

Montana Department of Justice

Sexual Assault Kit Initiative

Course “Introduction to Investigating Sexual Assault”

Intro

Slide 2: Welcome to the course: Introduction to Investigating Sexual Assault

Slide 3: Disclaimer: This project was supported by Grant No. 2017-AK-BX-0022 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice."

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Slide 4: This training series provides a detailed framework for understanding and methodically applying a step-by-step investigative process within the mindset of a survivor-centered, trauma-informed approach. The goal is to treat every survivor with respect and compassion, ensuring their safety and well-being, and completing an accurate and thorough, non-biased investigation.

Slide 5: In this course, we will give you an overview of why training and educating on investigating sexual assault is so important.

Throughout the course we will keep you on your feet with some common myths and facts. In those interactions, you will need to decide if the statement is a myth or a fact.

At the end of the course you can find useful references to help guide you through the other Investigating Sexual Assault training.

Menu

Slide 6: Menu:

- [Why is training important?](#)
- [What has made training necessary?](#)
- [Definitions](#)
- [Links to important Resources](#)
- [Quiz](#) (*button will show after all other sections have been visited*)

Why is training important?

Slide 7: Sexual assault affects many lives – both directly and indirectly.

Slide 8: It can span age, sexual orientation, religion, and gender, and affects people of all socioeconomic backgrounds and education levels.

Slide 9: Sexual violence is not an isolated problem. Across the state of Montana, 1,115 rape incidents were reported to law enforcement agencies in 2017/2018. Data submitted to the FBI's National Incident-Based Reporting system (NIBRS) indicate that 92% of victims were female and 94% of offenders were male. Data also indicated that 44% of the assaults involved a personal weapon. Based on data available from the Montana Board of Crime Control (MBCC), crimes of rape increased by 32% between 2013 and 2017 and held steady through 2018.

Slide 10: Myths or Facts #1

Slide 11: Victims provoke sexual assaults when they dress provocatively or act in a promiscuous manner.

Slide 12: Myth!

Slide 13: Correct! This is a myth. Rape and sexual assault are crimes of violence and control that stem from a person's determination to exercise power over another. Neither provocative dress nor promiscuous behavior are invitations for unwanted sexual activity. Forcing someone to engage in non-consensual sexual activity is sexual assault, regardless of the way that person dresses or acts.

Slide 14: Myth!

Slide 15: No, this is a myth. Rape and sexual assault are crimes of violence and control that stem from a person's determination to exercise power over another. Neither provocative dress nor promiscuous behavior are invitations for unwanted sexual activity. Forcing someone to engage in non-consensual sexual activity is sexual assault, regardless of the way that person dresses or acts.

Slide 16: Myths of Facts #2

Slide 17: It's considered sexual assault if non-consensual sex happens under the influence of alcohol or drugs.

Slide 18: Fact!

Slide 19: Correct! This is a fact! Being under the influence of alcohol or drugs is not an invitation for non-consensual sexual activity. A person under the influence of drugs or alcohol does not cause others to assault them; others choose to take advantage of the situation and sexually assault them because they are in a vulnerable position. Montana state law holds that a person who is cognitively impaired due to the influence of drugs or alcohol is not able to consent to sexual activity.

Slide 20: Fact!

Slide 21: No, this is a fact. Being under the influence of alcohol or drugs is not an invitation for non-consensual sexual activity. A person under the influence of drugs or alcohol does not cause others to assault them; others choose to take advantage of the situation and sexually assault them because they are in a vulnerable position. Montana state law holds that a person who is cognitively impaired due to the influence of drugs or alcohol is not able to consent to sexual activity.

Slide 22: Why is training so important? Learn more about why training is so important by discovering the cause, the effects, and the solution by selecting the buttons on the screen.

Slide 23: Submenu slide: Why is training so important?

- The Cause
- The Effect
- The Solution

Slide 24: The Cause: When sexual assaults are reported, law enforcement officers are often the first responders. The intimate element of sexual assault added to the investigation can put tremendous stress on investigators, who can feel it raises the degree of difficulty, often to the limits of their abilities.

Slide 25: In Montana, critical evaluation of sexual assault response from across the state uncovered some common shortcomings in sexual assault response. Those shortcomings include

- conversation skill deficiencies,
- officer stress and duress,
- sexual assault investigation fear,
- inadequate training,
- lack of understanding survivor trauma,
- narrow understanding of the benefits of testing
- and limited investigative skills,

which fall in line with trends identified from agencies across the United States.

