



# Police Response to Crimes of Sexual Assault: A Training Curriculum, Second Edition



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# Introduction

## Acknowledgments

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## About this Curriculum

Note: "About this Curriculum" information provided by [Violence Against Women Online Resources](http://www.vaw.umn.edu/) (<http://www.vaw.umn.edu/>) .

## Purpose

The training curriculum is designed for law enforcement professionals dealing with sexual assault issues. It is divided into six modules covering the following:

- an overview of sexual assault,
- definitions of sexual assault and related statutes,
- procedures for police investigations including collection of evidence,
- services available to victims of sexual assault,
- information for sex offenders, and
- legal issues.

## How to Use This Document

### Format

The document provided here includes all **six modules in a single webpage** . It totals about 120 pages when printed.

### Ready to Use

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## Module 1: Overview of Sexual Assault

### Part 1: Introduction

Sexual assault, sometimes referred to as rape, represents one of the most violent and least reported crimes in the United States. "Sexual assault is an act which breaks a person's trust and/or safety and is sexual in nature. Sexual assaults are acts of violence where sex is used

as the weapon." <sup>(1)</sup> The crime of sexual assault knows no gender or age barriers. In today's society, men, women and children are all at risk of sexual assault.

The statistics indicate that fewer than twenty percent of these crimes are reported to the police; of those that are reported, fewer than three percent reach successful prosecution. <sup>(2)</sup>

The goal of the curriculum is to create an environment in Connecticut that supports victims of sexual assault in reporting the crimes by combining a sensitive response to the victim with a thorough investigation. With more reports and better investigations, we can have better prosecutions, more convictions, and increased public safety.

## **Part 2: Sexual Assault Affects All of Us**

### **Exercise:**

Pose three questions. Generate participation and discussion.

- How does sexual assault affect all of us?
- Why is sexual assault a law enforcement issue?
- What difficulties might you face/have you faced in handling a sexual assault incident?

### **Teaching Points:**

- We are all affected by sexual assault.
- We all know victims of sexual assault or have ourselves been a victim.
- We all have mothers, sisters, partners, or other women in our lives who we care about. We would never want them to be the victim of a sexual assault, or to be blamed for the assault.

## **Part 3: Sexual Assault is a Law Enforcement Issue**

### **See Overhead 1-1: Sexual Assault: A Law Enforcement Issue.**

#### Teaching Points

- How law enforcement responds can send a strong message that sexual assault will not be tolerated.
- Sexual assault is never the victim's fault.
- Sexual assaults can be difficult cases to handle. The many myths about sexual assault make these cases even more difficult.
- Many sexual assault victims are reluctant to call the police for fear of how they will be treated. Officers have the opportunity to change that by reserving judgement and aggressively investigating every case.
- Communities and victims rely on police to ensure their safety by investigating cases and arresting offenders.

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1 Male Survivors of Sexual Assault Information Sheet, Wisconsin Coalition Against Sexual Assault, 1994.

2 Rape In America, National Victim Center and Crime Victim's Research and Treatment Center, 1992.

## Part 4: The Facts

### See Overhead 1-2: Facts About Sexual Assault

#### Teaching Points:

- Research on the incidence of sexual assault has been primarily focused on female victims.
- In 1992 the National Victim Center and the Crime Victims Research and Treatment Center conducted a large-scale, national study of over 4,000 women and released the following statistics in their report Rape In America. [Rapes committed against males or to children under the age of 18 are not included.] (See Appendix 1 for a copy of the complete report.)
- The statistics are presented to assist the police officer in understanding the complex nature of crimes of sexual assault and to answer some commonly asked questions.
- Rape In America clearly documents that crimes of sexual assault are pervasive in our society and that many of the myths that have surrounded this issue for years are, in fact, unfounded. [See Appendix 1 for additional statistics.]
- Some statistics for Connecticut are provided.
- Sexual assault is common in our society. The police and the general public are only made aware of a small percentage of these crimes.
- Sexual assault in ongoing relationships is common. Situations may include an adult abusing a child or cases of domestic violence.
- In one study, among the male participants who admitted to sexual aggression, more than half (59%) responded that they did so by giving drugs or alcohol in order to obtain sex when she did not consent. <sup>(3)</sup>

#### Teaching Points:

- Sexual assault by a stranger is the crime that often comes to mind when thinking about sexual assault.
- However, the reality is that fewer than one-quarter of victims of sexual assault are assaulted by strangers. <sup>(4)</sup>
- In a recent year in Connecticut, 84% of victims of sexual assault knew the offender. <sup>(5)</sup>
- When the victim is a child, the offender is known to the victim even more often than when the victim is an adult.

#### Teaching Points:

- Recent studies and crime statistics indicate that victims of sexual assault are disproportionately young people. One explanation for this is that sexual assault offenders seek out victims who are vulnerable and accessible.

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3 Koss, Mary and Cook, Sarah (1993) Facing the Facts: Date and Acquaintance Rape. Controversies in Sociology. R. Gelles and D. Loeske (Eds.) Newbury Park, CA: Sage Publications.

4 Connecticut Sexual Assault Crisis Services, Inc., 1997.

5 Connecticut Sexual Assault Crisis Services, Inc., 1997.

- All age groups are at risk for sexual assault, from infancy to the elderly.
- Sexual assault of elderly people is very underreported. In cases that have been reported, 81% of offenders were caregivers for the women victims, and 78% were family members, predominantly husbands and sons. <sup>(6)</sup>

#### Teaching Points:

- Over two-thirds of sexual assault victims reported NO physical injuries, while only 4% reported serious physical injuries. <sup>(7)</sup> Lack of injury does NOT mean a sexual assault was not committed.
- In this study, physical injuries are defined as visible injuries that may require medical attention. In Connecticut, as defined by CGS § 53a-3(3), physical injury means impairment of physical condition or pain.
- Child victims rarely exhibit physical injuries and often there is no medical evidence.
- Victims of sexual assault may employ a number of strategies during an attack to keep themselves alive and to prevent extensive physical harm.
- Victims of sexual assault often state that during the attack(s) they believed that they were in danger of losing their lives. Police officers may remind victims that they should never feel guilty about anything they have done to survive.
- Signs of physical struggle are not necessary to initiate an investigation of a complaint of sexual assault. Lack of visible injury does not imply consent.
- Connecticut's sexual assault statutes do not require a victim to resist for the sexual assault to be a crime.

### Part 5: Why Many Victims Don't Report

#### Exercise: Cross-examination of robbery victim.

- Do this exercise with a co-trainer or ask a member of the audience to volunteer to help you.
- Provide a script for the co-trainer or audience volunteer.
- Trainer plays the defense attorney.
- Co-trainer or audience volunteer plays the victim.
- Follow-up with discussion.

#### Discussion Questions:

- How does this scenario about a robbery victim relate to perceptions of sexual assault victims (blaming them and saying they wanted it to happen or should have known better)?
- Why are sexual assault victims more frequently blamed and not believed than victims of other crimes?

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6 Ramsey-Klawnsnik, PhD, Holly (1991). Elder Sexual Abuse. Journal of Elder Abuse and Neglect, Vol 3(3).

7 Physical injuries are defined as visible injuries that may require medical attention.



- If a victim complies with the offender, does that mean she was not robbed (or sexually assaulted)?
- Do people "ask" to be sexually assaulted and violated?
- What would be a better, more supportive response to a victim of sexual assault?

**Script: Cross-Examination of a Robbery Victim**

**Defense Attorney:** So, Mr. Jones, you say you were held up at gunpoint and your money was taken on the corner of Main St. and First St.?

**Victim:** Yes.

**Defense Attorney:** Did you struggle with the so-called robber?

**Victim:** No.

**Defense Attorney:** Why not?

**Victim:** Because he was armed with a gun and he said he would shoot me if I didn't cooperate.

**Defense Attorney:** Then you made a conscious decision to comply with the robber instead of fighting or resisting in order to prevent yourself from being physically harmed?

**Victim:** Yes.

**Defense Attorney:** Did you scream or cry out?

**Victim:** No. I was very scared.

**Defense Attorney:** I see. Have you ever been robbed before?

**Victim:** No.

**Defense Attorney:** Have you ever given money away before - to anyone?

**Victim:** Yes, of course.

**Defense Attorney:** And you did so willingly?

**Victim:** Yes, why?

**Defense Attorney:** Well, Mr. Jones, let me get this straight. You have told me that you have given money away in the past. In fact, you have been very generous in giving money to different charities, people who need assistance, your friends and family members. When you were younger, you even worked in a bank as a loan officer, giving money away every day. Yet, now, you are telling me that someone robbed you. How can I be sure you didn't make this up and arrange to have your money taken? Or how do I know that you didn't give money away and then change your mind and make up a story about being robbed?

**Victim:** Listen, if I wanted...

**Defense Attorney:** Never mind. What time did this "hold-up" take place?

**Victim:** About 10:30 pm.

**Defense Attorney:** You were out on the street that late at night? Why? Doing what?

**Victim:** Just walking.

**Defense Attorney:** Just walking? Don't you know that it is dangerous to be out on the street at night? Weren't you aware that you could have been held up?

**Victim:** I didn't think about that.

**Defense Attorney:** What were you wearing?

**Victim:** Let's see. A suit. Yes, I was wearing a suit.

**Defense Attorney:** An expensive suit?

**Victim:** Well, yes. I had an important meeting at work during the day and then met a business friend for a late dinner.

**Defense Attorney:** Did you have any drinks at dinner?

**Victim:** Yes, I had a drink or two. But what does this have to do with anything? This guy pulled a gun on me and stole my money.

**Defense Attorney:** So you say. But, actually, you were walking along the street late at night after having a few drinks, a good looking guy wearing a nice suit and almost advertising the fact that you were probably a good target for some quick easy money, right? I mean, if I didn't know better, I might think that you were asking for this to happen and that you wanted to be robbed, wouldn't I?

### **See Overhead 1-3: Reasons for Non-Reporting, Delayed Reporting and Withdrawal of Complaints**

Teaching Points:

- A majority of sexual assault victims never report to the police (84%). Only 12% of sexual assault victims report to the police within 24 hours of the assault.
- There are many barriers and varied reasons which keep victims of sexual assault from reporting or following through.
- All of these factors may contribute to non-reporting, delayed reporting, or withdrawing of complaints.
- Recanting or dropping the complaint does not mean the victim was lying.
- Whenever possible, assess the situation to understand what the victim may be going through. Some cases must be handled in an emergency manner. However, when possible, take the time to seek the resources needed to best respond to that victim.
- People with mental retardation, people who don't speak English, and people who are deaf or hearing impaired, may be concerned about communication with police. If communication is a concern, it will get worse under stress.
- Support of a sexual assault crisis counselor for the victim may help improve follow-through.
- Sexual assault victims may fear police due to a number of factors, including:
  - Past history with the police
  - Concerns about communication: fear of not being understood

- Victims with mental retardation may fear authority-they may fear that they are in trouble or going to jail
- Cultural mistrust of police
- People with mental health problems may have had bad interactions with police in the past
- Deaf or hearing impaired victims may fear that police will not pay for an interpreter

## **Part 6: Victims of Sexual Assault**

### **See Overhead 1-4: Effects of Sexual Assault on Victims**

**Exercise:** Use one or more of the video vignettes and/or overheads to discuss.

Teaching Points:

- Victims may feel guilt and self-blame
  - For having caused the assault-"If only I hadn't done/said that..."
  - For not having fought back; for fighting back
  - For being "stupid" enough to get into that situation
  - For any or all of the reactions she is having
  - For having cared for him; still caring about him
- Victims may feel shame and embarrassment
  - Feeling dirty, "damaged goods"
  - Feeling that everyone looks at her, knows what happened, and judges her, especially if she lives in a small community or town
- Victims may feel powerless, out of control, helpless
  - Privacy and right to choose have been denied
  - Feeling unable to: change the situation; stop crying; stop reliving the assault
  - Inability to fight back or scream
  - Sense of isolation
  - Investigation is out of her hands
- Victims may fear
  - Being alone
  - Offender returning or making good on threats
  - Things and places which remind her of the attack
  - Men, distrust of men
  - Her children being attacked
  - Health concerns: pregnancy, HIV/AIDS, other sexually transmitted diseases

- Victims may feel anger
  - Wanting to kill, castrate, and/or humiliate the offender
  - At oneself for having "let" it happen
  - At oneself for having trusted the offender
  - At the officer "for taking too long," for asking private questions, etc.
- Victims may feel betrayed
  - For loving; for trusting
  - For being friendly
  - Denial/Wanting to Forget
  - To deny it happened
  - To not make a fuss over it
  - To "get over" it/to get on with one's life

## **Part 7: Effects on Investigations**

### **See Overhead 1-5: Effects on Investigations**

#### Teaching Points:

- In 1974 Ann Burgess and Lynda Lytle Holmstrom developed a model to describe some of the experiences sexual assault victims may go through following an assault. It is called the Rape Trauma Syndrome (RTS) and incorporates the information included in this section. 11 It is now considered a form of Post-Traumatic Stress Disorder.
- There is no typical reaction to a sexual assault. Officers should be prepared for any reaction.
- Crimes of sexual assault are among the most difficult calls a police officer may receive. Often the intensity of the situation is determined by the condition of the victim.
- Crimes of sexual assault are traumatic, regardless of the victim's age, occupation, culture, or economic status. There is no "type" of woman, child, or man who will not be affected by sexual assault.
- Response to sexual assault varies and the police officer must be able to respond to each victim as an individual, recognizing that no two people will react exactly the same.
- Sexual assault counselor/advocates can work with police officers to help support the victim emotionally so that officers can concentrate on the facts of the case.
- Sexual Assault Crisis Services' counselor/advocates are trained to work with victims of sexual assault throughout the recovery period. It is important that the responding police officer let the victim know that a Sexual Assault Crisis Services' counselor/advocate is available 24 hours a day, seven days a week, free of charge.
- Some victims of sexual assault change their place of residence, jobs, or phone numbers after the assault. Police officers should ask victims to keep the police department informed if they choose to make changes which will impact the investigation; officers should get alternate phone numbers where they can contact the victim, such as friends, family, etc.

- Because some victims may forget details about the assault, officers may have to adjust their interviewing. Officers should use a variety of techniques to jog the victim's memory, such as asking open-ended questions and phrasing the same question in different ways (for further information, see Interviewing Victims in Module 3).

## **Part 8: Special Considerations**

The following pages on Tailoring Your Response - Special Considerations may be used as a handout for the Exercise on Tailoring Your Response at the end of Module 3. Alternatively, it can be used as a Handout for Module 1 and should be incorporated into all discussions throughout Module 1.

Teaching Points:

- This handout is not meant to be an exhaustive list of everything police officers need to know regarding these victim populations. Rather, it is designed to include as many practical tips as possible which will benefit police officers as they respond to sexual assault complaints.
- Focus discussion around debunking myths, considerations for victims, and addressing their own personal reactions and biases with certain types of cases.
- We all have certain prejudices. Acknowledge these and then be fair and objective with every segment of the population.
- People perceived as vulnerable are at high risk to potentially be victims of crimes of sexual assault.
- Police officers should be aware that some people have special needs that should be given consideration when responding to a complaint.
- A victim of sexual assault may be a child, an elderly person, a person with disabilities, someone the officer knows, or the officer has arrested for another crime. It is important that the responding officer focus his/her attention on the crime which is being reported, initially reserving any judgments about the victim and the victim's family.
- Police officers are mandated reporters in several designated categories and should understand the process for making appropriate referrals (see the Reporting Chart at the end of Module 3).
- Crimes of sexual assault are traumatic, regardless of the victim's age, occupation, culture, or economic status. There is no "type" of woman, child, or man who will not be affected by sexual assault.
- Response to sexual assault varies and the police officer must be able to respond to each victim as an individual, recognizing that no two people will react exactly the same. There is no "typical" or "normal" reaction to sexual assault.
- Informal interpreters or communication techniques (i.e., an officer who can sign or speak another language, or writing notes for a victim who is deaf) should only be used as an interim measure to get basic information about a crime. As soon as possible, appropriate professional interpreters should be called. (See resource list at the end of this Module.)

## **Tailoring Your Response - Special Considerations**

Following are special considerations to keep in mind when responding to sexual assault cases. It is an important and difficult task to keep these things in mind, yet respond to each victim as an individual, avoid making assumptions, and make modifications when necessary. Rather than assuming what an individual's needs, preferences, or limitations are, it is important to ask. While it may feel rude to ask, it is a sign of respect which will benefit both the victim and the officer.

## Children

- Children who are victims of crimes of sexual assault pose a complex challenge for the police. The offender may be a family member or caretaker, which may complicate access to the victim and create tremendous confusion for the child.
- Police response to crimes against children should follow distinct departmental protocols which may involve multidisciplinary teams from the community. The police officer's first concern in crimes against children is the safety and well-being of the child. The police responsibility for a thorough investigation, including extensive evidence collection is heightened in these cases, where the victim may not be able to completely recount the assault(s). The responding officer to a crime against a child should keep his/her interviewing of that child to a minimum, allowing for the multidisciplinary investigative team (MIT) to do their work at a later time.

Some relevant statutes:

- Injury or risk of injury to, or impairing the morals of, children, CGS § 53-21. [See Module 2.]
- Limitation of prosecution for offenses involving sexual abuse of a minor, CGS § 54-193a. [See Module 2.]
- Protection of children from abuse. Reports required of certain professional persons. CGS § 17a-101. Also, see reporting chart at the end of Module 3.]
- Obscenity and related offenses. CGS § 53a-193 et seq. [See Module 2.]

## Elderly Victims

- "Elderly victims are one of the most vulnerable populations. As sexual assault victims, they may be severely traumatized, feel embarrassed or ashamed, and are often uncomfortable when discussing the crime with friends or family members, if they are able to discuss it at all. Sexual assaults of elderly persons are often accompanied by other crimes, such as robbery. When reporting other crimes, these elderly victims may choose to ignore or conceal the sexual assault." (NVC, page III-22) <sup>(8)</sup>
- Elderly victims may be more likely to sustain physical injuries during a sexual assault.
- Police response to elderly victims of crime should include all of the components of response to other victims, with an additional requirement of contacting the Ombudsman through Department of Social Services to report abuse. <sup>(9)</sup>
- Reporting statutes:

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8 Looking Back, Moving Forward: A Program for Communities Responding to Sexual Assault. National Victim Center.

9 See page 1-32 for resource directory.

- Report of suspected abuse, neglect, exploitation, abandonment, or need for protective services (Elderly), CGS § 17b-451.
- Duty to report suspected abuse, neglect, exploitation or abandonment (patient in nursing home), CGS § 17b- 407. [Also, see reporting chart at the end of Module 3.]

## Hearing Impaired or Deaf Victims

- Avoid making assumptions about how hearing impaired victims communicate. The victim should be asked how they would like to communicate: sign language, lip reading, writing, or verbally.
- If the victim wears a hearing aid or uses other communication tools, they may have been damaged or lost in the assault and the police officer should consider this. In order for an investigator to collect necessary information while helping the victim feel comfortable, non-traditional communication methods may be necessary. The victim's preferred communication mode should be restored as soon as possible.
- While investigating, do not assume that a hearing impaired or deaf person is devoid of all hearing. Even a profoundly deaf person is often able to sense vibrations and tonalities that may aid in gathering information related to the crime.
- It is not appropriate to ask family members to interpret for victims. <sup>(10)</sup>
- Family members may have also been traumatized by the assault; a family member may even be the offender. (Adapted from NVC, III-26). <sup>(11)</sup>
- The law requires the presence of interpreters in certain situations. <sup>(12)</sup> Call the Commission on Deaf and Hearing Impaired at (800) 708-6796 to request interpreter services. For emergency calls on evenings and weekends, call (860) 242-7698.
- Officers will have to take additional time and be patient during the interview process if a sign language interpreter is used.
- If a statement or interview is written, be aware that the victim may have poor English skills. American Sign Language has a different syntax from spoken English. Use of drawings may be a helpful investigative tool.
- Police officers should be trained in the use of their TDD: where it is, how to use it, so that it can be used in future contacts with a victim or witness who is deaf.

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10 Family members should not be asked to interpret in any situation, including other languages.

11 Looking Back, Moving Forward: A Program for Communities Responding to Sexual Assault. National Victim Center.

12 CGS § 46a-33 (b)(2) In any criminal investigation conducted by a duly organized law enforcement agency involving a deaf or hearing impaired person, whether as a victim, witness or suspect, such person shall have the assistance of a qualified interpreter provided by such agency throughout such investigation. Such agency may request (A) the Commission on the Deaf and Hearing Impaired to appoint a qualified interpreter, or (B) any qualified interpreter, except any employee of such agency, to assist such person. Upon such request, the Commission shall promptly provide such interpreter. (3) In any criminal investigation conducted by a duly organized law enforcement agency involving a minor child having a parent who is a deaf or hearing impaired person, whether as a victim, witness or suspect, such parent shall have the assistance of a qualified interpreter provided by such agency throughout such investigation. Such agency may request (A) the Commission on the Deaf and Hearing Impaired to appoint a qualified interpreter, or (B) any qualified interpreter, except any employee of such agency, to assist such deaf or hearing impaired parent of such minor child. Upon such request, the Commission shall promptly provide such interpreter.

- Police officers should know how to use the Connecticut Relay service, (800) 842-9710, in case they have to phone a deaf victim or family member from a site which does not have a TDD.

### **Victims with Mental Retardation**

- People with mental retardation may be prime targets for sexual assault because of their vulnerability. Reports should be handled seriously.
- Depending upon the severity of the disability, the victim may not realize that a sexual assault occurred or understand the consequences of the assault. Calls to the police may be made by a secondary party.
- A primary issue in responding to sexual assault victims with mental retardation is determining their levels of comprehension and communication.
- Police personnel should not assume that a person with mental retardation would not make a good witness.
- Victims with mental retardation may be unable to think in the abstract, may not understand terminology used during the interview process, or may answer questions in a way they believe the police want them to answer. The key to meeting the needs of this population is found in the mental maturity, not the chronological age of the victim.
- Whenever possible, officers should try to communicate directly with the victim. However, the Office of Protection and Advocacy Abuse Investigation Division advocates are available to assist with interviews and referrals.
- The Office of Protection and Advocacy Abuse Investigation Division should be contacted anytime a person with mental retardation aged 18-59 is involved in a crime of sexual assault. (13)
- Reporting Statute, if applicable: Reports of suspected abuse or neglect required of certain persons, CGS § 46a-11b. [See reporting chart in Module 3.]

### **Visually Impaired or Blind Victims**


- A victim of sexual assault who is visually impaired or blind may not be able to visually identify their assailant, however they will probably be able to provide extensive information based on use of other senses.
- The officer should provide any special accommodations that are necessary for the victim. Of particular importance is making sure that the victim has access to any assistive devices, such as a guide dog, cane, or tools for magnification.
- Officers may need to read the statement aloud to a blind person before they can sign it.
- Copies of reports which are given to a blind or visually impaired person should be on tape, in large print or in braille. Keep in mind that only about 5-10% of people who are blind read braille.

### **Victims with Physical Disabilities**

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13 See page 1-32 for resource directory



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- When responding to a report of sexual assault against a person with physical disabilities, the officer should take into account mobility, access, and communication: Can the victim get around? Is the access to mobility restored after the attack? Is the access to communication tools restored? Ask the victim what assistance she needs.
  - The severity of a physical disability does not necessarily imply mental impairment.
  - A speech impairment does not necessarily imply mental impairment. It is important to find out the victim's mode of communication (e.g., word boards) and use that mode in communicating with the victim.
  - A lack of mobility may increase a sense of vulnerability to future sexual assault.
  - If the offender is the victim's caretaker, she may feel that no one can be trusted to provide appropriate care or access to care may be lost completely.
  - Reporting Statute, if applicable: Duty to report suspected abuse, neglect, exploitation or abandonment (patient in nursing home), CGS § 17b- 407. [Also, see reporting chart at the end of Module 3.]

