

Compendium of Resources on Sexual Assault (CORSA)

# Briefing Sheets

LAW ENFORCEMENT  
PROSECUTION  
ADVOCACY



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# Compendium of Resources for Sexual Assault (CORSA): Briefing Sheets

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# Compendium of Resources for Sexual Assault (CORSA): Briefing Sheets

## Background

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
IDVSA developed the Compendium of Resources for Sexual Assault (CORSA) Briefing Sheets to complement *The Blueprint for Campus Police: Responding to Sexual Assault*, in an effort to expand resources for a multidisciplinary audience of sexual assault response professionals.

## Introduction

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CORSA includes thirteen briefing sheets to further advance the use of best practices in sexual assault response. Each briefing sheet offers a challenging circumstance faced by law enforcement officers (both campus and municipal), prosecutors, civil legal attorneys, and advocates when responding to sexual assault.

The challenging circumstance is presented with five elements in each briefing sheet, as described in the key below:

Icon	Briefing Sheet Sections	Content
	Case Circumstance	Characteristics and elements of the case that will often occur because of the nature of sexual assault trauma experienced by victims and perpetrator behavior.
	Misinformation	Ways in which case circumstances are persistently misunderstood.
	Barriers to Investigation, Prosecution, or Advocacy	Ways that misinformation can hinder law enforcement investigations, prosecution, or advocacy.
	Current Science to Inform Practice	Current scientific information about the case circumstance generated from existing, published research and reliable sources of practice-based information from professional organizations.
	Promoting Best Practices	Best responses for investigation, advocacy, and prosecution when working on sexual assault cases.

**Notes about language and content:**

Throughout this document, survivors of sexual assault may be referred to as “victims” instead of “survivors.” This verbiage reflects the terminology most commonly used by the primary audience of this project, criminal justice professionals. The word victim is not meant to be demeaning or judgmental.

The project team recognizes that individuals have likely survived a combination of physical, emotional, and sexual trauma. It is also important to recognize that sexual assault victimization affects individuals of all racial/ethnic groups, sexual orientations, gender identities, and socioeconomic groups.

The content in this document is an expansion of the Briefing Sheets originally published in *The Blueprint for Campus Police: Responding to Sexual Assault*.

Busch-Armendariz, N.B., Sulley, C., & Hill, K. (2016). *The blueprint for campus police: Responding to sexual assault*. Austin, TX: Institute on Domestic Violence & Sexual Assault, The University of Texas at Austin.



## Briefing Sheet: Impact of Trauma

### CASE CIRCUMSTANCE

The victim acts in a way that seems counterintuitive, for example, is quiet, unemotional, not able to relate an account of their assault in a chronological manner, shows errors of recall, avoids eye contact or displays signs of discomfort such as shifting in their chair.

### MISINFORMATION

- Belief that victims will be hysterical, emotional, or crying after a sexual assault.
- Belief that contradictory, partial, or inaccurate victim statements mean the victim is being evasive and lying or that their memory cannot be trusted.
- Belief that body language such as avoiding eye contact, fidgeting, sweating, and stammering means that a person is lying.

### BARRIERS TO INVESTIGATION, PROSECUTION, OR ADVOCACY

- An officer's beliefs regarding "typical victim behavior" impacts the investigation.
- Victim is unable to report an organized, coherent, and complete account of the assault.
- Victim avoids eye contact, fidgets in their chair, and stammers when relating the assault, which is interpreted as suspicious or untrustworthy behavior.
- The common response for a victim to remember more details in the days after the assault, due to memories surfacing after one or two sleep cycles, is treated with suspicion instead of belief.

### CURRENT SCIENCE TO INFORM PRACTICE

- Sexual assault is a trauma, a life-threatening experience. During the trauma the brain floods the victim's body with hormones activating behavioral survival strategies such as fight, flight, freeze, or appease.<sup>1 2 3</sup>
- Understand that a wide range of emotions and victim responses are normal after a sexual assault, including: anger, grief, shock, confusion, or trying to maintain control.<sup>4</sup>
- When a victim shows no outward emotion, they still may be suffering from the trauma or feeling overwhelmed.<sup>5 6</sup>
- Increased levels of stress hormones change functioning of the brain to focus on short-term survival, which can lead to fragmented memories of the assault, especially when combined with alcohol use that can also affect memory storage.<sup>7</sup>
- Traumatized victims often make inconsistent statements. This is a normal reaction to trauma and does not mean they are lying or making a false accusation.<sup>8</sup>
- The victim is unlikely to be able to recount the sexual assault in a clear, chronological manner, especially soon after the experience.<sup>9 10 11</sup>
- Traumatic memories encode as dissociated sensory and emotional fragments, leading to memory loss and gaps that victims try to reconstruct in order to make sense of the situation.<sup>12 13 14 15</sup>



## PROMOTING BEST PRACTICES

- Refrain from making judgments regarding the victim's credibility based on the victim's emotional (or lack of emotional) responses or behaviors.<sup>16 17 18</sup>
- Explain to the victim and others that there is no "correct" or "normal" emotional response, and that their emotions may change over time. Be aware that this applies even months or years after the trauma as contact with the criminal justice system or other triggers may reactivate the trauma responses.
- Avoid framing questions in terms of stereotypical emotional states, like "You don't seem very upset about the sexual assault. Are you sure about these details?"<sup>19</sup>
- Take a course or learn more about the neurobiology of trauma.<sup>20</sup> Educate peers and partners regarding what you learn.
- Seek to incorporate the six key principles of a trauma-informed approach into your organization: 1) Safety, 2) Trustworthiness and Transparency, 3) Peer Support, 4) Collaboration and Mutuality, 5) Empowerment, Voice and Choice, and 6) Awareness of Cultural, Historical and Gender Issues.<sup>21</sup>

### 1. Consider the neurobiological effects of trauma on the brain.

#### Law Enforcement

- Document the psychological and physical reactions to trauma experienced by the victim, including: nausea, flashbacks, trembling, muscle rigidity, terror, and memory gaps.<sup>22</sup>
- After taking the preliminary report, explain to the victim the importance of sleep to allow the brain to process what has happened. Explain that an in-depth interview can be done in 1-2 days. Because of this, caution the victim about discussing the details of the assault with others. Conduct the interview immediately if the victim expresses a desire to do so.<sup>23</sup>

#### Prosecution

- Utilize an expert witness, if necessary, to explain the victim's behavior in terms of survival strategies and normal trauma response.<sup>24 25 26</sup>

#### Advocacy

- Educate the victim about common psychological and physical reactions to trauma, including: nausea, flashbacks, trembling, muscle rigidity, terror, and memory gaps.<sup>27</sup>
- Ask the victim about post-traumatic symptoms including: hyper-vigilance, avoidance, startle response, trouble sleeping, social withdrawal, depression, anxiety, and drug or alcohol use (to cope with the trauma).<sup>28</sup>

### 2. Evidenced based strategies for conducting an interview.

#### Law Enforcement/Prosecution

- Allowing trauma victims to experience at least one complete sleep cycle before providing a comprehensive interview may improve their memory recall.<sup>29</sup>
- Allow victims to provide their account in their own words and at their own pace.<sup>30 31</sup>
- Wait to ask questions to avoid interrupting the flow of the victim's narrative.<sup>32 33 34</sup>

- Due to the trauma, victims' brains may connect more easily to sensory information. Prioritize questions regarding what the victim remembers hearing, tasting, touching, seeing, and smelling over "who, what, when and where" questions to prompt memory recall.<sup>35 36 37</sup>
- Effective interviewers listen, use open-ended questions and avoid rapid-fire questions.<sup>38</sup>

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Busch-Armendariz, N.B., Sulley, C., & Hill, K. (2016). *The blueprint for campus police: Responding to sexual assault*. Austin, TX: Institute on Domestic Violence & Sexual Assault, The University of Texas at Austin.

