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# Being A First Responder

## Understanding the Investigative Process



Presented by:  
NIC in cooperative agreement  
with  
The Moss Group, Inc.

# What are the Goals of an Investigation?

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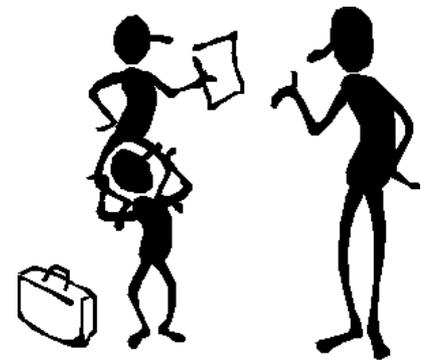


- To determine the **truth** of the matter, through prompt and proper inquiry.
- To provide safety and protection to both those who have been victimized and to society at large.
- To properly and effectively acquire all types of evidence for presentation to the criminal justice system.
- To secure the conviction of criminally responsible offenders.

# The Event is Reported

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- A first responder can be anyone
- Whomever an offender chooses to tell is the first responder
  - You have no control if the person reported to is not within the agency



# Reports of Sexual Assault: Where do they come from?

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- ➔ From youth offender victim directly
- ➔ From family of youth victims
- ➔ From other youth offenders
- ➔ From correctional staff
- ➔ From medical staff
- ➔ From mental health staff
- ➔ From other support staff

# Reports of Sexual Assault: Where do they come from?

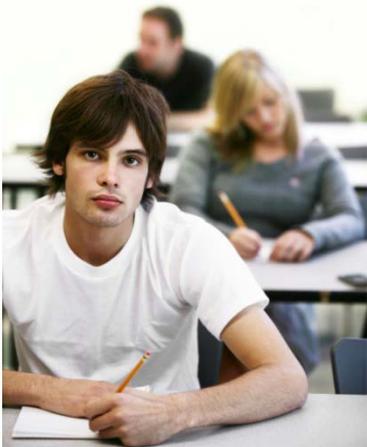
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- Not every youth offenders involved in a sexual assault identifies themselves as a victim.
- In many cases, particularly those involving “staff on youth offender” sexual assaults, the youth victim involved may resist the investigation and refuse to cooperate.
  - Youth offenders have strong emotional feelings towards the staff member
  - Youth offenders fear retribution from other offenders, from the staff member or his/her co-workers.

# Signs of PSV Victimization

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- Behavioral Signs
  - Increased discipline violations
  - Refusing placement
  - Will not come out of room/cell
  - Lack of participation in required programming



# Sources

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- It is very important that staff know how to treat sources of information professionally



- Sources of information (SOI) concerning sexual assault need to be fully informed of the responsibilities that come with being an SOI

# Sources

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- Staff and investigators can not promise an SOI or any other type of informant
- Staff should not use youth offenders as CI's and CRI's

# General Categories of Sexual Assault Cases

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- **Known Suspect**: Cases in which the alleged assailant is known to the victim (these cases are sometimes known as “acquaintance assault”)
- **Unknown Suspect**: Cases in which the alleged assailant is unknown to the victim and where identity needs to be established

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# GLOVE UP!



# When the Scene is fresh, the First Responder Should

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- ✓ Call for medical personnel.

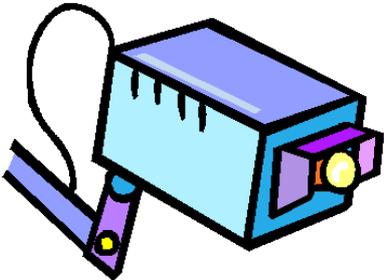


- ✓ Point out potential physical evidence to medical personnel, instruct them to minimize contact with such evidence.
- ✓ If medical personnel arrived first, obtain the name, rank, and contact info of attending personnel.

# The First Responder Should

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- ✓ Be aware of any persons in the vicinity that may be related to the crime (look outs or potential suspects).
- ✓ Secure any time sensitive evidence such as video surveillance tapes.