### **Male Victims**


- Sexual assault of males may be one of the most under reported crimes in the country.
- One reason for this is that American males resist the notion that they are susceptible to being victimized.
- When the offender is male, some male victims may fear being stigmatized as gay.
- Male victims may fear the reception or reaction they will receive from the police.
- Personal doubts and denial about the assault affect the reporting of these crimes.
- Male victims may question their ability to have resisted the assault.
- They may be ashamed and embarrassed by the assault, and feel very much alone in their efforts to find assistance and support.
- As in all cases, it is recommended that the responding police officer make a referral to the Sexual Assault Crisis Services for additional support for male victims.

### **Homeless Victims**

- Homeless persons present many complex challenges to the community and the police in that they are frequent and vulnerable targets of crimes of sexual assault.
- A report of sexual assault against a homeless person should be treated with the same respect and dignity that any other victim would receive.
- In an informal survey conducted by the Chicago Police Department, more than 88% of their homeless population stated they were victims of sexual assault.
- Follow-up will be a challenge. Homeless victims should be given specific times, places and phone numbers to follow up with the police on the assault investigation.

### **Gay and Lesbian Victims**

- Gay and lesbian victims may be reluctant to report sexual assaults because they assume they will be met with insensitive comments or unfair treatment from criminal justice personnel.

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- In addition, many gay and lesbian victims whose sexual orientation has been previously unrevealed are concerned that their assaults may generate publicity which would disclose their sexual orientation.
  - They may fear that such disclosure would jeopardize their jobs, housing, or the custody of their children.
  - Police must consider any non-consensual sex as a crime, regardless of the sexual orientation of the victim or the offender.
  - As with other populations, sexual assaults against gay and lesbian victims are committed in a variety of ways, including:
    - Hate Crimes: Hate motivated crimes tend to be physically and mentally brutal and violent. CGS § 53a-181b: Intimidation based on bigotry or bias, Class D felony.
    - Spousal/Cohabitor Rape: Just as with heterosexual couples, gays and lesbians may force or attempt to force their partners to submit to sexual activity.
    - Acquaintance Rape: Gays and lesbians may be sexually assaulted by another gay or lesbian they know or with whom they are involved as part of a social relationship.

### **Domestic Violence Victims**

- Sexual assault is common in relationships where there is other physical violence.
- Police officers should be aware of this and include questions about sexual assault in all domestic violence investigations.
- Police officers should be aware that the statutes which apply to domestic violence crimes apply in cases of sexual assault by a family or household member of the victim.
- Related Statutes: CGS § 46b-38 et seq.

### **Victims of Other Races and Ethnicities**

- Police officers should be aware that different cultures may respond in different ways to sexual assault.
- In some cultures it is prohibited to speak about sexuality and therefore victims may have extreme difficulty reporting details of the assault.
- In some cultures, it is a sign of respect not to look someone in the eyes. However, in the United States, this may be mistaken that the person is lying or being evasive.
- Departments should ensure that officers are culturally competent.
- Be aware that English may not be a victim's primary language. Contact appropriate language interpreters, as needed. <sup>(14)</sup>

## **Part 9: Resources**

24-hour toll-free Sexual Assault Hotline  
(888) 999-5545

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14 Family members should not be asked to interpret in any situation, including other languages.

Sexual Assault Spanish Response Service  
(888) 568-8332

Dept. of Children and Families Careline  
(800) 842-2288

Office of Protection and Advocacy  
Abuse Investigation Division  
(800) 842-7303

Office of Victim Services Compensation  
(800) 822-8429

Dept. of Public Health Toxicology Laboratory  
(860) 509-8506

State Police Forensic Science Laboratory  
(203) 639-6400

State Police Communications, 24 hour  
(800) 842-0200

Commission on the Deaf and Hearing Impaired  
Interpreting Services  
(800) 708-6796; (860) 242-7698 (Eves., wknds.)

Statutory Rape Unit  
Office of the Chief State's Attorney  
(860) 258-5800

Sexual Assault Evidence Collection Materials  
Ordering Number  
(860) 258-5960

Connecticut Domestic Violence 24-Hour Hotline  
(888) 774-2900

International Institute of Connecticut  
Interpreting Services  
(203) 336-0136

## **Module 2: Sexual Assault Statutes**

### **Part 1: Introduction**

Generally, crimes of sexual assault involve nonconsensual sexual behavior. The lack of consent can be established by the use of force or can be assumed in certain circumstances such as when the victim is a minor, mentally incapacitated, or emotionally dependent on a psychotherapist. In addition, despite the fact that they may be consensual in nature, certain sexual acts are considered a public offense, such as sexual intercourse with a known relative.

It is important for officers to be familiar with the elements of each of the statutes in order to conduct their investigations with these elements in mind and to do a thorough investigation. For example, if an officer can establish the age or mental condition of the victim, then under certain statutes, it is automatically assumed that the victim did not consent; then the officer can focus the investigation on other necessary elements. Having a report that documents all elements of a crime can be important and helpful information for prosecutors as they proceed with charging, plea negotiations, and trial preparation.

### **Explanation of use of charts and overheads:**

The first chart "Overview of Crimes of Sexual Assault" (Overhead 2-1) is intended to give officers an idea of the spectrum of sexual assault crimes. The overview chart does not include exact statutory language in all cases and therefore should not be used as a basis for training on the elements of crimes.

The charts on 2-2 through 2-14 which list each of the penal code sections, e.g., "Definitions" and "Sexual assault in the first degree," do include exact statutory language for key elements and may be used as a basis for training on the elements of the crimes. However, information regarding the technicalities of charging versus conviction and sentencing specifics is not included in the charts. The complete statutes are included in Appendix 2 (not currently available). Also included in the appendix are excerpts from several Connecticut cases that describe the facts of sexual assault cases that led to conviction of the offender and other relevant case law.

Note: Terms that are defined in section 53a-65 appear in italics the first time they are used in a statute.

## **Part 2: Overview of Crimes of Sexual Assault**

### **See Overhead 2-1 (Some Examples of Crimes of Sexual Assault and Relevant Penal Codes)**

#### **Some Examples of Crimes of Sexual Assault and Relevant Penal Codes**

##### **Sexual Intercourse**

- Sexual assault 1st or S. A. in spousal or cohabiting relationship. Offender forces sexual intercourse by using a dangerous instrument, actual force or superior physical strength
- Aggravated sexual assault 1st. Offender forces sexual intercourse by using a dangerous instrument, actual force or superior physical strength and is aided by two or more persons actually present
- Sexual assault 1st. Offender has sexual intercourse with a victim who is mentally defective, mentally incapacitated, or physically helpless and is aided by two or more persons actually present
- Aggravated sexual assault 1st. Offender forces sexual intercourse and uses or threatens to use a deadly weapon with intent to injure, causes injury, and uses extreme indifference
- Sexual assault 1st. Offender has sexual intercourse with a victim who is thirteen and the offender is two or more years older than the victim
- Sexual assault 2nd. Offender has sexual intercourse with a victim who is thirteen to fifteen years of age and the offender is two or more years older than the victim

- Sexual assault 2nd. Offender has sexual intercourse with a victim who is mentally defective, mentally incapacitated, or physically helpless
- Sexual assault 2nd. Offender is a psychotherapist and has sexual intercourse with an emotionally dependent patient or former patient
- Sexual assault 2nd. Offender is a school employee and has intercourse with a student in a school in which the employee works or under the jurisdiction of the board of education that employs the offender
- Sexual assault 3rd. Offender has sexual intercourse with a known relative

### Sexual Contact

- Sexual assault 3rd. Offender forces sexual contact by using a dangerous instrument, use of actual force or superior physical strength
- Sexual assault 3rd with a firearm. Offender forces sexual contact and uses or threatens use of a firearm
- Sexual assault 4th. Offender has sexual contact with a victim who is mentally defective, mentally incapacitated, or physically helpless
- Sexual assault 4th. Offender has sexual contact with an animal or dead body
- Sexual assault 4th. Offender is a school employee and has sexual contact with a student in a school in which the employee works or under the jurisdiction of the board of education that employs the offender

## Part 3: Statutory Definitions and Penal Code Sections

### See Overhead 2-2 (Statutory Definitions and Penal Codes)

#### Statutory Definitions and Penal Codes

1. **Actor** means a person accused of sexual assault. CGS § 53a-65(1)
2. **Sexual intercourse** means vaginal intercourse, anal intercourse, fellatio or cunnilingus between persons regardless of sex. Its meaning is limited to persons not married to each other. Penetration, however slight, is sufficient to complete vaginal intercourse, anal intercourse, or fellatio and does not require the emission of semen. Penetration may be committed by an object manipulated by the actor into the genital or anal opening of the victim's body. CGS § 53a-65(2) Related definitions. fellatio: oral stimulation to the penis; cunnilingus: oral stimulation of the vulva or clitoris.  
  
**"Sexual intercourse" for the purpose of sexual assault in a spousal or cohabiting relationship** 53a-70b means vaginal intercourse, anal intercourse, fellatio or cunnilingus between persons regardless of sex. Penetration, however slight, is sufficient to complete vaginal intercourse, anal intercourse or fellatio and does not require emission of semen. Penetration may be committed by an object manipulated by the actor into the genital or anal opening of the victim's body. CGS § 53a-70b(a)(1)
3. **Sexual contact** means any contact with the intimate parts of a person not married to the actor for the purpose of sexual gratification of the actor or for the purpose of degrading or humiliating such person or any contact of the intimate parts of the actor with a person not

married to the actor for the purpose of sexual gratification of the actor or for the purpose of degrading or humiliating such person. CGS § 53a-65(3). Intimate parts. means the genital area, groin, anus, inner thighs, buttocks or breasts (see #8 below).

4. **Mentally defective** means that a person suffers from a mental disease or defect which renders such person incapable of appraising the nature of such person's conduct. CGS § 53a-65(4)
5. **Mentally incapacitated** means that a person is rendered temporarily incapable of appraising or controlling such person's conduct owing to the influence of a drug or intoxicating substance administered to such person without such person's consent, or owing to any other act committed upon such person without such person's consent. CGS § 53a-65(5)
6. **Physically helpless** means that a person is unconscious or for any other reason is physically unable to communicate unwillingness to an act. CGS § 53a-65(6)
7. **Use of force means:** (A) Use of a dangerous instrument; or (B) use of actual physical force or violence or superior physical strength against the victim. CGS § 53a-65(7). (See note about "use of force" following this section.)

**"Use of force" for the purpose of sexual assault in a spousal or cohabiting relationship** 53a-70b means: (A) Use of a dangerous instrument; or (B) use of actual physical force or violence or superior physical strength against the victim. CGS § 53a-70b(a)(2)

8. **Intimate parts** means the genital area, groin, anus, inner thighs, buttocks or breasts. CGS § 53a-65(8)
9. **Psychotherapist** means a physician, psychologist, nurse, substance abuse counselor, social worker, clergyman, marital and family therapist, mental health service provider or other person, whether or not licensed or certified by the state, who performs or purports to perform psychotherapy. CGS § 53a-65(9)
10. **Psychotherapy** means the professional treatment, assessment or counseling of a mental or emotional illness, symptom or condition. CGS § 53a-65(10)
11. **Emotionally dependent** means that the nature of the patient's or former patient's emotional condition and the nature of the treatment provided by the psychotherapist are such that the psychotherapist knows or has reason to know that the patient or former patient is unable to withhold consent to sexual contact by or sexual intercourse with the psychotherapist. CGS § 53a-65(11)
12. **Therapeutic deception** means a representation by a psychotherapist that sexual contact by or sexual intercourse with the psychotherapist is consistent with or part of the patient's treatment. CGS § 53a-65(12)
13. **School employee** means a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by a local or regional board of education or a private elementary or secondary school or working in a public or private elementary or secondary school. CGS § 53a-65(13)

**Note on "use of force":**

The following excerpt from an appellate decision written by Judge Frederick Freedman in the case of *State v. Jackson* <sup>(15)</sup>, provides a useful discussion of the "use of force" definition.

"Although the victim never said 'no' or 'stop,' such an explicit verbal rejection of unwanted sexual advances is not required.... Similarly, it is not necessary that the victim physically resist the unwanted sexual advances." *State v. Mezrioui*, supra, 26 Conn.App. at 399, 602 A.2d 29; *State v. Mackor*, 11 Conn.App. 316, 323, 527 A.2d 710 (1987). The defendant's reliance on cases in which the sexual assault was compelled through physical violence or a threat of physical violence; see, e.g., *State v. Franko*, 199 Conn. 481, 483, 508 A.2d 22 (1986) (victim choked until she blacked out); *State v. Monk*, 198 Conn. 430, 432, 503 A.2d 591 (1986) (victim choked); *State v. Kish*, 186 Conn. 757, 762, 443 A.2d 1274 (1982) (victim threatened with physical injury); is misplaced. While those cases illustrate that proof of physical violence is sufficient to establish that the sexual assault was compelled by the use of force or a threat of the use of force, nothing in those cases, or elsewhere in our law, suggests that proof of physical violence is necessary to establish that the sexual intercourse or contact has been compelled by the use of force or a threat of the use of force. See *State v. Hufford*, 205 Conn. 386, 392, 533 A.2d 866 (1987) (use of force proven by "either violence or some other form of physical coercion"); see also General Statutes Sec. 53a-65(7) (defining "use of force" as not only the use of physical violence, but also as the "use of physical force ... or superior physical strength against the victim"). To the contrary, it is not required that a sexual assault victim resist to the point of physical [30 Conn.App. 289] injury in order to establish that she did not consent to the sexual advances. <sup>(16)</sup> The force used or threatened to be used in the course of committing sexual assault in the first and third degrees is that necessary to compel the victim to engage in sexual intercourse or to submit to sexual contact. *State v. Rogers*, 198 Conn. 53, 62, 502 A.2d 360 (1985). If such force is proven beyond a reasonable doubt, lack of consent is implicit. *State v. Clinkscales*, 21 Conn.App. 411, 419, 574 A.2d 243 (1990).

The fact that the victim eventually submitted to the defendant's demands after he refused to permit her to leave the seclusion of the alcove as she requested and after he applied force to her person in order to further the sexual contact and intercourse is sufficient to support a conclusion that the defendant used both force and the threat of force, which reasonably caused the victim to fear physical injury, in order to compel the victim to engage in sexual intercourse and to submit to sexual contact. *State v. Mezrioui*, supra, 26 Conn.App. at 399-400, 602 A.2d 29. Moreover, the defendant's use of such force in response to the victim's lack of consent makes it clear that the evidence established the necessary "criminal intent" to support a conviction. See *State v. Smith*, supra. "Only by entertaining the fantasy that 'no' meant 'yes,' and that a display of distaste meant affection, could the defendant have believed that [the victim's] behavior [30 Conn.App. 290] toward him indicated consent. Such a distorted view of

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15 620 A.2d 168 at 172-173, 30 Conn.App. 281 (1993)

16 As the state aptly noted at oral argument: "The defendant is asking this court to adopt an earnest resistance to sexual advances exception [to a charge of sexual assault] but that is not the current state of the law, nor is physical violence by the perpetrator required. We have come beyond that in the state of Connecticut. Instead, it is a question of force and that is a question of fact for the jury.... A victim might not want to fight off [the perpetrator]. A victim might just hope that the perpetrator gets it over with quickly and goes away, to minimize the assault, to minimize the anguish, just to minimize what is happening at that particular time. To require physical resistance would punish a victim unnecessarily when the victim is already being assaulted."

her conduct would not have been reasonable. The evidence was more than sufficient to support the verdict." Id., 210 Conn. at 143, 554 A.2d 713.

### **Sexual assault in the first degree**

#### **See Overhead 2-3 (Sexual Assault in the First Degree)**

### **Sexual Assault in the first degree**

Class B Felony: One year not suspendable <sup>(17)</sup>: CGS § 53a-70

A person is guilty of sexual assault in the first degree when such person:

1. compels another person to engage in sexual intercourse by the use of force against such other person or a third person,

or

by the threat of use of force against such other person or against a third person which reasonably causes such person to fear physical injury to such person or a third person, CGS § 53a-70(a)(1)

OR

2. engages in sexual intercourse with another person and such other person is under thirteen years of age and the actor is more than two years older than such person, CGS § 53a-70(a)

OR

3. commits sexual assault in the second degree as provided in CGS § 53a-71 and in the commission of such offense is aided by two or more other persons actually present. CGS § 53a-70(a)(3)

#### **Hypothetical examples of sexual assault in the first degree:**

- Jane answers her door bell and John shows her a knife and tells her he will cut her if she doesn't perform fellatio. She complies.
- Jane answers her door bell and John shows her a knife and tells her he will kill her four year old son who is sleeping in the next room, if she doesn't perform fellatio. She complies.
- Jane is 18 and knows John is twelve. She has vaginal intercourse with John.
- John is at a party and drinks until he passes out. Dave and two other men at the party take John to a bedroom and while they are all in the room Dave and one of the other men have anal intercourse with John.

### **Aggravated Sexual Assault in the first degree**

#### **See Overhead 2-4 (Aggravated Sexual Assault in the First Degree)**

### **Aggravated Sexual Assault in the first degree**

Class B Felony: Five years not suspendable: CGS § 53a-70a

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<sup>17</sup> if the victim of the offense is under ten years of age, ten years of the sentence imposed may not be suspended or reduced by the court.



A person is guilty of aggravated sexual assault in the first degree when such person commits sexual assault in the first degree as provided in CGS § 53a-70, and in the commission of such offense

1. he uses or is armed with and threatens the use of or displays or represents by his words or conduct that he possesses a deadly weapon,
2. with intent to disfigure the victim seriously and permanently, or to destroy, amputate or disable permanently a member or organ of the victim's body, he causes such injury to such victim,
3. under circumstances evincing an extreme indifference to human life he recklessly engages in conduct which creates a risk of death to the victim, and thereby causes serious physical injury to such victim, CGS § 53a-70a(a)(1-3)
4. he is aided by two or more other persons actually present. CGS § 53a-70a(a)(4)

### **Hypothetical examples of aggravated sexual assault in the first degree:**

- John approaches Jane as she is getting into her car. He shoves her into the car and pistol whips her face until several bones are broken. He then chokes her until she passes out. He has anal and vaginal intercourse with her.
- John and two male friends go over to Jane's house. The two friends hold Jane down while John manipulates a bottle in Jane's vagina.

### **Sexual assault in spousal or cohabiting relationship**

#### **See Overhead 2-5 (Sexual Assault in Spousal or Cohabiting Relationship)**

### **Sexual assault in spousal or cohabiting relationship**

Class B felony: CGS § 53a-70b

No spouse or cohabitor shall compel the other spouse or cohabitor to

- engage in sexual intercourse by the use of force against such other spouse or cohabitor, OR
- by the threat of the use of force against such other spouse or cohabitor which reasonably causes such other spouse or cohabitor to fear physical injury. CGS § 53a-70b(b)

### **Special Notes:**

- Victims of domestic violence report a high incidence of sexual assaults in their relationships and violent sexual assault has been identified as a contributing factor in cases that have resulted in homicide. <sup>(18)</sup>
- If a sexual assault case is a situation involving family violence, the officer should complete the Family Violence Incident Report.
- Officers should inquire about the victim's safety, shelter needs, and offer to make contacts, when appropriate.

### **Hypothetical examples of sexual assault in spousal or cohabiting relationship:**

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18 Browne, Angela (1987). When Battered Women Kill. MacMillan Free Press.

- John regularly beats up his wife Jane. He tells Jane if she doesn't perform fellatio and submit to vaginal intercourse he will beat her up worse than usual. She complies.
- John has filed for divorce and is separated from his wife Jane. John climbs in through Jane's bedroom window while she's sleeping, holds her down and has vaginal intercourse with Jane.
- John and Jane live together as cohabitators. John holds a kitchen knife to Jane's throat as she is getting out of the shower. He has vaginal intercourse with her.

### **Sexual assault in the second degree**

#### **See Overhead 2-6 (Sexual Assault in the Second Degree)**

#### **Sexual Assault in the second degree:**

Class C felony: Nine months not suspendable: CGS § 53a-71

A person is guilty of sexual assault in the second degree when such person engages in sexual intercourse with another person and:

1. such other person is thirteen years of age or older but under sixteen years of age and the actor is more than two years older than such person; CGS § 53a-71(a)(1)
2. such other person is mentally defective or mentally incapacitated to the extent that he is unable to consent to such sexual intercourse; CGS § 53a-71(a)(2)
3. such other person is physically helpless; CGS § 53a-71(a)(3)
4. such other person is less than eighteen years old and the actor is such person's guardian or otherwise responsible for the general supervision of such person's welfare; CGS § 53a-71(a)(4)
5. such other person is in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over such other person; CGS § 53a-71(a)(5)
6. the actor is a psychotherapist and such other person is:
  - A. a patient of the actor and the sexual intercourse occurs during the psychotherapy session,
  - B. a patient or former patient of the actor and such patient or former patient is emotionally dependent upon the actor,
  - C. a patient or former patient of the actor and the sexual intercourse occurs by means of therapeutic deception; CGS § 53a-71(a)(6)
7. the actor accomplishes the sexual intercourse by means of false representation that the sexual intercourse is for a bona fide medical purpose by a health care professional; CGS § 53a-71(a)(7)
8. the actor is a school employee and such other person is a student enrolled in the school in which the actor works or a school under the jurisdiction of the local or regional board of education which employs the actor. CGS § 53a-71(a)(8)

#### **Hypothetical examples of sexual assault in the second degree:**

- John is 17 years old and knows Jane is 14. He has vaginal intercourse with her.

- Jane is severely mentally retarded ["mentally defective"] and John knows this. He performs cunnilingus on Jane.
- John is Jane's neighbor. He agrees to drive her to and from outpatient surgery. When she gets home, she takes a strong painkiller and is unable to respond when John asks her to have sex with him ["mentally incapacitated"]. He knows she is unable to respond and has vaginal intercourse with her.
- Jane drinks until she passes out ["physically helpless"]. John moves his penis in and out of Jane's mouth.
- Jane is John's foster mother. John is 16. Jane has vaginal intercourse with John.
- John is being detained in a residential program. A supervisor in the program has anal intercourse with John.
- Jane is John's psychotherapist. During a psychotherapy session Jane has vaginal intercourse with John.
- John is Jane's doctor. He tells her that her physical pain will go away if he performs cunnilingus on her.
- Jane is John's high school teacher. She asks him to bring some boxes of books to her house and when he gets there, they have vaginal intercourse.

### **Sexual assault in the third degree**

#### **See Overhead 2-7 (Sexual Assault in the Third Degree)**

#### **Sexual Assault in the third degree:**

Class D felony: CGS § 53a-72a

A person is guilty of sexual assault in the third degree when such person:

1. compels another person to submit to sexual contact
  - A. by the use of force against such other person or third person, CGS § 53a-72a(a)(1)(A)
  - B. by the threat of use of force against such other person or against a third person, which reasonably causes such other person to fear physical injury to himself or herself or a third person, CGS § 53a-72a(a)(1)(B)
2. engages in sexual intercourse with another person whom the actor knows to be related to him or her within any of the degrees of kindred specified in section 46b-21. <sup>(19)</sup> CGS § 53a-72a(a)(2)

#### **Hypothetical examples of sexual assault in the third degree:**

- John pushes Jane up against a wall and fondles her breasts for the purpose of sexual gratification.
- John has sexual intercourse with his niece.

### **Sexual assault in the third degree with a firearm**

#### **See Overhead 2-8 (Sexual Assault in the Third Degree with a Firearm)**

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<sup>19</sup> parents, grandparents, children, grandchildren, siblings, aunts, uncles, niece, nephew, stepparent, stepchild

### **Sexual Assault in the third degree with a firearm:**

Class D felony: One year not suspendable: CGS § 53a-72b

A person is guilty of sexual assault in the third degree with a firearm when such person commits sexual assault in the third degree as provided in section 53a-72a, and in the commission of such offense:

- he uses  
or
- is armed with and threatens the use of  
or
- displays or represents by his words or conduct that he possesses a pistol, revolver, machine gun, rifle, shotgun or other firearm. CGS § 53a-72b(a)

### **Hypothetical example of sexual assault in the third degree with a firearm:**

- John points a pistol at Jane and tells her not to move. John fondles her breasts, inner thighs, and genital area and is sexually gratified by this action.

