?
- Whether the suspect brought anything or left anything at the

Information to Obtain
- Victim's behavior, & relationship to suspect
- How victim felt, what they believed
- Sensory details-sound, smell, touch, sight
- Suspect's behavior
- Use of force or threat
- Suspect's sexual behavior
- Documenting specific sexual acts

scene? Did he touch or move anything?
- Did suspect take pictures or video
- Other crimes committed
- Threats used or implied
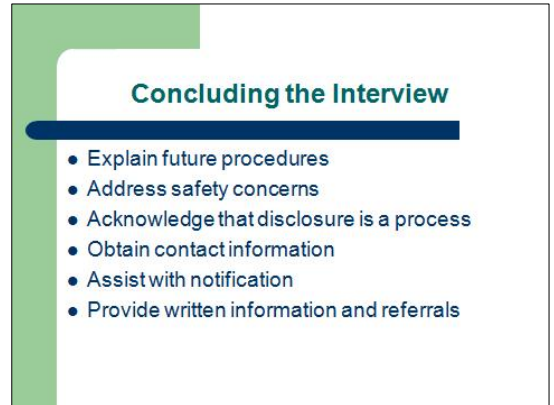
Suspect's sexual behavior
- Was a condom used (type, description, packaging)
- Condom provided by suspect or victim
- Location of used condom
- If, and where, the suspect ejaculated
- Whether suspect wiped genitals with tissue, sheet or other item of clothing

Specific acts committed
- Penile/vaginal contact or penetration
- Sodomy
- Oral genital contact/penetration
  - o Victim contact to assailant
  - o Assailant to victim
- Digital penetration
- Other object used
- In addition to determining the specific acts committed, it is also important to document their sequence and whether they were reported.

Slide 72:

Note that one of the most consistent complaints of sexual assault victims is that law enforcement did not provide them with enough information about the process of the investigation. It is critically important that victims feel that they are partners in the process of the investigation and one of the best ways of doing this is by keeping them informed.

Concluding the Interview

- Explain future procedures
- Address safety concerns
- Acknowledge that disclosure is a process
- Obtain contact information
- Assist with notification
- Provide written information and referrals

Slide 73: Show Ruth Video (slide not shown here)
Discussion: What worked well here? In what ways was Ruth a stereotypical/non-stereotypical sexual assault victim? What was the impact of the cycle of trust?

Slide 74: Corroborating information or evidence is not limited to that which corroborates the actual assault. This will be particularly important in most cases where the suspect asserts there was consent. If a victim's narrative is corroborated in the details leading up to and following the assault, how could that impact a suspect's attempt to portray victim as not credible?

Continuing the Investigation

- Focus investigative and interviewing efforts on corroborating the victim's account of the assault
- Assume a crime has occurred until the investigation proves otherwise

Exercise: Break into small groups. Ask each group to review information/evidence from the Case Scenario (Handout #4).
- What additional evidence could be gathered to corroborate the victim's narrative?
- Additional witness interviews?

Additional considerations for participants (engage in dialogue/brainstorm if time allows)
- Witness: those who hear, see, or witness events related to the crime: persons seeing the victim drinking, fleeing from a room, hearing outcries
- Immediate outcry witnesses: those who talk to the victim after the assault
- Ongoing outcry witnesses: those who talk to the victim on ongoing basis, and/or who observe victim's behavioral and emotional changes following the assault
- Suspect witnesses: Persons to whom the suspect brags, boasts, explains or justifies his actions
- Suspect associates and acquaintances: bystanders, co-workers, classmates, friends, fraternity and sport team members

Corroborate and identify "similars"
- Sex offenders are serial offenders. Identify other victims by talking to associates and acquaintances or to former girlfriend's and dates.

Slide 75-77: Suspect Interview

Most suspect "interrogations" should begin as interviews.
- Allow suspect to offer as much information as he wants without interruption
- Do not attempt to confront or interrogate the suspect about any admission or inconsistencies in his statement until his complete statement is recorded
- Investigator must remember that confessions are rare, but a good interview can produce numerous admissions that corroborate victim's account of actions

Suspect Interview v. Interrogation

Interrogation

Interview

- Initially, any one admission might appear insignificant, but in the case of one-on-one assault with limited physical evidence, they can boost the credibility of the victim and be extremely useful at trial.

Slide 76-77: The Suspect Interview

Provable lies: statements of fact that can be disproved by the evidence.

Implausible accounts: Some suspects will attempt to explain the evidence with a convoluted portrayal of the event. The more complex the explanation, the less likely it is to be true.

Partial admission: admission to any element of the crim. For example suspect may say that the victim said "no" and struggled to get away when he initially requested sex, asserts that she later changed her mind and consented.

Suspect Interview
- What are you looking for with the suspect interview?
  - Provable lies
  - Implausible accounts of an incident
  - Partial admissions
  - Lack of denial
  - Absolute confession

Learn all relevant information
- Criminal history, reports, uncharged acts
- Information from other officers who know or have previously investigated the suspect
- Probation records, parole status
- Information about friends or family members
- Relationship between suspect and victim

Suspect Interview

Is usually:
- Fact-finding
- Non-confrontational
- Open-ended – encourage narrative
- Non-custodial

In order to document:
- Provable lies, implausible accounts and partial admissions

Slide 78: Detecting Deception
Ask the participants to raise their hand if they believe that they know when someone is lying (a) 100% of the time? (b) 75% of the time? (c) 50% of the time? (d) less than 50% of the time? Responses will vary depending on size, experience of the group.

Then, ask the participants if they think that working in law enforcement has improved their ability to detect deception—to know when someone is lying? How about the number of years of experience in law enforcement?

Detecting Deception?

TRUTH
OR
LIE?

- Can you tell if someone is lying?
- *How* can you tell?

Exercise: Using flip chart, ask participants to brainstorm list of "tells" for when someone is lying. After generating the list, ask participants to think back to victim responses to trauma, and consider what "tells" could be a response to trauma when exhibited by a victim.

Slide 79: Exercise
Ask victims to consider these questions while watching the following video.

Slide 80: Play Patrick and Roger Part I
Have the participants pair off after the video to discuss and answer the questions. Ask a few pairs to report out. Facilitate discussion among participants. DO NOT TELL THEM THE CORRECT ANSWER AT THIS POINT.

Detecting Deception

– As you view the following interviews, consider:

• Who is lying?
• Who is telling the truth?
• Why do you think so?

Slide 81: Play Patrick and Roger Part II
Debrief with the participants. Did these men display any of the "tells"?

Slide 82:

Lecture points: Research findings: Even for the most highly trained, accuracy in detecting deception is rarely better than 60%. The research shows that training, discipline, years of experience, age, and gender have no bearing on someone's ability to detect deception.