## Briefing Sheet: No Weapon or Physical Force

### CASE CIRCUMSTANCE

A victim reports a sexual assault where the suspect did not use a weapon or physical force, and the victim reports no injury or physical resistance.

### MISINFORMATION

- Belief that a lack of active resistance by a victim most likely indicates consent, or that the sexual activity was mutual and not forced.
- Belief that "real" rape involves a weapon like a gun or a knife.
- Belief that a "real" victim would have evidence of violence on their body like bruising.

### BARRIERS TO INVESTIGATION, PROSECUTION, OR ADVOCACY

- Some victim behaviors, such as not fighting back during an assault, may seem counterintuitive, inexplicable, or even suspicious. They are normal reactions to trauma.<sup>1 2</sup>
- Perpetrators of acquaintance sexual assault are skilled at using manipulation and lying, facilitating assault with drugs and alcohol, premeditative planning, selecting victims and betraying trust.<sup>3</sup>

### CURRENT SCIENCE TO INFORM PRACTICE

- When people are stressed, they revert to a more primitive level of functioning, which represents an uncontrollable (autonomic) response.<sup>4 5</sup>
- A sexual assault victim may display one or more of these four automatic survival strategies, including: appeasement (make nice), fight, flight, or freeze.<sup>6 7 8</sup>
- Women may be more likely to try to appease a perpetrator, freeze, or emotionally attach to them, than to use a "fight or flight" response.<sup>9 10 11 12</sup>
- The freeze response is called "tonic immobility" or sexual assault-induced paralysis. It is caused by a flood of hormones that activate in response to a life-threatening experience.<sup>13 14</sup>
- The freeze response may be more common in a victim who was previously assaulted.<sup>15 16</sup>
- One study found that only 1 in 4 or 5 victims used forceful physical resistance. More typical responses include: reasoning, pleading, turning cold, and crying. Female victims often do not resist because they are taken by surprise, scared, confused, fear injury, or are incapacitated.<sup>17</sup>
- Only about 1 in 10 sexual assaults involve weapons, which may be a perpetrator's hands.<sup>18</sup> Most college sexual assaults do not involve weapons.<sup>19</sup>
- Not all physical injuries are obvious or visible. There may be micro-traumas or non-obvious signs of strangulation.<sup>20 21 22</sup>
- Often there are no visible, physical injuries. Visible physical injuries are not required to prove sexual assault. In one study, only 1 in 3 sexual violence survivors sought some type of treatment for their injuries.<sup>23</sup>
- Research shows that professionals sometimes show negative bias toward victims, particularly when they believe a victim is not credible. When a victim senses this bias, it results in lower victim engagement and less likelihood that a case will progress in the criminal justice system.<sup>24</sup>



## PROMOTING BEST PRACTICES

- Understand that the freeze response does not indicate consent, but instead is the body's automatic neurological response to trauma, threat, and fear.<sup>25</sup>
- Encourage a victim to obtain a Sexual Assault Forensic Examination (SAFE) for documentation of injuries and collection of evidence up to 96 hours post-assault (Note: while 96 hours is the time frame in Texas statute, some jurisdictions are moving to longer time frames - 120 hours to 1 week).<sup>26</sup> Micro-trauma of the vagina and anus can be determined through special examination.<sup>27</sup>
- Look for non-obvious signs of strangulation such as raspy voice, neck bruising (which may occur days later) and ask if the victim experienced loss of consciousness.<sup>28, 29</sup>

### 1. Document all fight, flight, appease, freeze survival strategies that the victim demonstrated.

- Appeasement strategies may include reasoning or bargaining with the suspect, submitting to one act to avoid a worse one, and acting "nice" or "complying."<sup>30, 31, 32</sup>

#### Law Enforcement

- Document survival strategies used by the victim.<sup>33</sup>

#### Prosecution

- Explain to a jury (or bring in an expert witness to explain to the jury) the science behind the victim's actions.<sup>34</sup>

#### Advocacy

- Explain the science behind their actions to the victim.<sup>35</sup>
- Explain to the victim that tonic immobility is a normal reaction to fear and trauma to the victim, in order to counter self-blame and guilt that they "did not fight back."<sup>36</sup>
- To counter self-blame and guilt, explain to the victim that, in some cases, the body may naturally become aroused during a sexual assault.<sup>37</sup>

### 2. Establish any elements of force, threat, or fear.

- Weapon use or physical threat does not have to be present for a victim to have been fearful.<sup>38</sup>

#### Law Enforcement/Prosecution

- Remember that visible physical injuries are not required to prove sexual assault.<sup>39</sup>
- Determine through questioning if the suspect built and then violated the victim's trust, thus making physical resistance less necessary.<sup>40</sup>
- Be aware of factors that increase the victim's vulnerability so that a weapon was not necessary to overcome them, such as alcohol or drug use, financial dependence, and size and strength.<sup>41</sup>

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# Briefing Sheet: Immediate Impact of Trauma on Memory

## CASE CIRCUMSTANCE

Although not typical, a victim may report a sexual assault immediately after it occurs and law enforcement may conduct a comprehensive interview soon after the assault.

## MISINFORMATION

- Belief that the officer must immediately obtain a comprehensive written statement to “nail down the facts of the case.”
- Belief that a victim's memory of the event will fade over time.

## BARRIERS INVESTIGATION, PROSECUTION, OR ADVOCACY

- A victim may have gaps in their memory during the hours immediately after the traumatic event that make it difficult to provide a full account.
- If a victim feels pressured to remember, the victim's brain may attempt to fill in the gaps based on contextual clues instead of actual memory.

## CURRENT SCIENCE TO INFORM PRACTICE

- Research reveals that trauma can create gaps in memories that may be recovered after one or two sleep cycles.<sup>1</sup>
- A victim who reports a sexual assault immediately may be in a survival mode, feeling they are fighting for their life. Their brain is likely operating out of trauma, even if they seem calm or able to talk about what happened.<sup>2</sup>

## PROMOTING BEST PRACTICES

- Encourage victims to share new memories or pieces of memories as they are remembered. Explain to the victim why they might not have a full memory of the event due to the effects of trauma on the brain.<sup>3</sup>
- Take a course in the neurobiology of trauma.<sup>4</sup>

### Law Enforcement

- 1. A preliminary statement should not be used as the main source of information gathering about the assault.**
  - When taking an initial statement the primary focus should be on gathering enough information to determine if a crime occurred and if evidence needs to be collected from a crime scene.<sup>5</sup>
  - Do not rely on it to determine the viability of a sexual assault case and its capacity to move through the criminal justice system to prosecution.
  - As part of the investigative inquiry it is critical to explore other ways to gather facts and evidence.
  - Evaluate victim statements made immediately after the sexual assault through a neurobiological lens — i.e., understanding that gaps in memory are a normal neurobiological response to trauma.<sup>6</sup>
- 2. A comprehensive, follow up interview should be conducted at a later date, unless there are urgent circumstances requiring an arrest or identification.**
  - Formal and follow up interviews can occur a day or two later, after at least one or two full sleep cycles, so memories can be better recovered and/or when the victim feels safer.<sup>7</sup>

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This document is an expansion of the Briefing Sheets published by IDVSA in 2016:

Busch-Armendariz, N.B., Sulley, C., & Hill, K. (2016). *The blueprint for campus police: Responding to sexual assault*. Austin, TX: Institute on Domestic Violence & Sexual Assault, The University of Texas at Austin.