# The First Responder Should

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- ✓ Produce clear, concise, documented information encompassing his/her observations and actions. This documentation is vital in providing information to substantiate investigative considerations.
- ✓ Remain at the scene until relieved of duty.

# Initial Interaction with the Victim

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The initial interaction with the victim can be critical to your investigation



# Interacting with the Victim

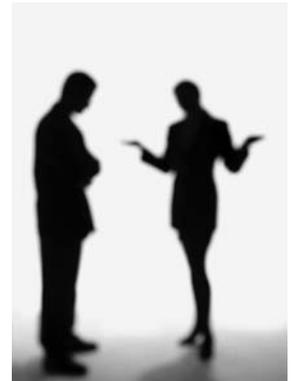
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- The conduct and attitude displayed by the first responders and investigators will have a major impact on the victim and the investigation - either positive or negative.
- It is essential to treat all victims with dignity, respect and empathy.
- Reassuring demeanor and a patient and supportive atmosphere are essential.
- When possible, the investigator will offer victim choices as to the specifics of their involvement in the investigation.

# Interacting with the Victim

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- Often times having mental health available during the **initial** interview, as a means of support to the victim, can help the interviewer to establish a positive rapport with the victim.



# Interacting with the Victim

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- ✓ Encourage and arrange for medical evaluation, if not already in place.
- ✓ Explain the basic investigative process and what the investigation needs from them.
- ✓ Ensure victim's safety.
- ✓ Explain the necessity and importance of the forensic exam and of evidence collection (medical, clothes, etc.)
- ✓ Explain any required housing changes (stress that this is not punitive in any way)
- ✓ If desired by victim, contact support services or family members/friends.
- ✓ Explain the importance of detailed, truthful and in-depth interviews.

# Interacting with the Victim

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- The investigator/ first responder will attempt to gather essential information (during initial and follow-up interviews)
  - Description of offender, clothing, or conduct.
  - Direction of flight or current whereabouts of offender, if known
  - Detailed description of assault for the investigator.
  - Description of location and scope of scene.

# Interacting with the Victim

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- Any previous history or contact with the suspect?
- Any use of intoxicants / drugs at the time of the incident? (better to be aware of the circumstances during the investigation than to be surprised at trial).
- Background information on victim, including disclosure of consented sexual activity around time of assault (as there may be a resulting mixture of biological and trace evidence from the victim).

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# WHAT DOES EVERY CASE NEED TO BE SUCCESSFUL?



# What Every Case Needs

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- **Evidence** sufficient to prove each element of the offense
- **Identification** of the suspect
- **Cooperative** victim
- Ideally, independent sources of **corroboration** of victim's statements (these can be both forensic evidence and/or statements from others)

# What is Evidence?

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- Something that can be used as proof of innocence or guilt.

Can include:

- A verbal statement



- A document



- A material object



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# WHAT ARE YOUR SOURCES OF EVIDENCE?



# Sources of Evidence

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- **From victim:** These include statements, forensic medical exam and physical evidence.
- **From assault scene and any secondary scenes (cells, bathrooms, dayrooms, rec. yards, etc.)** These include any physical evidence and area canvases.
- **From witnesses:** These include those observing both pre and post assault conduct.
- **From suspect:** These include statements (both positive and negative) as well as any physical evidence (from clothing and body of suspect).

# Crime Scenes

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**VICTIM**



**SUSPECT**



**CRIME SCENE**

# Sources of DNA

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- Blood
- Saliva (skin cells)
- Sweat (skin cells)
- Hair Root
- Mucous
- Vaginal Fluid
- Semen
- Vomit
- Feces

# Physical Evidence to Collect From the Scene

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- Victim's Underwear
- Victim's Clothes
- Rug/floor covering
- Chair covering
- Towel
- Blanket
- Condom
- Tissue
- Other

# Physical Evidence SANE nurse will Collect From the Victim

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- Oral swabs (if oral sex)
- Vaginal swabs
- Inner Thighs/Genitalia Swabs
- Rectal Swabs
- Blood Sample
- Pubic Hair Combing
- Pulled Head Hair (known samples)
- Pulled Pubic Hair (known samples)