Slide 26: The Effect: The lack of education and understanding of how the brain responds to a traumatic event, combined with social and cultural biases led to law enforcement misreading survivor behavior as untruthful and even suspicious. And this confusion led to systematically poor performance.

Slide 27: Often sexual assault reports were ignored or neglected; investigations were sloppy or incomplete; and suspect apprehension and conviction rates were low. And all too often, survivors were traumatized first by the assault and then again by law enforcement's response to their pleas for help.

Slide 28: The Solution: The evaluation in Montana led to developing best practices in conducting a survivor-centered/trauma-informed approach to sexual assault investigation giving officers appropriate tools to

- conducting a thorough, accurate investigation,
- being knowledgeable about laws pertaining to sexual assault,
- putting aside bias,
- keeping an open mind,
- being confident in investigating sexual assault,
- understanding survivor trauma,
- and not re-victimizing a sexual assault survivor.

Slide 29: Myths or Facts #3

Slide 30: Myth or fact: If a person goes to someone's room, house, or goes to a bar, they assume the risk of sexual assault. If something happens later, they can't claim that they were raped or sexually assaulted because they should have known not to go to those places.

Slide 31: Myth!

Slide 32: Correct! This is a myth! This “assumption of risk” wrongfully places the responsibility of the offender’s actions with the victim. Even if a person went voluntarily to someone’s residence or room and consented to engage in **some** sexual activity, it does not serve as a blanket consent for **all** sexual activity. If a person is unsure about whether the other person is comfortable with an elevated level of sexual activity, the person should stop and ask. When someone says “No” or “Stop”, that means STOP. Sexual activity forced upon another without consent is sexual assault.

Slide 33: Myth!

Slide 34: No, this is definitely a myth. This “assumption of risk” wrongfully places the responsibility of the offender’s actions with the victim. Even if a person went voluntarily to someone’s residence or room and consented to engage in some sexual activity, it does not serve as a blanket consent for **all** sexual activity. If a person is unsure about whether the other person is comfortable with an elevated level of sexual activity, the person should stop and ask. When someone says “No” or “Stop”, that means STOP. Sexual activity forced upon another without consent is sexual assault.

Slide 35: Myths or Facts #4

Slide 36: Myth or fact: Most sexual assaults are committed by someone the victim knows. \

Slide 37: Fact!

Slide 38: Correct! This is a fact. Most sexual assaults and rapes are committed by someone the victim knows. During 2000, about six in ten rape or sexual assault victims stated the offender was an intimate partner, other relative, a friend or an acquaintance. A study of sexual victimization of college women showed that most victims knew the person who sexually victimized them. For both completed and attempted rapes, about 9 in 10 offenders were known to the victim. Most often, a boyfriend, ex-boyfriend, classmate, friend, acquaintance, or co-worker sexually victimized the women. Sexual assault can be committed within any type of relationship, including in marriage, in dating relationships, or by friends, acquaintances or co-workers. Unwanted sexual activity is sexual assault and is a serious crime.

Slide 39: Fact!

Slide 40: No, this is fact. Most sexual assaults and rapes are committed by someone the victim knows. During 2000, about six in ten rape or sexual assault victims stated the offender was an intimate partner, other relative, a friend or an acquaintance. A study of sexual victimization of college women showed that most victims knew the person who sexually victimized them. For both completed and attempted rapes, about 9 in 10 offenders were known to the victim. Most often, a boyfriend, ex-boyfriend, classmate, friend, acquaintance, or co-worker sexually victimized the women. Sexual assault can be committed within any type of relationship, including in marriage, in dating relationships, or by friends, acquaintances or co-workers. Unwanted sexual activity is sexual assault and is a serious crime.

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What has made Training Necessary?

Slide 41: What is the rape kit backlog?

The backlog of unanalyzed sexual assault forensic exam evidence is often referred to as the DNA backlog or “rape kit backlog.” The source of the backlog is complicated and multi-layered, but there are two main sources.

- **Evidence was never sent to the crime lab.** This is sometimes referred to as the “hidden backlog.” Failure to track kits once they have been collected and to advance them to crime labs for testing has been a major source of this problem.
- **Evidence arrived at a crime lab but was never tested.** In some instances, the volume of untested DNA evidence has outpaced the resources to test, process, and profile samples in crime labs.