Detecting Deception

• Good liars, practiced liars and natural liars
  – Know about their ability.
  – Are not afraid to lie.
  – Look us in the eye, understand body language and our misperceptions about deception.
• Psychopaths
  – Lying is part of "the high"
  – 20 % of the population.
• Offenders know what we know about "lying"

Slide 83: Exercise:

Divide class into two groups—A's and B's. Using the case scenario in this module, ask Group A to write three things that would be an example of an *effective* report. Ask Group B to write three that would be an example of an *ineffective* report.

Report Writing

Effective report:
• Objective observations
• Witness's language
• Direct quotes
• First person
• Detailed description, especially of assault, injuries, location
• Written in layperson language

Ineffective report:
• Opinion
• Paraphrasing
• Sanitizing language
• "RO arrived at scene…"
• Summary
• Police jargon

Slide 84-95: The importance of photographs (not shown here)

Module VI Commentary:

Consider bringing an SAFE (Sexual Assault Forensic Exam) kit for officers to examine.

Handling calls involving sexual victimization can be complex and problematic for responding officers, calling on their ability to make appropriate decisions and to properly solve problems at the scene. A thorough knowledge of the legal authority surrounding such incidents is essential. Sexual assault victims deserve to be treated with dignity and officers must not act outside the bounds of legal authority or violate settled constitutional principles.

All too often, sexual assault victims feel that they are not believed. Use real-life situations to illustrate how important this concept is from an enforcement perspective. Emphasize the necessity to conduct a thorough investigation.
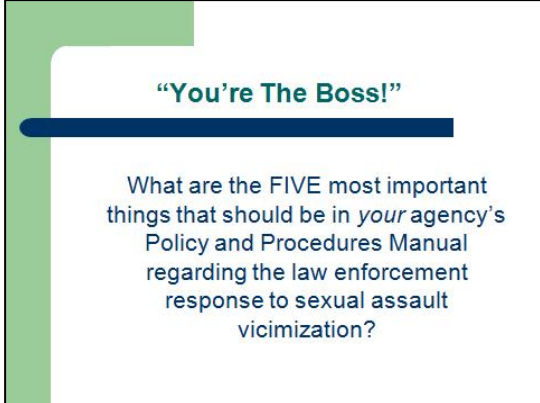
For example, law enforcement officers encountered a naked boy wandering the streets of Milwaukee, but serial killer Jeffrey Dahmer convinced them that the boy was his partner. The officers considered the incident to be a gay lover's spat and resumed patrol. Dahmer killed the boy soon thereafter. More recently in Cleveland, a sexual assault victim of suspected serial killer Anthony Sowell was not believed by responding officers when she reported her assault in his front yard. Several months before, a 43-year old woman escaped from Sowell but did not contact the police because she felt that she would not be believed. Emphasize how different responses could have saved lives.

- Objective VI: Comply with Organizational Policies and Procedures.

- Distribute Handout #4

Slide 97: "You're The Boss!"

- Allow the participants a few minutes to read the handout and then write down the five most important things that each believes should be in their respective law enforcement agency's policy regarding law enforcement response to sexual assault victimization. When most have finished, have them share these ideas with the full class and discuss. Then, conduct a brainstorming session with

"You're The Boss!"

What are the FIVE most important things that should be in *your* agency's Policy and Procedures Manual regarding the law enforcement response to sexual assault vicimization?

You have been promoted to an administrative position at your agency. Your first assignment is to develop a new chapter in the Policy & Procedures Manual (P&P) regarding the response to sexual victimization. You are to ensure that all employees comply with current law and best practices and want to reflect that in the Manual.

Using the information learned today and your past experiences as a law enforcement officer or sexual assault service provider, write down the five most important things that your agency's manual should contain regarding officers' response to sexual assault crimes.

Commentary:

After discussing the participants' ideas with the full group, lead a facilitated discussion comparing the items with actual examples of departmental policies (MSA, MACP, IACP, etc.). If you cannot locate a sample policy, use the training objectives and sub-objectives as a model. This provides an opportunity for individual participants to discuss how their own department operates. Talk as well about how supervisors and administrators may limit the extent to which patrol officers can put learning into practice due to a back-log of calls, short shifts, or other administrative roadblocks (intended or unintended).

Take the time to explain how the general concepts contained in policy can be traced back to details contained in the previous training objectives. Help the participants connect the dots. Organize knowledge around general concepts contained in agency policy.

Module VII

- Objective VII: Demonstrate an Understanding of a Coordinated Community Response.

Slide 99: Identification and Assessment of Community Resources

Engage participants in a short discussion in answer to questions on this slide.
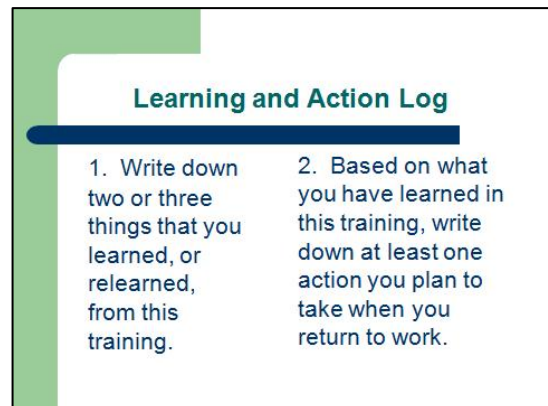
Identification/Assessment of Community Resources

- What resources are available in your community to assist victims of sexual assault?
- Is your agency working as a collaborative partner with any of them?

- What resources do you need in your community in order to better assist victims of sexual assault?
- Who could you work with to locate or establish these?

Slide 100: Learning and Action Log

Pass out Handout #5

Preface this exercise by noting that learning without implementation is only half the goal – in order to help them get the most from this training, want them to take some time thinking about the things that they learned and plan at least one action step they will take to put the learning into action.

Learning and Action Log

1. Write down two or three things that you learned, or relearned, from this training.

2. Based on what you have learned in this training, write down at least one action you plan to take when you return to work.

Slides 101-104: Complete slides, and close session.

PARTICIPANT HANDOUTS

Participant Handout #1

> Case Study: (This incident took place in mid-Michigan)
>
> You respond to an apartment to take a complaint of rape. At the scene, a woman (Janene) tells you that she and her friend (Sherika) had been drinking at a local bar a week ago where they met two men. The four drank for a while in the bar and were having fun. At closing the four paired-up and the men asked the women to ride around in their vehicle so they could continue drinking. The two men eventually parked in a wooded area. Janene says that both she and Sherika got nervous at this point, and they asked the men to take them home. The men just laughed and one of them said: "Not until we get what we came for." Janene reports that one of the men raped her and the other raped Sherika. Janene believes she can identify the assailants and wants to prosecute the offenders. Sherika is afraid to talk to you.

Respond to the following questions:

1. What thoughts come to mind when you think about responding to this sexual assault complaint?

2. What challenges to the investigation of the above case do you anticipate facing?

3. What crisis interventions or other non-law enforcement services may be available?

Participant Handout #2

Indicate the potential crime, if any, from the following choices. Identify elements that will lead to charge, if any.