### **Sexual assault in the fourth degree**

#### **See Overhead 2-9 (Sexual Assault in the Fourth Degree)**

### **Sexual assault in the fourth degree:**

Class A misdemeanor: CGS § 53a-73a

A person is guilty of sexual assault in the fourth degree when:

1. such person intentionally subjects another person to sexual contact who is
  - A. under fifteen years of age,  
or
  - B. mentally defective or mentally incapacitated to the extent that he is unable to consent to such sexual contact,  
or
  - C. physically helpless,  
or
  - D. less than eighteen years old and the actor is such person's guardian or otherwise responsible for the general supervision of such person's welfare,  
or
  - E. in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over such other person; CGS § 53a-73a(a)(1)(A-E)

OR

2. such person subjects another person to sexual contact without such other person's consent; CGS § 53a-73a(a)(2)

OR

3. such person engages in sexual contact with an animal or dead body; CGS § 53a-73a(a)(3)

OR

4. such person is a psychotherapist and subjects another person to sexual contact who is

A. a patient of the actor and the sexual contact occurs during the psychotherapy session,  
or

B. a patient or former patient of the actor and such patient or former patient is emotionally dependent upon the actor,  
or

C. a patient or former patient of the actor and the sexual contact occurs by means of therapeutic deception; CGS § 53a-73a(a)(4)

OR

5. such person subjects another person to sexual contact and accomplishes the sexual contact by means of false representation that the sexual contact is for a bona fide medical purpose by a health care professional; CGS § 53a-73a(a)(5)

OR

6. such other person is a school employee and subjects another person to sexual contact who is a student enrolled in a school in which the actor works under the jurisdiction of the local or regional board of education which employs the actor. CGS § 53a-73a(a)(6)

#### **Hypothetical examples of sexual assault in the fourth degree:**

- Jane is 14. John intentionally touches her genital area for the purpose of sexual gratification.
- Jane is severely mentally retarded ["mentally defective"] and John knows this. He intentionally touches Jane's breasts and thighs for the purpose of sexual gratification.
- John invites Jane over to dinner. John gives Jane a couple of drinks and convinces her to take a strong painkiller. Jane is unable to respond when John asks her to touch him ["mentally incapacitated"]. He knows she is unable to respond and he intentionally rubs his penis against her for the purpose of sexual gratification.
- Jane drinks until she passes out ["physically helpless"]. John intentionally touches her inner thighs and buttocks for the purpose of sexual gratification.
- Jane is John's foster mother. John is 16. Jane intentionally touches his penis for the purpose of degrading or humiliating him.
- John is being detained in a residential program. A supervisor in the program intentionally touches John's penis for the purpose of sexual gratification.

- John is Jane's psychotherapist. Jane is emotionally dependent on John to the point that John knows that Jane will be unable to withhold consent to his sexual contact. John touches Jane's breast for the purpose of sexual gratification.
- John is Jane's chiropractor. John tells her that if he touches her breasts and buttocks her back pain will go away. He touches her breasts and buttocks for the purpose of sexual gratification.
- Jane is John's math teacher. She puts her hand between John's legs and strokes his penis when she sits next to him to review his homework.

### **Risk of Injury to, or Impairing the Morals of, Children**

#### **See Overhead 2-10 (Risk of Injury to, or Impairing the Morals of, Children)**

### **Risk of Injury to, or Impairing the Morals of, Children**

Class C felony: CGS § 53-21

A person is guilty of Risk of Injury to, or Impairing the Morals of Children when

1. such person willfully or unlawfully causes or permits any child under the age of sixteen years to be placed in such a situation that the life or limb of such child is endangered, the health of such child is likely to be injured, or the morals of such child are likely to be impaired, or does any act likely to impair the health or morals of any such child, CGS § 53-21 (1)

OR

2. such person has contact with the intimate parts, as defined in section 53a-65, of a child under the age of sixteen years or subjects a child under sixteen years of age to contact with the intimate parts of such person, in a sexual and indecent manner likely to impair the health or morals of such child. CGS § 53-21 (2)

#### **Special Notes:**

- Any person who is charged with having contact with the intimate parts of a child under CGS § 53-21(2) is also a "sex offender" as defined in CGS § 54-102s(a) and therefore subject to new mandatory reporting to public officials and increased probationary terms as provided for in CGS § 54-102s.
- Anyone who otherwise would have been eligible for Accelerated Rehabilitation under CGS § 54-56e or Adjudication as a Youthful Offender under CGS § 54-76b et seq. is expressly precluded from receiving these diversionary programs if charged with a crime under the risk of injury statute, CGS § 53-21.
- Anyone convicted under CGS § 53-21(2) is also a person guilty of "sexual assault" as defined in CGS § 54-102a for purposes of the new laws requiring the registration of persons convicted of sexual assault.

#### **Hypothetical Example of Risk of Injury to, or Impairing the Morals of, Children:**

- John is a college student who works as a lifeguard in the summer. Jane is fifteen and she is a student in a safety class taught by John. John intentionally touches Jane's breasts whenever he demonstrates a lifesaving technique on her during class.

## **Stalking in the third, second and first degrees**

### **See Overhead 2-11, Stalking in the Third, Second and First Degrees)**

#### **Stalking in the third degree: Class B misdemeanor, CGS § 53a-181e**

A person is guilty of stalking in the third degree when

- he recklessly causes another person to reasonably fear for his physical safety by willfully and repeatedly following or lying in wait for such other person.

#### **Stalking in the second degree: Class A misdemeanor, CGS § 53a-181d**

A person is guilty of stalking in the second degree when

- with intent to cause another person to fear for his physical safety, he willfully and repeatedly follows or lies in wait for such other person and causes such other person to reasonably fear for his physical safety.

#### **Stalking in the first degree: Class D felony, CGS § 53a-181c**

A person is guilty of stalking in the first degree when

- he commits stalking in the second degree as provided in section 53a-181d and
  1. he has previously been convicted of this section or section 53a-181d, or
  2. such conduct violates a court order in effect at the time of the offense, or
  3. the other person is under sixteen years of age.

#### **Special Notes:**

- In 1992, Connecticut passed a law making it illegal for one person to stalk another. Stalking is often a component of domestic violence and situations which lead to sexual assault.
- There are three stalking crimes under Connecticut law. Stalking in the first degree (CGS § 53a-181c) is a felony and stalking in the second and third degrees (CGS § 53a-181d; CGS § 53a-181e) are misdemeanors.
- Stalking in the first and second degree carry the specific requirements that the defendant must intend the victim to fear for his or her physical safety and that such fear is reasonable under the given circumstances.
- The crime of stalking in the third degree does not require a specific intent to scare the victim, but the victim's fear must still be reasonable and the defendant's actions must be reckless, not simply careless.
- Any arrested person who is not released sooner or who is charged with a family violence crime as defined in section 46b-38a or a violation of section 53a-181c, 53a-181d, 53a-181e shall be promptly presented before the superior court sitting next regularly for the geographical area where the offense is alleged to have been committed. (CGS § 54-1g)

### **Hypothetical Example of Stalking in the Third Degree:**

- John follows Jane to work every morning for a week, waits outside her office all day and then follows her to her house at night. Jane is afraid he wants to rape her.

### **Hypothetical Example of Stalking in the Second Degree:**

- John and Jane date for a couple of weeks and then she tells him she doesn't want to see him any more. He waits outside her office all day and then follows her home every night for a week in hopes that he can intimidate her into going out with him again. Jane is afraid he will hurt her.

### **Hypothetical Examples of Stalking in the First Degree:**

- Jane is attracted to John who is a bartender at a restaurant she frequents. She starts waiting for him to leave work every night and following him to his apartment because she wants him to be afraid of her. John notices her and is afraid that she will hurt him. Jane was arrested and convicted for doing the same thing to a sales clerk at a supermarket last year.
- John waits near the corner where Jane, a fifteen year old high school student, gets off the bus every day. He follows her to her house and stands nearby for a while after she goes inside in order to scare her. Jane is afraid that he will harm her.
- John and Jane are getting a divorce. Because John has threatened to kill her if she leaves him, Jane got a restraining order against him from the family court. John still follows her around at night to scare her away from going out with anyone else and she is afraid he will kill her.

### **Public Indecency**

#### **See Overhead 2-12 (Public Indecency)**

#### **Class B misdemeanor:**

CGS § 53a-186

A person is guilty of public indecency when such person performs any of the following acts in a public place:

1. an act of sexual intercourse, as defined in subdivision (2) of section 53a-65; CGS § 53a-186(1)  
OR
2. a lewd exposure of the body with the intent to arouse or to satisfy the sexual desire of the person; CGS § 53a-186(2)  
OR
3. a lewd fondling or caress of the body of another person. CGS § 53a-186(3)

#### **Special Notes:**

- For the purposes of this crime, "public place" means any place where the conduct may reasonably be expected to be viewed by others.

#### **Hypothetical Examples of Public Indecency:**



- John and Jane have sexual intercourse in their backyard and their neighbors see them.
- John pulls down his pants and exposes his genitals to Jane while she is working behind the counter at a clothing store.
- Jane presses her face into John's crotch and simulates performing fellatio on him while they are waiting for their food at McDonald's.

## **Obscenity**

### **See Overhead 2-13 (Obscenity)**

#### **Class B misdemeanor:**

CGS § 53a-194

A person is guilty of Obscenity when:

- such person, knowing its contents and character, promotes, or possesses with intent to promote, any obscene material or performance. CGS § 53a-194

#### **Special Notes:**

- "Obscenity" is a vague and broad term. Historically, there has been considerable debate over the definition of obscenity.
- In an effort to keep this crime from being applied in a way that impinges on the constitutional right of freedom of expression, the legislature has defined the following terms in relation to this crime: obscene, obscene as to minors, prohibited sexual act, nude performance, erotic fondling, sexual excitement, sado-masochistic abuse, masturbation, sexual intercourse, material, performance, promote, child pornography. See CGS § 53a-193.
- Police officers should familiarize themselves with the statutory meanings of these terms and be aware that obscenity is not merely anything that an arresting officer finds distasteful.
- CGS § 53a-196 et. seq. contain several related crimes regarding the involvement of children in crimes of obscenity and laws governing the possession and distribution of child pornography.

#### **Hypothetical Examples of Obscenity:**

- John owns a magazine stand. He sells photographs of men masturbating and ejaculating.
- Jane owns a bar. She shows movies of men having anal intercourse.
- John owns a club where he charges admission to see a man and woman having intercourse in the basement.

## **Part 4: Miscellaneous Relevant Legal Issues**

### **A. Statute of Limitations**

#### **See Overhead 2-14 (Statute of Limitations)**

The statute of limitations for prosecutions for a criminal offense is five years after the offense has been committed for offenses for which the punishment may be imprisonment of more than one year, and one year after the offense has been committed for other offenses. The exception

to this is a capitol felony, class A felony, or violation of section 53a-54d, for which there is no limitation of time. CGS § 54-193.

## **Minors**

(CGS § 54-193a):

There is a special statute of limitations for criminal prosecution of offenses involving sexual abuse of a minor. A person may be prosecuted for any offense involving sexual abuse, sexual exploitation or sexual assault of a minor within two years after the minor reaches the age of majority (18 years) OR within five years from the date the victim notified a police officer or state's attorney who was acting in his/her official capacity of the offense, whichever is earlier. The period of time must not be less than five years after the commission of the offense.

- If there is an audience to the sexual abuse (even one person or photos or video taken) there may be no statute of limitations (promoting a minor in an obscene performance, CGS § 53a-196a, class A felony).
- Offender's flight from the state and residence out of state tolls the statute of limitations.
- The statute of limitations for these crimes has been changed several times. The relevant statute of limitations is the one which was in effect at the time that the offense was committed. [State v. Crowell 228 Conn. 393 (1994)] (not included in appendix).

**Date of the Offense** prior to October 1, 1990

**Statute of Limitations** never less than 5 years

**Date of the Offense** between October 1, 1990- June 30, 1993

**Statute of Limitations** age of majority plus 2 years (18+2) OR within 7 years after commission whichever is earlier; never less than 5 years

**Date of the Offense** July 1, 1993 forward

**Statute of Limitations** age of majority plus 2 years (18+2) OR within 5 years of report to State's Attorney or police whichever is earlier; never less than 5 years

Examples:

- If a child is sexually abused at age 6 in October, 1993 and reported the incident at age 10, the case may be prosecuted any time until the child reaches age 15.
- If a child is sexually abused at age 6 in October, 1993 and reports the incident at age 17, the case may be prosecuted any time until the victim reaches age 20 (two years after majority and at least five years after the offense).

## **B. Juvenile Matters**

The juvenile court has jurisdiction when a child who is 13 years of age or older has sexual intercourse with a person who is 13 years of age or older and not more than two years older or younger than the child. CGS § 46b-120.

Examples:

- A 14 year old has sexual intercourse with a 15 year old. Juvenile court would have jurisdiction.

- A 16 year old had sexual intercourse with a 13 year old. Juvenile court would not have jurisdiction because the 13 year old is more than two years younger than the 16 year old. This would fall under the sexual assault in the second degree statute.

These types of situations fall under the juvenile court jurisdiction known as "family with service needs." [FWSN] Juvenile court can hold hearings and order a variety of treatment and punishment options. These include referring or committing a child to the Department of Children and Families (DCF); supervised probation; and referring a child to agencies for teen pregnancy or sexually transmitted diseases.

### **C. Affirmative Defenses**

An affirmative defense does not simply deny a charge but offers new evidence that the defendant should not be convicted. There are two affirmative defenses specifically relating to crimes of sexual assault. First, in any prosecution for an offense under sexual assault in the second degree (CGS § 53a-71) based on the victim's being mentally defective, mentally incapacitated or physically helpless, it is an affirmative defense that the actor, at the time he engaged in the conduct constituting the offense, did not know of such condition of the victim. CGS § 53a-67(a). Second, in any prosecution of sexual assault in the fourth degree (CGS § 53a-71), it is an affirmative defense that the defendant and alleged victim were, at the time of the alleged offense, living together by mutual consent in a relationship of cohabitation, regardless of the legal status of the relationship. CGS § 53a-67(b). In other words cohabitation is not an affirmative defense to sexual assault: in the first degree, in the second degree, in the third degree, in the third degree with a firearm, in a spousal or cohabiting relationship, or aggravated sexual assault in the first degree.

Regardless of whether an offender is asserting an affirmative defense, officers should fully investigate and document every aspect of the crime. An affirmative defense does not mean that a person does not get arrested. It is not a factor in determining probable cause for arrest.

### **D. Protective/Restraining Orders**

Although people often use the two terms interchangeably, protective orders and restraining orders are two different types of actions taken by the courts to protect victims and potential victims of sexual assault. Most of the measures available to victims in this area of the law are limited to persons who actually have been sexually assaulted, or who can demonstrate that they are subject to the threat of sexual assault, by a "family or household member."

"Family or household member" means (A) spouses, former spouses; (B) parents and their children; (C) persons eighteen years of age or older related by blood or marriage; (D) persons sixteen years of age or older other than those persons in subparagraph (C) presently residing together or who have resided together; and (E) persons who have a child in common regardless of whether they are or have been married or have lived together at any time. CGS § 46b-40c.

If someone is subject to a "continuous threat of physical injury" or sexual assault by a "family or household member," that person can make an application to the superior court for Relief from Abuse under the provisions of CGS § 46b-15. If the court agrees that the circumstances presented by such an application indicate a "continuous threat of physical injury" or sexual assault, the court may enter a protective order forbidding the person causing the threat from having any contact with the potential victim.

When someone is charged with an assault or a "family violence crime" and the victim is a family or household member, CGS § 46b-38c provides for the issuance of the same type of protective order from the criminal court. Anyone working with persons seeking relief under those statutes should also be aware that these statutes contain provisions for making counseling services available to victims and their families.

In 1996, the Connecticut Legislature passed a new statute allowing for Standing Criminal Restraining Orders (CGS § 53a-40e). If an individual is actually assaulted by a family or household member, that person may be able to obtain a Standing Criminal Restraining Order under the terms of CGS § 53a-40e against the defendant once the defendant has been convicted of one of the crimes of sexual assault listed in 53a-40e.

There are certain instances where the criminal court may enter protective orders against criminal defendants before they are convicted. These include cases where someone is the victim of a family violence crime as discussed above. Also, CGS § 54-1k allows the criminal court to issue a protective order against anyone charged with one of the stalking crimes.

The terms and conditions of an order issued by the court under one of these statutes may vary a great deal depending upon the circumstances of each case. Some orders might forbid any and all contact between the parties, while other orders may permit some form of court supervised interaction between parties and their families.

It should be noted that protective orders and restraining orders cannot guarantee protection or safety for a potential victim. However, potential victims should still be encouraged to seek these measures. Protective orders may prohibit conduct, such as going to the gym where a potential victim exercises, which would otherwise not be prohibited. The potential victim can then press charges for violation of the order, prior to actually being sexually assaulted. Statutes which make it illegal to violate court orders are listed in Appendix 2 [NOT CURRENTLY AVAILABLE].

### **E. Release by a Bail Commissioner**

In 1997, the Connecticut Legislature passed PA 97-53, An Act Concerning Release by a Bail Commissioner. One important feature of this act is that the Bail Commissioner may impose nonfinancial conditions of release, which may require that the arrested person do any of the following:

- Remain under the supervision of a designated person or organization;
- Comply with specified restrictions on his travel, association, or place of abode;
- Not engage in specified activities, including the use or possession of a dangerous weapon, an intoxicant or controlled substance;
- Avoid all contact with an alleged victim of the crime and with a potential witness who may testify concerning the offense; or
- Satisfy any other condition that is reasonably necessary to assure the appearance of the person in court.

Any of the conditions imposed under this section shall be effective until the appearance of such person in court. If the arrested person fails to comply with any of the conditions of release, the bail may be revoked.

# Module 3: Police Investigation

## Part 1: Introduction

In sexual assault investigations, there are three major sources of evidence and information about the crime: the victim; the suspect; and the crime scene (including other witnesses). Officers should attempt to thoroughly investigate all three of these sources, and any other available source of evidence or information. Officers should keep in mind, however, that cases can be successfully prosecuted even if the investigation reveals that evidence is not available from all three sources.

### See Overhead 3-1 (Sources of Evidence in Sexual Assault Investigations)

#### Sources of Evidence in Sexual Assault Investigations

##### VICTIM

###### Forensic Evidence

- Trace Evidence (hairs, fibers, soil, etc.)
- Suspect's Body Fluids/Tissues (semen, blood, saliva, skin cells, etc.)
- Reference Standards (known specimens from victim to compare with other specimens from victim, suspect, or at crime scene)

###### Information

- Identity/Description of Offender
- Location/scope of Crime Scene(s)
- Details of Assault
- Identity/Description of Other Witnesses

##### SUSPECT

###### Forensic Evidence

- Trace Evidence (hairs, fibers, soil, etc.)
- Victim's Body Fluids/Tissues (vaginal fluids, blood, saliva, skin cells, etc.)
- Reference Standards (known specimens from suspect to compare with other specimens from suspect, victim or at crime scene)

###### Information

- Alibi Facts/Witnesses
- Excuse/Justification for Assault
- Admission/Confession

##### CRIME SCENE

###### Forensic Evidence

- Trace Evidence (hairs, fibers, soil, etc.)
- Victim's/Suspect's Body Fluids/Tissues (semen, blood, vaginal fluids, etc.)

- Latent fingerprints
- Items used in the assault (condom, lubricants, burglary tools, etc.)
- Other Items Related to Assault (clothing, bedding, facial/toilet tissues, items left by suspect/victim, etc.)

#### Information

- Witnesses (saw/heard assault, saw/heard anything, lead to other witnesses)

The first major source of evidence and information is the victim of the assault. The victim may be able to tell important details of the assault, including: who committed it ... where it was committed ... what items of evidence officers should be looking for ... who may have seen or heard something related to the assault. An examination of the victim's body, which may actually be thought of as a crime scene of sorts, may reveal valuable items of evidence which may help to link the victim with a suspect and/or the crime scene. With the development of the Sex Offender DNA Data Bank, evidence from the victim's body can now be used to search for a potential suspect if the victim is unable to provide the offender's identity. (See Module 6 for more information about the DNA data bank.)

Once a suspect is identified, the officer has available the second major source of evidence and information. Like the victim's body, the suspect's body can reveal items of evidence that may link him with the victim, the crime scene or other items of evidence. If the suspect is apprehended soon after the assault, physical examination of the suspect's body may reveal the victim's body fluids or tissue, as well as trace evidence such as hair or soil. Even if the suspect is apprehended at a later time, reference standards such as hair, saliva and blood can be compared to evidence found on the victim or at the crime scene. Interrogation can provide important information that may help to incriminate or eliminate the suspect.

Processing of the crime scene and interviewing witnesses may also provide important forensic evidence, descriptive photographs and sketches which can help to recreate the crime, and other information and witnesses crucial to the development of the case.

It is essential that police work closely with their local state's attorney's office. The state's attorney's assessment of the case, and of what additional pieces of evidence and information are important, can provide guidance for police as they continue their investigation. State's attorneys may have varying approaches, procedures, and resources. Police should work with state's attorneys on an ongoing basis to develop the most effective procedures for investigating crimes of sexual assault.

## **Part 2: General Investigation Information**

Sexual assault cases generally can be categorized by primary issues which will be raised in prosecution. In most cases, identity of the offender or the element of force and the issue of consent are the key issues. While it is difficult to pigeonhole cases with certainty, most cases follow an identity or consent classification. Less commonly, the classification may change. For example, a mistaken identity defense may become a consent defense when physical evidence shows that the offender was at the scene or had sexual intercourse with the victim.

## Identity Cases

### See Overhead 3-2 (Identity Cases)

#### Identity Cases

- Description of Offender
- Offender's method of operation
- Forensic evidence from victim's body
- Compare details with details of similar crimes
- Search DNA data bank using forensic evidence from victim's body or crime scene

Identity cases are the "stranger sexual assault" cases, and typically involve pattern or serial offenders. (See Module 5 for Sex Offender Typologies.) It is likely that the suspect will not be in custody. Because identity is the main issue, the investigation should focus on obtaining as much information about the offender as possible to develop suspects, including the following:

- Obtaining a comprehensive physical description of the offender.
- Obtaining as much information as possible about the method of operation of the offender.
- Obtaining forensic evidence for the victim's body, if the victim consents.
- Analyzing the method of operation of other offender's who might have been previously arrested for a similar crime to determine whether a pattern exists.
- Comparing any DNA evidence obtained during the investigation (e.g., from the victim's body or left at a crime scene) with information in the DNA data bank in an attempt to identify a suspect. (See Appendix 9 for DNA Data Bank Regulations.)

## Consent Cases

### See Overhead 3-3 (Consent Cases)

#### Consent Cases

- Evidence of force or threat of force
- Victims's resistance efforts (if any)
- Words used by victim to dissuade offender
- Details concerning victim's submission
- Evidence regarding victim's fear of offender
- Evidence regarding victim's fear of environment or situation
- Any evidence of physical injuries on victim's body

Consent cases, on the other hand, are usually those in which there is some prior level of interaction between the offender and the victim. The offender may be the victim's former boyfriend, spouse, co-worker, or other acquaintance. Because of the prior social or sexual relationship between the offender and victim, the offender will often contend that the victim consented to the sexual activity. The existence of force becomes the primary issue in consent cases.

To thoroughly investigate consent cases, the officer must identify and document evidence which demonstrates the lack of consent-use of force or the threat of use of force. When the victim has submitted due to the threat of force, there may be no physical evidence of force. Connecticut law recognizes that victims may fear that if they resist they will be seriously injured or killed and does not require that the victim physically resist in order to establish the element of force. (See Module 1 and Module 2)

Where there is little physical evidence of force, the question often is one of credibility of the victim versus the offender. Information about the victim's resistance efforts and state of mind must be recorded, including the following:

- Any of the victim's efforts at resistance.
- Any conversation that the victim used to dissuade the offender.
- Detailed information concerning the victim's submission.
- Any information indicating the victim's fear of the offender.
- Any information about fears related to the environment or situation in which the sexual assault took place (e.g., the victim may have been taken to an unknown area or a sparsely populated location or locked in a high-rise building).
- Any evidence of physical injuries on the victim's body.