Slide 42: What are the benefits of testing: Testing rape kits can provide justice for survivors. In addition, testing rape kits helps

- identify offenders,
- connects cases (in and out of state) to identify serial offenders,
- get qualified samples into CODIS, the FBI’s national criminal DNA database,
- testing kits shows survivors their case matters.

Slide 43: What is the solution to untested kits? As a solution, the U.S. government proposed dedicated funding for a grant program, the Sexual Assault Kit Initiative, or SAKI, in 2014. SAKI was to provide communities across the country with the vital resources they need to develop and implement comprehensive, multi-disciplinary rape kit reform. The funds are used to

- test backlogged kits that never made it to a crime lab
- create multi-disciplinary teams to investigate and prosecute cases connected to the backlog, and
- address the need for victim notification and re-engagement with the criminal justice system.

Slide 44: The Sexual Assault Kit Evidence Task Force was formed in 2016, bringing together professionals and community groups across the state to end the rape kit backlog in Montana.

Slide 45: The goals include:

- reduce victimization,
- encourage reporting of sexual assault,
- increase survivor services/support,
- identify and charge repeat offenders,
- eliminate factors adding to the buildup of sexual assault kits,
- create best practice recommendations and standards for sexual assault cases,
- improve and increase statewide sexual assault case trainings available for law enforcement and prosecution,
- encourage communication between criminal justice agencies,
- and advocate to ensure support for survivors of sexual assault.

Slide 46: As a result, Montana jurisdictions submitted 1260 total untested, unsubmitted sexual assault kits to the Montana Department of Justice Division of Criminal Investigation as part of the formal SAKI inventory. Utilizing the SAKI funding, these sexual assault kits ranging from 1995-2015 were inventoried and tested. As a cause for this backlog, jurisdictions in Montana reported factors such as

- lack of victim cooperation,
- lack of leads in investigation,
- consent issue, and
- prosecuted without DNA

However, improving our response to sexual assault by learning trauma-informed practices and implementing a coordinated response, we can positively impact the factors that once contributed to untested kits.

Slide 47: Myths or Facts #5

Slide 48: Myth or Fact: Rape can be avoided if people avoid dark alleys or other “dangerous” places where strangers might be hiding or lurking.

Slide 49: Myth!

Slide 50: Correct! This is a myth! Rape and sexual assault can occur at any time, in many places, to anyone. According to a report based on FBI data, almost 70% of sexual assault reported to law enforcement occurred in the residence of the victim, the offender, or another individual. Many rapes are committed by people known to the victim. While prudent, avoiding dark alleys or “dangerous” places will not necessarily protect someone from being sexually assaulted.

Slide 51: Myth!

Slide 52: No, this is not a fact, this is a myth! Rape and sexual assault can occur at any time, in many places, to anyone. According to a report based on FBI data, almost 70% of sexual assault reported to law enforcement occurred in the residence of the victim, the offender, or another individual. Many rapes are committed by people known to the victim. While prudent, avoiding dark alleys or “dangerous” places will not necessarily protect someone from being sexually assaulted.

Slide 53: Myths or Facts #6

Slide 54: Myth or Fact: A person who has really been sexually assaulted will be hysterical.

Slide 55: Myth!

Slide 56: You’re right. This is indeed a myth. Victims of sexual violence exhibit a spectrum of responses to the assault which can include: calm, hysteria, withdrawal, anger, apathy, denial, and shock. Being sexually assaulted is a very traumatic experience. Reactions to the assault and the length of time needed to process through the experience vary with each person. There is no “right way” to react to being sexually assaulted. Assumptions about a way a victim “should act” may be detrimental to the victim because each victim copes with the trauma of the assault in different ways which can also vary over time.

Slide 57: Myth!

Slide 58: No, that's incorrect. It's not a fact, it's a myth. Victims of sexual violence exhibit a spectrum of responses to the assault which can include: calm, hysteria, withdrawal, anger, apathy, denial, and shock. Being sexually assaulted is a very traumatic experience. Reactions to the assault and the length of time needed to process through the experience vary with each person. There is no "right way" to react to being sexually assaulted. Assumptions about a way a victim "should act" may be detrimental to the victim because each victim copes with the trauma of the assault in different ways which can also vary over time.