1. A man strikes his wife twice to force her to have sexual intercourse.

2. A family's 12-year old babysitter, who is a neighbor, agrees to an act of intercourse with the family's father.

3. A male acquaintance talks a woman with a developmental disability into having sexual intercourse with him. There are no physical injuries.

4. A man and woman have been dating and having consensual sexual intercourse for months. On this occasion, the woman is asleep when he arrives home. She awakens after he has penetrated her.

5. A man threatens a woman with a knife in her home so he can force sexual penetration on her. The woman's neighbor knocks on the front door and the man runs out the back door.

6. A man and woman are dating but have not yet had sex. The woman threatens to break off the relationship if the man does not have sex with her. The man does not want the relationship to end so he has sex with the woman.

7. A man encounters a woman in a stairwell and backs her into a corner. He quickly rubs her breasts with his hands and then runs away.

8. A woman is encouraged by her boyfriend to drink a lot at a party. The woman is intoxicated but willingly has sexual intercourse with her boyfriend.

9. A man stands at his living room window and exposes himself to the woman he hired to tend his garden and yard.

10. A substitute teacher has sexual intercourse with a high school freshman. The student was a willing participant.

11. A man convinces a woman he is someone he is not to defraud her of money. Based on this deception, she believes he is "the one" for her and she has sexual intercourse with the man.

Participant Handout #3

Participant Handout #3 (continued)

Tanya locks herself in Rod's bathroom and showers. Tanya then calls a cab on her cell phone at 4:30 a.m.

The Monday after Rod raped Tanya, one of Tanya's coworkers, Jim knocked on her office door and said, "Hey, my friend Rod told me you went out on Saturday night and he had a great time. Rod is a really nice guy and one of my good friends.

That afternoon, Rod sent Tanya an email stating, "I had a nice time on Saturday. Take care." Tanya did not respond to Rod's email.

That night, Tanya reports to a friend, who convinces her to call the police.

Rod gives police a statement saying he and Tanya had consensual sex and she is "crying rape" because he didn't call her after their date.

1. **Prosecutors:** How would you proceed to obtain a guilty verdict in court? What is the theory of the case (the story) you need sell to the jury? What kind of evidence do you want to corroborate it? What will the defense say? What evidence do you need to refute the defense? Make a short list.

2. **Defense attorneys:** What issues will you raise at trial in defense of your client? How will you challenge the prosecution's assertions? What version of events will the defendant be reporting? How will you frame the evidence in the case? Make a short list.

Participant Handout #4

You have been promoted to an administrative position at your agency. Your first assignment is to develop a new chapter in the Policy & Procedures Manual (P&P) regarding the response to sexual victimization. You are to ensure that all employees comply with current law and best practices and want to reflect that in the Manual.

Using the information learned today and your past experiences as a law enforcement officer or sexual assault service provider, write down the five most important things that your agency's manual should contain regarding officers' response to sexual assault crimes.

Participant Handout #5
MCOLES
SEXUAL ASSAULT TRAINING FOR LAW ENFORCEMENT
LEARNING AND ACTION LOG

1. Write down two or three things that you learned or relearned from this training.

    A.

    B.

    C.

2. Based on what you have learned in this training, write down at least one action you plan to take when you get back to your job.

CHAPTER FOUR

SLIDE MASTER

The Law Enforcement Response to Non-Stranger Sexual Assault

MICHIGAN DOMESTIC VIOLENCE PREVENTION & TREATMENT BOARD

Participant Handout #1

Scenario #1 and Discussion

2

TRUE OR FALSE?

Sex offenders perpetrate because they have no consensual sexual partners

FALSE

Study of 114 incarcerated rapists estimated that 89% engaged in consensual sex at least twice a week

Study of 71 self-disclosed, non-incarcerated rapists showed that the men were sexually active with consensual partners

3

TRUE OR FALSE?

Victims of sexual assault are chosen because they are pretty, young, or sexy.

FALSE

In a study of incarcerated offenders, 89% of rapists described the victims as not being provocative.

"The victims did not verbally provoke nor were they sexually attractive to the attacker."

Patterns of Behavior in Adolescent Rape, 1988

4

Defining Sexual Assault

5

The Crime of Sexual Assault

Participant Handout #2

6

CSC in Michigan- The Law

- 750.520b Criminal sexual conduct in the first degree; felony;

- 750.520c Criminal sexual conduct in the second degree; felony

- 750.520d Criminal sexual conduct in the third degree; felony

- 750.520e Criminal sexual conduct in the fourth degree; misdemeanor

7

Other Sex Crimes: The Law

- 750.520g(2) Assault with intent to commit criminal sexual conduct; felony

- 750.520g(1) Assault with intent to commit criminal sexual conduct involving sexual penetration; felony

- 750.92 A specific intent to commit a crime with an overt act that goes beyond preparation

8

Healthy Sexuality

- Is mutual and consensual

- What is consent?
  - It is the presence of a "yes" when "no" is a viable option
  - Surrender is *not* consent

9

What Affects Individual's and Communities' Understanding of Sexual Assault?

- History

- Portrayal in society's "stories"

- Cultural/Religious beliefs and standards

- Family and individual beliefs and values

10

Historical View of Women and Sexual Assault

"One hundred women are not worth a single testicle."
Confucius, (551-479 BCE)

"But if you can't rape your wife, who can you rape?"
Sen. Bob Wilson, D-CA, 1979

11

Historical View of Sexual Assault

- Until 1988, it was not a crime to rape one's wife in Michigan
  - Marital rape exemption eliminated in Michigan in 1988
  - Marital rape exemptions eliminated in all 50 states by 1993

12

Yale Fraternity Pledges (2010):
**Marching through freshman women's dorms
"No means yes, yes means anal"**

- A viral video shows young men marching through campus while barking, "No means yes!"
- http://www.youtube.com/watch?v=CLh0RMpit1k
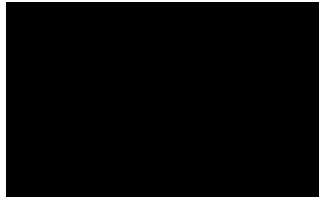
13

What "Stories" Does our Society Tell Us about Sexual Assault?

- What is the message in this ad?
- What is being sold in this ad?

14

What "Stories" Does our Society Tell Us about Sexual Assault?

- What are the messages in these ads?

Apply generously to your neck so that he can smell the scent as you shake your head no.

15

What "Stories" Does our Society Tell Us about Sexual Assault?

• **What is the message in this ad?**

16

What "Stories" Does our Society Tell Us about Sexual Assault?

● What is going on in this ad?

17

What "Stories" Does our Society Tell Us about Sexual Assault?

● What is the message in this ad?
● What is it saying about marriage?

18

Sexual Assault Dynamics

Understanding Victim and Perpetrator Behavior

19

Participant Handout #3

OFFICER SHOOTING

20

Sexual Assault Victims

- Can be <u>anyone</u>

- Are chosen because they are:
  - <u>Vulnerable</u> or can be made so
  - <u>Accessible</u> or can be made so
  - <u>Lacking in Credibility</u> or can be made to seem so
    - *The most highly victimized people are those who are lacking in credibility*

21

Sexual Assault Victims

Who are the most accessible, vulnerable and lacking in credibility in our communities?