## Briefing Sheet: Alcohol and/or Drugs



### CASE CIRCUMSTANCE

Victim and/or suspect consumed alcohol and/or drugs.



### MISINFORMATION

- Belief that victims who engage in alcohol and/or drug use are at least somewhat to blame for the assault.
- Belief that victims who lie about alcohol and/or drug use cannot be trusted to tell the truth about the sexual assault.
- Belief that it is impossible to know what really happened if both the victim and suspect consumed alcohol and/or drugs.
- Belief that if a victim is drunk or high, sexual advances that would be inappropriate under other circumstances become appropriate.
- Belief that women who drink are more willing to have consensual sex and, therefore, less likely to be raped.
- Belief that, if a victim is an addict, that they were likely exchanging sex for drugs or money and were not assaulted.
- Belief that perpetrators are not responsible for their sexual aggression if they were under the influence of alcohol or drugs.



### BARRIERS TO INVESTIGATION, PROSECUTION, OR ADVOCACY

- The victim may self-blame, making statements that express some responsibility for the assault and/or provide excuses for the suspect's actions.
- Female victims face a double standard: men are held less responsible for their behavior while drinking, while women are held more responsible.
- The victim cannot remember the assault, or their memory of the assault is fragmented, disjointed, or non-linear.
- The victim says they were not drinking and/or denies any illegal alcohol or drug use.
- The victim is not honest about the amount of drugs and/or alcohol they consumed.
- The victim did not aggressively push the suspect away and there were no signs of a struggle.
- The victim did not leave the situation when they had the opportunity.
- The victim delays reporting due to alcohol and/or drug use.
- The suspect was under the influence of alcohol and/or drugs and states that sex was consensual.
- "He said, she said" (or more broadly: "the victim said and the suspect said") may add complexity but is not an excuse to end an investigation.
- The victim may have been forced to do some sexual acts under the influence of drugs and/or alcohol that they are ashamed of and may not want to talk about.





## CURRENT SCIENCE TO INFORM PRACTICE

- Drinking and/or drug use increases victim vulnerability, not culpability.<sup>1</sup>
- Alcohol is the most common date rape drug.<sup>2</sup>
- Approximately 50% of sexual assaults involve alcohol consumption by the perpetrator, victim, or both.<sup>3</sup>
- Research shows that drinking increases the risk of sexual assault. However, heavy alcohol consumption by the victim and/or offender never “causes” or justifies sexual assault.<sup>4</sup>
- Studies indicate that depictions of sex and alcohol by the media lead to the misperception that women who drink are sexually willing.<sup>5</sup>
- Incapacitated Rape (IR) occurs when the victim voluntarily uses drugs or alcohol and then experiences unwanted sexual acts when they are unaware of their actions or are too intoxicated to provide consent.<sup>6</sup>
- Victims who engage in alcohol or drug use commonly make delayed reports or do not report at all because they fear they will be judged or not believed.<sup>7</sup>
- The negative effects of alcohol and/or a drugs on cognition may result in victims experiencing:
  - » Difficulty recalling details of (or the entire) trauma or recalling it in a chronological, logical or non-fragmented manner.<sup>8 9</sup>
  - » A reduced ability to evaluate risk, i.e., a clearly risky situation does not seem risky to a victim engaged in alcohol or drug use.<sup>10</sup>
- Alcohol and/or drug use can lead to motor impairments reducing a person’s ability to physically resist effectively.<sup>11</sup>
- Perpetrators are still responsible for criminal activity even if they were high or drunk.<sup>12</sup>
- Perpetrators may purposefully select victims who are high or drunk.<sup>13</sup>
- Drug and Alcohol Facilitated Rape (DAFR) occurs when the perpetrator deliberately gives the victim drugs without their permission or tries to get them drunk, and then commits an unwanted sexual act involving oral, anal, or vaginal penetration. The victim is unaware of their actions or is too intoxicated to provide consent.<sup>14</sup>
- Research on rapists reveals some commonalities including: heavy alcohol use; hostility towards women; belief in rape myths; lack of empathy; identity and boundary confusion; mental manipulation tendencies; and a misperception of women’s friendliness as sexual interest.<sup>15</sup>
- One study found that heavy drinking in men occurs alongside other identified risk factors for sexual aggression including impulsivity, narcissism, a lack of empathy, delinquency, enjoyment of casual sex, hostile masculinity, and peer norms that encourage forced sex.<sup>16</sup>



## PROMOTING BEST PRACTICES

- It is a best practice that otherwise unlawful use of alcohol or drugs by the victim in the current encounter should not be a matter for a separate police investigation. Research or clarify if your local area is implementing (or can implement) this best practice.<sup>17</sup>
- Develop rapport with the victim and encourage them to be honest about any drug and/or alcohol use so that it later cannot be used to discredit them.<sup>18 19 20</sup>
- Reassure the victim that they did not cause or deserve the assault due to their alcohol and/or drug use.<sup>21 22</sup>
- Reassure the victim that you take the complaint seriously, then follow through.<sup>23</sup>

### 1. Be aware of signs that drugs and alcohol were involved, or that the victim was unable to provide active consent.

- Explore whether the victim experienced any loss of memory, disorientation, slurred speech, dizziness, confusion, severe illness or hallucinations, reduced inhibitions, or impaired motor functioning.<sup>24</sup>

#### Law Enforcement

- Pay attention to evidence, such as the victim’s state of incapacitation as reported by eyewitnesses, or photos/videos on social media.<sup>25 26 27</sup>

#### Prosecution

- Utilize an expert witness to explain the physical signs/symptoms and brain trauma of drug and/or alcohol impairment.<sup>28</sup>

#### Advocacy

- Educate the victim about the impact of alcohol and/or drugs and the nature of trauma on the brain.