A comprehensive statement from both the victim and offender can then be compared for logical and factual consistencies.

Although the difference between an identity case and a consent case may affect the kind of investigation and evidence which will become crucial to the success or failure of the case, officers nonetheless should conduct a thorough investigation to ensure that all possible information and evidence is available in every case.

Portions adapted from Model Guidelines and Sex Crimes Investigation Manual for Illinois Law Enforcement, May 1996.

### **Part 3: Victims**

#### **Initial Response**

Officers should be aware that the actions of the first responding officer may have a vital impact on the future psychological well-being of the victim. Every effort made to relieve victims' feelings of shame and/or self-blame, and to ensure that all victims are treated professionally and with dignity, will enable victims to provide the clearest, most thorough information about the crime.

#### **See Overhead 3-4 (Primary Responsibilities of First Responding Officer)**

#### **Primary Responsibilities of First Responding Officer**

- Attend to victim
- Gather vital information about the assault
- Secure/protect the crime scene and evidence

An officer responding to a sexual assault call must be prepared to deal with a multifaceted, complex situation. The officer has three primary responsibilities when responding: attending to



the victim ... gathering vital information about the crime ... securing and protecting the crime scene and the evidence.

Dispatch personnel should provide the responding officer with information about whether the crime is in progress ... just occurred ... or the report is delayed. Officers should use professional judgment and follow department policies and procedures in determining the initial approach to the scene. (See Part 5A.) Officer and victim safety must always be the priority.

In all situations, officers are encouraged to:

- As soon as practical, contact a Sexual Assault Crisis Service (SACS) advocate (see Modules 1 and 4 for information on how this may be helpful for officers) to meet the victim at the hospital or police department, and ask if there is anyone else the victim would like the officer to call.
- Assess any special needs of victim, such as restoring communication or mobility, or the need for an interpreter. (See Module 1, Part 8 regarding police responsibility for contacting interpreters.)
- Be sure to notify the SACS advocate of any special needs of the victim, such as language, deaf or hearing impaired, or male counselor, etc.
- Assure the victim that her name will not be a matter of public record, and will not be included in any media reports unless she wants it to be. (See Appendix 2 for statutes, and Appendix 4 for Communication from the Chief State's Attorney.)
- Document the identity of anyone whom the victim may have told about the assault, or who may have seen or heard anything before, during or after the assault.
- Explain that during the course of the investigation, the victim may need to tell additional police officers or investigators about the assault. (See Part 3C regarding thorough interview of victim.)
- Avoid making promises or predictions to victims about the outcome of the case.

Following are additional recommendations for response based on whether the report to police occurs soon after the assault or is delayed. If the assault just occurred or occurred very recently:

- Keep the 911 tape, if any, of the report of the assault.
- Ensure that the victim is safe.
- Arrange emergency medical assistance for the victim, if needed.
- Even if emergency medical attention is not needed, encourage all sexual assault victims to get medical attention, including testing for pregnancy and sexually transmitted diseases.
- Explain to the victim the importance of forensic evidence collection and the need to collect it as soon as possible after the assault, and provide general information regarding the process, including that costs are paid by the Division of Criminal Justice. (See Appendix 3.)
- Explain to the victim the officer's responsibilities at the scene and what the victim should expect to occur during the coming hours (e.g., hospital examination, initial interview, identification of the offender if apprehended, evidence collection.)

- Gather initial information about the crime, such as the identity or description of the offender (including any vehicle involved), which direction the offender was headed, basic details of the assault, and the scope of the crime scene. Locate the offender, begin an area search, or issue a broadcast if necessary. (See Part 4A.)
- Document all facts and observations, including the physical and emotional condition of the victim. Be specific, e.g., indicate that victim was tearful and trembling, rather than just "upset," or that the victim's shirt was torn and shoe was missing, rather than "disheveled."

If the report is delayed (e.g., occurred more than 72 hours earlier):

- Be aware that delayed reporting is not uncommon, and should not deter a thorough investigation. (See Module 1, Part 5 for related information.)
- Keep in mind that something has caused the victim to be reluctant to report sooner. (See Module 1, Part 5.) Be patient regarding any hesitancy by the victim. Be sensitive to the fact that while it is important to document the reason for the delay, questions about the delay may cause the victim to feel blamed in some way.
- Connecticut law allows victims of sexual assault to report the crime to police up to several years after the assault, depending on the age of the victim at the time of the assault and the nature of the assault. (See Module 2, Part 4A for statutes of limitations.)
- Assure the victim that, despite the delayed report, a thorough investigation will be conducted.
- Encourage the victim to get medical attention if she has not already done so. Explain that although generally forensic evidence from the victim's body should be collected within 72 hours of the assault, it is important for her to get other medical attention, including testing for pregnancy and sexually transmitted diseases. Additionally, any other physical injuries may be documented and treated by medical providers.
- In a case involving child sexual abuse or incest, often the abuse is ongoing. Following the officer's mandatory report to the Department of Children and Families (DCF), generally, the victim is referred by DCF for an examination by medical providers who are specially trained in the diagnosis of child sexual abuse. If the abuse occurred within the last 72 hours, the child should be examined at the hospital, and medical personnel will determine whether a kit should be completed.

## **Forensic Evidence Collection**

### **Completion of the Kit and Forms**

#### **See Overhead 3-5 (Forensic Evidence Collection From Victims)**

Forensic Evidence Collection From Victims

Steps in the CT100 Sexual Assault Evidence Collection Kit

- Pubic Hair Combing
- Known Head Hair, Pulled
- Genital Swabbing
- Vaginal Swab and Smear
- Anal Swab and Smear

- Other Physical Evidence
- Known Blood Samples
- Clothing
- Debris Collection
- Fingernail Cuttings
- Known Head Hair, Pulled
- Oral Swab and Smear
- Saliva Sample
- Dried Secretion Specimen

### **CT100 Forms**

- Photographs of Injuries
- Bitemark Impressions
- Sexual Assault Medical Report (Pages 1-4)
- Sexual Assault Checklist (Page 5)
- Sexual Assault Discharge Instructions (Page 6)

### **Other**

- Photographs of Injuries
- Bitemark Impressions
- Explain to the victim the importance of gathering physical evidence from her body as part of the investigation, and that hospitals have a specific protocol that medical personnel will follow to accomplish this. (See Appendix 3.)
- Forensic evidence is collected from the victim at a health care facility, most often a hospital emergency department, using the CT100 Sexual Assault Evidence Collection Kit.
- Generally, forensic evidence from the victim's body should be collected within 72 hours of the assault, unless the victim has not showered or changed clothes since the assault.
- Advise the victim not to bathe, douche, urinate or otherwise alter her physical self, or to engage in any activity that may contaminate or destroy valuable evidence such as semen, saliva, hairs, etc.
- Advise the victim that the hospital may need to collect her clothing if it was worn during or immediately after the assault. Recommend that she either bring a change of clothing with her to the hospital, or have someone bring clothing to her there. If this is not possible or practical, a SACS advocate may be able to provide clothing for the victim.
- If the victim is not wearing clothing worn during or immediately after the assault, officers should determine the location of that clothing and make sure that it is collected during the investigation.
- If a victim is unsure or unwilling to make a formal statement to police, advise the victim of her right to make a formal statement at a later time, and of the procedure for doing so.

- Inform the victim that evidence can be held for 60 days while she decides whether to make a formal statement to police about the assault.
- Officers will need to provide information and/or signatures in several places on the forms and on the kit and clothing bag labels.

### **Exercise (optional):**

- View parts 1 and 2 of the three-part Video Training Series for Sexual Assault Evidence Collection in order to familiarize officers with the process of evidence collection from the victim's body.
- Although the videos were designed to instruct medical personnel in the collection procedures, the information contained in the videos can help to:
  - Sensitize officers regarding the victim's experience during this process.
  - Familiarize officers with the items of evidence collected during the exam.
  - Provide officers with an understanding of what information laboratory personnel can obtain from items of evidence.

### **Other Evidence**

- Confer with medical personnel to ensure that special collection needs are met, such as swabbing bitemarks or taking photographs, and that any other items of evidence not specifically provided for in the kit materials is collected.
- Photographs of any bruises, wounds or marks found on the victim should be taken by a police photographer, preferably one of the same gender as the victim. If necessary, a medical provider may take the photographs. A ruler should be included in the photograph for size reference, and the photographer should avoid taking photographs at any angle other than straight on.
- Photographs may be taken at the time of the evidence collection examination, but officers should note that often details of bruise patterns do not develop until two to three days after infliction.
- If any bitemarks are located on the victim, they should be photographed according to above instructions, and a forensic odontologist should be contacted so that impressions of the bitemark(s) may be obtained. Bitemark evidence can be as effective in individualization as fingerprinting, and should be collected with great care. (Information regarding forensic odontologists may be obtained from the State Police Forensic Science Laboratory (203) 639-6400.)
- If there is any reason to believe that the victim was drugged (i.e., she thinks someone drugged her; she woke up without clothing and does not remember what happened to her), request that the hospital conduct a urine toxicology screen.
- If any questions arise regarding proper collection or preservation of evidence from sexual assault victims, call the State Police Forensic Science Laboratory (203) 639-6400; the Department of Public Health Toxicology Laboratory (860) 509-8506; or State Police Communications (24 hours) (800) 842-0200.

### **Costs of Evidence Collection**

- Inform the victim that the cost of the forensic evidence collection portion of the medical examination (up to \$300) is paid by the Division of Criminal Justice and that additional costs not covered by insurance may be covered by the Office of Victim Services crime victim compensation program. (See Module 4 for additional information regarding crime victim compensation.)

### **Transfer of Evidence from Hospital to Police to Laboratory**

- Forensic evidence collection from victims is a time consuming process. Officers should expect a considerable wait (2-8 hours) before receiving the completed kit or having an opportunity to further interview the victim.
- If the victim has made or wants to make a formal statement to police about the assault, the evidence should be transported to a state laboratory by the department that has jurisdiction where the assault occurred.
- If the victim does not want to make a formal statement at that time, the evidence should be transported to a state laboratory by the department that has jurisdiction where the hospital is located.
- Upon transfer of the completed kit from the health care facility to police custody, the officer will need to do the following:
  - Sign and/or supply information as requested on medical report forms or evidence containers as follows:
    - POLICE PERSONNEL section of the kit and brown clothing bag labels.
    - Sections 8B and 8C on Page 4 of the medical report form.
    - Section 4 of the Discharge Instruction form (contact information for the victim).
    - Any additional hospital forms (e.g., patient property release forms).
  - Verify that the kit box and clothing bag(s) are sealed. Sealed clothing bags should not be reopened by officers for evidence logs, but should be recorded as, e.g., "one sealed bag with victim's clothing."
  - Count the total number of evidence containers being transferred, and check to ensure that the total matches the numbers in the upper right- hand corner of the kit and bag labels, e.g., 1 of 2.
  - If additional bags or containers are used to package evidence, make sure that identification and chain of possession information is recorded on each container.
  - Ensure that the carbonless duplicate copy of Page 1 of the medical report form is sealed in the envelope on the bottom of the kit box.
- Transport evidence as soon as practical either back to the department for appropriate storage (see below), or to one of the state laboratories. Kits temporarily stored at the department should promptly be transported to a state laboratory. All evidence submitted to laboratories should be accompanied by a properly completed laboratory request form.
- Ensure that evidence is labeled and numbered properly, and that numbers are properly recorded on laboratory request forms, etc.

- If a "MOIST SPECIMEN" sticker (bright yellow) has been placed on the kit box, the kit should be transported immediately or as soon as possible to a state laboratory.
- If a victim who had evidence collected but did not initially make a report to police later makes a report, officers will need to identify the kit using a control number that was placed on the kit, clothing bag, and discharge instructions (a copy of which may be found in the victim's medical record). The control number consists of the hospital's name, the victim's initials, and the six digit date of discharge; e.g., Windham: SK: 051296.

### **Interim Storage of Evidence**

- Completed kit boxes should be stored in a secure refrigerated area.
- Filled clothing bags should be stored in a secure non-refrigerated area.

### **Interviewing the Victim**


- "Interviewing" generally refers to the questioning of persons other than suspects in an attempt to elicit information. Officers should always remember that victims are not "interrogated."
- Officers should refer to department policies and procedures regarding who will interview the victim in order to get a detailed statement about the assault. In some departments, the responding officer will obtain initial information, and a detective may be called in to thoroughly investigate the case, including interviewing the victim.
- In crimes of sexual assault, the victim is the main and frequently the only witness. The officer's responsibility in conducting the interview of the victim should be to get the most complete and accurate information possible with the least amount of trauma to the victim.
- It is important to keep in mind that although the officer may view this as a routine investigation, for the victim it has been a traumatic, degrading, life-changing event. (An exception may be victims of statutory rape-see below.) Approach the victim in a respectful, supportive manner. Remain neutral, objective and non-judgmental.
- The attitude and conduct of the interviewing officer is key to gaining the victim's trust and cooperation. The victim will assess the officer's body language, demeanor and language for reaction and understanding.
- The victim's ability to think clearly and to articulate what happened may be impeded by a number of physical and psychological factors. (See Module 1 for specific information.) If necessary, postpone the interview.


### **Techniques for Interviewing Victims**

#### **See Overhead 3-6**

#### Victim Interview

- Goal: to obtain the most complete/accurate information
- Always maintain respectful/supportive attitude toward victim
- Be patient, make necessary accommodations
- Elicit details of the assault with elements of the crime in mind
- Encourage the victim to contact the officer with questions or additional information

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- Address victim's safety concerns
  - Avoid promises or predictions regarding the outcome of the case
  - Be patient and make necessary accommodations to address the victim's needs, including:
    - Interview the victim in a place where the victim will feel safe and comfortable. Try never to interview in the hospital examining room.
    - Be aware of and avoid invading the victim's personal space. Avoid touching the victim without the her permission.
    - Whenever possible, give control back to the victim by allowing her to make some choices, such as where to sit, and when to take a break.
    - Allow the victim to temporarily skip questions that may upset her too much to answer at the moment, knowing that it can be discussed later in the interview.
  - The investigating officer should sit down, preferably at the same level as the victim, and ask her to tell what happened in her own words.
  - Let the victim know that it may be necessary to ask some questions in several different ways but that this does not mean that the officer does not believe her. Remind her that the officer's goal is to make sure that the information being recorded is correct and complete. Encourage the victim to interrupt to include a fact or correct a mistake.
  - Begin the interview with "you" statements and questions. (How are you feeling? I'm sorry this happened to you. May I call you by your first name? Where would you like to do this? Where do you go to school?) Asking non-invasive questions at first and showing concern for the victim's well-being may help the victim to relax and may aid in enabling the investigator to build a rapport with the victim.
  - Keep the victim informed with "we" statements. (We need to review some information together. We need to broadcast some information to try to find the offender.) Use of the word "we" provides the victim with the sense that this is a team effort, that she has a vital role to play, and that she has some sense of control.
  - Tell the victim what you need with "I" statements. (I need you to remember as much of the details as possible. I have worked on other cases of sexual assault and will bring all of my experience and expertise to bear on this investigation, but I need your help to do it.) This will help to reassure the victim that her complaint is being taken seriously, and will be handled professionally.
  - Be sensitive to the embarrassing nature of the information the victim is providing. Once the victim describes sex acts or parts of the body, use the victim's own vocabulary to ask clarifying questions. It may even be helpful to repeat the same words back to the victim immediately so as to "give permission" to continue using those words which the victim may feel uncomfortable using (e.g., "So he stuck his \*\*\*\* in your \*\*\*\*. Then what did he do?").
  - Be careful not to convey any judgment about the victim's actions prior to or during the assault. Instead of asking, "Did you try to run away?" ask instead, "What did you do then?"
  - Ask open-ended questions such as, "And then what happened?" or "Tell me more about that." Listen carefully and take accurate notes for inclusion in the report. If something is unclear, ask specific questions to clarify. Clarify terms as needed.

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- Encourage the victim to ask for an explanation of any question or term to be sure that the victim understands the nature of the question. Watch the victim's body language and other non-verbal responses. Pay close attention to whether she is uncomfortable with you or the questions, and reassure her that her cooperation is vital and appreciated.
  - When the victim is finished, ask if there is anything else to add. At this time the officer can ask direct questions to gather additional facts that the officer may need. Try not to ask questions that are not directly related to the investigation, except in the rapport building phase of the interview. (See above.)
  - The officer should make sure to elicit details of the assault necessary for the case, including:
    - Questions which establish the elements required by Connecticut's laws.
    - Any information about the crime scene or the offender.
    - Any information about the point of entry, if the offender entered a dwelling, place of business, car, etc.
    - Whether the offender brought anything to the crime scene, such as a cigarette, or took anything from the scene, such as the victim's purse.
    - Whether the victim brought anything to or took anything from the crime scene.
    - Whether the offender touched or moved anything.
    - Whether the offender took any pictures or videos.
    - Whether the offender showed any videos or magazines to the victim.
    - If the offender used any objects during the assault.
    - Whether the offender made any threats. [Take care to distinguish between the victim's submission (giving-in) and consent (freely participating).]
    - Information about any use of force.
    - Whether the victim told others about the assault, who she told, and when and what she told them. Specifically, determine who she told first.
    - Information about anyone who may have seen or heard anything before, during, or after the assault.

### **Concluding the Interview**

- Inform the victim that the decision whether to arrest the suspect is a complex one that will be made by police, the state's attorney and the judge.
- Provide information about future safety issues in case the offender returns and/or in family violence situations. (SACS and/or family violence advocates can help victim devise a safety plan - see Modules 1 and 4.)
- Recognize that persons experiencing trauma often will recall and/or disclose information over a period of time. Officers may not get a full statement the first time, especially if aspects of the assault are fuzzy due to shock, or if the victim was embarrassed about aspects of the crime.
- Ask the victim to keep the police department informed of any developments related to the investigation, including if she remembers anything additional about the assault, or if the



offender tries to contact her. If possible, try to provide the victim with information that will enable her to contact the interviewing officer directly, including a business card with the officer's name, telephone number of the police station, schedule information and the case number.

- Often, victims want to know what is happening with the case. The officer assigned to the investigation should keep the victim informed, as best s/he can, and share appropriate information with the victim.
- Give the victim the pamphlet entitled Information for Victims of Sexual Assault and Their Families, if available, to provide her with general information regarding topics such as recovering from an assault, medical concerns, what to expect during the legal process, community resources, and general related information.
- Explain honestly what the next steps will be. Avoid making promises or predictions about the outcome or development of the case.
- Ask the victim if she has any questions.
- Be sure to get accurate information about how/where to contact the victim, and ask her to keep police notified of any changes in contact information. When a suspect is arrested, the victim will need to identify him.
- Officers should be aware that the victim may be extremely afraid of seeing, or of having potential contact with the offender. If the offender is released pending trial, the victim may have safety concerns. Officers should address these concerns sensitively and honestly. (A SACS advocate can help victims to devise a safety plan - see Modules 1 and 4.)
- Respect and protect the confidentiality and, to the extent possible, the wishes of the victim regarding the notification and participation of others throughout the investigation.

### **Statutory Rape Cases: Special Note**

- Officers should be familiar with the elements of the crime of Sexual Assault Second Degree, often referred to as statutory rape. (See Module 2.) Statutory rape cases are being prosecuted more often. Officers may need to modify their investigation and interview techniques in order to obtain information necessary for the prosecution of these crimes. (See page 1-32 for information about the Division of Criminal Justice Statutory Rape Prosecution Unit.)
- In statutory rape cases, evidence of sexual contact between persons defined in the statute is a sufficient basis for a charge of Sexual Assault Second Degree. (See Module 2.) Evidence regarding consent and/or use of force is not necessary. However, officers should fully investigate claims of use of force, regardless of the age of the victim or offender, in order to determine whether Sexual Assault First Degree is the more appropriate charge.
- Keep in mind that, in cases of statutory rape, the victim may be resistant to provide information regarding the sexual activity. Often, victims of statutory rape do not see themselves as victims, or the offenders as persons who have committed crimes.
- Many of these cases are reported to police by a person other than the victim.
- Many victims of statutory rape may believe that the sexual activity was consensual although Connecticut's laws (CGS § 53a-72, see Module 2) do not recognize consent by persons under the age of sixteen.

## **Part 4: Suspects**

### **Initial Response**

- Determine as soon as possible the suspect's identity or description, and location.
- If the suspect is present at the crime scene, remove immediately.
- If the identity of the suspect is uncertain, follow department policies and procedures to confirm identification as soon as possible.
- Isolate suspect as soon as possible to avoid communication with the victim, other witnesses, or other suspects.
- Pay close attention to and accurately record any utterances by the suspect. Also record any suspect alibi statements.
- Avoid allowing a suspect to engage in any activity which may destroy perishable evidence on the body or clothing. (See following pages.)
- If possible, be familiar with the facts and circumstances of the incident, especially the details of the assault and the identity or description of the suspect.
- As soon as possible, photograph the suspect for purposes of identification at a later time. (Be aware that the victim may be extremely afraid of seeing, or having any potential contact with the assailant.)
- Arrange identification of suspect (e.g., show-up, line-up, photo line-up) by victim according to department policies and procedures.
- Determine whether clothing and/or other forensic evidence should be collected from a suspect. (See following pages.)
- Develop a strategy for the interrogation of the suspect. (See following pages.)

### **Forensic Evidence Collection**

#### **See Overhead 3-7 (Forensic Evidence Collection From Suspects)**

#### **Forensic Evidence Collection From Suspects**

- Clothing from Suspect's Body
  - Clothing Items
  - Debris Collection
- Transitory Specimens
  - Oral Swabbing
  - External Penile Swabbings
  - Debris Collection
  - Other Physical Evidence
  - Dried Secretion Specimens
  - Fingernail Cuttings
  - Pubic and Rectal Hair Combing

- Reference Standards
  - Known Saliva Sample
  - Known Head Hair, Pulled
  - Known Blood Sample
  - Known Pubic Hair, Pulled
- Other
  - Photographs of Injuries
  - Bitemark Impressions

If any questions arise regarding proper collection or preservation of evidence from sexual assault suspects, call the State Police Forensic Science Laboratory (203)639-6400; the Department of Public Health Toxicology Laboratory (860)509-8506; or State Police Communications (24 hours) (800)842-0200.

### **Clothing from Suspect's Body**

#### **Collection Procedures**

- If a suspect is apprehended soon after a sexual assault, or there is reason to believe that a suspect is still wearing the clothing worn during an assault, that clothing should promptly be collected by police personnel. (See warrant requirements below.)
- The State of Connecticut Sexual Assault Suspect Clothing Collection Kit (CTS200), or other similar materials and methods may be used.
- If debris is found on clothing or on suspect's person, that debris should either be collected according to directions in step 1 of the CTS200 kit, or left on the clothing item, and to the extent possible, the clothing item should be folded and packaged so as to retain the debris in its original state. If debris is left on an item, it should be noted on the outside of the package containing that item to alert laboratory personnel.
- Each clothing item should be air-dried (if moist) and packaged separately. Clean paper towels should be folded around any visible stains to prevent transfer or smudging.
- Clothing should be packaged in paper bags or loosely folded and sealed inside paper sheets.
- If clothing must be cut from a suspect, avoid cutting through stains, holes or tears.
- Collected clothing items should be stored in a secure, dry storage area until transported to the laboratory for analysis. (See below.)
- Officers should carefully follow department guidelines regarding the documentation of the "Chain of Possession" of each item of evidence. If the CTS200 materials are used to collect the suspect's clothing, officers also should thoroughly complete the "Identification" and "Chain of Possession" information on the large brown clothing bag label, and should provide the requested information on the labels of the smaller white clothing bags.

