

Academics Regarding Civilian Police Response and Handling of Sexual Assault

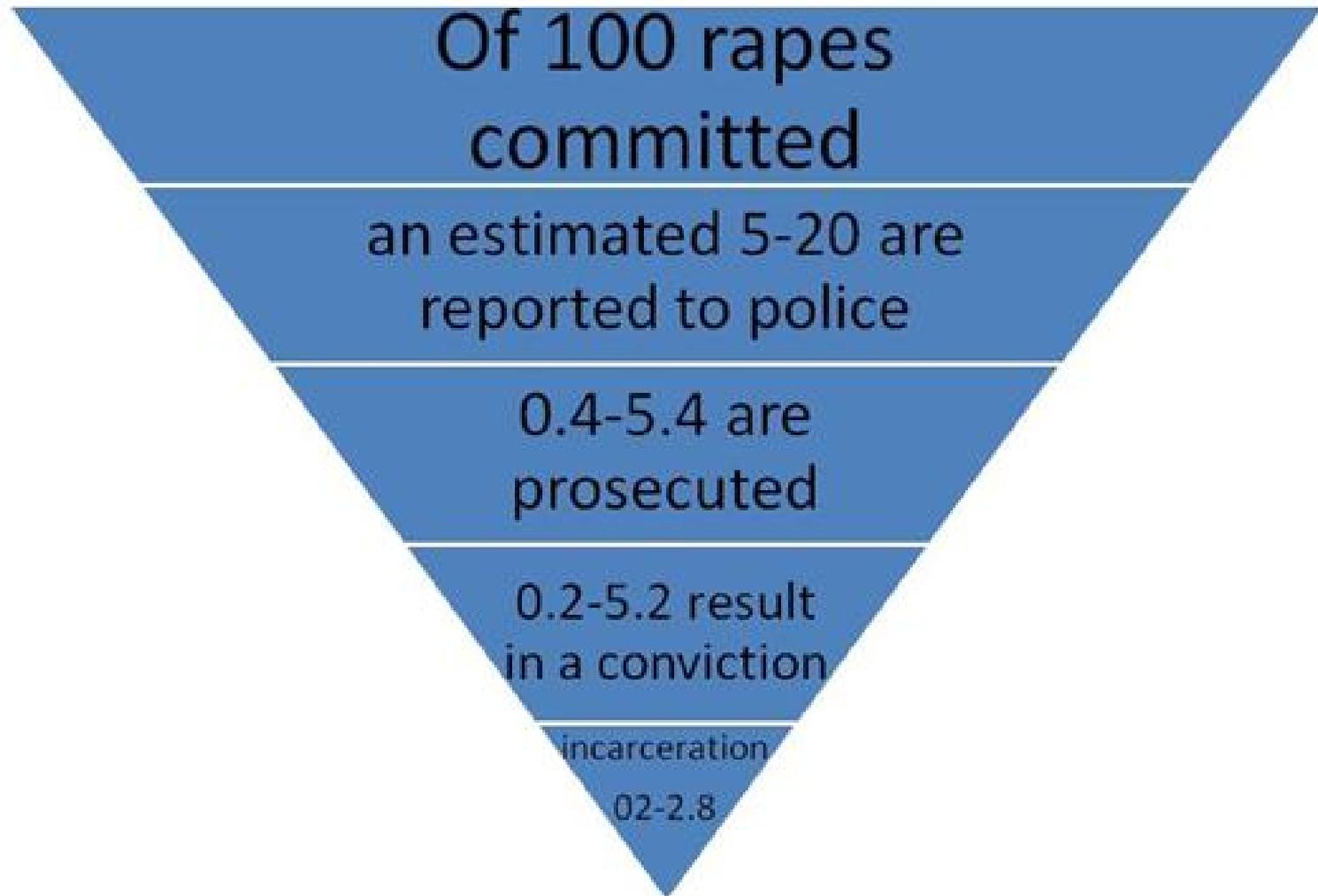
Sgt. Joanne Archambault (Ret., San Diego Police Dept.)
Executive Director, End Violence Against Women International

Kimberly A. Lonsway, Ph.D.
Research Director, End Violence Against Women International

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The Problem: Case Attrition



The Problem: Case Attrition

- Many aspects of the problem
 - Thus many response points



Attrition: Non-Reporting



- Biggest point of attrition: Non-reporting
 - Very few report immediately, typically delayed

Attrition: Non-Reporting

- Why don't victims report?
 - Fear of perpetrator (22%)
 - Too embarrassed / ashamed (18%)
 - Do not view it as a crime (18%)
 - Fear law enforcement will not do anything (13%)
 - Fear police will not believe / blame them (12%)
- Fear of how others will respond



Victims Reach Out for Help

- Most seek help from family, friends (58-94%)
 - Fewer access formal support
 - Less than 1 in 5 report to law enforcement
 - Fewer than half seek medical care
 - 16-60% use mental health services
 - Accessing one professional, more likely others

Impact of Negative Responses

- If response is negative, measurable negative impact -- above and beyond sexual assault
- "Victims may be better off receiving no support at all than receiving reactions they consider hurtful."