### 2. A victim's memory may be fragmented due to the alcohol, drug use and/or trauma.

#### Law Enforcement/Prosecution

- Speak to witnesses to establish timeframes, confirm unusual behavior, provide critical facts, and identify potential sources of information.<sup>29</sup>

#### Advocacy

- Normalize this experience and address the victim’s anxieties and fears regarding these fragmented memories.
- Discuss the victim’s concerns regarding illegal alcohol or drug use.<sup>30 31 32</sup>

### 3. Focus on the suspect’s possible predatory behavior rather than the victim’s character or behavior.

#### Law Enforcement/Prosecution

- Victim’s incapacitation from alcohol or drugs can be a case fact or proof of victim selection, rather than a reason to doubt or drop the case.<sup>33</sup>



- Responding officers should document suspect's statement on if sexual contact occurred, including how consent was obtained.<sup>34</sup>
- Consider evidence that the suspect was encouraging a victim's alcohol or drug use or using their state for victim selection. This can show planning and premeditation on the part of the perpetrator.<sup>35</sup>
- Pay attention to evidence that the suspect was aware of the victim's intoxication and inability to give informed consent.<sup>36 37</sup>
- To corroborate the victim's account, look for other victims in the victim's and suspect's social circles as IR or DAFR can be repeated by a suspect. Explain to the victim why you may be contacting their friends and acquaintances.
- If the suspect was also drinking or using drugs, review evidence to demonstrate who was in control of the situation, e.g. witness statements about if the victim was more intoxicated than the suspect or who was providing the drugs or drinks. Did the suspect offer to "rescue" the victim by taking her home?<sup>38</sup>

#### 4. Consider whether drug screening of the victim and the perpetrator would be helpful in documenting DAFR.

##### Law Enforcement

- If the victim reports they were drugged by the perpetrator, explain the option to order a timely full drug screening of the victim's blood and urine (first urine post-assault is the best).<sup>39</sup> If illegal substances are identified during testing, ensure the victim is not held criminally accountable.
- Due to delayed reporting, drug screening is often negative, which should be expected.<sup>40</sup> Do not wait for the results of the drug screen before investigating. Don't rely only on the results of the drug screen for your case.

##### Advocacy

- Explore whether your law enforcement agency utilizes drug screening or possible DAFR cases.
- Explain the protocol and practice in your local community to the victim.
- Discuss the benefits and potential risks of alcohol and/or drug testing.<sup>41</sup>
- Educate the victim that most toxicology testing comes back negative due to delayed reporting. Negative toxicology reports are not unusual and are not a reason to discount the victim's story.<sup>42</sup>

##### Prosecution

- Consider whether drug screening evidence will be useful as part of your case strategy.

#### 5. If the victim is still under the influence of drugs and/or alcohol

##### Law Enforcement

- Delay taking a written statement.<sup>43</sup>

##### Advocacy

- Encourage the victim to delay making critical choices or decisions while under the influence of drugs or alcohol.

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## Briefing Sheet: Perceptions of False Reports

### CASE CIRCUMSTANCE

A victim makes a sexual assault report, but the account does not sound like what is conventionally considered a "real rape" and is thought to be a false report.

### MISINFORMATION

- Belief that many sexual assault accusations are false.
- Belief that victims falsely "cry rape" because they regret consensual sex, want to get someone in trouble, or are vindictive.
- Belief that a person from a minority or oppressed group who reports being sexually assaulted by a person from a privileged group is lying and only making the accusation for some type of financial or social gain.
- Belief that the following indicate a false report: delayed reporting, lack of corroborating evidence, lack of cooperation by the victim or witness, discrepancies in a victim's story, victim's drinking or drug use, victim's sexual history, previous victimization, recantation by the victim, victim's belligerence, victim's uncertainty of events, or victim's status as a sex worker.
- Belief that men cannot be raped or that there are no same-sex rape incidents.

### BARRIERS TO INVESTIGATION, PROSECUTION, OR ADVOCACY

- The victim does not feel believed, making them less likely to cooperate with the investigation, prosecution, or advocacy.
- A sexual assault is improperly classified as false or unfounded due to: delayed reporting; lack of corroborating evidence; lack of cooperation by a victim or witness; discrepancies in a victim's story; a victim's drinking or drug use; a victim's sexual history; victim recantation; victim's belligerence; victim's uncertainty of events; or victim's status as a sex worker. None of these are a reason for labeling a report "false," but rather illustrate typical factors in sexual assault.
- The victim changes their account, exaggerates or omits information in order to increase credibility or believability, leading to mistrust between the victim and the law enforcement officer or prosecutor.
- A victim may be fearful that their sexual identity will not be understood or respected, or that they will be shamed.

### CURRENT SCIENCE TO INFORM PRACTICE

- Research on false sexual assault allegations shows that only 2% to 10% of all sexual assault reports are false.<sup>1</sup>
- Rather than falsely reporting, most sexual assault victims don't report their sexual assaults at all. Only 9.2% of victims reported their sexual assault in a recent Texas study.<sup>2</sup>
- Crimes with high rates of false reports, such as arson and auto theft, are not approached from the "false until proven true" standard that is applied to many sexual assault victims.<sup>3</sup>
- Research indicates that false allegations tend to follow stereotypes about what a "real" sexual assault looks like, i.e., a stranger with a weapon who inflicted injuries. In reality, most sexual assaults involve an acquaintance, no weapon, and minimal physical injuries.<sup>4</sup>
- Victims are more likely to change their story if they fear they will not be believed and wish to seem more credible. However, this often leads to the very opposite result when officers discover that the victim lied: they doubt the sexual assault allegation itself.<sup>5</sup>
- Trauma may cause victims to omit, exaggerate, or make up information when trying to make sense of what happened to them or to fill gaps in memory. This does not mean that the sexual assault did not occur.<sup>6 7 8</sup>
- In law enforcement case classification, "unfounded" is a broad category that includes false accusations (i.e., proven false by evidence) and baseless (i.e., does not meet the legal elements of a crime).<sup>9</sup>
- Research shows that law enforcement officers, in particular, tend to distrust women's reports of sexual assault. Officers often overestimate the percentage of false allegations. This may be due to historical biases and the profession's training to be suspicious in general.<sup>10 11</sup>

- Research indicates that law enforcement may see a victim as less credible because a victim was: under the influence of alcohol and/or drugs; delayed reporting; had previous consensual sex with the perpetrator; previously reported sexual assault or abuse; had a mental health condition; perceived to be immoral (e.g., sex worker or promiscuous person); had an intellectual disability; previously made a false sexual assault complaint; or concealed part of the truth.<sup>12 13</sup>
- Studies have found that law enforcement officers often categorize sexual assaults as false when cases are ambiguous or when the officers have negative perceptions and stereotypes about the victim's behavior, attitude, demeanor, or possible motive.<sup>14 15</sup>
- Taking sexual assault reports seriously and in a supportive way will assist in investigations and with the victim's healing and recovery, whether or not a judge or jury determines beyond a reasonable doubt that the assault occurred.<sup>16</sup>



## PROMOTING BEST PRACTICES

- All reports should be taken as valid unless evidence proves otherwise.
- Reassure the victim that you will take their case seriously, then follow through.

### Law Enforcement

- Assign a tracking number for every reported sexual assault, and document each report in writing.<sup>17</sup>
- Successful sexual assault investigations start by supporting the victim and following the facts and evidence.<sup>18 19 20</sup>
- Requiring a polygraph test on a sexual assault victim is considered an intimidation tactic and should be discouraged or prohibited.<sup>21</sup>
- Appropriately classify sexual assault cases.
- The determination that a report is false must be supported by evidence that the assault did not happen, which can only be made after a thorough investigation.<sup>22 23</sup>
- "Baseless" or "unsubstantiated" does not equal false. Avoid using the terms interchangeably.<sup>24</sup>
- From time to time, review the number of sexual assault reports classified as false. If the percentage seems high, consider reviewing how to properly classify sexual assault cases.<sup>25</sup>

### Prosecution

- Assure the victim that you believe them.
- If a case is declined for prosecution, reiterate your belief in and support for the victim.

## Advocacy

- Assure the victim that you believe them, no matter the circumstances of the assault or the status of the investigation or prosecution.

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## Briefing Sheet: Dating or Hooking Up

### CASE CIRCUMSTANCE

A victim reports being sexually assaulted by someone they are dating, in a relationship with, or hooking up with.