#### **Warrant Requirements for Collection of Clothing from Suspect's Body**

- If a suspect has been arrested, and probable cause exists for the seizure of the suspect's clothing, the clothing may be seized as part of a search incident to arrest due to exigent circumstances (e.g., evidence will be destroyed or lost if the item(s) is not immediately seized). Consequently, no Mincey warrant is required.
- When clothing is seized as part of a search incident to arrest, although a Mincey warrant is not needed, a Joyce warrant must be obtained prior to submission of the clothing to the laboratory for analysis.
- If a suspect has not yet been arrested, whenever possible, a Mincey warrant should be obtained prior to the collection of the clothing. If the state's attorney approves of the use of a combined warrant, the Mincey and Joyce warrant language may be combined in one warrant. Otherwise, as stated above, a separate Joyce warrant must also be obtained prior to submission of the clothing to the laboratory.
- If a suspect has not yet been arrested, but gives consent for collection of the clothing, the clothing should be taken. A Joyce warrant must be obtained prior to submission of the clothing to the laboratory for analysis.

### **Evidence from Suspect's Body**

- Valuable evidence may be obtained from a suspect's body, including:
  - transitory specimens (e.g., dried secretions, the victim's hair, and other evidence that may fall, wear or wash off), and
  - reference standards (e.g., known saliva and blood samples from the suspect that can be compared to evidence found at the scene or on the victim's body).
- The State of Connecticut Sexual Assault Suspect Evidence Collection Kit (CTS100), or other similar materials and methods may be used to collect transitory, as well as reference standard evidence.
- Although it is recommended that suspects be transported to a health care facility for the completion of the suspect evidence collection kit by medical personnel, such evidence may be collected by police personnel (except known blood specimens which must be drawn by appropriate medical personnel or a phlebotomist, see below).
- Officers should carefully follow department guidelines regarding the documentation of the "Chain of Possession" of each item of evidence. Keep in mind that every person who handles the evidence must be included in the chain. Additionally, the investigating officers must be able to:
  - positively identify the particular item of evidence;
  - discuss the circumstance of discovery and collection;
  - accurately describe and account for the handling of the evidence since the discovery and collection;
  - prevent contamination and/or destruction of the evidence;
- If the CTS100 materials are used to collect evidence from the suspect's body, officers also should thoroughly complete the "Identification" and "Chain of Possession" information on the kit envelope (outside cover of kit) label, and should provide the requested information (or ensure that medical personnel provide it) on the step envelopes (slightly larger envelopes

containing materials for the completion of each step) and specimen envelopes (very small envelopes inside step envelopes) inside the kit.

## **Transitory Specimens**

- If a suspect is apprehended soon after an assault, certain collection steps may be completed to collect transitory evidence specimens (i.e., evidence that may fall, wear or wash off) which may be found on a suspect's body, and which may help to link the suspect to the victim, the crime scene, or other evidence.
- These steps include:
  - Oral swabbing for the presence of cells or body fluids from the victim
  - Dried secretions on the suspect's body, including hands, fingers, breasts, and thighs, for body fluids from the victim
  - External penile swabbings for the presence of cells or body fluids
  - Pubic and rectal hair combings, for the presence of foreign hairs or body fluids
  - Debris collection, to collect any trace evidence which may provide a link to the victim, crime scene or other evidence
  - Fingernail cuttings, for the presence of any substances which may provide a link to the victim, crime scene or other evidence
  - Any other physical evidence which may be found
- Because this evidence is transitory, consideration should be given to whether it is reasonable to expect such evidence to be present. Factors to consider include the following:
  - Duration of time since assault occurred
  - Whether the suspect may have showered or performed other activities which may have destroyed such evidence
  - The facts and circumstances of the incident
- Based on the facts and circumstances of the incident and apprehension of the suspect, the officer should make a determination regarding which steps of the suspect evidence collection kit, if any, should be completed.
- Officers should list the selected steps by description on the search warrant application. If any evidence is collected from the suspect's body, STEP 8 OTHER PHYSICAL EVIDENCE, should be completed in order to provide for the collection of unforeseen and not otherwise named evidence specimens.
- Provide advance notice to health care facility, whenever possible, that a suspect will be presented for evidence collection.

## **Reference Standards**

- In addition to the transitory evidence described above, reference standards, or known specimens of the suspect's hair and body fluids, may also be collected.
- Reference standard specimens can be compared to any evidence found on the victim's body or crime scene.

- Reference standard specimens include:
  - Known saliva sample
  - Known blood sample
  - Known head hair - pulled
  - Known pubic hair - pulled
  - Other known standards (e.g., facial hair, arm hair)
- Because reference standards are not transitory, they can be collected at any time after a suspect is identified and/or arrested. However, if transitory specimens are being collected, it is recommended that reference standards be collected at the same time. Warrant Requirements for the Collection of Evidence from a Suspect's Body
- It is recommended that a search and seizure warrant be obtained prior to the collection of evidence from a suspect's body. Check with a state's attorney regarding whether separate Mincey and Joyce warrants must be prepared, or if a combined warrant is sufficient.
- A search and seizure warrant should be sought, even if a suspect consents to the collection of such evidence, because the suspect may withdraw consent at any time during the collection procedures. The fact that the suspect consented should be included in the warrant application.
- Contact an on-call prosecutor for review of search warrant application(s), and ask the prosecutor to contact an on-call judge for signature.

## **Interrogation**

### **See Overhead 3-8 (Suspect Interrogation)**

#### **Suspect Interrogation**

- Non-custodial vs. custodial
- Preparation/strategy
- Timing-element of surprise
- Non-threatening vs. threatening location
- Successful interrogation techniques

## **Interrogation**

- "Interrogation" generally refers to the questioning of persons suspected of committing a crime.
- The purpose of the interrogation is to control the conversation between the officer(s) and the suspect in order to elicit incriminating information, which may include a full or partial confession or admission, or even information which may incriminate others.

## **Types of Suspect Interrogation**

- "Non-Custodial"
  - Suspect is not in police custody (is not under arrest) and suspect is fully aware that he can freely leave at any time.

- Miranda warnings are not required during non-custodial interrogations. If at any time the interrogation becomes custodial, Miranda warnings must be given before the interrogation can continue.
- "Custodial"
  - Suspect is either in actual custody (under arrest) or suspect otherwise feels that his ability to freely leave is restricted.
  - Miranda warnings are required prior to custodial interrogations.
- Generally, the same techniques of interrogation may be used whether the suspect is in custody or not.

### **Preparation for Interrogation**

- Generally, suspect interrogation should be completed by a trained and experienced officer.
- Officers should be completely familiar with the facts and circumstances of the incident prior to the interrogation of the suspect.
- Officers must be familiar with background information on the suspect, such as criminal history, family, occupation, etc.
- Generally, it is recommended that two officers participate in suspect interrogations. This practice not only allows for corroboration of each other's statements and actions during the interrogation, but also allows one of the officers to conduct questioning while the other takes notes.
- Officers should discuss a strategy and make preparations (e.g., who will ask questions, take notes, etc.) for a smooth and coordinated interrogation.
- If the interrogation will be audio or video taped, necessary equipment should be positioned prior to the interrogation, and care should be taken to ensure that all equipment is in proper working order (e.g., batteries are fresh enough to last).

### **Location and Timing of the Interrogation**

- The timing of the interrogation can be very important. Generally, it is recommended that the suspect be confronted as soon as practical, before he learns about the investigation, so as to lock him into his story. If the suspect is surprised, as opposed to being given advance notice (e.g., suspect invited to come to the station at a given time), the suspect will be less able to construct mental defenses and alibis.
- Although the general rule, as described above, is to confront the suspect as soon as possible, officers should make a timing determination on a case by case basis, taking into consideration issues such as the victim's safety.
- The location of the interrogation can be very important for several reasons:
  - Impact on whether a suspect feels free to leave (custodial vs. non-custodial).
  - Impact on whether the suspect feels more threatened or less threatened.
  - In determining whether Miranda warnings must be given.
  - If the suspect is someone with a lot of personal power, removing the suspect from his home or place of employment may help reduce his feeling of control.

- If the suspect is someone with very little personal power or presence, taking the suspect "to the station" may cause the suspect to feel so threatened that he will only think about protecting himself and may make admissions harder to obtain.
- The interrogation should be conducted in a place that is free from audio and visual distractions and interruptions.

### Techniques of Interrogation

- Consider the motive, profile and demeanor of the suspect in adopting a strategy/tactic for interrogation.
- Generally, interrogation should begin with non-threatening questions about the suspect's name, age, job, etc., to establish a pattern of the officer asking a question and the suspect answering it.
- The first goal of interrogation is to get the suspect talking.
- Routine audio or video taping of the interrogation is not necessary, and should be done only upon the advice of the state's attorney's office.
- The officer needs to be aware that, unlike most other crimes, sexual assault of an adult victim includes the element of consent. (See Module 2.) Therefore:
  - Just eliciting a statement from the suspect that the sexual act occurred may not be enough. (But see Module 3, Part 1C regarding statutory rape.)
  - Officers must also ask questions that will elicit information pertaining to the "consent," "use of force" or "threatened use of force" elements.
  - Officers should be aware of and elicit information regarding compliance as opposed to consent.
- Often, direct questions such as, "Did you do this?" will shut down the suspect's willingness to discuss anything about the assault. Indirect questions, such as, "Why do you think this happened?" will be much more successful in eliciting a response.
- As much detail as possible should be elicited from a suspect. Often, seemingly unimportant details can provide necessary links to or between other pieces of evidence or information, or can be used to uncover inconsistencies in previous or subsequent statements.
- Do not challenge lies offered by the suspect. Let him develop them and add details to them. Often, the details can later be used to dismantle the lies, and may increase the likelihood of an admission. Further, a well-documented lie can sometimes be very powerful evidence for the prosecution.
- Encourage the suspect's excuses or justifications (denial). Perpetrators of sexual assault often need to protect their egos. Going along with this conversation may result in an admission.
- As soon as possible, confirm or discount any alibi statements made by the suspect.
- Some successful interrogation tactics include:
  - The "Buddy-Up" approach. "We all know that those girls are just looking for it...."
  - The "Empathetic Listener." "I know you didn't mean for this to happen like this...."



- The "Mediator/Helper" approach. "If you tell me what happened, maybe we can get you some help so that this kind of thing doesn't keep happening. I know you don't want this to keep happening...."
- The "Objective Investigator." "I need to fully investigate this case, and so far all I can tell the prosecutor is [the victim's] side of the story...."
- The "Let's not Mess Around" approach. "[The victim] told me what happened and so far I believe her, but I'm giving you a chance to tell me your side of it...."

## **Part 5. Crime Scene**

### **See Overhead 3-9 (Duties Upon Arrival at Crime Scene)**

#### **Duties Upon Arrival at Crime Scene**

- Record arrival time
- Secure and protect crime scene
- Attend to victim's medical needs
- Remove suspect from scene, if present
- Identify potential witnesses

#### **Initial Response**

- When responding to a scene, be alert to people, vehicles and objects, etc., that may be connected to the crime.
- Upon arrival at the scene:
  - Record time of arrival.
  - Physically secure and protect the crime scene to ensure that evidence is not contaminated or destroyed.
  - Establish perimeter of crime scene.
  - Record time that crime scene is secured.
  - Limit crime scene access to essential personnel only.
  - Monitor all activity and record identity and information regarding anyone who enters or leaves crime scene, including arrival and/or departure times.
- If victim is present at scene, assess victim's need for immediate medical attention and support.
  - If immediate attention is needed, render emergency aid and arrange for further care. (See Part 3A.)
  - If immediate attention is not needed, advise victim that medical care following a sexual assault is strongly recommended, and that important evidence must be collected as soon as possible after an assault. (See Part 3B.)
  - Contact the sexual assault crisis service.
- If suspect is present at the crime scene, remove immediately.

- If probable cause exists, an arrest decision should be made.
- Note: do not assume that a non-threatening offender who may be a friend or acquaintance could not commit a sexual assault.
- Identify all potential witnesses. The scene and surrounding area may change very quickly, so this should be completed as soon as practical. Record names, addresses and telephone numbers, and other contact information. (See Part 5C.)

### **Crime Scene Processing /Forensic Evidence Collection**

Crime scene processing and forensic evidence collection involve numerous complex and specialized procedures, all of which can not practically be covered in detail in this material. Accordingly, the following material is intended to provide a possible framework for conducting a sexual assault investigation and/or the development of detailed guidelines for use by a department. Officers should be encouraged to incorporate overall training and experience in sexual assault and all investigations.

### **Warrant Requirements for Crime Scene Processing**

- If a crime scene is located in a public place (i.e., where there is no reasonable expectation of privacy), no search warrant is required.
- If exigent circumstances exist, (e.g., officers believe it is necessary to search in order to protect against the loss of evidence, harm to a person, including officers, or escape):
  - Officers are allowed to enter a premises and conduct a search without a warrant.
  - If the once-present exigent circumstance ceases to exist, officers must stop their search until a Mincey warrant can be obtained. Officers may remain on site and maintain control of the scene until the warrant is obtained. Officers may search any person leaving a crime scene to protect against the loss or destruction of evidence.
- Although there are other circumstances under which warrantless searches may be conducted, in circumstances other than those listed above (including consent), it is recommended that officers should obtain a Mincey warrant prior to searching any premises, including the victim's premises, if it is believed that the victim may not be the owner.
- Check with state's attorney regarding whether separate Mincey and Joyce warrants must be obtained, or if a combined warrant is acceptable.

### **Preliminary Survey of the Scene**

#### **See Overhead 3-10 (Document Condition of Crime Scene)**


#### **Document Condition of Crime Scene**

- Overall and specific observations
- Handwritten notes
- Photographs (and/or videotapes)
- Sketch maps
- Detailed evidence search

- Document the condition of the crime scene as it existed upon arrival. Documentation should include overall observations of the crime scene, as well as any specific observations made during the survey. Documentation should include the following:
  - Handwritten notes made at the time of the observations. The ultimate value of this description of the crime scene is to show a jury how the crime scene initially would have appeared to them if they had been present at the scene in the role of the officer. It can also provide information to later refresh the officer's memory for the completion of the report.
  - Photographs, including long- and close-range shots, should be taken before anything is disturbed to provide a permanent record of the appearance of the crime scene.
    - Photos can indicate the location, nature and results of the crime, as well as the location and appearance of evidence (the use of measurement scales is recommended), and the condition of the victim (e.g., bruises and wounds). (See Part 3B.)
  - Sketch maps should be prepared to provide a record of the distance/spatial relationships among objects in the crime scene, and may be used to identify locations or items that are difficult to photograph in a manner that shows desired conditions or detail.
  - Videotaping may also provide a permanent record of the crime scene, and can record an oral description of the scene as it is being filmed.
- Assess personnel and equipment needs to ensure thorough and efficient crime scene processing and evidence collection. Request additional crime scene personnel and resources (e.g., major crime squad, laboratory personnel) as needed.
- Conduct a detailed search for evidence based on an evaluation of the possible types of physical evidence which may be present.
- The facts and circumstances of each case will dictate the sequence in which evidence is collected. Care should be taken to prevent the inadvertent contamination or destruction of one type of evidence (e.g., hairs or fibers) by the collection of other types of evidence (e.g., latent fingerprints).
- Officers must follow department guidelines regarding the documentation of the "Chain of Possession" of each item of evidence. Evidence must be labeled and numbered properly, and those numbers must be properly recorded on laboratory request forms.

### **Collection Procedures**

- There are certain categories of forensic evidence which are likely to be present in a sexual assault investigation (see below). However, it is extremely important to remember that anything, even seemingly unrelated evidence or information, can turn out to be important evidence in any given crime.
- Likely categories of evidence in sexual assault investigations include:
  - Semen
  - Tampons or sanitary pads
  - Vaginal fluids

- 
- Facial or toilet tissue
  - Blood
  - Lubricants or packages
  - Saliva
  - Ropes, twine, cordage
  - Hairs
  - Fibers
  - Body tissues
  - Clothing
  - Condoms or wrappers
  - Bedding

- If any questions arise regarding proper collection or preservation of evidence from sexual assault crime scenes, call the State Police Forensic Science Laboratory (203) 639-6400; the Department of Public Health Toxicology Laboratory (860) 509-8506; or State Police Communications (24 hours) (800) 842-0200.


### **Interviewing Witnesses**

- A witness can be anyone who has personal knowledge of, or who has seen or heard something related to a crime.
  - Eye witnesses are people who saw the crime occur or saw the perpetrator entering or fleeing the scene.
  - Other witnesses may
    - have observed other facets of the crime (found a weapon, etc.)
    - have knowledge that is pertinent to the crime
    - have overheard the crime or something related to the crime
    - have heard the suspect make statements concerning the crime
    - have been told about the crime by the victim (constancy of accusation)

### **See Overhead 3-11 (Value of Witnesses)**

#### **Value of Witnesses**

- Give specific information about crime/victim/suspect
- Corroborate/disprove information from other sources
- Give sworn statements and testify in court
- Can support/discredit other witnesses
- Witnesses can be very important because they can:
  - Give specific information about the crime, the victim or the suspect(s).
  - Corroborate or disprove information gained from other sources.

- 
- Give sworn statements and appear in court to testify if necessary.
  - If credible, can give information that may discredit other witnesses.
  - "Interviewing" generally refers to the questioning of either victims or other persons (witnesses) who may have information about the crime. The purpose of the interview is to obtain information, not to elicit incriminating statements.
  - Officers should be generally familiar with the facts and circumstances of the case. The more familiar the officer is with the case, the more thorough the interviewing of the witnesses can be.
  - All witnesses should be asked whether they can identify anyone else who may have seen or heard anything related to the crime.
  - Encourage witnesses to contact the officer (provide detailed contact information) with any additional information and any change of phone or address since it may be a long time before the case is ready for trial.
  - Generally, it is recommended that two officers participate in witness interviews, to allow one of the officers to conduct the interview while the other takes notes. However, officers should follow department policies and procedures regarding conducting and documenting witness interviews.

### **On-Scene Witnesses**

- On-scene witnesses are extremely important because they may possess the ability to tell who committed the crime and/or details of the crime. Great care should be taken to carefully and thoroughly interview these witnesses.
- Any persons located at the scene of the crime should immediately be separated and asked to remain long enough to be identified and hopefully interviewed before leaving the scene.
- If witnesses must leave before being interviewed, arrangements should be made to contact them at a future point in time.

### **Other Witnesses**


- Any witnesses discovered through the investigation of a case should be interviewed.
- Arrangements for witness interviews should be made at the convenience of the witness unless circumstances dictate otherwise.
- Witness interviews may be conducted in any location that affords minimal distractions.

## **Part 6: Writing Reports and Arrest Warrant Applications**

### **Case/Incident Reports**

#### **Initial Report**

- In sexual assault investigations, as in all other criminal investigations, an officer must carefully draft a report which documents all information about an incident, who was involved in the investigation of the incident, what steps were taken, and all information and evidence obtained during the investigation.

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- As much information about the incident that is available should be detailed in the initial report, including:
    - Location of the scene (apartment #, street name, cross street, etc.)
    - Location where complaint was made (e.g., if the incident was reported at/from a location other than where the incident occurred).
    - Time of incident and complaint.
    - First disclosure information (name of first person to whom victim disclosed).
    - Name, address, DOB, phone numbers of all relevant persons (e.g., victim, person who reported, witnesses, suspect(s), and anyone else interviewed at the scene, hospital or report location). Document information about anyone with whom officers spoke regarding the crime.
    - Description of victim's clothing/appearance and emotional state (whether clothing is torn, soiled, missing - whether crying, angry, trembling, cooperative).
    - Description and location of injuries (swelling, bruises, redness, scratches, etc.).
    - Medical attention (note any offered, accepted/rejected).
    - Hospital/doctor/nurse/social worker (note names and contact information).
    - Description/identity of offender.
    - Relationship of victim and offender (boyfriend, neighbor, stranger, etc.)
    - Description of use of force/weapon (physical force, intimidation, knife, gun, simulation of weapon, etc.)
    - Description of any vehicle(s) involved in the incident.
    - Description of crime scene (location of evidence, condition of room, etc.).
    - Names of any other personnel who were contacted or who were involved in the investigation (detectives, major crime squad, laboratory personnel).
    - Details about any evidence seized (document and fully describe).
    - Details about any identifications made.
    - Whether broadcasts were made (type of broadcast, any responses, etc.).
    - Information about how to contact the victim.
  - Officers should be careful to include information pertaining to every element of the crime, if available.
  - Complete any other necessary reports such as, mandated reports (see Part 6C, and Module 1, Part 8) and the Domestic Violence Incident Report and Bias Crime Report). Make departmental and nondepartmental notifications as required.

### **Supplemental Reports**

- All actions taken throughout the investigation should be detailed in supplemental reports.
- All evidence should be identified, and any laboratory reports included.
- All victim and witness interviews and statements, as well as suspect interrogations and statements should be included.

- The report should include all positive and negative information affecting the investigation, and should close out all current leads.
- Ultimately, the report should support the decision made following the investigation.

### Arrest Warrant Applications

- The arrest warrant application should include the information obtained during the investigation that pertains to the elements of the crime, and should detail the basis for the existence of probable cause.
- Officers should be aware of and comply with the Connecticut law which prohibits the disclosure in the affidavit of the name or address of the victim of sexual assault.
- A recommended second paragraph for sexual assault warrant applications is as follows:
  - That on (date), a (age) year old female (or male, if appropriate) reported to the (department name) Police Department that she was the victim of a sexual assault. The name and address of the victim will not be disclosed in this affidavit in order to comply with the requirements of section 54-86e of the Connecticut General Statutes.
- Once an arrest warrant is issued, that information and any information about the arrest of the suspect should be detailed in a supplemental report. If a warrant is not issued, such information should be provided in a supplemental report, along with information regarding any further investigative action.

### Mandated Reporting of Abuse/Neglect

Population	When to Call	Where to Report	Form
Child under 18	non-accidental injuries malnourishment sexual abuse sexual exploitation deprivation of necessities emotionation maltreatment cruel punishment neglect CGS § 171-101 et seq.	Department of Children and Families Careline(800) 842-2288	DCF-136
Elderly person aged 60 and older	abused neglected exploited abandoned in need of protective services CGS § 17b-451	Regional Offices, Department of Social Services (888) 385-4225 (calls will be automatically routed to the proper regional office)	W-675

Population	When to Call	Where to Report	Form
Patient in a nursing home	abused neglected exploited abandoned CGS § 17b-407	Nursing Home Ombudsman Regional Offices Southwest Region (203) 579-6919 S. Central Region (203) 789-7508 Eastern Region (860) 886-5343 N. Central Region (860) 566-5343 Northwest Region (203) 596-4473	W-607
Adult with Mental Retardation aged 18-59	abused neglected CGS § 46a-11b	Office of Protection and Advocacy Abuse Investigation Division (800) 842-7303	PA-6

**Note About False Allegations and Reports**

**See Overhead 3-12 (False Allegations and Reports)**

**False Allegations and Reports**

- Avoid confusing "false" allegations with "unfounded" allegations
- Data shows that less than 2% of allegations are "false"- lower than other crimes
- All complaints should be thoroughly investigated to determine facts
- Guard against stereotypes and myths

One of the most harmful misconceptions which continues to exist is the notion that women frequently make false allegations and reports of sexual assault. The issue of false allegations and reports is often complicated by the merging of "false allegations" with allegations that are "unfounded," that is, determined by police or prosecutors to be unverifiable, non-serious, or unprosecutable. Following are some facts regarding false allegations and reports.

- In 1975, the FBI published statistics purporting to show that there were more false reports of sexual assault than any other crime. However, the FBI did not maintain statistics on false reports, and was instead referring to "unfounded" complaints. Consequently, the FBI statistics did not correctly identify the numbers of false reports at all. <sup>(20)</sup>

20 Hecht-Schafran, Lynn (1993). Women in the Criminal Justice System. Writing and Reading About Rape: A Primer. St. John's Law Review, Volume 66 fall/winter. No. 4.