Campbell, R., Ahrens, C.E., Sefl, T., Wasco, S.M., & Barnes, H.E. (2001). Social reactions to rape victims: Healing and hurtful effects on psychological and physical health outcomes. *Violence and Victims*, 16, 287-302. (page 300).

Impact of Positive Support

- Key to reporting is victim support



- Documented benefits of support
 - Formal (physician, nurse, advocate, counselor)
 - Informal (intimate partner, family, friend)

Impact of Positive Support



- Two primary components of support:
 - Having someone to talk to
 - Being believed

Response: Increase Support

- Improve response to disclosures
- Provide victim support for reporting
- Address fear of false reporting



Response: Increase Support

- With increased support, victim reporting increases
 - Can be positive sign
 - Need to be able to explain



Conduct Public Outreach

- *Start by Believing* public awareness campaign
 - Prepares friends and family to respond supportively to a victim disclosure
 - Encourages reporting, help-seeking



Expand Reporting Options

- Ashland Police Department's "You Have Options" Program
 - Offers options for contacting law enforcement
 - Integrates victim advocacy and accompaniment

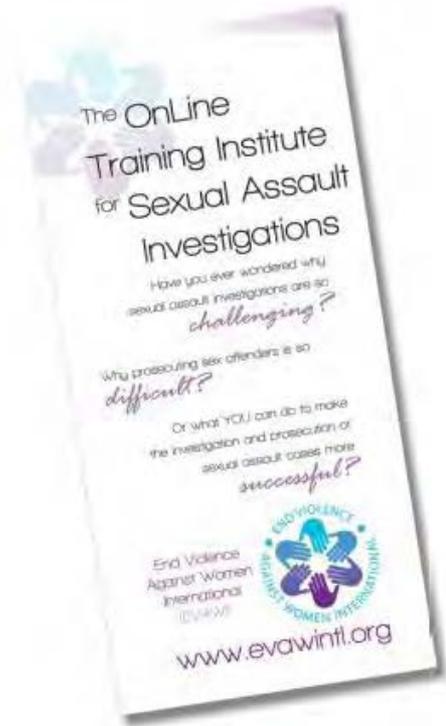
At the
Ashland Police
Department



*We Start By
Believing*

Address False Reporting

- Provide training for first responders, investigators and others on false reports
 - Policies on false reports, unfounded cases, recantation
 - OnLine Training Institute (OLTI) module at <http://www.evawintl.org/onlinetraining.aspx>



Utilize Civilian Advocates

- Opportunity to weigh options confidentially
- Gather information, support, assistance
- Not reported unless victim decides to
- Not influenced by organizational concerns



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Research to Practice and Practice to Research

Attrition: Police Response

- Next attrition point: 86% of sexual assault reports go no further than police department