### MISINFORMATION

- Belief that "real rape" only happens if the perpetrator is a stranger.
- Belief that a victim who has (a) casual sexual partner(s) is at least partially responsible for their own victimization.
- Belief that consenting to sex previously makes future consent with that partner unnecessary.
- Belief that consenting to intimate acts such as kissing or going to someone's house is "leading them on" or consenting to sex.

### BARRIERS TO INVESTIGATION, PROSECUTION, OR ADVOCACY

- A victim may be fearful that law enforcement, friends or family will not believe they were sexually assaulted and so they are hesitant to come forward about the assault.
- A victim may be fearful they will be labeled as promiscuous or slutty.
- A victim may be concerned that their sexual identity will not be understood or respected, or that they will be shamed.

### CURRENT SCIENCE TO INFORM PRACTICE

- Nationally, about 3 in 4 victims of sexual violence knew the offender.<sup>1</sup>
- Consenting to sex or any type of sexual activity once with an individual, does not equal consent for future sexual activity.<sup>2 3</sup>
- In one study, 70% of college students acknowledged having "hooked up" during college, an average of 10 times during their college careers, with no differences by gender.<sup>4</sup>
- In another study of college students, female students reported a higher number of negative consequences following hook-ups than their male counterparts, including: more remorse, negative emotions, loss of social status, and even sexual assault.<sup>5</sup>
- The highest risk of perpetration comes from acquaintances in the victim's own social network.<sup>6 7</sup>



## PROMOTING BEST PRACTICES

- Do not pressure the victim into making decisions about participating in the investigation or prosecution during initial interviews.<sup>8 9</sup>
- Learn about hook-up culture and do not blame or judge the victim's behavior.<sup>10 11</sup>
- Without holding a victim responsible for their own sexual assault, provide information on risk reduction. Let them know that risk factors can include: numerous sexual partners; alcohol or drug use; and, if on a college campus, their status as a freshman or sophomore.<sup>12</sup>

### 1. Never dismiss a sexual assault claim because the victim and offender knew each other.

#### Law Enforcement/Prosecution

- Explore if this fact is possible evidence of victim selection and availability.<sup>13</sup>
- Do not deter a victim from engaging with the criminal justice system when they know the perpetrator (e.g., telling them how hard the case will be to prosecute).<sup>14</sup>

#### Advocacy

- Find a balance between explaining the challenges of investigating and prosecuting these types of cases without discouraging a victim from coming forward.

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## Briefing Sheet: Intimate Partner Violence and Stalking

### CASE CIRCUMSTANCE

A victim is sexually assaulted by a former or current partner and reports a history of prior emotional abuse or stalking by that partner, such as repeatedly showing up at the victim's house or workplace unannounced or incessant calls or texts.

### MISINFORMATION

- Belief that sexual assault does not or cannot take place within a relationship.
- Belief that emotional abuse and stalking behavior within a current or former relationship is not as serious as physical violence.
- Belief that stalking is an innocent attempt by the former or current partner to win a victim's affection and that the victim is overreacting.

### BARRIERS TO INVESTIGATION, PROSECUTION, OR ADVOCACY

- Victims who are being stalked may be fearful of cooperating with a criminal investigation or may believe that the criminal justice system won't be able to help.
- Victims who may be still in contact with an abusive former or current partner may be hesitant to disclose sexual violence and to cooperate with a criminal investigation.
- System responders may focus on a narrow scope of the particular case (sexual assault or domestic violence) which does not allow for a broader view of other forms of violence or crimes that might have been perpetrated against the victim concurrently or previously.

### CURRENT SCIENCE TO INFORM PRACTICE

- Domestic violence, also referred to as Intimate Partner Violence (IPV) or family violence in Texas legal codes, includes physical, emotional, sexual, financial, and psychological abuse, and reproductive coercion. Many of these behaviors are illustrated in the Power and Control Wheel.<sup>1, 2</sup>
- An estimated 15.2% of women and 5.7% of men have been a victim of stalking during their lifetimes.<sup>3</sup>
- People who commit one form of violence are more likely to commit other forms of violence.<sup>4</sup>
- Adherence to cultural norms that support aggression towards others and that support harmful beliefs around masculinity and femininity are risk factors for perpetration.<sup>5</sup>
- People who experience one form of violence are at a higher risk for being a victim of other forms of violence. For example, individuals who were sexually abused as children, are more likely to suffer physical violence and sexual re-victimization as adults, engage in self-harming behaviors, or be victims of intimate partner violence (IPV).<sup>6, 7</sup>
- Prior victimization may influence current behavior in response to sexual assault. For example, the victim may not resist if they learned as a child that resistance is futile, that they have no right to set sexual boundaries, or that their sexual boundaries will not be respected.<sup>8</sup>
- The Campus Sexual Violence Act, a 2013 amendment to the Clery Act, requires that all post-secondary schools collect and report statistics on domestic violence, dating violence, and stalking, as well as to define each of these crimes.<sup>9</sup>





## PROMOTING BEST PRACTICES

- Learn the risk factors that are common for stalking, dating violence, intimate partner violence, and sexual violence.<sup>10</sup>
- When interviewing a victim, ask if they experienced other crimes – e.g., stalking, domestic violence, sexual assault, or dating violence – during, before, or after the presenting crime was committed.<sup>11</sup>
- If stalking or intimate partner violence is present in addition to the sexual assault:
  - » Be aware of legal options for protective orders and refer or assist a victim in getting a family violence, stalking, or sexual assault protective order as needed.<sup>12</sup>
  - » Safety plan with victims.<sup>13</sup>
  - » Provide victims with information on how to document stalking through stalking logs.<sup>14</sup>
  - » Encourage victims to strengthen the protective factors in their lives, including connecting to school and community support.<sup>15 16</sup>

### Law Enforcement

- Consider the use of technology to document stalking behaviors via texting, phones, geo-locators, and other forms of emerging technology.<sup>17</sup>

### Prosecution

- Consider prosecuting stalking crimes that are committed in relation to a sexual assault.<sup>18</sup>
- Use expert witness testimony to explain IPV dynamics and stalking behavior.<sup>19</sup>

### Advocacy

- Support victims in breaking the isolation that is often a part of abusive relationships by encouraging community connections as protective factors.<sup>20 21</sup>

### In college or university settings

- Explore whether any additional crimes were committed on a university/college campus, on public property within or adjacent to campus, or at a non-campus university property within the past year, and find out what your responsibilities are, based on your role, with the reporting of crimes covered under the Clery Act.<sup>22</sup>

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## Briefing Sheet: Consent

### CASE CIRCUMSTANCE

The suspect says they did not sexually assault the victim and says the victim consented to sexual activity.

### MISINFORMATION

- Belief that accusations between acquaintances are more about sexual miscommunication than predatory sexual behavior.
- Belief that evidence to support a claim of sexual assault will be almost impossible to find when consent is the issue.
- Belief that a victim of sexual assault when consent is the issue is not really a victim of violence or hasn't suffered a serious injury.
- Belief that sexual assault does not or cannot take place within a relationship.
- Belief that a judge or jury will never convict a sexual assault hinging on consent, so anything more than a cursory investigation is a waste of time and energy.