22

TRUE OR FALSE?

- The majority of sexual assaults go unreported

TRUE

The FBI states that sexual assault is the #1 unreported crime in the U.S.

23

TRUE OR FALSE?

Sexual offenders most often target those in their socio-economic, cultural and or racial background

TRUE

In about 88% of forcible rapes, the victim and offender were of the same race

Bureau of Justice Statistics, 1997

24

Primary Causes of Victim Trauma from Sexual Assault

- **Betrayal**
- **Extreme fear or terror**
- **Fear and numbness**
- **Self-blame**
- **Anger**
- **Guilt**

25

Behaviors Resulting from Emotional Trauma

Denial or rationalization
Difficulty in making a decision
Reluctance to talk about the assault
Forgetting specific facts or details
Depression or mood swings
Nightmares, flashbacks
Hypervigilance

26

TRUE OR FALSE?

False allegations of sexual assault are considerably higher than in other person crimes

FALSE

UCR indicated 8% of sexual assault cases were unfounded between 1995-1997

27

Summary: Dynamics of SA

Victims do not cause sexual violence through risky behavior

Those with mental disorders or developmental disabilities experience higher rates of victimization

The overwhelming majority of sexual assault reports are true

28

Sexual Assault Offenders

Who is the stereotypical sex offender?

29

So, Who Are These Sex Offenders, Anyway?

30

TRUE OR FALSE?

Sexual offenders are individuals who act on impulse, they do not "plan" their assault.

FALSE

A study of convicted rapists found that 71% of the rapes were planned
Patterns of Forcible Rape, 1971

31

TRUE OR FALSE?

Alcohol and/ or drugs are involved in over half of all reported sexual assaults.

TRUE

About one-half of perpetrators were using alcohol at the time of committing the assault, with estimates ranging from 34 to 74 percent. Approximately one-half of all sexual assault victims report that they were drinking alcohol at the time of the assault, with estimates ranging from 30 to 79 percent.
Abbey et al. 1994; Crowell and Burgess 1996

32

"The Undetected Rapist"

- Dr. David Lisak, Professor at Univ. of Massachusetts:
  - Conducted a study with 1881 participants from 1991-1999
  - Of those participants, 122 self-reported committing one or more rapes

  Survey Question: "Have you ever had sexual intercourse with an adult when they didn't want to because you used physical force [twisting their arm, holding them down, etc] if they didn't cooperate?"

33

Lisak's Study Revealed

- Of the 122 identified rapists, 54 reported committing at least two rapes
- These 122 committed a total of 386 rapes – just over three per offender
- These 122 also committed
  - 20 acts of sexual assault
  - 365 acts of child sexual abuse
  - 91 acts of child physical abuse
  - 264 acts of domestic violence

34

VIDEO NARRATIVE
FRANKS INTERVIEW

35

Small Group Exercise and Report Out

- What did Frank do to prepare for the assault and to make the victim:
  - Accessible?
  - Vulnerable?
  - Incredible?

- How/when might victim report this incident? Why might she not report?
- Are there indicators that Frank has committed sex crimes before?

36

What law enforcement should know about the undetected rapist

- Sophisticated criminal; may be average or above functioning people, a respected member of the community
- Most of committed multiple offenses
- Many will possess very smooth personal styles, may be likable (more so than the victim)
- They may subtly undermine the victim's credibility, laying foundation for "consent" defense
- Comments about victim's promiscuity, drug use, or prior "false" accusation should be expected

37

Responding to Sexual Assault

38

Responding to a Sexual Assault Report

911 CALL

39

Before You Respond

- Be aware of your personal biases and stereotypes- **Avoid the "cycle of mistrust"**

- The recipe for a bad investigation is to form a hypothesis and try to prove it

- The recipe for a good investigation is to let the evidence and facts of the case lead you to the truth

EVAW Project 2002, CO

40

Cycle of Mistrust

Investigator approaches the case with skepticism = premature evaluation of the case

Victim senses doubt, feels defensive = lack of cooperation

Investigator believes it was all a waste of time = skepticism is reinforced

Investigator becomes frustrated & questions the legitimacy of the report = "I knew it was bogus"

41

VIDEO NARRATIVE
KAREN VIDEO

42

TRUE or FALSE

Sexual assault is not common in gay and lesbian relationships

~~FALSE~~

In a study of gay men and lesbians, 52% reported at least one incident of sexual coercion by same-sex partners. Gay men experienced 1.6 incidents per person; while lesbians experienced 1.2 incidents per person.

Waldner-Haugrud, Lisa K. and Linda Vaden Gratch. Violence and Victims, 1997.

43

Response Strategies--Culture

- Perform in an unbiased manner
- Challenge their own world view
- Recognize cultural differences
- Apply appropriate communication techniques, based on culture
- Distinguish behaviors attributed to culture from suspicious behaviors

44

Conducting a Thorough Investigation

45

CASE STUDY

46

Initial Victim Contact

- Conducting an initial victim interview will inform you of your plan of action:

    - Identify the suspect
    - Establish elements of crime
    - Identify crime scene
    - Collect evidence
    - Identify the need for additional resources
    - Identify other follow-up leads

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Victim Contact
Primary Considerations

- Is there a need for emergency medical treatment?
- SAFE Exam: medical-forensic exam, STI/HIV prophylaxis up to 72-96 hours post-assault
    - **Victim cannot be required to report to LE in order to have exam, MCL 18.355a**
    - **Victim cannot be billed for exam**
    - **SAFE Response payment program thru Crime Victims Services Commission**

48

Victim Contact
Victim Resources

- **Is there a victim services organization in your community?**
- **What is your experience working with victim services organization in your community?**
- **What are the benefits to involving victim advocates as soon as possible?**

49

Interview v. Interrogation

- ❖ Is there a difference?
- ❖ An interview can turn into an interrogation
- ❖ An interrogation cannot turn into an interview.
- ❖ You might interview AND/OR interrogate a suspect, but never *interrogate* a victim

50

Considerations for the Interview

- ❖ Timing
- ❖ Victim? Suspect? Witness?
- ❖ Location
- ❖ Number of people, which people present
- ❖ Uniformed v. non-uniformed
- ❖ Miranda – yes or no?
- ❖ Documentation – recorded, written statement, video

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Beginning the Victim Interview

- Facilitate victim comfort
- Acknowledge the trauma of the assault
- Explain purpose of interview
- Allow victim to vent if needed
- Be empathetic
- Build rapport
- Ask simple questions
- Address concerns about investigation, prosecution

52

First Stage -- Victim's Narrative

- Avoid touching the victim
- Monitor the victim's body language
- Use appropriate sexual language
- Engage in active listening
- Use reflective comments
- Clarify and summarize
- Take breaks as needed

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Facilitating the Victim's Narrative

- Begin interview by allowing the victim to relay incident w/o interrupting or prompting.
- Use open-ended questions & prompts to facilitate information gathering.
  - What happened next?
  - What did you do then?
  - How did you feel when that happened?
- Do not ask leading questions.
  - Is that when he raped you?
  - What did he used to hold you down?
  - What did he do that was threatening?