- A 1989 comparative analysis of data on false sexual assault allegations announced a rate of 2% - even lower than the numbers of false reports of other crimes. <sup>(21)</sup>
- The Portland Oregon police reported in 1990 that of the 431 sexual assault and attempted sexual assault complaints received, 1.6% were determined to be false, compared with 2.6% of false stolen vehicle reports. <sup>(22)</sup>
- One study speculated that the high number of sexual assault cases lost prior to the arrest stage is due principally to the fact that some officers determine a complaint to be unfounded because if the offender is someone the victim knows (as in 84% of sexual assault cases in Connecticut <sup>(23)</sup>), the offender is not considered a "real rapist." <sup>(24)</sup>
- In many jurisdictions, officers can declare a complaint unfounded in the initial report or following a routine, cursory investigation. Even in cases where victims sustained bruises, black eyes, cigarette burns and bitten nipples, some officers have declared complaints unfounded if there was a previous sexual relationship between the parties. <sup>(25)</sup>

Officers must be careful not to hastily determine that a complaint is unfounded or false due to factors such as, the victim's criminal history, a delay in reporting, a prior relationship between the victim and the offender, or simply because the offender raises the issue of consent.

False allegations and reports may occasionally be made. However, officers should fully investigate each complaint, free of assumptions based on stereotypes and myths, to determine the facts. Any decision to declare a complaint unfounded, or false, should only be made when all of the facts are known.

## **Part 7. Ordering Information for Sexual Assault Materials**

### **See Overhead 3-13 (Ordering Information)**

(860) 258-5960

ORDERING HOTLINE

SEXUAL ASSAULT EVIDENCE COLLECTION AND TRAINING MATERIALS

The following sexual assault evidence collection and training materials can be ordered by calling the Ordering Hotline for Sexual Assault Evidence Collection and Training Materials:

#### **VICTIM MATERIALS:**

- CT100 Sexual Assault Evidence Collection Kits
- CT100 Sexual Assault Forms
- Information for Victims of Sexual Assault and Their Families Pamphlet

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21 Ibid.

22 Ibid.

23 Connecticut Sexual Assault Crisis Services, Inc., 1996-97.

24 Estrich, Susan (1987). *Real Rape*. Cambridge, MA: Harvard University Press.

25 Hecht-Schafran, Lynn (1993). *Women in the Criminal Justice System. Writing and Reading About Rape: A Primer*. *St. John's Law Review*, Volume 66 fall/winter. No. 4.

## SUSPECT MATERIALS:

- CTS100 Sexual Assault Suspect Evidence Collection Kits
- CTS200 Sexual Assault Suspect Clothing Collection Kits

## GUIDELINES and TRAINING MATERIALS:

- Guidelines for Sexual Assault (Investigation) Victim and Suspect Evidence Collection and Crime Scene Processing
- The Sexual Assault Evidence Collection Video Training Series
- Police Response to Crimes of Sexual Assault: A Training Curriculum (2nd Edition)

Please leave a message that includes the following information:

- Your name (in case additional information is required);
- A telephone number where you can be reached;
- Name of police department;
- Mailing address of police department;
- Quantity of each item requested.
- It is recommended that police departments maintain a small supply of CT100 victim kits to ensure availability in case of emergency, (e.g., a hospital is out of kits when a victim presents for examination). Hospitals generally will maintain an adequate supply of victim kits.
- Police departments should maintain a sufficient supply of CTS100 and CTS200 (clothing) suspect kits: hospitals will not generally have suspect evidence collection materials available. Officers should be sure to bring any needed suspect kits with them to the hospital if the choice is made to have the hospital perform the evidence collection examination.
- All kits are factory sealed and require only shelf storage until used.
- The expiration date on the side of the CT100 kit box (victim kit) or on the back of the CTS100 envelope (suspect kit) applies only to the blood vacutainers contained within. An expired kit can still be used to collect evidence from victims or suspects, however, it is recommended that officers inform the health care facility of the expired date to allow medical personnel to use new vacutainers from hospital stock.

## Part 8: Tailoring Your Response

Exercise Option 1:

- Break participants into small groups for discussion.
- Assign each group one of the scenarios. Twenty scenarios are provided for variety-you are not expected to use them all in one training class.
- Ask the groups to assign one person to take notes and one person to report back to the large group.
- Instruct the groups to answer these three questions:
  1. Where would you start the investigation?
  2. What will complicate the investigation?

3. What additional support might you or the victim need?

- Have each group report back to the large group.

Exercise Option 2:

- Show each video vignette.
- After each vignette, stop the tape and address these questions:
  1. Where would you start the investigation?
  2. What will complicate the investigation?
  3. What was done well?
  4. What would you do differently?

Teaching Points:

- We all have certain prejudices. Acknowledge these and then be fair and objective with every segment of the population.
- People perceived as vulnerable are at high risk for sexual assault.
- Police officers should be aware that some people have special needs that should be given consideration when responding to a complaint (see Module 1).
- A victim of sexual assault may be a child, an elderly person, a person with disabilities, someone the officer knows, or the officer has arrested for another crime. It is important that the responding officer focus his/her attention on the crime which is being reported, initially reserving any judgments about the victim and the victim's family (see Module 1).
- Police officers are mandated reporters in several designated categories and should understand the process for making appropriate referrals (see the Reporting Chart in Part 6 of this Module).
- Crimes of sexual assault are traumatic, regardless of the victim's age, occupation, culture or economic status. There is no "type" of woman, child or man who will not be affected by sexual assault.
- Response to sexual assault varies and the police officer must be able to respond to each victim as an individual, recognizing that no two people will react exactly the same. There is no "typical" or "normal" reaction to sexual assault.
- Informal interpreters or communication techniques (such as an officer who can sign or speak another language, or writing notes for a victim who is deaf) should only be used as an interim measure to get basic information about a crime. As soon as possible, appropriate professional interpreters should be called. (See resource list at the end of Module 1.)

## Scenarios for Exercise

### Scenario 1

You are dispatched to the local park where a 25 year old man has been sexually assaulted by two other men. Upon your arrival, the victim is distraught and disoriented. The victim does not know the offenders, but says he has seen them regularly at the park. In your investigation, you

are told by several witnesses that the victim is someone who comes to the park on a regular basis to meet other men. The victim is very embarrassed.

#### Scenario 2

You are dispatched to the town reservoir. A neighbor called stating she heard arguing. Upon arrival you spot a young woman, partially clothed, hiding in some bushes. The woman is crying and with some coaxing, she leaves the bushes. Upon questioning, you learn that the woman was sexually assaulted. She agrees to come to the station to file a report. While completing the report, the woman informs you that she has been living in the woods near the reservoir for the last 6 weeks. She has not had a legal address for over a year. The person who assaulted her does yard work at the reservoir and on occasion has offered her food. This night, the offender showed up intoxicated and forced the woman to have sex. She is willing to press charges.

#### Scenario 3

A 45 year old woman comes to the police department asking to speak with a detective. She tells you she has been sexually assaulted by her psychiatrist. It began with them having sexual intercourse during their therapy appointments. Later, they started going away together for weekends to Cape Cod. She has also bought him many gifts of valuable artwork. When you speak to the psychiatrist, he tells you that the woman is crazy, and has a long history of depression and being on medication. He claims she is just fantasizing the relationship.

#### Scenario 4

You are dispatched to a condominium complex in your town where an 18 year old woman has been tied up to her bed for 21 hours. She was sexually assaulted and hit several times in the face. Upon arriving at the scene, the victim is very distraught, bleeding and her clothes are torn and missing. A review of the crime scene reveals that there was some kind of a struggle. You escort the victim to the hospital where a SACS counselor is called. The victim does not seem upset and in your questioning of her you are confused by some inconsistencies in her story and the presentation of the evidence. You are beginning to doubt her story.

#### Scenario 5

You are the first responder to a sexual assault incident. You arrive at the scene and in questioning the victim, she discloses to you the identity of her offender. The alleged offender is a police officer.

#### Scenario 6

You are dispatched to the local hospital emergency room. A 21 year old female college student is receiving a rape examination. Upon questioning, the student appears confused, stating several times she can not remember what happened. She awoke to find a person having sex with her. She is uncertain as to the identity of the offender. Her last recollection is that of being at a fraternity party and having a glass of punch.

#### Scenario 7

You receive a call from a senior housing complex and respond to find a 90 year old woman. She reports that a person rang her bell and identified himself as a delivery person. She buzzed him up and left her door ajar. A man entered her apartment asking for cash. She gave him her purse and did not resist. The offender then closed the door and raped her. After the offender

left, the victim called 911. She appears to be bruised and may be seriously injured. She fears for her safety, and does not want anyone to know what has happened.

#### Scenario 8

You are called to a private residence in an exclusive neighborhood. The callers are the parents of a 15 year old girl whom they have recently discovered is "intimately" involved with a 25 year old neighbor. Upon questioning the girl, you find that the girl has been seeing this person for over a year and "loves" him very much.

#### Scenario 9

You are dispatched to a hotel where the desk clerk reports finding a partially clothed female in the lobby. The female appears disheveled and intoxicated. Upon approach, the victim is uncooperative to intervention stating she wants to go home. In your approach, you notice bruises around the woman's wrist. After a lengthy conversation, the victim reports that she met up with a guy at a bar down the street. They had several drinks together and shared a gram of cocaine that the woman provided. Later that evening, the guy offered her a ride home. She accepted. The woman gave him directions to her home, which the man did not follow. Instead, he drove into the parking lot of this hotel where he tied up the victim and raped her.

#### Scenario 10

A young woman comes into the police station with an older female who asks to report a crime. When asked what sort of crime, the older female turns away from you and begins to make arm and hand gestures to the young woman. The older woman turns back to you and states that the younger woman has been raped.

#### Scenario 11

You are dispatched to the emergency room for a report that there is a 27 year old female was sexually assaulted. The female is a resident at a local group home for adults with mental retardation. She was brought to the hospital after reporting to staff of the group home that her brother hurt her during her visit home. The nursing staff reported that they have been unable to get any information from the patient or complete a rape kit examination.

#### Scenario 12

You are dispatched to the apartment of a thirty-five year old woman who has been sexually assaulted. As you question her, she is very hesitant to talk about the offender. She seems embarrassed and tentative. Upon questioning, she discloses that the offender is her female partner of ten years. The victim denies any history of violence with her partner, but explains that lately, her partner has been incredibly short-tempered and unpredictable. She does not know where her partner is right now. The victim tells you that her partner forced her to have sex with her by threatening to "out" her if she did not comply. The victim fears being "outed" because neither her family nor her employer knows she is a lesbian.

#### Scenario 13

You are dispatched to a private residence with a complaint of a domestic dispute. Upon arrival, you see a man approximately 25 to 30 years of age coming down the front stairs and putting his shirt on. He asks why you are there. You inform him of the complaint. He explains that he lives here and was unaware of any disturbance. Shortly after the front door swings open and a

female comes running out the door. She is holding a blanket in front of her and yelling obscenities at the man. You step in front of her. The female is yelling that the man raped her. After further questioning, you learn that the female has filed for divorce. However, due to financial constraints, she has allowed the husband to live in the home until she can afford the place on her own. This evening, when she came home from work, she was surprised to find her husband in the bedroom. When asked to leave the room, he became abusive. The more she asked him to leave, the more violent he became. He forced her to have sex while she screamed for him to stop and leave her alone.

#### Scenario 14

You are dispatched to an apartment complex to respond to a complaint of a sexual assault. A woman is awaiting your arrival in the lobby. The woman appears to be extremely excited and begins yelling that she has been raped. She is wearing bright orange lipstick, and a heavy fur coat. You recognize her immediately as a woman who has had to be sedated and transported to the hospital on several previous occasions.

#### Scenario 15

An eleven year old female has been brought into the station by her mother. The child reports that her stepfather has been "doing things" to her whenever her mother is away from home. The child also reports that her stepfather told her that she would be sent away if anyone found out. Additionally, the child reports that the last incident happened last night in her mother's bedroom.

#### Scenario 16

A fourteen year old girl arrives at the police station on Monday and reports that she was sexually assaulted on Saturday night at the graduation beer bash. She and some of her friends "crashed" the party. While there, the teens had a few drinks and eventually felt pretty tipsy. One of the girls remembers being led away from the group by one of the senior boys. The next thing she knew, there was a group of "guys" around her. She couldn't see her friends anymore. One of the guys began kissing the back of her neck, another held her hands, and another laid her down. As far as she knows, all three had sex with her. She doesn't remember what she said or did.

#### Scenario 17

Ms. B has been working in the same office for 10 years. She has always found her employer Mr. G to be kind and appreciative of her work. Last Christmas, he was taking care of his kids for the holidays. Ms. B knew that he cared for and adored his children. One night Mr. G told Ms. B he was unable to keep a scheduled appointment because of babysitter problems, and asked if she could meet him at his house so that he could tend to his kids and keep their appointment. Shortly after arriving at his home, Ms. B discovered there were no kids there. She tried to make excuses to leave, but to no avail. Mr. G forced Ms. B to perform oral sex. Later Mr. G told her not to tell anyone and said that no one would believe her. He thanked her and asked her to leave. Ms. B reports that this incident happened over 6 months ago. She is afraid and unsure of what to do.

#### Scenario 18

A fifteen year old girl is being treated at the emergency room after being sexually assaulted following the school dance that night. You have been dispatched to take a statement from the

young girls parents and grandparents. While speaking with the parents you receive a radio call stating that the offender was seen in the neighborhood entering an apartment building not too far from where the parents live. After hearing this, the father becomes enraged. He runs from the room screaming that he is going to get his gun and "kill the bastard."

#### Scenario 19

A young girl arrives at the police department stating that she was raped by an acquaintance. The victim reports that she was held against her will in this person's apartment for several hours. During this time she was forced to have intercourse and oral sex. She was finally able to "leave" the apartment when the offender fell asleep. She decided it would be best if she came right to the police station rather than go home. She felt she would be "safer" by reporting this to someone immediately. The woman appears shaken and is very willing to file a complaint. She knows the identity of the offender. After she tells you his name, you realize she has identified the deputy Mayor.

#### Scenario 20

You respond to a call from the emergency room. Upon arrival, you are informed that the victim appears to have been sexually assaulted. Paramedics had responded to a 911 call. When they arrived at the location, the victim was cooperative to intervention and entered the ambulance on her own. When questioned as to what happened, the victim responded in a language no one recognizes. The paramedics and hospital staff have not been able to get a name, address, or name of a contact person since her arrival at the hospital.

## **Module 4: Community Based Services for Victims of Sexual Assault**

### **Part 1: Introduction**

Connecticut has twelve community-based Sexual Assault Crisis Services (SACS). These centers provide 24- hour, seven-day-a-week service to victims of sexual assault and their families. All of the services to victims and their families are provided free and confidential.

The sexual assault crisis services are in a position to provide victims of sexual assault with the unconditional support that may be needed to negotiate the process of the investigation, and possible prosecution of an offender. Additionally, this support may help victims be in a better place emotionally to handle the process.

Police departments are encouraged to develop standing policies of contacting the local sexual assault crisis service anytime they respond to a complaint of a crime of sexual assault. If the department is unable to make the call, each victim, regardless of the outcome or validity of the case, should be given a card with the sexual assault crisis hotline number.

Sexual Assault Crisis Services can serve in the community as a link between the police, the courts, the hospital and other service professionals who are working with victims of sexual assault.

### **Part 2: Services Provided by SACS**

**See Overhead 4-1: Services Provided by Sexual Assault Crisis Services**

## Services Provided by SACS

- 24-hour hotline with immediate access to certified counselor/advocates
- Crisis intervention and short-term counseling
- Accompaniment and advocacy throughout the medical and police systems
- Preparation, accompaniment, and advocacy throughout the court system
- Information and referral for other needs
- Support groups
- Services for female and male victims of any age and their friends and family
- Services for victims of any type of sexual violence including sexual assault, sexual harassment, incest, child sexual abuse
- TTY access available during office hours (M-F, 9-4:30); After hours, use CT Relay (800) 842-9710
- Sign language interpreters available
- Bilingual staff available
- Male counselors available

### All services are free and confidential.

Call the nearest sexual assault crisis service toll-free from anywhere in Connecticut

**(888) 999-5545**

Call the toll-free Spanish Response Service

**(888) 568-8332**

Teaching Points:

- Be sure to define the term SACS before using it.
- Teaching this section is an opportunity to provide information to police officers about the many services provided by sexual assault crisis services.
- Services are provided to male and female victims of all ages.
- Services are provided even if the assault happened a long time ago.
- Services are provided to victims of any type of sexual violence, including sexual assault, child sexual abuse, incest, and sexual harassment.
- Services are available to family, friends, partners, and parents of victims of sexual assault.
- Highlight the statewide toll-free numbers in Spanish and English, as these numbers are fairly new and officers may be unaware of them.
- Sexual assault crisis services are available 24 hours a day, 7 days a week, 365 days a year.

## Part 3: Connecticut Sexual Assault Crisis Services: Towns Served

### Connecticut Sexual Assault Crisis Services: Towns Served



- Hill Health Corporation Greater New Haven Sexual Assault Crisis Service (203) 789-1425 Office (203) 624-2273 Hotline Bethany, Branford, East Haven, Guilford, Hamden, Madison, New Haven, North Branford, North Haven, West Haven, Woodbridge
- Northeastern Connecticut Sexual Assault Crisis Service (860) 456-3595 Office (860) 456-2789 Hotline Andover, Ashford, Bolton, Brooklyn, Canterbury, Chaplin, Columbia, Coventry, Eastford, Ellington, Hampton, Hebron, Killingly, Lebanon, Mansfield, Plainfield, Pomfret, Putnam, Scotland, Somers, Stafford, Sterling, Storrs, Thompson, Tolland, Union, Vernon, Willington, Willimantic, Windham, Woodstock
- Rape and Sexual Abuse Crisis Center, Inc. (203) 348-9346 Office (203) 329-2929 Hotline (203) 838-7303 Norwalk Office Darien, Greenwich, New Canaan, Norwalk, Stamford, Weston, Westport, Wilton
- Rape Crisis Center of Milford (203) 874-8712 Office (203) 878-1212 Hotline Ansonia, Derby, Milford, Orange, Seymour, Shelton, West Haven, Woodbridge
- Susan B. Anthony Project (860) 489-3798 Office (860) 482-7133 Hotline Barkhamstead, Canaan, Colebrook, Cornwall, Goshen, Harwinton, Kent, Litchfield, Morris, New Hartford, Norfolk, N. Canaan, Salisbury, Sharon, Torrington, Washington, Warren, Winchester
- Women's Center of Greater Danbury Sexual Assault Crisis Service (203) 731-5200 Office (203) 731-5204 Hotline Bethel, Bridgewater, Brookfield, Danbury, New Fairfield, New Milford, Newtown, Redding, Ridgefield, Roxbury, Sherman
- Women's Center of Southeastern Connecticut Sexual Assault Crisis Service (860) 447-0366 Office (860) 442-4357 Hotline Bozrah, Colchester, East Lyme, Franklin, Griswold, Groton, Ledyard, Lisbon, Lyme, Montville, New London, North Stonington, Norwich, Old Lyme, Preston, Salem, Sprague, Stonington, Voluntown, Waterford
- Women's Emergency Shelter Sexual Assault Crisis Service (203) 575-0036 Office (203) 753-3613 Hotline Beacon Falls, Bethlehem, Middlebury, Naugatuck, Oxford, Prospect, Southbury, Thomaston, Waterbury, Watertown, Wolcott, Woodbury
- YWCA of E. Fairfield Co., Inc. Rape Crisis Service (203) 334-6154 Office (203) 332-8283 Hotline Bridgeport, Easton, Fairfield, Monroe, Stratford, Trumbull
- YWCA of Hartford Region, Inc. Sexual Assault Crisis Service (860) 525-1163 Office (860) 522-6666 Hotline Avon, Bloomfield, Canton, East Granby, East Hartford, East Windsor, Enfield, Farmington, Glastonbury, Granby, Hartford, Hartland, Manchester, Marlborough, Newington, Rocky Hill, Simsbury, South Windsor, Suffield, West Hartford, Wethersfield, Windsor, Windsor Locks
- Central Connecticut Sexual Assault Crisis Service Meriden area: (203) 235-9297 Office (203) 235-4444 Hotline Middlesex County: (860) 344-1474 Office (860) 635-4424 Hotline Centerbrook, Cheshire, Chester, Clinton, Cobalt, Cromwell, Deep River, Durham, East Haddam, East Hampton, Essex, Haddam, Higganum, Ivoryton, Killingworth, Meriden, Middlefield, Middletown, Moodus, Old Saybrook, Portland, Rockfall, Wallingford, Westbrook
- YWCA of New Britain Sexual Assault Crisis Service (860) 225-4681 Office (860) 223-1787 Hotline Berlin, Bristol, Burlington, New Britain, Plainville, Plymouth, Southington

#### Teaching Points:

- Sexual assault crisis services are available in every town in Connecticut.

- The listing of services which follows indicates which agencies provide services in each towns.

## **Part 4: Benefits of Working with SACS Counselor/Advocates**

### **See Overhead 4-2: Benefit of Working with SACS Counselor/Advocates**

#### **Benefits of Working with Sexual Assault Crisis Services (SACS) Counselor/Advocates**

- SACS counselor/advocates provide emotional support for sexual assault victims so that police officers can focus their time and energy on the investigation.
- SACS counselor/advocates are available 24 hours per day, every day.
- SACS counselor/advocates have information about a variety of agencies with which victims of sexual assault may interact.
- SACS counselor/advocates can be with the victim throughout the entire process, including hospital, investigation, court, and post-conviction.
- With support of a SACS counselor/advocate, more victims might stay committed to the legal process.
- With the support of a SACS counselor/advocate, victims can be better witnesses.
- SACS counselor/advocates are able to handle many basic questions so the victims don't need to keep calling the officer. Victims may be afraid to ask questions of police, but will ask the SACS counselor/advocate.
- SACS counselor/advocates can explain the process over and over if needed.
- SACS counselor/advocates can support friends and family members so that the police officer can focus on interviewing the victim. Supportive family members can help the victim stay committed to the process.
- Even if it takes years to go to trial, SACS counselor/advocates may still be in contact with the victim when the police and prosecutors are not.
- With a signed release, SACS counselor/advocates can share information.

#### **Teaching Points:**

- Be sure to define the term SACS before using it.
- This section represents an excellent opportunity for the trainer to discuss the role of SACS with trainees and to debunk any myths they may have heard.
- Emphasize that counselor/advocates are there to help, not to get in the way.
- Emphasize the ways in which counselor/advocates can be helpful to police officers.

## **Part 5: Office of Victim Services: Victim Compensation**

### **Office of Victim Services, Victim Compensation**

The following information is included so that officers can let victims of sexual assault know that compensation may be available for losses due to the crime. For more information, call the Office of Victim Services (OVS) at (800) 822-8428 (8:30 - 4:30, M-F). Advocates from sexual assault crisis services can assist victims with application procedures.

## **What is Victim Compensation?**

The State of Connecticut has a fund to help crime victims with lost wages and out-of-pocket costs. Some of the money comes from fees and fines paid by persons convicted of crimes.

## **What Expenses May Compensation Cover?**

- Medical and dental costs related to the crime which are not covered by other sources. (For sexual assault victims, compensation may cover the costs of medical treatment after the Division of Criminal Justice has covered the cost of the forensic evidence collection.)
- Counseling for victims and family members (any costs not covered by other sources).
- Victim's lost wages.
- Loss of support and/or funeral costs for family survivors of homicide.

## **How Much Can Be Paid?**

- For survivors of homicide: up to \$25,000
- For other crime victims: up to \$15,000

## **How is Compensation Paid?**

Compensation is not paid in advance. Victims are usually reimbursed for lost wages. A doctor or hospital may be paid directly for the victim's out-of-pocket medical expenses.

## **Check Other Sources First**

Compensation can cover out-of-pocket costs which other sources don't cover or only partly cover. Examples:

- Medicare/Medicaid
- Employer Health Insurance
- Sick time from job
- Worker's Compensation
- Victim restitution from convicted person
- Life insurance of homicide victim
- Legal settlements

## **Who Can apply?**

The victim, her attorney, or a legal guardian can apply for compensation. Victims do not need an attorney to apply. Compensation is not contingent on the arrest and/or conviction of the offender.