### BARRIERS TO INVESTIGATION, PROSECUTION, OR ADVOCACY

- Judges and juries are less likely to find an individual guilty of sexual assault when the case hinges on consent.
- Laws and policies are sometimes not in line with community beliefs and norms regarding consent for sexual activities.
- "He said, she said" (or more broadly "the victim said, the accused said") cases lack direct evidence and can be challenging to corroborate.

### CURRENT SCIENCE TO INFORM PRACTICE

- Most sexual assaults are never prosecuted. When a perpetrator learns that there are no negative consequences for their behavior, they may become a serial sexual predator who victimizes multiple people.<sup>1, 2</sup>
- Intent is not an excuse. For example, a drunk driver may not intend to kill anyone, but they still must be held accountable for their dangerous behavior.<sup>3</sup>
- Consent is an informed, voluntary, and mutual agreement for sexual activity. It must be gained from each sexual partner and for each sexual act.
  - » Silence is not consent.
  - » Nonresistance is not consent.
  - » There is no consent if force (implied or expressed), coercion, intimidation, threats, or duress is involved.<sup>4</sup>
- A victim cannot give consent in the following situations:
  - » Under the legal age of consent (under 17 years old in Texas)
  - » Mental or physical incapacitation due to cognitive limitations or due to alcohol or drugs.<sup>5</sup>
  - » When one person is in a position of power over the other (e.g., physician-patient, therapist-client, or professor-student relationship).<sup>6</sup>
- Perpetrators will selectively ignore or reinterpret cues from the victim while using miscommunication as an excuse for sexual assault.<sup>7</sup>
- Research on procedural justice has found that when a victim feels like they have been treated fairly and honestly by the criminal justice system they can move on from the incident, despite the outcome of the investigation or prosecution.<sup>8</sup>
- Language used to describe sexual assault influences people's perceptions of it. A description of "he forced himself onto her" demonstrates a non-consensual experience, whereas "they had intercourse" describes a consensual experience. Such language choices influence victims, professionals, judges, and juries.<sup>9</sup>



## PROMOTING BEST PRACTICES

- Reassure the victim that you will take the case seriously, then follow through.
- Remind the victim that, no matter what they did, they did not deserve to be sexually assaulted.
- Be mindful of the language you use to describe an assault; choose words that accurately reflect the unwanted experience the victim had.

### 1. When seeking evidence to determine consent

#### Law Enforcement/Prosecution

- Detail and corroborate what “no” looked like or felt like for the victim (e.g., closing eyes, looking away, freezing).<sup>10</sup>
- Ask the suspect how consent was specifically asked for and given.<sup>11</sup>
- Document the victim’s level of awareness and consciousness plus any alcohol or drug use.<sup>12</sup>

#### Advocacy

- Provide information to the victim about what type of questions law enforcement and prosecutors will be asking and why. For example, “When did you call the police?” “Did you ever say the word ‘no’?” or “Tell me about answering his call the next day.”
- Let the victim know that they are free to take a break or leave an interview with a law enforcement officer or prosecutor if they need to do so.
- Encourage the victim to use language to describe the assault that reflects how they felt, even if it sounds violent or crude to them.
- Discuss with the victim the next steps of reporting the assault to law enforcement, and/or within their university/college.

### 2. Law enforcement and prosecution should focus on the suspect’s behavior and actions.

- Suspects may inadvertently provide some evidence regarding the alleged sexual assault when trying to justify their actions.<sup>13</sup>
- Obtain an in-depth statement from the suspect in a non-threatening manner to gain as much information as possible.<sup>14 15</sup>
- If the suspect is a serial victimizer, the case can evolve from a “he said, she said” case to a “he said, they said” case. Interview the social circle of the suspect and victim to see if there are additional victims.<sup>16</sup>
- Review the three types of defenses used in sexual assault cases – denial, identity, and consent – and know what evidence is effective in countering each.<sup>17</sup>

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## Briefing Sheet: Suspect Characteristics and Behavior

### CASE CIRCUMSTANCE

The suspect seems like a nice person, is held in high regard by those who know them, or has high status within the community.

### MISINFORMATION

- Belief that a likeable, socially respected suspect is most likely not guilty; belief that an unlikeable victim is most likely lying.
- Belief that a wealthy, high-profile, or successful person wouldn't rape because there are plenty of people who would be willing to have sex with them.
- Belief that a person from a privileged group (i.e., based on wealth or race/ethnicity) would not sexually assault someone from an oppressed group or other racial group.
- Belief that a "good guy" would not commit sexual assault. If they did, it was only because of a misunderstanding.
- Belief that someone who is an upright citizen and seems kind and virtuous is not a rapist.
- Belief that rapes are more likely to be interracial, committed by strangers, and that men of certain racial groups are more prone to commit sexual violence.<sup>1</sup>

### DETERRENTS TO INVESTIGATION, PROSECUTION, OR ADVOCACY

- The suspect is likeable and charismatic; and the victim is less likeable.
- The suspect's statement makes sense and seems reasonable while the victim's statement is jumbled and unclear.
- The suspect is well known in the community, adding an extra level of scrutiny to the investigation.
- Biases regarding race, socioeconomic status, or likeability may impact the manner in which a professional works the case or interacts with the victim and/or perpetrator.
- The investigator may have more difficulty obtaining evidence due to the suspect's resources or because the suspect quickly hired a good defense attorney.
- The victim, sensing or understanding the bias that individuals or the community may hold against them, is reluctant to report or cooperate with the investigation.
- Historically, the criminal justice system has disproportionately focused on cases involving Black suspects and other suspects of color.<sup>2</sup>
- Historically, Black suspects of sexual assault and other crimes received disproportionately harsh sanctions when the crime involved a white victim.<sup>3</sup>



## CURRENT SCIENCE TO INFORM PRACTICE

- One study found that one-third of college men said they would be more likely to sexually assault if they were sure they would not get caught or punished.<sup>4</sup>
- The victim's trauma response may make them appear less credible due to fragmented or lost memories and their attempts to make sense of what happened. A suspect without memory fragmentation can relate a chronological account of the event that can be mistaken for credibility.<sup>5</sup>
- Victims often self-blame and feel bad about what happened; suspects often don't feel bad about it, except about being caught.<sup>6</sup>
- Studies have consistently shown that it is difficult to detect deception; even trained professionals may not realize when someone is lying.<sup>7</sup>
- The media often portrays perpetrators as individuals whose actions are the result of a severe mental illness; in reality suspects can be likeable and charismatic.<sup>8</sup>
- Likeability is not a marker of guilt or innocence.<sup>9</sup>
- Perpetrators may abuse their social power (e.g., high status or position) to groom or exploit victims and to shield themselves from scrutiny.<sup>10</sup>
- Perpetrators are skilled at manipulation.<sup>11 12</sup>
- There are no typical sexual predators; they come from every culture, socioeconomic background and demographic.<sup>13</sup>
- Even well-trained professionals have implicit biases against individuals from "other" groups.<sup>14 15 16</sup>
- Communities of color who have been disproportionately and negatively impacted by the criminal justice system may be less willing to report an assault or engage in an investigation.<sup>17 18</sup>
- Research shows disparate criminal justice outcomes based on race. An analysis of NIBRS\* data showed that stranger sexual assault cases with Black victims and White offenders were less likely to result in an arrest compared to cases with White victims and Black offenders.<sup>19</sup>

\* National Incident-based Reporting System



## PROMOTING BEST PRACTICES

- Remember that a likeable suspect can still be guilty. Likewise, if the suspect is unlikeable, that does not mean they are guilty.
- Reassure the victim that you believe them and their complaint will be taken seriously.<sup>20</sup>
- Professionals must be vigilant to keep their implicit biases from impacting their interactions with victims,

suspects or work product. Improve awareness of your implicit biases through trainings and online tests.<sup>21</sup>

- Remember that stereotypes based on race or on beliefs such as "attractive, famous, or charismatic people don't commit sexual assault" or "unattractive, poor, or less likeable people aren't victimized" are not accurate.