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Victim Interview
Second Stage:Follow-up Questions

- Use open-ended prompts and avoid interrupting
- Avoid inappropriate sequencing
- Ask for "clarification" on specific points -- take responsibility for getting it right
- Conclude by asking the victim if there is anything else she would like to add

55

Victim Interview;
Information to Obtain

- Victim's behavior, & relationship to suspect
- How victim felt, what they believed
- Sensory details-sound, smell, touch, sight
- Suspect's behavior
- Use of force or threat
- Suspect's sexual behavior
- Documenting specific sexual acts

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Concluding the Interview

- Explain future procedures
- Address safety concerns
- Acknowledge that disclosure is a process
- Obtain contact information
- Assist with notification
- Provide written information and referrals

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VIDEO NARRATIVE
RUTH VIDEO

Sexual Assault Task Force
Interviews with Victims

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Investigating and Interviewing:
Overcoming Challenges to Victim Credibility

- What are the major challenges to victim credibility?
  - Lack of physical resistance
  - Delayed reporting
  - Inconsistent or untrue statements
- During interview and investigation be on the look out for ways to explain and bolster victims response to the assault

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Challenge:
Lack of Physical Resistance

- **Why do most victims exhibit little physical resistance?**
  - Surprised, confused, fear of retaliation, out-sized by offender, dissociation or frozen, under influence of drugs and alcohol
- **Overcoming**
  - Elicit from victim a description of how they were thinking, feeling and what they believed to be true of the circumstances (sensory details are critical)

60

Challenge:
Delayed Reporting

- **Why are the majority of reported sexual assaults delayed?**
  - Unsure that they are victim of a crime, self-blame, guilt, shame, fear of reprisal (family, community, offender), fear of not being believed
- **Overcoming delayed reporting?**
  - Elicit from the victim, through open ended questions, her thoughts and actions after the assault
  - Interview anyone victim told about the assault to corroborate explanation of delayed report

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Challenge:
Inconsistent or Untrue Statements

- **Why would a victim make inconsistent or untrue statements?**
  - Trauma and disorganization, discomfort with sexual details, criminal activity preceding the assault, fear of doubt or blame
- **Overcoming**
  - Alleviate victim's fears
  - Address inconsistencies—ask for clarification on specific parts
  - False statements not indicative of a false allegation

62

Continuing the Investigation

- Focus investigative and interviewing efforts on corroborating the victim's account of the assault
- Assume a crime has occurred until the investigation proves otherwise

63

Suspect Interview v. Interrogation

Interrogation

Interview

64

Suspect Interview

- What are you looking for with the suspect interview?
  – Provable lies
  – Implausible accounts of an incident
  – Partial admissions
  – Lack of denial
  – Absolute confession

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Suspect Interview

Is usually:
- Fact-finding
- Non-confrontational
- Open-ended – encourage narrative
- Non-custodial

In order to document:
- Provable lies, implausible accounts and partial admissions

66

Detecting Deception?

TRUTH OR LIE?

- Can you tell if someone is lying?

- How can you tell if someone is lying?

67

Detecting Deception

- As you view these interviews, consider:

  - Who is lying?
  - Who is telling the truth?
  - Why do you think so?

68

Video Narrative

PATRICK AND ROGER VIDEO (PART I)

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Video Narrative

● **PATRICK AND ROGER VIDEO (PART II)**

70

Detecting Deception

- Good liars, practiced liars and natural liars
  - Know about their ability.
  - Are not afraid to lie.
  - Look us in the eye, understand body language and our misperceptions about deception.
- Psychopaths
  - Lying is part of "the high"
  - 20 % of the population.
- Offenders know what we know about "lying"

71

Report Writing

Effective report:	Ineffective report:
● Objective observations	● Opinion
● Witness's language	● Paraphrasing
● Direct quotes	● Sanitizing language
● First person	● "RO arrived at scene…"
● Detailed description, especially of assault, injuries, location	● Summary
● Written in layperson language	● Police jargon

72

The Importance of Photographs

73

Photographic Evidence

- Obtain an initial and follow-up photo of injury
- Always use a measurement scale
- Show relationship of injury to area of body
- Should be perpendicular
- Sets of three (long, intermediate, and close range)

74

The Report Said:

"I observed the victim's hip had a bruised area."

75

The Photos Reflect

76

The Report Said:

"The victim suffered swelling and discoloration to her face."

77

The Photos Reflect

78

The Report Said

"There were numerous holes in the wall."

79

The Photos Reflect:

80

Photos: Injury Progression

- Bite on leg

Bite on leg
(72 hours later)

81

Photos: Injury Progression

Hit with fist

Hit with Fist
(72 hours later)

82

Mouth Injuries

Laceration from forced kissing or holding hand over mouth

Laceration to the frenulum from a gag

83

Crime Scene

Consistent with victim statement indicating that drugs and pornography were prevalent in the house.

84

Comply with Organizational policies and procedures

85

Participant Handout #5

AGENCY PROTOCOLS

86

COORDINATED COMMUNITY RESPONSE

87

Participant Handout #6

COMMUNITY MATRIX

88

**VIDEO NARRATIVE
MARYLOU VIDEO**

89

"I've learned that people will forget what you said, people will forget what you did, but people will never forget how you made them feel."

~Maya Angelou

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ARRA FUNDING

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CHAPTER FIVE

SUPPORTING MATERIAL

CRIMINAL SEXUAL CONDUCT

| PENETRATION | OR | CONTACT | PLUS | CIRCUMSTANCES | EQUALS | DEGREE OF CSC |

PENETRATION

Penetration of the genital or anal opening by the penis

Oral contact with vulva or clitoris

Oral contact with the penis

Any intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of another person's body

CONTACT

Intentional touching of the victim's or actor's intimate parts

Intentional touching of the clothing covering the immediate area of the victim's or actor's intimate parts

Intimate parts=groin, genital area, inner thigh, buttock, breast

For purposes of sexual arousal or gratification; done for sexual purpose, or in a sexual manner for revenge, to inflict humiliation, or out of anger