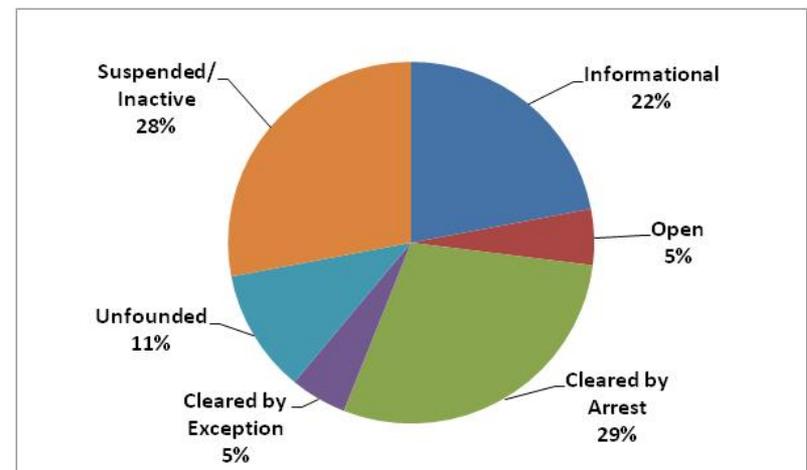
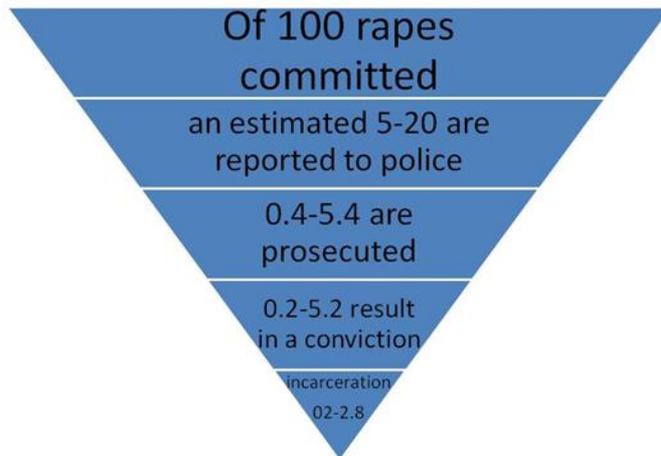


Recommendations for Practice

- Some to be discussed have been implemented by DOD, others have not
 - General principles to recommend
 - With evaluation and feedback, can determine if they are being implemented effectively and whether continued changes need to be made

Collect Meaningful Data

- Only way to understand problem
 - Case processing at every stage
 - Reporting, investigation, referral, prosecution
 - Case dispositions (law enforcement, prosecution)



Collect Meaningful Data

- False allegations versus unfounded, missing elements
- Exceptional clearances – especially VDP's (victim declines prosecution)
 - Case dispositions (law enforcement, prosecution)
 - Misdemeanors vs. felonies
 - Conduct unbecoming or what would be policy violations in civilian police departments, investigated by Internal Affairs

Collect Meaningful Data

- Consider involving civilian subject matter experts to review analysis and chart future policy and effective responses
 - Something like civilian review boards
 - External audits
 - Anonymous victim satisfaction surveys
 - Example of Kim Caldwell and San Diego SARRT

Improve Police Response

- First responders
- Advanced training for investigators
 - Patrol 3-4 month academy vs. 11 weeks for MP's
 - Military investigators get substantially more classroom training than civilian counterparts but civilians typically get a lot more on the job experience in sexual assault, larger numbers



Improve Police Response

- SDPD Sex Crimes Investigators come in with 7-10 years
- Sex Crimes is not an entry level assignment, 4 years experience in investigations required to apply
- Still at least 3 years before they were fully functional
- Seen as very prestigious assignment
- Organizational culture is critical
- Join policy and training Initiatives
 - The OLTi is free and available to military personnel anywhere in the world
 - Not to replace in-person training but to enhance it

Improve Police Response

- Conversation with Dr. Whitley about the OLTi
 - Training and policy were separate within DOD
- OLTi was launched in 2007
 - Total of 1080 military participants to date
 - 903 military participants since July 1, 2013 when an order went out for military investigators to go through the first module
 - Most have not completed other modules on their own

Challenges with Military Transfers

- Balboa Hospital – challenges with a teaching hospital
- The forensic exam isn't just a "test"
- Examiners transferred
- Contracted with civilian forensic examiner program as a result

Improve Police Response

- Establish specialized investigators, units
 - HQE's, experts in the area of sexual are difficult to find, symptom of the problem, compare to the number of child abuse and domestic violence experts. Need to retain personnel in specialized positions
- Gender and investigators – the critical question for performance is skill and training, rather than gender
- Standardize training across all branches of the military
- Make sure training includes subject matter experts within the military and from the civilian population

Enhance Investigations

- Like the military, civilian law enforcement agencies transfer personnel regularly
 - When I chose my career path and to stay in Sex Crimes for 10 years, I gave up future promotion
 - Many investigators and supervisors who “get it” are labeled “too victim-centered,” which can be a dirty word in law enforcement
- If careers are hurt by doing this work, we need to recognize the importance of these jobs and take steps to ensure that it is not a “dead end”

Improve Police Response

- Training and collaboration goes both ways:
Example of SVU course at Fort Leonard Wood
- It isn't just about people from outside the military telling the military how to do their jobs
- The military has provided examples of best practices as well
 - FETI goes beyond cognitive interviewing, to combine the best existing knowledge, including Dr. Fisher's own research shows that cognitive interviewing can cause harm when used with trauma victims