## Law Enforcement/Prosecution

- Conduct a thorough investigation/prosecution regardless of the level of likeability, status, or charisma of the victim or suspect.<sup>22 23</sup>

## Advocacy

- Prepare the victim for possible negative response from friends, family, or the community.<sup>24</sup>
- Share information with the victim regarding the diversity of sex offenders and that some sex offenders are "likeable," considered to be a "nice person," and may use their high social status to groom victims and shield themselves from scrutiny.

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## Briefing Sheet: Victim Blaming

### CASE CIRCUMSTANCE

The victim is asked questions that suggest they are partly to blame, including what they were wearing before the sexual assault.

### MISINFORMATION

- Belief that a victim who dresses provocatively or flirts is responsible for other people's behavior or actions, including sexual assault.
- Belief that certain groups of people cannot be sexually assaulted (i.e., men, sex workers).
- Belief that a perpetrator is unable to control their behavior or actions when provoked or tempted.

### BARRIERS TO INVESTIGATION, PROSECUTION, OR ADVOCACY

- Victim-blaming statements can cause re-victimization and a victim's reluctance to participate in the case.
- Most sexual assault victims do not report their assault and tend to blame themselves to some extent for their own victimization.

### CURRENT SCIENCE TO INFORM PRACTICE

- Research shows that police officers' personal attitudes on sexual assault are likely to affect their job performance when interviewing victims, especially when they endorse rape myths (such as believing that the victim's behavior caused the sexual assault).<sup>1</sup>
- Victim-centered is not the same as victim-focused. The first builds rapport; the second makes the victim the focus of the investigation and discourages reporting. The primary focus of the investigation should be on the suspect's actions, behavior, and history.<sup>2</sup>

### PROMOTING BEST PRACTICES FOR ALL RESPONDERS

Use empathy and work to recognize and suppress negative biases or attitudes during the victim interview.<sup>3</sup>

When interviewing or discussing the case with the victim, avoid public locations or interrogation rooms, if possible.<sup>4</sup>

1. **Keep the focus on the suspect to help reassure the victim that they will not be shamed, judged, or blamed.**<sup>5</sup>

#### Law Enforcement/Prosecution

- Focus on the suspect's behavior using direct questioning to determine the following:
  - » Why did the suspect choose this victim?
  - » How did the suspect build trust?
  - » Did the suspect monitor the victim using technology?
  - » What was the role of alcohol and drugs?
  - » Did the suspect try to isolate the victim?
  - » Why was the particular location of the assault chosen?<sup>6</sup>

- Preface questions with a disclaimer such as, "I have to ask you some direct questions now. I am not trying to blame you; but I need to know if this is correct or if it occurred as the suspect described."

#### Advocacy

- Educate the victim about the types of questions law enforcement and prosecution may ask and why they need to ask some of those questions that may feel like victim blaming.<sup>7</sup>
- Help the victim to understand that, while they are not to blame, their experience may be valuable in helping them recognize dangerous situations, behavior, and people. It may ultimately help them create safer boundaries.<sup>8</sup>
- If there appears to be a pattern of victim blaming in criminal justice response to sexual assault cases in a community, consider taking the issue to a collaborative group such as the local Sexual Assault Response Team (SART) and use solutions such as a system needs assessment or training opportunities.<sup>9</sup>

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## Briefing Sheet: Victim Interview

### CASE CIRCUMSTANCE

A victim is aggressively questioned. For example, the interview is conducted like an interrogation, including use of “why” questions and closed-ended questions, or is conducted in a public space or interrogation room.

### MISINFORMATION

- Belief that a victim should be asked rapid-fire questions in order to discover the truth.
- Belief that most victims lie about consensual sex or make false accusations to hide embarrassing behaviors (e.g., hook-ups) or illegal activities (e.g., underage alcohol use or drug use).

### BARRIERS TO INVESTIGATION, PROSECUTION, OR ADVOCACY

- A law enforcement officer, prosecutor or advocate presents with a stern face and demeanor in an attempt to convey objectivity.
- The presence of a weapon or an officer in uniform can be alarming to a victim, particularly if the victim is a member of a group that has a history of mistrust with law enforcement.
- A victim may perceive someone with an unemotional demeanor as intimidating or skeptical of their report.
- A victim who experiences aggressive questioning may feel blamed for their sexual assault, which causes further trauma and re-victimization.
- A victim who experiences negative interactions and accusatory interviewing techniques is more likely to become uncooperative and unresponsive.

### CURRENT SCIENCE TO INFORM PRACTICE

- Research reveals that a victim will have more post-traumatic stress symptoms when they feel doubted and invalidated by law enforcement officers’ actions.<sup>1</sup>
- When a law enforcement officer supports, validates, and builds rapport with a victim, it can increase their feelings of safety, result in more information to help with the investigation, and increase the likelihood that the case will be prosecuted.<sup>2</sup>
- A friendly and compassionate demeanor is more than just humane; the victim is also more likely to be able to relate the facts of the case when treated with compassion and respect.<sup>3</sup>
- A victim will be more engaged and cooperative if they feel believed and supported.<sup>4 5</sup>





## PROMOTING BEST PRACTICES

### Law Enforcement/Prosecution

- Understand that how you question the victim is key to conveying support and building rapport.<sup>6, 7</sup>
- Consider that you are not questioning the victim as much as you are walking through the events with the victim and providing key prompts to elicit recall.
- Sit at the level of the victim, wear plainclothes if possible, and avoid touching the victim, even in an attempt to comfort.<sup>8</sup>
- Use a conversational interviewing style, asking a victim to give their own account in their own words, at their own pace.<sup>9</sup>
- Avoid “why” questions, such as “Why did you invite them back to your room?” Instead ask open-ended questions such as, “Can you tell me what happened?”<sup>10</sup>
- Engage in careful listening; occasionally clarify and summarize what you heard.<sup>11</sup>
- It is okay to express sympathy/empathy by saying, “I’m sorry that this happened to you.”<sup>12, 13</sup>
- To prompt memory recall, ask about the experience, such as what they smelled, tasted, heard, saw, and felt.<sup>14</sup>
- Consider a victim’s wishes to have an advocate present during any law enforcement or prosecution interview.

### Advocacy

- Keep in mind that talking about a traumatic experience can retrigger trauma. Don’t ask the victim for details about the assault that you don’t need. As an advocate, you may not need to hear all of the details of the sexual assault to support the victim.<sup>15</sup>
- Remind the victim that they can take breaks during an interview, if needed.
- Offer to sit with the victim during law enforcement or prosecutor interviews. If that is not possible, be available right after the interview or during breaks to offer support.

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## Briefing Sheet: Strangulation

### CASE CIRCUMSTANCE

A victim describes being "choked," feeling dizzy, having tunnel vision, or passing out during the assault.