# Physical Evidence to Collect From the Suspect

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- Underwear/Clothing
- Penile Swab
- Buccal Swab (as evidence of oral sex or as known sample)
- Blood Sample – purple top
- Pulled Head Hair
- Pulled Pubic Hair

# Assessment of Forensic Exam

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## Cannot conclude

- validity of claim
- "diagnosis" rape/sexual assault
- degree of force



## Can conclude

- Recent sexual contact
  - Recent trauma
  - Consistency between findings and victim's account of events
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- The absence of injuries does not mean that sex was consensual or a sexual assault did not occur

# Processing the Crime Scene

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## I. Evidence Collection

- From victim and assault scene, look for:
  - Biological evidence
  - Trace evidence, hairs, fibers, etc.
  - Signs of struggle, violence
  - Fingerprint evidence
  - Weapons
  - Clothing, bedding, etc.
- From suspect scene and from suspect, look for:
  - Biological samples, blood, hair, saliva, prints for comparison.
  - Swabbing and combings for presence of victim transfers.
  - Clothing, anything identifying victim "trophies".



# Processing the Crime Scene

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## II. Note Taking

- Begin immediately once scene is secure and safe
- Identify every important detail observed
- Identify all staff and inmate and their involvement
- Remember notes are discoverable in court



# Processing the Crime Scene

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## III. Photography – Still and Video

- Photograph entire scene
- Photograph victim and suspect, including wounds to scale
- Keep a photo log to put with your report
- Document on the photo: date, place, who you are photographing and who took the photo

# Processing the Crime Scene

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## IV. Collection of Evidence

- Determine if evidence is perishable
- Don't play SHOW and TELL!!
- Where do you put film or memory sticks?

# Processing the Crime Scene

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## V. Preservation and Security

- Place in evidence repository immediately
- Determine proper container for evidence
- Complete evidence log and sign

# Evidence Handling

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## Wet Items:

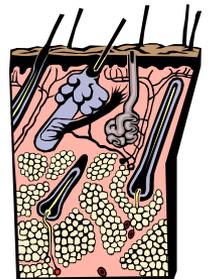
- Paper bag
- Place paper bag in red biohazard bag
- Transport to evidence locker
- Open biohazard bag; roll down the side to expose the paper bag to the air

# Evidence Handling

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## Hair:

- If attached or embedded in a moveable object, leave it intact.
- If not firmly attached, collect and place in a paper bindle, clean envelope, or small plastic bag.



# Evidence Handling

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## Clothing:

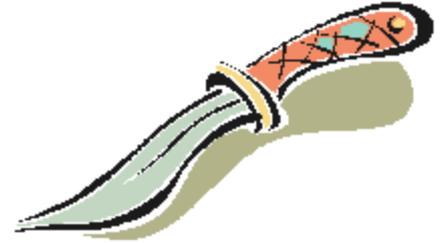
- NEVER place the clothing of a victim in the same container as those of the suspect.



# Evidence Handling

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Weapons:



- Take photos to record location of weapon(s) if you must move them
- Place in the proper container to ensure no one is harmed removing it from the evidence repository

# What Should a First Responder Record in their Notes for the Report?

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## I. Detailed Description of Victim and Suspect:

- Locations
- Affect
- Wounds and where they are



# What Should a First Responder Record in their Notes for the Report?

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## II. Discovery of each item of Evidence:

- Name the item
- Time it was discovered
- By whom
- Location found
- How it was marked
- Type of container you placed it in and how you sealed it.
- Disposition



# Evidence

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The value of physical evidence is that it...

- Cannot lie, forget or change
- Is demonstrable
- Not dependent on witnesses

# Evidence

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- The value of physical evidence can be destroyed if:
  - Handled wrong
  - Moved too early
  - Marked incorrectly or inaccurately
  - Not preserved properly
  - Chain of custody is not precise



# Evidence Handling

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- First responder should encourage victim not to bathe, clean up, douche or engage in activity that may alter, contaminate or destroy potential evidence.