## **When Can I Apply?**

Up to two years after the crime. OVS may approve waivers for certain crimes which are reported many years after they occur.


## **How Do I Apply?**

Victims must file an application with the Office of Victim Services. A claims examiner will work with the victim to collect the needed information.

To be eligible, one must:

- Be the victim of a sexual assault, injured as a crime victim, injured while helping the police during a crime, or a family member of a homicide victim.
- Not have been participating in the crime in any way.
- Reported the crime to the police.
- Have eligible costs which were not covered by other sources.

Teaching Points:

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- Compensation is available to victims of crime, including sexual assault for their out of pocket expenses.
  - Officers should be aware of the Victim Compensation program so that they can answer questions which may be asked by victims.
  - The victim compensation program is administered by the Connecticut Office of Victim Services.
  - While the Office of Victim Services is not a community-based service, but it is included because it is beneficial information for victims.
  - While costs for forensic evidence collection are covered by the Division of Criminal Justice, any uncovered medical treatment costs may be covered by victim compensation.

## Module 5: Sex Offenders

### Part 1: Introduction

To effectively identify, apprehend, and interrogate sex offenders, the investigator must have a clear understanding of offender dynamics and motivations. Research on the motivation for sexual assault has led to the conclusion that the crime is one of violence and not primarily sex. (26)

Researchers have attempted to classify rapists by their behaviors. Most research has been conducted with incarcerated individuals. The research may not accurately reflect the entire population of offenders and tends to be comprised of disproportionately high percentages of violent sexual offenders and "stranger" rapists. Although not every offender will fit neatly within a model, the classifications can be useful to establish clues to the identity of the offender, and assist in adoption of an interrogation strategy.

Sex offenders often commit "nuisance offenses" such as voyeurism, obscene phone calls, and flashing-type offenses prior to the commission of more serious crimes. (27) Many convicted sex

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26 Model Guidelines and Sex Crimes Investigation Manual for Illinois Law Enforcement. Illinois Law Enforcement Training and Standards Board and Illinois Coalition Against Sexual Assault, May 1996.

27 Ibid.

offenders began in their early teens sexually assaulting acquaintances prior to committing stranger sexual assaults for which they were later incarcerated. Research has shown that sex offenders typically committed their first sexual assault by age twenty-one. <sup>(28)</sup> The majority of these offenders committed numerous sexual assaults for which they were not charged. <sup>(29)</sup>

Perhaps because deviant sexual behavior is personally gratifying to the offender, it is an action that is often quite well thought out. William Pithers explains that "[s]exual offenses may appear impulsive upon first inspection. In reality, many offenders carefully plan offenses so they appear to occur without much forethought. " <sup>(30)</sup> Clinicians observe that sex offenders such as child molesters and rapists, frequently report ruminating over sexual fantasies involving the same abusive behaviors in which they engage. <sup>(31)</sup>

Following are detailed models of anger, power, and sadistic rapists. After these models, we have included a brief overview of the FBI typology and a chart of all generally accepted available typologies. Finally, we have included one of the more generally accepted typologies of adolescent offenders. It should be noted that adolescent offenders need to be viewed somewhat differently than adult offenders.

Research on spousal and acquaintance rape (also known as marital and date rape) done by Finkelhor has shown that these types of rapes also fall under the 3 Groth categories, with the majority of them being power rapes, the minority (~1%) sadistic rapes, and the rest are anger rapes.

Generally, from an investigative point of view, it is likely that the Groth model will offer the most benefit to police officers at the investigative stage.

Following are some currently documented facts which may be helpful to police officers in understanding behavior patterns of offenders:

- It is assumed that a rapist will attack multiple times over the course of a lifetime. Research suggests that many sex offenders show a continued propensity to reoffend. <sup>(32)</sup>
- Fifty percent of offenders are suspected of having a childhood history of sexual or other physical abuse (although many abused children grow up to be nonabusive adults). <sup>(33)</sup>
- A variety of federal statistical sources show a remarked similarity in the characteristics of rapists: 99 in 100 are male; 6 in 10 are white; and the average age is the early thirties. <sup>(34)</sup>

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28 Ibid.

29 Ibid.

30 English, Kim; Pullen, Suzanne; Jones, Linda; Krauth, Barbara (1996) Managing Adult Sex Offenders on Probation and Parole: A Containment Approach.

31 Ibid.

32 Ibid.

33 Greenfeld, Lawrence A. Sex Offenses and Sex Offenders: An Analysis of Data on Rape and Sexual Assault. Bureau of Justice Statistics, February 1997.

34 Ibid.

- Rapists and sexual assaulters serving time in State prisons were less likely to have had a prior conviction history or a history of violence than other incarcerated violent offenders, though they were substantially more likely to have had a history of convictions for violent sex offenses. <sup>(35)</sup>
- Violent sex offenders were substantially less likely than other offenders to have committed their crime with a weapon; however, rapists were about as likely as violent offenders to report having used a knife. <sup>(36)</sup>

## Part 2: Patterns of Rape

In 1979 Dr. Nicholas Groth and H. Jean Birnbaum developed a profile of several types of assault, drawn from their work with people who had been arrested, convicted and incarcerated for crimes of sexual violence. <sup>(37)</sup> The information, while not inclusive of all behaviors, can be used by the police officer to develop appropriate investigative questions and to determine patterns of offenders in a given community. Following are those profiles:

### ANGER RAPE

1. Aggression: more physical force used than is required to overpower victim; victim is battered and suffers physical trauma to all areas of her body.
2. Assault is more impulsive, spontaneous and unplanned.
3. Offenders mood is one of anger and depression.
4. Offenses are episodic.
5. Language is abusive: cursing, swearing, obscenities, degrading remarks.
6. Assault is of relatively short duration.
7. No weapon, or if one is employed, it is a weapon of opportunity used to hurt not to threaten victim.
8. Victim selection determined by availability; trend towards persons of same age or older.
9. Dynamics: retaliatory aggression; retribution for perceived wrongs, injustices, or putdowns experienced by offender.
10. Prior criminal record: crimes of aggression such as reckless driving, assault and battery, breach of peace.
11. Comprises approximately 31-35% of rapes.

### POWER RAPE


1. Aggression: offender uses whatever threat or force is necessary to gain control of victim and overcome resistance; victim may be physically unharmed; physical injury would be inadvertent rather than intentional.

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35 Ibid.

36 Ibid.

37 Groth, A. Nicholas (1979). Men Who Rape: The Psychology of the Offender. Plenum Press: New York.

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2. Assault is premeditated and preceded by persistent rape fantasies.
  3. Offender's mood state is one of anxiety.
  4. Offenses are repetitive and may show an increase in aggression over time.
  5. Language is instructional and inquisitive: giving orders, asking personal questions, inquiring as to victim's response.
  6. Assault may extend over a short period of time with victim held captive for a number of hours.
  7. Weapon frequently employed and brought to crime scene for the purpose of threat or intimidation more than injury.
  8. Victim selection determined by vulnerability; trend towards persons of the same age or younger.
  9. Dynamics: compensatory aggression to feel powerful and deny deep-seated feelings of insecurity and inadequacy.
  10. Prior criminal record: crimes of exploitation such as theft, breaking and entering, robbery and/or prior sex offenses.
  11. Comprises approximately 60-65% of rapes.

### **SADISTIC RAPE**

1. Aggression: physical force is eroticized; if power is eroticized victim is subjected to ritualistic acts such as bondage or shaving. If anger is eroticized, victim is subjected to torture and sexual abuse.
2. Assault is calculated and preplanned.
3. Offender's mood state is one of intense excitement.
4. Offenses are compulsive, structured, and ritualistic, generally involving bondage, torture or bizarre sexual acts.
5. Language is commanding and degrading, alternately reassuring and threatening.
6. Assault may be for an extended duration in which victim is abducted, held hostage, assaulted and disposed of.
7. Weapon generally employed to capture victim; instruments for restraints and/or torture may be used.
8. Victim selection determined by specific characteristics or symbolic representation; usually complete strangers.
9. Dynamics: eroticized aggression, symbolic control, elimination, or destruction of threat or temptation in order to regain psychological equilibrium.
10. Prior criminal record: none or a bizarre ritualistic or violent offense.
11. Comprises approximately 3-7% of rapes.

Recent efforts to elaborate on these profiles have resulted in the development of additional behavior measures to apply to rapists. Raymond Knight and Robert Prentky, from Brandeis University and the Massachusetts Treatment Center offer the following criteria to use when developing an offender profile:

1. Degree of aggression used to force compliance;
2. Was the attack sexually or opportunistically motivated?;
3. Pervasiveness of other antisocial behaviors <sup>(38)</sup>

As research in this area continues, a clearer profile of offenders may emerge to aid police professionals in responding to crimes of sexual assault.

### **Part 3: FBI Typology (Child Molesters)**

The FBI has developed a typology based loosely on Groth's work but expanded to include seven subgroups (Lanning, 1986). The classification system is designed for use in criminal investigations. Elaborating on the concept of the regressed pedophile, Lanning describes the situational child molester as an individual who does not have a defined sexual preference for children. Such individuals are stereotyped as rather benign persons who are relatively easy to treat. However, as Lanning points out, this subgroup may include highly predatory individuals. Situational offenders include the following types:

- **Regressed.** Immature, socially inept individuals who relate to children as peers. These individuals may be experiencing a brief period of low self-esteem and turn to their own children or other available juveniles.
- **Morally Indiscriminate.** These are antisocial individuals who use and abuse everything they touch. Their victims are chosen on the basis of vulnerability and opportunity and only coincidentally because they are children.
- **Sexually indiscriminate.** These individuals are referred to in the psychoanalytic literature as "polymorphous perverse." They have vaguely defined sexual preferences and will experiment with almost any type of sexual behavior.
- **Inadequate.** These individuals are social misfits who may be developmentally disabled, psychotic, senile, or organically dysfunctional. They rarely have contact with others and may see children as vulnerable objects with which to satisfy their sexual curiosity. These individuals have been known to murder their victims. However, any type of molester is capable of murder in order to avoid detection.

Preferential child molesters correspond to fixated offenders in Groth's system. These individuals show a strong sexual preference for children which has characterized their sexual attraction pattern throughout their lives. The subtypes include:

- **Seduction.** These individuals have exclusive sexual interest in children, and court and groom them. They usually are able to identify those children who will not divulge the sexual behavior.
- **Introverted.** These individuals have a fixated interest in children, but do not have the social skills to seduce them. Typically, they molest strangers or very young children or they may marry women with children in the age range of their preference.

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38 Knight and Prentky. *Classifying Sexual Offenders: The Development and Corroboration of Taxonomic Models*, Chapter 3 in *Handbook of Sexual Assault: Issues, Theories, and Treatment of the Offender*. Marshall, Laws, and Barbaree, eds. (1990). New York: Plenum Press.



- Sadistic. These individuals' sexual preference for children is coupled with a need to inflict pain in order to obtain sexual gratification. These individuals are obviously dangerous and fortunately, rare.

#### **Part 4: Sex Offender Treatment**

Under current law, the court may require a person convicted of serious sexual offenses ( § 53-21, § 53a-70, § 53a-70a, § 53a-70b, § 53a-71, § 53a-72a, or § 53a-72b) to participate in specialized sex offender treatment as a condition of probation or conditional discharge.

It is currently recognized nationally that specialized skills are needed to effectively treat sex offenders. In order for treatment to be called Specialized Sex Offender Treatment, at least the following components must be included: Relapse Prevention, Victim Awareness and Empathy, and Social Competence Development.

Sexual deviance is a complicated, multi-determined behavioral disorder. Treatment intervention is focused on assisting the individual to accept responsibility, increase recognition, institute change and manage sexually deviant thoughts, attitudes and behavior. The focus of contemporary treatment is on techniques designed to assist sexual abusers in maintaining control of their sexual deviance throughout their lifetime. Therefore, treatment should include simple, practical techniques that can be applied for the remainder of their lives.

#### **Considerations**

- Involvement in and successful completion of treatment regimen does not cure sexual deviance.
- Every offender is different. It is imperative that treatment interventions, including the individual's primary treatment plan, meet the differing needs of every individual.
- Many sexual abusers require long term, comprehensive, offense-specific treatment.
- There may be situations in which a clinician should refuse to accept an offender for treatment because essential ancillary resources do not exist to provide the necessary levels of intervention or risk management.

The Connecticut Association for the Treatment of Sexual Offenders (CATSO) is an association of individuals and agencies committed to serving the welfare of the community by promoting safe, effective, and humane interventions for the problems of men and women who have committed sex crimes. CATSO is made up of mental health and allied professionals who recognize the importance of providing up-to-date, effective treatment services for sexual offenders.

CATSO members adhere to a set of ethical principles specific to the special circumstances which often arise in the treatment of sexual offenders. The membership is actively concerned with questions of professional responsibility to sexual offenders, their families, and to the community at large. Members operate in a manner which is consistent with the ethical requirements of mental health and addictions treatment disciplines, and observe statutory reporting laws.

## Module 6: Related Legal Issues

### Part 1: Introduction

Historically, the criminal justice system has managed sex offenders more or less as if they were the same as other offenders. But experiences reported by probation and parole officers nationwide indicate that sex offenders are, in fact, a specific group of offenders in need of special management practices. <sup>(39)</sup>

As information about the nature of sexual offending begins to emerge, traditional methods of managing adult sex offenders in community settings are being replaced in many jurisdictions across the country. New and creative strategies that emphasize individualized case management are being initiated by probation and parole officers. The aim of this new approach is to improve the system-wide management of sex offenders in the community for the purpose of holding the offender consistently accountable for the damage caused by sexual abuse. The ultimate goal is to prevent further victimization. <sup>(40)</sup>

Police officers can play a role in this management. This chapter addresses a variety of legal matters which can help police officers in the investigation of sexual assault cases and the prevention of future assaults. Community Supervision Screen (Part 2), Failure to Notify Probation of Address Change of Sex Offenders on Probation (Part 3), Registration of Sex Offenders (Part 4), and Community Notification of Sex Offenders (Part 5) can all be used by police officers to assist in the effective management of sex offenders. Registration of Sex Offenders (Part 4), and DNA Data Bank (Part 6) are tools that police officers can use in the investigation of sexual assault crimes.

### Part 2: Community Supervision Screen

The Community Supervision Screen (FL17) was developed in conjunction with the State Police COLLECT System to assist the Office of Adult Probation (OAP) in supervising offenders on probation. The screen has two purposes:

1. as a means of notifying the police officer in the field of individuals who are on active probation and relevant information concerning those individuals; and
2. to allow the police to communicate to the probation officer any information concerning a police sighting, stopping or arresting of that individual.
  - The Community Supervision Screen was adapted using the same format as the Wanted Persons Screen (FL05).
  - Through the screen the police officer may enter an individual's name to determine if they are on probation, conditions of probation, other identifying information and special instructions, i.e. immediate notification to OAP.

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39 English, Kim; Pullen, Suzanne; Jones, Linda; Krauth, Barbara (1996) Managing Adult Sex Offenders on Probation and Parole: A Containment Approach.

40 Ibid.

- If immediate action is not required, a free text message (FLAC) is automatically sent to OAP the next day via COLLECT.
- The Community Supervision Screen will also provide information on individuals on parole and those on release to the Bail Commission.

### **Part 3: Failure to Notify Probation of Address Change of Sex Offenders on Probation**

- CGS § 53a-32, legislation passed in 1996, allows the probation officer to notify any police officer when in the probation officer's judgement a sexual offender, as defined in CGS § 54-102s (see Appendix 2), has violated the conditions of his probation by failing to notify his probation officer of any change of residence address.
- A draft copy of the notification form to the police is included in Appendix 9. This form is presently under review by the Judicial Department's Legal Services.
- Such notice shall be sufficient warrant for the police officer to arrest the sexual offender and return him to the custody of the court or to any suitable detention facility designated by the court.

### **Part 4: Registration of Sex Offenders**

Connecticut recently enacted legislation (CGS § 54-102r and P.A. 97-183) which requires that certain sex offenders be registered with the local police in the community into which they move, upon being released on parole or probation. CGS § 54-102r and § 52-102s contain the procedures and requirements for registration of persons convicted of sex crimes with the chief of police in their town of residence and the obligations of such persons to report when their residence address has changed. This applies to the following:

- Persons to be released from the supervision of the Office of Adult Probation.
- Persons to be released from a correctional facility in the state by the Board of Parole or by the Department of Corrections.
- Persons to be conditionally released by the Psychiatric Security and Review Board pursuant to CGS § 17a-588.
- Persons to be released to probation, or from a correctional facility, from any other state or jurisdiction who establishes residence in this state within ten years after his probation or sentence termination date.
- Registration is to take place five days prior to such releases or not later than five days after establishing residency in this state.
- It should be noted that disclosure of information pursuant to CGS § 54-102r was previously prohibited unless deemed necessary by the Chief of Police (or resident state trooper) to protect a specific person. As of October 1, 1997, pursuant to P.A. 97-183, the prohibition on disclosure of registration information is eliminated and copies of offender's registration forms are available under freedom of information law.

## Part 5: Community Notification of Sex Offenders

Connecticut is among many states which have passed a version of community notification of sex offenders, sometimes called "Megan's Law."

Connecticut General Statute § 54-102s allows probation and parole to disclose any information concerning the parolee or probationer to any person when such disclosure is deemed appropriate. As a result, the Office of Adult Probation has drafted a policy to notify the community concerning certain sex offenders. The policy will be included in this manual upon its completion.

Police departments may receive calls from concerned community members regarding sex offenders living, or suspected of living, in their community. For information about personal safety or how to speak to their children about safety, police officers can refer callers to the local sexual assault crisis service (see Module 4 for numbers). If community members have questions about a person who is on probation for a sex offense, police officers can call or refer the call to their local probation office.

## Part 6: Connecticut DNA Data Bank

- In 1994, the Connecticut legislature passed a convicted sex offender DNA data bank law (CGS § 54-102). This statute specified the Connecticut State Police Forensic Science Laboratory as the site for DNA analysis of blood samples taken from convicted sex offenders and storage of the DNA data bank profiles.
- DNA (deoxyribonucleic acid) is a molecule found in chromosomes within the nucleus of each cell in the human body which carries the body's genetic information of an individual. Except for identical twins, the DNA found in each individual is unique. There are many forensic uses of DNA analysis, including comparison of the results of DNA analyses to establish or negate a link between a suspect and biological evidence found at a crime scene.
- Material suitable for DNA analysis (e.g. body tissue or fluids) is left at approximately thirty percent of all crime scenes. In cases of sexual assault, the DNA of a suspect may be isolated when spermatozoa are identified in samples from the victim. However, DNA results alone cannot identify a suspect; the DNA data bank facilitates comparison of DNA evidence left at a crime scene or from victim's samples with possible suspects, if none are identified by traditional investigative methods.
- Since December, 1994, more than 1,500 blood samples have been collected from convicted sex offenders and submitted to the Forensic Science Laboratory. DNA scientists have extracted these blood samples and filed DNA profile information in the DNA data bank.
- In August, 1996, the Laboratory initiated a program to search all no-suspect sexual assault cases against the DNA data bank. Since that time there have been successful "hits" of the data bank; suspects were identified through comparison of the DNA profiles in the data bank with those profiles of DNA from unsolved rape cases. These comparisons formed the basis of probable cause necessary to obtain a search warrant requiring the suspect to provide a fresh sample to compare with the biological evidence.
- Requests to search the Connecticut DNA data bank must be made in writing to the director of the Forensic Science Laboratory, as outlined in the DNA data bank statute. Regulations

for the collection, documentation, and analysis of data bank samples and search of the DNA data bank profiles have been adopted in accordance with CGS § 54-102j.

- The FBI has implemented the first phase of a national DNA data bank, the Combined DNA Index System ("CODIS"). The CODIS system will allow for the deposit of DNA profiles in a central location, which can then be searched by network member laboratories. In order to maintain the integrity of the system, specific standards for admission into the data bank have been established by the FBI. The Connecticut State Police Forensic Science Laboratory has met the FBI's CODIS criteria and, as a subscribing laboratory, will be able to search records generated by laboratories from around the country.

## Overheads

### Overhead 1-1: Sexual Assault: A Law Enforcement Issue

- Sexual assault is a crime.
- Victim's behavior does not justify sexual assault.
- Victims are reluctant to call police.
- Arrest sends a message that sexual assault will not be tolerated.
- Lack of law enforcement intervention may send a message that sexual assault is acceptable behavior.
- Arrest provides safety to victims, family, and community.

### Overhead 1-2: Facts About Sexual Assault

- Forcible rape of women over the age of 18 occurs in the United States at a rate of 1.3 per minute; 78 per hour; projected total of 683,000 per year.
- One in every six boys and one in every four girls will be sexually assaulted by the age of 18.5
- In Connecticut the 12 sexual assault crisis services provided service to nearly 5,700 victims of sexual assault and their families during a recent one year period.
- 39% of the people participating in the Rape in America study reported that they had been sexually assaulted more than once in their lives.
- The National Crime Victimization Survey reports that 62% of the incidents they studied occurred while it was dark, regardless of the victim/offender relationship.
- 75% of men and 50% of women involved in sexual assaults had been drinking at the time of the assault.
- Over two-thirds of sexual assault victims reported NO physical injuries, while only 4% reported serious physical injuries.

### Overhead 1-3: Reasons for Non-Reporting, Delayed Reporting and Withdrawal of Complaints

- May fail to label coercive sex as sexual assault

- Failure to identify acquaintance rape as rape
- Fear that no one will believe her
- Fear of being blamed for the assault
- Concern that she will not be treated fairly
- Unable to tell the whole story to the police
- Fear she will be blamed due to use of alcohol or drugs
- Fear of family knowing
- Fear of everyone knowing
- Fear of her name being made public by the news media
- Fear that the details of her life will be known
- Lack of support
- Only came forward because of pressure from others, not of her own free will
- Fear of how her case may be handled by the court system
- Lack of understanding or knowledge about the legal system
- Frustration with length of time court cases can take (backlog, continuances)
- Fear of the police
- Wanting to put it all behind her. Belief that the situation will go away if she ends the process
- Threats by offender, offender's family, or friends of offender
- Fear of retaliation
- Emotional attachment to offender. Fear of what will happen to the offender/not wanting to get him in trouble
- In incest cases, the victim may be concerned about the family being broken up

#### **Overhead 1-4: Effects of Sexual Assault on Victims Effects of Sexual Assault on Victims**

- Guilt and Self-Blame
- Shame and Embarrassment
- Powerless, Out of Control, Helpless
- Fear
- Anger
- Betrayal
- Denial/Wanting to Forget

#### **Overhead 1-5: Effects on Investigations**

- The officer can expect to witness a range of emotions in the victim when responding to a call including: anger; fear; anxiety; restlessness; tension; crying; sobbing; smiling in an anxious way; laughing; calmness; showing little or no emotion.

- Victims of sexual assault may be in a state of shock for a period of time following the assault.
  - Officers may need to repeat things a few times.
  - Victims may temporarily forget some details of the assault, which they may later remember.
  - Officers should write down any instructions or information that they want the victim to remember.
- The victim may feel confused about the process.
- The victim may feel powerless.
- Some victims of sexual assault change their place of residence, jobs or phone numbers after the assault.