### MISINFORMATION

- Belief that neck redness, dizziness, or tunnel vision are not signs of serious injury that warrant attention or concern.
- Belief that substantial injuries from strangulation will leave bruising.
- Belief that anyone who was strangled would remember it or would disclose this.
- Belief that strangulation is "choking," which is not an accurate description and minimizes the lethality risk involved.

### BARRIERS TO INVESTIGATION, PROSECUTION, OR ADVOCACY

- The signs, symptoms, and seriousness of strangulation are often unknown to victims, advocates, prosecutors, and law enforcement officers.
- Often the physical signs of strangulation are not outwardly visible until days later if at all.
- The seriousness of strangulation has often been minimized, which is why many states including Texas have increased the penalties for strangulation to a felony.<sup>1 2</sup>
- Most victims of strangulation do not self-identify.
- Lack of physical evidence can lead strangulation cases to be misclassified as minor incidents.
- Impeding air or blood flow is often not a visible injury.
- Relying only on visible evidence may not lead to prosecution.

### CURRENT SCIENCE TO INFORM PRACTICE

- Strangulation is the external compression of the neck that impedes oxygen transport by preventing breathing or blood flow to the brain.<sup>3</sup>
- Research shows that the presence of strangulation in domestic violence and sexual assault cases signals an elevated level of violence with suspects who are more likely to kill their partner/victim and children as well as police officers.<sup>4 5 6</sup>
- Strangulation leaves emotional and physical trauma since victims often believed they were going to die.
- Research reveals that strangulation often leaves few visible injuries, with critical injuries (e.g., brain damage) hidden until they evolve over the next several days into potentially life-threatening conditions.<sup>7 8</sup>
- Lack of oxygen to the brain can leave the victim restless and combative and even result in long-term amnesia or psychosis.<sup>9 10</sup>
- As a result of strangulation, loss of consciousness can occur within 10 seconds and death within 5 minutes.<sup>11 12</sup>
- The majority of strangulation victims are female and most perpetrators are male.<sup>13 14 15</sup>



## PROMOTING BEST PRACTICES

- Assess for signs and symptoms of strangulation such as raspy voice, sore throat, burst capillaries (petechiae), scratches, “seeing stars,” bruises, redness on the victim’s throat, loss of consciousness, trouble breathing, involuntary urination or defecation, or difficulty swallowing.<sup>16</sup>
- Ask victims of sexual assault and domestic violence if they were strangled or “choked.” Most victims do not volunteer this information without prompting.<sup>17 18 19 20</sup>
- When working with a victim who discloses strangulation, suggest the need for a medical evaluation.<sup>21 22</sup>
- Use the term “strangulation” rather than “choking” in documentation, and educate other professionals and victims about the terms.<sup>23 24 25</sup>
- System responders should attend strangulation-specific trainings to learn how to identify and respond to strangulations.<sup>26 27 28</sup>

### 1. Seek evidence related to the strangulation.

#### Law enforcement

- Document evolving physical injuries by taking photos of a victim’s face and neck as soon as possible and then at 24, 48, and 72 hours respectively.<sup>29 30</sup>
- Investigators should check for defensive wounds on a suspect’s hands, face, etc. that may have been inflicted by the victim, including bite marks.<sup>31 32</sup>
- Educate the victim on the seriousness and possible side effects of strangulation. Encourage them to go to the emergency room if they have not yet done so.
- Record the victim’s words to describe the physical and emotional aspects of the experience such as “felt like I was dying,” “gasping for air,” or “hurt to breathe.”<sup>33</sup>
- Ask the victim to describe how they were strangled or “choked;” but do not ask the victim to re-enact it.<sup>34 35</sup>

#### Prosecution

- Educate judges, juries, and potential juries during voir dire and by using an expert witness who can explain the basics of airflow, the vulnerability of the neck, and the lethality risks of strangulation.<sup>36 37 38 39</sup>

#### Advocacy

- Educate the victim about the severity and potential lethality risks with strangulation, but use care not to re-traumatize them.<sup>40</sup>

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## Briefing Sheet: Multidisciplinary Collaboration

### CASE CIRCUMSTANCE

An advocate is working with a victim and there is a lack of trust or lack of a strong collaboration between system responders.

### MISINFORMATION

- Belief that other system responders are less trustworthy or don't have the victim's best interests as top priority.
- Belief that victim advocates will have a negative impact or get in the way of a criminal investigation or prosecution.
- Belief that law enforcement or prosecution teams are not trauma informed and do not understand what victims need or are going through.

### BARRIERS TO INVESTIGATION, PROSECUTION, OR ADVOCACY

- The criminal justice system can be overwhelming and intimidating for victims.
- There often is a lack of understanding between system responders about each other's roles, responsibilities, and expertise.
- Law enforcement officers and prosecutors may be reluctant to work with victim advocates because they feel advocates will disrupt or interfere with the investigation or be adversarial.
- There can be distrust between law enforcement, advocacy groups, and prosecutors' offices.

### CURRENT SCIENCE TO INFORM PRACTICE

- Advocates often are located within DA's offices and police departments, as well as in community-based organizations. Both of these types of advocacy services can be helpful to criminal justice system (CJS) responders in different ways.<sup>1</sup>
- Studies have shown that advocacy services augment victims' recovery from trauma while increasing access to criminal justice and community services.<sup>2</sup>
- Research also supports the use of an embedded victim advocate (in police departments or DA's offices) in sex crime investigations and case dispositions.
- Involving a victim advocate can give law enforcement more time to pursue other investigative leads and a prosecutor more time to plan their case strategy while the advocate provides support to the victim.<sup>3</sup>
- Partnership with advocates can lead to more successful investigations and better outcomes in the criminal justice system by helping the victim stay engaged and by having a calming effect on the victim.<sup>4</sup>
- Medical personnel in Texas are legally required to offer to victims, prior to the exam, the opportunity to have a victim advocate present during the exam.<sup>5</sup>
- All Texas law enforcement and District Attorney's offices are required by law to have a designated victim coordinator or victim liaison.<sup>6</sup>



## PROMOTING BEST PRACTICES

- Establish partnerships between local municipal police departments, university police departments, DA's offices, Sexual Assault Nurse Examiner programs, and community-based victim services agencies to improve CJS responses and access to victim advocates.<sup>7</sup>
- Form or join a Sexual Assault Response Team (SART) or community collaborative group around sexual assault to work through firewalls and divisions among community partners and to clarify professional roles and responsibilities of all system responders.<sup>8 9</sup>
- In collaborative partnerships, such as SARTs, consider bringing stakeholders that represent diverse perspectives together for facilitated dialogue and problem solving.<sup>10</sup>
- If challenges exist within a SART, consider conducting a needs assessment or collecting an evaluation from SART members and sexual assault survivors through a feedback survey.<sup>11</sup>
- When advocates can focus on offering information, resources, and emotional support to meet victims' needs, law enforcement can focus on securing the facts of the case, and prosecutors can focus on case strategy.<sup>12</sup>
- Law enforcement and DA offices can explore who the advocacy groups in their community are and build relationships with those groups. They can then call a victim services advocate to support the victim during initial and subsequent reports to law enforcement or make a "warm hand off" between the victim and an advocate.<sup>13</sup> A "warm hand off" refers to the referral practice wherein the responder introduces the victim directly to the advocate via phone or in-person.
- Create community opportunities for cross trainings and dialogue among community agencies that both provide or could provide services to sexual assault victims.<sup>14</sup>

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