CIRCUMSTANCES

1. Victim is under 13 years of age
2. Victim is 13, 14, or 15 and perpetrator is member of household
3. Victim is 13, 14, or 15 and perpetrator coerces through position of authority
4. Victim is 13, 14, or 15 and perpetrator is related by blood or affinity
5. Involves commission of another felony
6. Multiple actors and reason to know victim is mentally incapable, mentally incapacitated or physically helpless
7. Multiple actors and force or coercion used
8. Perpetrator armed with a weapon
9. Perpetrator used force or coercion and victim suffers personal injury
10. Victim suffers personal injury and perpetrator has reason to know victim is mentally incapable, mentally incapacitated or physically helpless
11. Victim is mentally incapable, mentally disabled, mentally incapacitated or physically helpless and related by blood or affinity
12. Victim is mentally incapable, mentally disabled, mentally incapacitated or physically helpless and perpetrator coerces victim through position of authority
13. Victim is a prisoner/detainee or probationer and the perpetrator is an employee or volunteer in jail, prison, detention center or probation program
14. Victim is 13, 14, or 15
15. Force or coercion is used
16. Perpetrator has reason to know victim is mentally incapable, mentally incapacitated, or physically helpless
17. Related by blood or affinity and circumstances not otherwise covered
18. Victim is 13,14, or 15 and the perpetrator is at least five years older
19. Perpetrator is a mental health professional and occurs during or within 2 years after victim is client or patient

Mentally incapable=mental disease or defect that makes person temporarily or permanently incapable of appraising the nature of his/her conduct

Mentally incapacitated=temporarily incapable of appraising or controlling his or her conduct due to narcotic, anesthetic or other substance administered without consent or due to any other act committed without his/her consent

Mentally disabled=mental illness, mental disorder, or developmental disability

Physically helpless=unconscious, asleep or for any other reason unable to communicate unwillingness to act

Personal injury=bodily injury, disfigurement, mental anguish, chronic pain, pregnancy, disease, or loss of impairment of a sexual or reproductive organ

Force or coercion=victim is overcome through physical force or physical violence; threats by actor to use force or violence; threats by actor to retaliate in the future; actor uses unethical or unacceptable medical exam or treatment; victim is overcome through concealment or by surprise

DEGREE OF CSC

First Degree=sexual penetration + any one of circumstances 1 through 12

Second Degree=sexual contact + any one of circumstances 1 through 13

Third Degree=sexual penetration + any one of circumstances 14 through 17

Fourth Degree=sexual contact + any one of circumstances 15 through 19

I.D.1.6.   Track a Person From a Scene.

a.   **Tracks** person from scene by:
(1)   **locating** the prints (e.g., footprints, snowmobile tracks),
(2)   **determining** the person's direction of travel,
(3)   **following** the prints while preserving them for identification, and
(4)   **looking** for additional evidence (e.g., an object the person may have dropped).

b.   **Communicates** pertinent information including:
(1)   location of suspect's tracks (e.g., by providing a description of landmarks),
(2)   number of suspects (e.g., based on nature of prints), and
(3)   size and nature of footprints(e.g., size of shoe, identifying characteristics, etc.).

I.D.1.7.   **Search** For Persons Using Proper Techniques.

a.   **Describes** person being sought to other officers, including information such as:
(1)   Name,
(2)   Sex,
(3)   Age,
(4)   Height,
(5)   Weight,
(6)   Color of hair and eyes,
(8)   Any distinguishing features (e.g., marks, scars, limp),
(9)   Clothing description from head to foot,
(10)   Unusual characteristics (e.g., abnormal mental condition),
(11)   Reason person is wanted,
(12)   Direction of travel or area last seen, or
(13)   Vehicle description.

Job Task Analysis → **Basic Knowledge, Skills & Abilities** → **Critical Thinking** → **Emotional Intelligence** → **Behavioral Outcome**

Michigan Commission on Law Enforcement Standards

2006 Statewide Job Task Analysis—Patrol Officer Position

1. Information on the criticality and frequency of performance of tasks were used to identify core tasks, or essential job functions, of a patrol officer in Michigan. Table 1 represents tasks related to the response to sexual assault. This is a sample only.

Table 1
Ratings for Task Statements*

Task	Frequency	Criticality
Interview victims, witnesses, etc.	4.25	3.66
Investigate crimes against persons	3.73	4.05
Interrogate suspects	2.12	2.55
Plan strategy for making arrests	2.65	3.71
Collect evidence at scene	2.61	3.45
Advise victims of the procedure to prosecute	3.25	2.99
Investigate crimes where suspect has a family relationship or dating relationship with victim	4.48	3.58
Determine specialized needs at crime scene	2.47	3.41

* All are Core Tasks

Frequency: 1=Never   2=A few per year (or fewer)   3=A few per month   4=A few per week   5=Daily
Criticality   1=Minimal   2=Not very serious   3=Serious   4=Extremely serious   5=Disastrous (e.g. loss of life)

2. Individual patrol officers were asked to rate the frequency with which they respond to 162 different complaints/incidents. Table 2 represents the frequency of those complaints that are related to the crime of sexual assault.

Table 2
Response to Complaints*—Percent During Career

Incident	Percent Performing	A Few Times Per Month
Assault (felony)	96.4	32.2
Criminal sexual conduct	92.5	29.3
Domestic violence	97.8	31.0
Stalking	86.1	23.5
Child abuse/neglect	92.2	34.1
Vulnerable adult	54.9	8.1

* All are Core Complaints

3. Individual patrol officers were asked which underlying concept or characteristic is most important in order to do the job of a law enforcement officer effectively. All are important, but officers were asked to select just *one* characteristic from a list. Table 3 represents the results of this inquiry.

Table 3
Characteristics for Effective Job Performance

Characteristic	N	Percent
Communication Skills	867	26.8
Decision Making	858	26.7
Job Experience	445	13.7
Multi-Tasking	329	10.2
Problem Solving	286	8.9
Legal Knowledge	220	6.8
Ethics	97	3.0
No Response	67	2.0
Physical Fitness	62	1.9

Respondents = 3,231

Michigan Commission on Law Enforcement Standards

Registering in the MAIN System

All stipends and reimbursements paid to instructors are distributed through the Michigan Administrative Information Network (MAIN). To receive payment, instructors must be registered in the system. Instructors must submit their invoices to MCOLES in a timely manner, particularly when the end of the fiscal year approaches. Invoices must be signed and must include either a Federal ID number or a social security number in order to be processed.

To register in MAIN, follow these steps:

- Go to www.michigan.gov/cpexpress.

- Click on "C&PE Pre-Registration Overview Training" for a quick tutorial.

- Click on the arrow entitled, "Go To C&P Express."

- Enter as a "New User" and enter the required information.

Once you obtain a Username and Password, you may re-enter the system to update and edit your information 24 hours a day.

Help Desk Phone Numbers:

517-373-4111

888-734-9749

Note: Original invoices must be mailed to Wayne Carlson at MCOLES for reimbursement.

State Budget Office
Department of Technology, Management & Budget

Office of Financial Management

> Office Responsibilities

> Financial Reports

> Vendor Information/Forms

Executive Budget

Budget Process

News & Publications

Financial Reports

Office of Internal Audit Services

Inside the State Budget Office

Michigan
Recovery & Reinvestment Plan

Contract & Payment Xpress
Vendor & Payee Registration

P Printer Friendly   T Text Version   A- A+ Text Size   Share

Welcome to Contract & Payment Express (C&PE)

FAQs   Keywords   Contact Us   **Go to C&P Express ▶**

When you are ready to register, please click on the 'Go to C&P Express' button.