Improve Police Response

- Example of waiting at least 48 hours before comprehensive follow-up interview with victim
 - As far as I know I was the first to incorporate this in training for law enforcement on sexual assault
 - What has been lost is that this idea originally came from Lt. Colonel David Grossman, in a training for IA Investigators for critical incidents, not just officer-involved shootings based on his military experience
 - There is currently no research on this issue, but I knew this recommendation made sense from my own experience

Military Best Practices

- SDPD child abuse investigators often went to the military doctors at Balboa hospital for experts in our male sexual assault cases, STI's, physical child abuse
- Miramar Brig, sex offender treatment
 - Little to no treatment for civilian sex offenders when incarcerated
 - The military provides treatment for people who will never serve again in the military
- Military has great data, for example on male sexual assault victimization, but there are extreme limits with utilizing military personnel for research (or at least that's what I've been told)

Improve Police Response

- Fund additional research, e.g., Dr. Becki Campbell and Dr. Debra Patterson around trauma informed interviews AND Investigations
- Our goal is to include FETI, trauma-informed interviews, investigations, and prosecutions in a new OLT module
 - Hopeful collaboration with the Navy and Army
- EVAWI receives many requests from across the country to bring FETI to law enforcement
 - We are continuing to include this topic in our annual conference as well as regional trainings, webinars
- Need for ongoing and permanent funding to continue and expand current levels of training

Military and Best Practices

- Increased reporting of sexual assault documented within the Army
 - 40% increase between 2012 and projected 2013
- No other community that I know of has seen such an increase in reporting
 - Example of Flagstaff vs. Tucson
 - After San Diego PD sexual assault program for all high schools became mandatory in 1995, saw increased reporting, even doubled in some areas

Attrition: Victim Withdraws



- Victims often withdraw from the process
 - One-half to one-third of sexual assault victims withdraw their participation during investigation
 - Key for increasing victim participation is improving the support they receive

Increase Victim Support

- Consistent, ongoing, integrated at every stage
 - Law enforcement investigation, interviews
 - Prosecution process, interviews, hearings
 - Many concerns regarding advocates unfounded
- Training needed to address the perception of advocate role
 - We offer OLTJ modules on the role of advocates within the criminal justice system
 - Also article entitled “Oil and Water,” focused on law enforcement and victim advocacy
 - Many in law enforcement say advocates are best asset

Increase Victim Support

- U.S. Army is reporting anecdotally that only 6% of victims withdraw from the investigation
- Even the most victim-sensitive investigators are going to see much higher numbers than this
- This needs to be researched independently
- Concerns about forensic compliance and medical mandated reporting (e.g., SDPD & NCIS)
 - Perception is that victims cannot seek medical care in CA without launching an investigation by NCIS, CID
 - Concern that restricted reporting between the military and civilian communities is risky for victims who do not want an investigation launched

Integrate Civilian Advocates

- Complementary strengths of civilian and military victim advocates
 - Expertise from inside vs. outside system
 - Confidentiality of communications
 - Independence from command structure
 - Integrated at every stage of process



Focus on First Responders

- Coordinated response protocols with civilian agencies and military units
 - Response for civilian vs. military personnel, in civilian vs. military jurisdiction



Focus on First Responders

- Interested in more information about MP's as first responders (example of 29 Palms)
 - Perception that they are not too smart – “we’ll just give them a checklist”
 - Not reflecting complex reality of their jobs
- We have made advances in our understanding of how complex these cases are
 - For years I heard people talk about cops needing sensitivity training
 - These investigations and prosecutions require extensive expertise, well beyond sensitivity

Enhance Investigations

- Record victim interviews – minimum audio
- Use pretext / monitored telephone calls – inconsistently applied in the military
- Conduct trauma-informed victim interviews, **investigations, and prosecutions**
- Improve documentation, report writing
- Revise policies telling investigators not to use graphic detail



Enhance Investigations

- Conduct suspect forensic exams
- Slow down the investigation
 - Administrative concerns shouldn't dictate the way a case is investigated
- Address collateral violations up front
 - Possible bail schedule
 - Example of heroin overdoses, police responses

Enhance Investigations

- Remove prosecution decisions from Commanding Officers for felony level offenses. (They can still provide valuable input)
- Not because I believe they are sweeping cases under the rug but because:
 - Decisions require specialized prosecution training
 - Independence is needed from parties involved
 - Based on my experiences with specialized prosecutors versus those not dedicated to these cases