# Acquaintance Cases- Considerations

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- Evidence of force or coercion
- Evidence of victim's fear of assailant or of resistance
- Evidence of injury
- Evidence of interaction between parties (demeanor or conduct)
- Evidence of communication such as letters, notes, etc.

# Stranger Cases - Considerations

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- Accurate and detailed description of the assailant from victim and witnesses
- Detailed description of assailant's conduct, behavior, verbalization, etc. for the purposes of case comparison ("M.O.")
- Give victim the opportunity to embellish



## Investigators Must Keep in Mind

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- Every case is unique and may require a different or individualized approach
- The first responder is often required to adjust or modify the process, depending on the individual circumstances
- Corroboration of the various types of evidence is crucial.



# Offender Culture and Communication

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- In order to generate a successful interview and/or interrogation of a victim, witness or perpetrator, you must have an understanding of the effects of sexual violence and its aftermath
- Everyone reacts differently for a variety of reasons

# Impact on Victims

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Victim immediate responses to sexual violence can vary widely

- Bargaining
- Focusing on the rape
- Mental escaping
- Compliance
- Stockholm Syndrome
- Frozen fright
- Fighting back

# Initial Impact

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- The shame and powerlessness that many victims feel after an assault may lead them to:
  - Delay reporting the assault
  - Try to deal with it on their own
  - Minimize or rationalize what happened



# The Aftermath

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- Suicidal thoughts and attempts are also far more likely among victims of sexual violence
- Rape victims are:
  - **4.1 times** more likely than non-criminal victims to consider suicide
  - **13 times** more likely to attempt suicide

(Kilpatrick, Whalley and Edmunds 2002)

# Dynamics of Sexual Misconduct or Sexual Assault

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## ○ Prison Sexual Violence...

- **Triggers** new mental illnesses and exacerbates existing ones
- **Spreads** infectious diseases
- **Increases** health and mental health care expenditures



# Dynamics of Incarceration

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- In prison culture, **aggression**, **power**, and **loyalty** tend to be valued highly
- Some see sexual aggression as a way to assert their power and control over others
- Being victimized and seeking help often are viewed as signs of weakness

# Dynamics of Incarceration

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- Predators look for **means**, **opportunity**, and **vulnerability**, selecting targets...
  - who are **least able to defend** themselves,
  - who may be **less believed or believable**, or
  - who are **disliked or ostracized**.

(Dumond, 2005)



# Dynamics of Incarceration

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Aggressors typically employ one of several methods to control victims:

1. Force (physical assaults or threats of harm)
2. Entrapment or blackmail (for example, requiring debts to be repaid with sex, protection)
3. Pressure tactics (persuasion, bribes, use of alcohol and drugs)

**Remember that coercion ≠ consent**

# Dynamics of Incarceration

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- Vulnerability markers (cont'd)
  - Those who have been previously sexually assaulted
  - Those who are disliked by or isolated from staff and other offenders
- In men's or juvenile male facilities...
  - Physically small or weak
  - Homosexual, transgender, or "effeminate" in appearance

# Dynamics of Incarceration

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- **Anyone can be at risk**, but some offenders tend to be **more vulnerable**:
  - The young and inexperienced
  - First-time offenders/new to incarceration
  - Those who are not "tough" or "streetwise"
  - Those with mental illnesses or developmental disabilities
  - Those incarcerated for sexual violence against children or vulnerable adults



## When is Staff Most Vulnerable?

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- When they feel isolated from their peers
- When they are going through their own life crisis or change
- When the culture of the correctional system is over sexualized
- When there is no supervisory responsibility or accountability



## When is Staff Most Vulnerable?

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- When the agency lacks in training concerning over-familiarization with inmates
- When the staff has self esteem issues
- When there is no cross-gender supervision support

# Victimization Differences by Gender

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- In both genders victimization is very damaging
- Males tend to be boastful in the beginning of opposite-gender sex cases involving staff but truly feel a lack of control of their lives
- Fear of being considered homosexual
- Both can become withdrawn, suicidal thoughts and use of chemicals are ways victims deal with the trauma