WHAT'S NEW

- **IMPORTANT NOTICE REGARDING ELECTRONIC PAYMENTS DEPOSITED INTO FOREIGN ACCOUNTS**
  There are new NACHA (electronic payments association) processing requirements for international electronic vendor payments. After September 18, 2009, if electronic payments from the State of Michigan are deposited into a U.S. account and then are automatically redirected to a foreign account, the electronic transmission may fail. Please contact your financial institution to determine what options are available to ensure continued electronic transmission of your payments.

- **State of Michigan payees are able to direct EFT payments into multiple bank accounts. The direct deposit (EFT) sign up process is completely paperless.**

- **Multiple Bank Accounts Overview Training**
  Suggested for previously registered business payees

- **C&PE Pre-Registration Overview Training**
  Suggested for those registering for the first time

Who is this Website for?

- Anyone who receives payment from the State of Michigan
- Anyone who wants to do business with the State

This includes individuals, businesses, units of government, municipalities, schools, colleges, and universities. Contractors and vendors can register to receive payment for goods and services sold to the State.

What can I do on this site?

- Register to receive purchase orders and payments from the State of Michigan. Once registered, you can access or change your information 24 hours a day!
- Sign-up to receive State of Michigan payments via Direct Deposit (Electronic Funds Transfer)
- View payment details on your Direct Deposit (Electronic Funds Transfer) payments

State employees

State employees can use this site to get Direct Deposit (Electronic Funds Transfer) for travel and expense reimbursement.

This site will not allow you to setup Direct Deposit (Electronic Funds Transfer) for your paychecks. You should visit the MI HR Service Center website or call 1-877-766-6447 for assistance with setting up Direct Deposit of your paychecks.

C&PE web site

- requires 128-bit encryption browser for your protection
- is best viewed by Microsoft Internet Explorer 5 or higher OR Netscape 4.78 or higher using the U.S. (not the international) security encryption
- requires a browser enabled to accept session cookies
- recommends a Javascript capable browser with it enabled

If after clicking on the 'Go to C&P Express' button you cannot proceed please contact your Internet Service Provider.

Go to C&P Express ▶

Response to Non-Stranger Sexual Assault
Instructor Manual   119

MCOLES Information & Tracking Network (MITN)
Sexual Assault Training Provider--Quick Reference Guide

Note: We have already entered the sexual assault training into the MITN system for the duration of the grant funding cycle. We will also enter the MCOLES numbers of the attendees as the sessions take place. However, when funding is no longer available, or if you are conducting other in-service training, use these protocols to enter your training and attendance into the system.

If you have not already done so, obtain a username and password from MCOLES to enter in-service training records into MITN. Go to www.michigan.gov/mcoles and click on "Online Services." Then, click on "Forms and Addendums" to get started.

1. **Log On**
   - Log on from the MCOLES public web page at www.michigan.gov/mcoles.
   - After you log on, you will see a column of blue buttons on the left side of every page. Use these buttons and links to navigate the page--DO NOT USE THE BACK BUTTON.

2. **Register Your Course**
   - Click on the blue button entitled "Training List" and then the gray bar entitled "Add New Training" to **register your course** in the MITN system.
   - For course title, enter "The Law Enforcement Response to Sexual Assault" and for course description enter "Sexual Assault Response Course."
   - You do not need to enter a course ID number or enter anything into the registered date or expiration date boxes.
   - Instructional hours will be 8 or 16, depending on the actual duration.
   - The objectives / goals and outline can be populated by cutting and pasting the bulleted information from the "Objectives" chapter in the Instructor Manual.
   - For completion requirements enter "Attendance" and "Testing."
   - For audience enter "Law Enforcement Officers."

3. **Record Instructors, Dates and Locations**
   - Enter instructor(s) before Dates and Locations.
   - Dates and Locations can be changed by entering information into the "New" field and submitting the change to the system.
   - For assistance, contact Mr. Patrick Hutting via e-mail (huttinp@michigan.gov) or by phone at 517-636-7868.
   - Don't forget to click "Save and Submit to MCOLES."

4. **Record Attendance**
   - Once your training has been completed, **return** to the course detail Dates and Locations Roster to record attendance.
   - Enter **MCOLES numbers**. The participants' training will then be recorded in MITN. It is important that participants provide valid MCOLES numbers to you prior to training.

Michigan Commission on Law Enforcement Standards
In-Service Training Course Roster

Training Site:

Course Title:

Start Date: | End Date: | Course Hours:

Primary Instructor #1: | Primary Instructor #2:

Participant:	MCOLES #:	Agency:	Pass Fail	Met Att.

I recognize that any misrepresentation on my part to obtain certification constitutes fraud and is punishable as a felony.

Coordinator's Signature: | Date: | Page: of:

Coordinator: Maintain original roster with your records. Submit the In-Service Training Course Roster via the MCOLES Information and Tracking Network within 10 working days of completion of the course.

AUTHORITY: P.A. 203 of 1965
COMPLIANCE: Voluntary
PENALTY: No Enrollment/Credit

Participant:	MCOLES #:	Agency:	Pass Fail	Met Att.

I recognize that any misrepresentation on my part to obtain certification constitutes fraud and is punishable as a felony.

Coordinator's Signature:	Date:	Page: of:

Michigan Commission on Law Enforcement Standards

The Law Enforcement Response to Sexual Assault

Please evaluate this training.   Your comments will be used to enhance future training sessions.

Location_____Instructors_____

1. Which portions of the training did you find <u>most</u> useful?

   _____

   _____

   _____

2. Which portions of the training were <u>least</u> useful to you?

   _____

   _____

   _____

3. What improvements to the training would you suggest?

   _____

   _____

   _____

4. What are the issues, concerns, or problems you, or your organization, face when responding to sexual victimization?

   _____

   _____

   _____

5. What do you think the state of Michigan should do to improve the response to victims of sexual assault?

   _____

   _____

   _____

   _____

   _____

WRITING TEST QUESTIONS

As a general rule, the approach to test development should be systematic and structured. An overview of the examination development process is presented below. For details, please see the MCOLES document entitled, *"The Guide to the Development of Academy Written Tests."*

Step 1: Identify training objectives.

At the outset it is essential to identify and review the relevant training objectives to be tested. Test questions must be connected directly to objectives and sub-objectives. This connectivity is known as "content validity." The validity of the test is dependent upon it assessing what is mandated and taught in the classroom. Test questions must correspond to the instruction. For example, the objectives to be tested on a legal examination in a basic academy are those found in the constitutional law, criminal law/procedures, and court functions sections of the mandated training curriculum.

It should be noted that curriculua published by the MCOLES staff are based upon an extensive job task analysis for the position of patrol officer in Michigan. Accordingly, the mandated training objectives reflect specific tasks required to do the job of patrol officer. The content of the curriculum is a valid indicator of what a law enforcement officer actually does on the job. Using the job task analysis as a foundation, the amount of time mandated for each objective is typically determined by how critical a particular task is to the functions of a patrol officer. Testing to these specific objectives will help make the test job-related and defensible.