## Overhead 2-1: Overview of Crimes of Sexual Assault

### Some Examples of Crimes of Sexual Assault and Relevant Penal Codes

Some Examples	Penal Code Title
Sexual Intercourse	--
Offender forces sexual intercourse by using a dangerous instrument, actual force or superior physical strength	Sexual assault 1st or S. A. in spousal or cohabiting relationship
Offender forces sexual intercourse by using a dangerous instrument, actual force or superior physical strength and is aided by two or more persons actually present	Aggravated sexual assault 1st
Offender has sexual intercourse with a victim who is mentally defective, mentally incapacitated, or physically helpless and is aided by two or more persons actually present	Sexual assault 1st
Offender forces sexual intercourse and uses or threatens to use a deadly weapon with intent to injure, causes injury, and uses extreme indifference	Aggravated sexual assault 1st
Offender has sexual intercourse with a victim who is thirteen and the offender is two or more years older than the victim	Sexual assault 1st
Offender has sexual intercourse with a victim who is thirteen to fifteen years of age and the offender is 2 or more years older than the victim	Sexual assault 2nd

Some Examples	Penal Code Title
Offender has sexual intercourse with a victim who is mentally defective, mentally incapacitated, or physically helpless	Sexual assault 2nd
Offender is a psychotherapist and has sexual intercourse with an emotionally dependent patient or former patient	Sexual assault 2nd
Offender is a school employee and has intercourse with a student in a school in which the employee works or under the jurisdiction of the board of education that employs the offender	Sexual assault 2nd
Offender has sexual intercourse with a known relative	Sexual assault 3rd
Sexual Contact:	--
Offender forces sexual contact by using a dangerous instrument, use of actual force or superior physical strength	Sexual assault 3rd
Offender forces sexual contact and uses or threatens use of a firearm	Sexual assault 3rd with a firearm
Offender has sexual contact with a victim who is mentally defective, mentally incapacitated, or physically helpless	Sexual assault 4th
Offender has sexual contact with an animal or dead body	Sexual assault 4th
Offender is a school employee and has sexual contact with a student in a school in which the employee works or under the jurisdiction of the board of education that employs the offender	Sexual assault 4th

## Overhead 2-2: Statutory Definitions and Penal Codes

### Statutory Definitions and Penal Codes

Term	Penal Code Definition	Related Definitions
(1) Actor	means a person accused of sexual assault. CGS § 53a-65(1)	
(2) Sexual intercourse	means vaginal intercourse, anal intercourse, fellatio or cunnilingus between persons	fellatio: oral stimulation to the penis; cunnilingus: oral





	<p>regardless of sex. Its meaning is limited to persons not married to each other. Penetration, however slight, is sufficient to complete vaginal intercourse, anal intercourse, or fellatio and does not require the emission of semen. Penetration may be committed by an object manipulated by the actor into the genital or anal opening of the victim's body. CGS § 53a-65(2)</p>	<p>stimulation of the vulva or clitoris.</p>
Term	Penal Code Definition	Related Definitions
<p>"Sexual intercourse" for the purpose of sexual assault in a spousal or cohabiting relationship 53a-70b</p>	<p>means vaginal intercourse, anal intercourse, fellatio or cunnilingus between persons regardless of sex. Penetration, however slight, is sufficient to complete vaginal intercourse, anal intercourse or fellatio and does not require emission of semen. Penetration may be committed by an object manipulated by the actor into the genital or anal opening of the victim's body. CGS § 53a-70b(a)(1)</p>	
<p>(3) Sexual contact</p>	<p>means any contact with the intimate parts of a person not married to the actor for the purpose of sexual gratification of the actor or for the purpose of degrading or humiliating such person or any contact of the intimate parts of the actor with a person not married to the actor for the purpose of sexual gratification of the actor or for the purpose of degrading or humiliating such person. CGS § 53a-65(3)</p>	<p>Intimate parts means the genital area, groin, anus, inner thighs, buttocks or breasts [see #8 below]</p>
<p>(4) Mentally defective</p>	<p>means that a person suffers from a mental disease or</p>	

	defect which renders such person incapable of appraising the nature of such person's conduct. CGS § 53a-65(4)	
Term	Penal Code Definition	Related Definitions
(5) Mentally incapacitated	means that a person is rendered temporarily incapable of appraising or controlling such person's conduct owing to the influence of a drug or intoxicating substance administered to such person without such person's consent, or owing to any other act committed upon such person without such person's consent. CGS § 53a-65(5)	
(6) Physically helpless	means that a person is unconscious or for any other reason is physically unable to communicate unwillingness to an act. CGS § 53a-65(6)	
(7) Use of force means:	(A) Use of a dangerous instrument; or (B) use of actual physical force or violence or superior physical strength against the victim. CGS § 53a-65(7). See note about "use of force"	
"Use of force" for the purpose of sexual assault in a spousal or cohabiting relationship 53a-70b	means: (A) Use of a dangerous instrument; or (B) use of actual physical force or violence or superior physical strength against the victim CGS § 53a-70b(a)(2)	
(8) Intimate parts	means the genital area, groin, anus, inner thighs, buttocks or breasts. CGS § 53a-65(8)	
(9) Psychotherapist	means a physician, psychologist, nurse, substance abuse counselor, social worker, clergyman, marital and family therapist, mental health	

	service provider or other person, whether or not licensed or certified by the state, who performs or purports to perform psychotherapy. CGS § 53a-65(9)	
Term	Penal Code Definition	Related Definitions
(10) Psychotherapy	means the professional treatment, assessment or counseling of a mental or emotional illness, symptom or condition. CGS § 53a-65(10)	
(11) Emotionally dependent	means that the nature of the patient's or former patient's emotional condition and the nature of the treatment provided by the psychotherapist are such that the psychotherapist knows or has reason to know that the patient or former patient is unable to withhold consent to sexual contact by or sexual intercourse with the psychotherapist. CGS § 53a-65(11)	
(12) Therapeutic deception	means a representation by a psychotherapist that sexual contact by or sexual intercourse with the psychotherapist is consistent with or part of the patient's treatment. CGS § 53a-65(12)	
(13) School employee	means a teacher, substitute teacher, school administrator, school superintendent, guidance counselor, psychologist, social worker, nurse, physician, school paraprofessional or coach employed by a local or regional board of education or a private elementary or	



	secondary school or working in a public or private elementary or secondary school. CGS § 53a-65(13)	
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**Overhead 2-3: Sexual Assault in the First Degree**

**Class B Felony: One year not suspendable if the victim of the offense is under ten years of age, ten years of the sentence imposed may not be suspended or reduced by the court.: CGS 53a-70**

	A person is guilty of sexual assault in the first degree when such person
	(1)compels another person to engage in sexual intercourse by the use of force against such other person or a third person, or by the threat of use of force against such other person or against a third person which reasonably causes such person to fear physical injury to such person or a third person, CGS § 53a-70(a)(1)
OR	(2)engages in sexual intercourse with another person and such other person is under thirteen years of age and the actor is more than two years older than such person, CGS § 53a-70(a)
OR	(3)commits sexual assault in the second degree as provided in CGS § 53a-71 and in the commission of such offense is aided by two or more other persons actually present. CGS § 53a-70(a)(3)

**Overhead 2-4: Aggravated Sexual Assault in the first degree**

**Class B Felony: Five years not suspendable: CGS 53a-70a**

	A person is guilty of sexual assault in the first degree when such person
	(1) he uses or is armed with and threatens the use of or displays or represents by his words or conduct that he possesses a deadly weapon, (2) with intent to disfigure the victim seriously and permanently, or to destroy, amputate or disable permanently a member

	or organ of the victim's body, he causes such injury to such victim, (3)under circumstances evincing an extreme indifference to human life he recklessly engages in conduct which creates a risk of death to the victim, and thereby causes serious physical injury to such victim, CGS § 53a-70a(a)(1-3)
	A person is guilty of sexual assault in the first degree when such person
OR	(4) he is aided by two or more other persons actually present. CGS § 53a-70a(a)(4)

**Overhead 2-5: Sexual assault in spousal or cohabitating relationship**

**Class B Felony: CGS 53a-70b**

	No spouse or cohabitor shall compel the other spouse or cohabitor to>
	engage in sexual intercourse by the use of force against such other spouse or cohabitor,
OR	by the threat of the use of force against such other spouse or cohabitor which reasonably causes such other spouse or cohabitor to fear physical injury. CGS § 53a-70b(b)(4)

**Overhead 2-6: Sexual Assault in the second degree**

**Class C felony: Nine months not suspendable: CGS 53a-71**

	A person is guilty of sexual assault in the second degree when such person engages in sexual intercourse with another person and:
	(1)such other person is thirteen years of age or older but under sixteen years of age and the actor is more than two years older than such person; CGS § 53a-71(a)(1)
OR	(2)such other person is mentally defective or mentally incapacitated to the extent that he is unable to consent to such sexual intercourse; CGS § 53a-71(a)(2)
OR	(3)such other person is physically helpless;CGS § 53a-71(a)(3)

	A person is guilty of sexual assault in the second degree when such person engages in sexual intercourse with another person and:
OR	(4) such other person is less than eighteen years old and the actor is such person's guardian or otherwise responsible for the general supervision of such person's welfare; CGS § 53a-71(a)(4)
OR	(5) such other person is in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over such other person; CGS § 53a-71(a)(5)
OR	(6) the actor is a psychotherapist, and such other person is <ul style="list-style-type: none"> <li>A. a patient of the actor and the sexual intercourse occurs during the psychotherapy session,</li> <li>B. a patient or former patient of the actor and such patient or former patient is emotionally dependent upon the actor, or</li> <li>C. a patient or former patient of the actor and the sexual intercourse occurs by means of therapeutic deception; CGS § 53a-71(a)(6)</li> </ul>
OR	(7) the actor accomplishes the sexual intercourse by means of false representation that the sexual intercourse is for a bona fide medical purpose by a health care professional; CGS § 53a-71(a)(7)
OR	(8) the actor is a school employee and such other person is a student enrolled in the school in which the actor works or a school under the jurisdiction of the local or regional board of education which employs the actor. CGS § 53a-71(a)(8)

**Overhead 2-7: Sexual Assault in the third degree**

**Class D felony: CGS 53a-72a**

	A person is guilty of sexual assault in the third degree when such person	
	(1)compels another person to submit to sexual contact (A) by the use of force against such other person or third person, CGS § 53a-72a(a)(1)(A) or (B) by the threat of use of force against such other person or against a third person, which reasonably causes such other person to fear physical injury to himself or herself or a third person, CGS § 53a-72a(a)(1)(B)	
OR	(2) engages in sexual intercourse with another person whom the actor knows to be related to him or her within any of the degrees of kindred specified in section 46b-21.** CGS § 53a-72a(a)(2) **[parents, grandparents, children, grandchildren, siblings, aunts, uncles, niece, nephew, stepparent, stepchild]	

**Overhead 2-8: Sexual Assault in the third degree with a firearm**

**Class D felony: One year not suspendable: CGS 53a-72b**

A person is guilty of sexual assault in the third degree with a firearm when such person commits sexual assault in the third degree as provided in section 53a-72a, and in the commission of such offense
(1)he uses or (2) is armed with and threatens the use of or (3) displays or represents by his words or conduct that he possesses a pistol, revolver, machine gun, rifle, shotgun or other firearm. CGS § 53a-72b(a)

## Overhead 2-9: Sexual Assault in the fourth degree

### Class A misdemeanor: CGS 53a-73a

	A person is guilty of sexual assault in the fourth degree when:
	<p>(1) such person intentionally subjects another person to sexual contact who is</p> <ul style="list-style-type: none"> <li>A. under fifteen years of age,</li> <li>B. mentally defective or mentally incapacitated to the extent that he is unable to consent to such sexual contact,</li> <li>C. physically helpless,</li> <li>D. less than eighteen years old and the actor is such person's guardian or otherwise responsible for the general supervision of such person's welfare,</li> <li>E. in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over such other person; CGS § 53a-73a(a)(1)(A-E)</li> </ul>
OR	(2) such person subjects another person to sexual contact without such other person's consent; CGS § 53a-73a(a)(2)
OR	(3) such person engages in sexual contact with an animal or dead body; CGS § 53a-73a(a)(3)
OR	<p>(4) such person is a psychotherapist and subjects another person to sexual contact who is</p> <ul style="list-style-type: none"> <li>A. a patient of the actor and the sexual contact occurs during the psychotherapy session,</li> <li>B. a patient or former patient of the actor and such patient or former patient is emotionally dependent upon the actor,</li> <li>C. a patient or former patient of the actor and the sexual contact occurs by means of therapeutic deception; CGS § 53a-73a(a)(4)</li> </ul>



	A person is guilty of sexual assault in the fourth degree when:
OR	(5)such person subjects another person to sexual contact and accomplishes the sexual contact by means of false representation that the sexual contact is for a bona fide medical purpose by a health care professional; CGS § 53a-73a(a)(5)
OR	such other person is a school employee and subjects another person to sexual contact who is a student enrolled in a school in which the actor works under the jurisdiction of the local or regional board of education which employs the actor. CGS § 53a-73a(a)(6)

**Overhead 2-10: Risk of Injury to, or Impairing the Morals of, Children**

**Class C felony: CGS 53-21**

	A person is guilty of Risk of Injury to, or Impairing the Morals of Children when
	(1)such person willfully or unlawfully causes or permits any child under the age of sixteen years to be placed in such a situation that the life or limb of such child is endangered, the health of such child is likely to be injured, or the morals of such child are likely to be impaired, or does any act likely to impair the health or morals of any such child, CGS § 53-21 (1)
OR	(2)such person has contact with the intimate parts, as defined in section 53a-65, of a child under the age of sixteen years or subjects a child under sixteen years of age to contact with the intimate parts of such person, in a sexual and indecent manner likely to impair the health or morals of such child. CGS § 53-21 (2)

## Overhead 2-11: Stalking

### Stalking in the third degree: Class B misdemeanor, CGS 53a- 181e

A person is guilty of stalking in the third degree when
he recklessly causes another person to reasonably fear for his physical safety by willfully and repeatedly following or lying in wait for such other person.

### Stalking in the second degree: Class A misdemeanor, CGS 53a-181d

A person is guilty of stalking in the second degree when
with intent to cause another person to fear for his physical safety, he willfully and repeatedly follows or lies in wait for such other person and causes such other person to reasonably fear for his physical safety.

### Stalking in the first degree: Class D felony, CGS 53a-181c

A person is guilty of stalking in the first degree when
(1) he commits stalking in the second degree as provided in section 53a-181d and (2) he has previously been convicted of this section or section 53a-181d, or (3) such conduct violates a court order in effect at the time of the offense, or (4) the other person is under sixteen years of age.

## Overhead 2-12: Public Indecency

### Class B misdemeanor: CGS 53a-186

	A person is guilty of public indecency when such person performs any of the following acts in a public place:
	an act of sexual intercourse, as defined in subdivision (2) of section 53a-65; CGS § 53a-186(1);
OR	a lewd exposure of the body with the intent to arouse or to satisfy the sexual desire of the person; CGS § 53a-186(2)
OR	a lewd fondling or caress of the body of another person. CGS § 53a-186(3)

## Overhead 2-13: Obscenity

### Class B misdemeanor: CGS 53a-194

A person is guilty of Obscenity when:
such person, knowing its contents and character, promotes, or possesses with intent to promote, any obscene material or performance. CGS § 53a-194

## Overhead 2-14: Statute of Limitations

### Sexual Abuse of a Minor: CGS 54-193a

Date of the Offense	Statute of Limitations
prior to October 1, 1990	never less than 5 years
between October 1, 1990 and June 30, 1993	(1) age of majority plus 2 years (18+2) or (2) within 7 years after commission, whichever is earlier; never less than 5 years
July 1, 1993 forward	(1) age of majority plus 2 years (18+2) or (2) within 5 years of report to State's Attorney or police whichever is earlier; never less than 5 years

## Overhead 3-1: Sources of Evidence in Sexual Assault Investigations

	Victim	Suspect	Crime Scene
Forensic Evidence	<ul style="list-style-type: none"> <li>Trace Evidence (hairs, fibers, soil, etc.)</li> <li>Suspect's Body Fluids/Tissues (semen, blood, saliva, skin cells, etc.)</li> <li>Reference Standards (known specimens from victim to compare with other specimens from victim, suspect, or at crime scene)</li> </ul>	<ul style="list-style-type: none"> <li>Trace Evidence (hairs, fibers, soil, etc.)</li> <li>Victim's Body Fluids/Tissues (vaginal fluids, blood, saliva, skin cells, etc.)</li> <li>Reference Standards (known specimens from suspect to compare with other specimens from suspect, victim or at crime scene)</li> </ul>	<ul style="list-style-type: none"> <li>Trace Evidence (hairs, fibers, soil, etc.)</li> <li>Victim's/Suspect's Body Fluids/Tissues (semen, blood, vaginal fluids, etc.)</li> <li>Latent fingerprints</li> <li>Items used in the assault (condom, lubricants, burglary tools, etc.)</li> <li>Other Items Related to Assault (clothing,</li> </ul>

			bedding, facial/toilet tissues, items left by suspect/victim, etc.)
	Victim	Suspect	Crime Scene
Information	<ul style="list-style-type: none"> <li>• I d e n t i t y / Description of Offender</li> <li>• Location/scope of Crime Scene(s)</li> <li>• Details of Assault</li> <li>• I d e n t i t y / Description of Other Witnesses</li> </ul>	<ul style="list-style-type: none"> <li>• Alibi Facts/ Witnesses</li> <li>• E x c u s e / Justification for Assault</li> <li>• A d m i s s i o n / Confession</li> </ul>	<ul style="list-style-type: none"> <li>• Witnesses (saw/heard assault, saw / heard anything, lead to other witnesses)</li> </ul>

### Overhead 3-2: Identity Cases

- Description of Offender
- Offender's method of operation
- Forensic evidence from victim's body
- Compare details with details of similar crimes
- Search DNA data bank using forensic evidence from victim's body or crime scene

### Overhead 3-3: Consent Cases

- Evidence of force or threat of force
- Victim's resistance efforts (if any)
- Words used by victim to dissuade offender
- Details concerning victim's submission
- Evidence regarding victim's fear of offender
- Evidence regarding victim's fear of environment or situation
- Any evidence of physical injuries on victim's body

### Overhead 3-4: Primary Responsibilities of First Responding Officer

- Attend to victim
- Gather vital information about the assault
- Secure/protect the crime scene and evidence

## **Overhead 3-5: Forensic Evidence Collection From Victims**

### **Steps in the CT100 Sexual Assault Evidence Collection Kit**

- Pubic Hair Combing
- Known Head Hair, Pulled
- Genital Swabbing
- Vaginal Swab and Smear
- Anal Swab and Smear
- Other Physical Evidence
- Known Blood Samples
- Clothing
- Debris Collection
- Fingernail Cuttings
- Known Head Hair, Pulled
- Oral Swab and Smear
- Saliva Sample
- Dried Secretion Specimen

### **CT100 Forms**

- Photographs of Injuries
- Bitemark Impressions
- Sexual Assault Medical Report (Pages 1-4)
- Sexual Assault Checklist (Page 5)
- Sexual Assault Discharge Instructions (Page 6)

### **Other**

- Photographs of Injuries
- Bitemark Impressions

## **Overhead 3-6: Victim Interview**

- Goal: to obtain the most complete/accurate information
- Always maintain respectful/supportive attitude toward victim
- Be patient, make necessary accommodations
- Elicit details of the assault with elements of the crime in mind
- Encourage the victim to contact the officer with questions or additional information
- Address victim's safety concerns
- Avoid promises or predictions regarding the outcome of the case

### **Overhead 3-7: Forensic Evidence Collection From Suspects**

- Clothing from Suspect's Body
  - Clothing Items
  - Debris Collection
- Transitory Specimens
  - Oral Swabbing
  - External Penile Swabbings
  - Debris Collection
  - Other Physical Evidence
  - Dried Secretion Specimens
  - Fingernail Cuttings
  - Pubic and Rectal Hair Combing
- Reference Standards
  - Known Saliva Sample
  - Known Head Hair, Pulled
  - Known Blood Sample
  - Known Pubic Hair, Pulled
- Other
  - Photographs of Injuries
  - Bitemark Impressions

### **Overhead 3-8: Suspect Interrogation**

- Non-custodial vs. custodial
- Preparation/strategy
- Timing-element of surprise
- Non-threatening vs. threatening location
- Successful interrogation techniques

### **Overhead 3-9: Duties Upon Arrival at Crime Scene**

- Record arrival time
- Secure and protect crime scene
- Attend to victim's medical needs
- Remove suspect from scene, if present
- Identify potential witnesses

### **Overhead 3-10: Document Condition of Crime Scene**

- Overall and specific observations
- Handwritten notes
- Photographs (and/or videotapes)
- Sketch maps
- Detailed evidence search

### **Overhead 3-11: Value of Witnesses**

- Give specific information about crime/victim/suspect
- Corroborate/disprove information from other sources
- Give sworn statements and testify in court
- Can support/discredit other witnesses

### **Overhead 3-12: False Allegations and Reports**

- Avoid confusing "false" allegations with "unfounded" allegations
- Data shows that less than 2% of allegations are "false"- lower than other crimes
- All complaints should be thoroughly investigated to determine facts
- Guard against stereotypes and myths

### **Overhead 3-13: Ordering Information**

(860) 258-5960 ORDERING HOTLINE

#### **SEXUAL ASSAULT EVIDENCE COLLECTION AND TRAINING MATERIALS**

The following sexual assault evidence collection and training materials can be ordered by calling the Ordering Hotline for Sexual Assault Evidence Collection and Training Materials:

- VICTIM MATERIALS:
  - CT100 Sexual Assault Evidence Collection Kits
  - CT100 Sexual Assault Forms
  - Information for Victims of Sexual Assault and Their Families Pamphlet
- SUSPECT MATERIALS:
  - CTS100 Sexual Assault Suspect Evidence Collection Kits
  - CTS200 Sexual Assault Suspect Clothing Collection Kits
- GUIDELINES and TRAINING MATERIALS:
  - Guidelines for Sexual Assault (Investigation) Victim and Suspect Evidence Collection and Crime Scene Processing
  - The Sexual Assault Evidence Collection Video Training Series
  - Police Response to Crimes of Sexual Assault: A Training Curriculum (2nd Edition)

- Please leave a message that includes the following information:
  - Your name (in case additional information is required);
  - A telephone number where you can be reached;
  - Name of police department;
  - Mailing address of police department;
  - Quantity of each item requested.

### **Overhead 4-1: Services Provided by SACS**

- 24-hour hotline with immediate access to certified counselor/advocates
- Crisis intervention and short-term counseling
- Accompaniment and advocacy throughout the medical and police systems
- Preparation, accompaniment, and advocacy throughout the court system
- Information and referral for other needs
- Support groups
- Services for female and male victims of any age and their friends and family
- Services for victims of any type of sexual violence including sexual assault, sexual harassment, incest, child sexual abuse
- TTY access available during office hours (M-F, 9-4:30); After hours, use CT Relay (800) 842-9710
- Sign language interpreters available
- Bilingual staff available
- Male counselors available

All services are free and confidential.


Call the nearest sexual assault crisis service toll-free from anywhere in Connecticut  
(888) 999-5545

Call the toll-free Spanish Response Service  
(888) 568-8332

### **Overhead 4-2: Benefits of Working with Sexual Assault Crisis Services (SACS) Counselor/Advocates**

- SACS counselor/advocates provide emotional support for sexual assault victims so that police officers can focus their time and energy on the investigation.
- SACS counselor/advocates are available 24 hours per day, every day.
- SACS counselor/advocates have information about a variety of agencies with which victims of sexual assault may interact.
- SACS counselor/advocates can be with the victim throughout the entire process, including hospital, investigation, court, and post-conviction.



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- With support of a SACS counselor/advocate, more victims might stay committed to the legal process.
  - With the support of a SACS counselor/advocate, victims can be better witnesses.
  - SACS counselor/advocates are able to handle many basic questions so the victims don't need to keep calling the officer. Victims may be afraid to ask questions of police, but will ask the SACS counselor/advocate.
  - SACS counselor/advocates can explain the process over and over if needed.
  - SACS counselor/advocates can support friends and family members so that the police officer can focus on interviewing the victim. Supportive family members can help the victim stay committed to the process.
  - Even if it takes years to go to trial, SACS counselor/advocates may still be in contact with the victim when the police and prosecutors are not.
  - With a signed release, SACS counselor/advocates can share information.

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Additional information about this site can be obtained by reading [Email us for more information and assistance](http://www.vaw.umn.edu/mail/infoassist.shtml) (http://www.vaw.umn.edu/mail/infoassist.shtml).

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