Step 2: Write test specifications.

Once the training objectives have been identified, test specifications can be written. Test specifications are commonly referred to as the "test blueprint." A blueprint matches thinking skills to be tested with the amount of classroom time spent on each objective.

Step 3: Review items.

As the test development continues, appropriate questions must be written and then reviewed by content experts. Major editing will be needed at this time, but a comprehensive review by experts is essential. A consensus must be reached as to the correct response to an item, incorrect alternatives must be plausible, and questions must be updated continually as the law and agency best practices change. Once this has been completed, the test items can be assembled.

<u>Step 4</u>: Examine item performance.

After the test is administered and scored, a thorough evaluation of the responses can provide information regarding the validity and reliability of the test. A test is said to be "reliable" when test scores remain relatively consistent from administration to administration within the same group of examinees. However, lower or higher scores may be seen from class to class due to a variety of factors. If large differences occur, test developers should learn why the scores might not be the same. Ask the following:

- Have the instructors changed?
- Are the abilities of one class different from another?
- What are the instructors saying about the class?
- Is the training content being covered?

If radically different scores are obtained from various training sessions, test developers may suspect that the examination is not very reliable. Using a statistical procedure called "item analysis" developers can measure the difficulty of the exam, identify which questions discriminate between the knowledgeable students and the other students, and how well the incorrect responses, known as *distracters*, are working.

WRITING QUESTIONS

Item writing is more of an art than a learned skill. But with a little patience and considerable practice, item writing will improve significantly over time. As with any other type of writing, the general rules of grammar, clarity, and sentence structure apply when writing test items. Probably the mistake made most often by novice test writers is using excessive wording. Questions containing more words than necessary can weaken the validity and reliability of the test. Here are some general principles of item writing:

1. Check spelling. This may be so obvious that it should perhaps be left unsaid. However, most people are poor spellers and their work should be checked constantly. A test that is well written will appear poorly written if words are misspelled. Avoid misspellings in the incorrect responses because this may alert the student to the correct answer. Check context as well. For example, take extra effort and learn when to use "affect" or "effect"; or when to use "assure", "ensure" or "insure."

2. Avoid redundancy. Unnecessary repetition should be avoided. Redundancies merely detract from the clarity of the question thus affecting validity and reliability. On legal tests, for example, avoid <u>sworn</u> <u>affidavit</u> or <u>died</u> <u>of</u> <u>fatal</u> wounds. Redundancies abound in life as well. How about a <u>free</u> <u>gift</u> for opening a bank account? The idea is to be clear and simple. Test questions must communicate an idea to the examinee. Don't <u>revert</u> <u>back</u> to bad habits when writing test items!

3. Avoid police slang. Officers have a tendency to use police slang. Although legal terms have precise meanings, *street language* may not. In the interest of clarity, avoid terms such as "10-4", "perp", "10-96", "BOL", etc. All students may not speak the same language. When in doubt, use plain English. In a similar fashion, it's probably better to use "lawyer" or "attorney" rather than "counsel"; counsel is a word that has more than one meaning.

4. Create a test bank. Write more questions than are actually needed. After analyzing the items, several original questions may need to be discarded for a variety of reasons. With a suitable bank of pre-tested items, new questions may be inserted into the examination. More than one test must be created for retests. Theoretically, each exam should be of equal difficulty, although a complete parallel will be impossible to achieve. Tests should match the blueprint; item analysis can help in this regard.

5. Create plausible responses. When writing multiple choice items, carefully review the list of possible responses. Make sure that the correct answer is not painfully obvious. Don't give away any answers in the wording of the item and make sure that the alternatives don't mean essentially the same thing. This may be particularly difficult when creating tests for law enforcement officers. Given the complexities of making decisions in law enforcement, there is often a very fine line between the "correct" and "incorrect" response in any given situation. Accordingly, writing plausible distracters may be difficult. Moreover, avoid making the correct response be the same selection too often, that is to say, make sure a balance is maintained between the A, B, and C answers. Finally, be sure that the correct response is not the only one well written. For true/false items, be sure not to copy sentences directly from a textbook because copyright problems may arise.

6. Conduct an initial screening. Once an item is written, conduct an initial screening or editing. Check for the following:

a. Excessive length: Short sentences are better than long sentences. Short words are better than long words. Edit for clarity.

b. Reading difficulty: Remember the audience. Law enforcement officers are not required to be college graduates. Tests are not intended to be reading exams, so don't write above their heads.

c. Compound sentences: Make sure the question has one central theme or purpose. It's best to test one learned skill per question. Numerous themes may confuse the examinee and make it impossible for the administrator to determine *which* concept was missed.

PRINCIPLES FOR TEST ITEM DEVELOPMENT

1.   Items should clearly state <u>one</u> central problem. If the alternatives are covered, the stem alone should clearly present a problem to which the student must respond.

2.   Items should be straightforward. Trick questions are often ambiguous and may function in a manner that was not intended. Good test items that truly measure knowledge need not be tricky.

3.   Items should be written as clearly and concisely as possible. Writers should use simple prose (e.g., short sentences, high frequency words, etc.). Do not use jargon. Avoid irrelevant details or descriptions.

4.   Test items should be grammatically correct and conform to accepted standards for word usage, capitalization, punctuation, and spelling.

5.   Each alternative (correct answer and distracter), should be grammatically and logically consistent with the stem. Each alternative should be a plausible answer to someone untrained.

6.   Items should be written as positive questions or statements. Items should not ask for the negation of the desired response--e.g., which of the following is <u>not</u> a rule for writing sound test items?.

7.   Items should be written early enough to allow for a thorough and critical review and editing. Writers and their colleagues should review test items.

8.   Items should test the content that was taught. When an item bank is being used, developers must ensure that the items selected for use in the test are actually testing the material taught by the instructor in the classroom.

9.   Whenever students are re-tested, a different form of the exam (i.e., different items testing the same knowledge) should be used.

10.   Items should not be written as verbatim repeats of examples used in class. The purpose of testing is to measure knowledge acquisition and understanding.

GUIDELINES FOR TEST ITEM FORMAT

1. Two alternative test items (e.g., true/false or yes-no items) should list the positive alternative first.

2. Options or blanks in short answer items should appear at the end of the statement.

3. Items testing for knowledge of the elements of a crime should include an option for "no crime", where applicable.

4. Items dealing with crime recognition should offer alternatives that are factual, not fictitious.

5. Items dealing with people should identify the individuals by role rather than gender e.g., suspect, victim, witness.

6. When identifying people in questions avoid stereotyping; e.g., females are not always victims of domestic violence.

7. Write question in neutral terms, avoid he/she or his/her in the wording.

8. Make sure the longest alternative is not always the correct response.

9. Correct answers should be randomly distributed throughout the test with equal frequency.

10. When a qualifier is used (best, only, etc.) it should be <u>underlined</u> or **bolded**.