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Definitions

Slide 59: Review the definitions by selecting the arrows. Select the Continue button to continue.

"Victim-centered" means that the victim is at the center of all decisions regarding recovery and any involvement with the criminal justice system. The victim's choice, safety, and wellbeing is the focus, and the needs of the victim are a concern for everyone — not just the victim advocates.

"Trauma-informed" means attending to the victim's emotional and physical safety; using resources, services, and support to increase the victim's capacity to recover; and educating victims, service providers, first responders, and the general community about the psychological impact of trauma on the health and well-being of the victim.

"Coordinated community response" refers to immediate and longer-term community response to sexual assault that is coordinated among involved responders. The idea is that while each responder provides services and/or interventions according to agency-specific policies, they also work with responders from other agencies and disciplines to ensure that they coordinate responses. A coordinated community response can be as flexible as creating an MOU between different agencies working with victims or establishing a referral system and collaborating with one another to ensure that the victims are supported and receiving the services they need. Some communities have created Sexual Assault Response Teams, or SARTs. These are intentionally developed and sustained inter-disciplinary groups that host regular meetings between all disciplines involved in response to sexual assault victims and collaborate to determine shared goals and visions, and implement best practices, protocols, and procedures.

CODIS: What is CODIS? The FBI's Combined DNA Index System, known as CODIS, is the national criminal DNA database. CODIS was established by Congress to assist in providing investigative leads for law enforcement. The National DNA Index System (NDIS) is one part of CODIS, containing the DNA profiles contributed by federal, state, and local participating forensic laboratories. DNA profiles are uploaded to NDIS from evidence collected at crime scenes, from convicted offenders and arrestees, as well as from missing persons and unidentified remains.

A "CODIS hit" can occur in two ways. The first is when a DNA profile developed from evidence in an SAK is uploaded to CODIS and matches to an offender or arrestee profile in the system. The second way is a case-to-case hit in which an unidentified DNA profile matches an unidentified profile from another case.

If there is a potential match, the laboratory will go through procedures to confirm the match. If the match is confirmed, a CODIS hit can give investigating officers valuable information to help them focus their investigation and identify potential suspects. The more DNA data is entered into this system, the more likely it will be to produce meaningful leads on crimes.

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Resources

Slide 60: Select the linked images below to learn more.

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Quiz

Slide 61: Quiz: Let's test your knowledge with some more myths vs facts. This section is graded. So, pay attention and see your quiz results in the end.

Slide 62: Myths vs Facts

Slide 63: Myth or fact: Myth #7: All sexual assault victims will report the crime immediately to the police. If they do not report it or delay in reporting it, then they must have changed their minds after it happened, wanted revenge, or didn't want to look like they were sexually active.

Slide 64: Myth!

Slide 65: Correct, this is a myth. There are many reasons why a sexual assault victim may not report the assault to the police. It is not easy to talk about being sexually assaulted. The experience of re-telling what happened may cause the person to relive the trauma. Other reasons for not immediately reporting the assault or not reporting it at all include fear of retaliation by the offender, fear of not being believed, fear of being blamed for the assault, fear of being "revictimized" if the case goes through the criminal justice system, belief that the offender will not be held accountable, wanting to forget the assault ever happened, not recognizing that what happened was sexual assault, shame, and/or shock. In fact, reporting a sexual assault incident to the police is the exception and not the norm. From 1993 to 1999, about 70% of rape and sexual assault crimes were not reported to the police. Because a person did not immediately report an assault or chooses not to report it at all does not mean that the assault did not happen.

Slide 66: Myth!

Slide 67: No, this is not a fact, it's a myth. There are many reasons why a sexual assault victim may not report the assault to the police. It is not easy to talk about being sexually assaulted. The experience of re-telling what happened may cause the person to relive the trauma. Other reasons for not immediately reporting the assault or not reporting it at all include fear of retaliation by the offender, fear of not being believed, fear of being blamed for the assault, fear of being "revictimized" if the case goes through the criminal justice system, belief that the offender will not be held accountable, wanting to forget the

assault ever happened, not recognizing that what happened was sexual assault, shame, and/or shock. In fact, reporting a sexual assault incident to the police is the exception and not the norm. From 1993 to 1999, about 70% of rape and sexual assault crimes were not reported to the police. Because a person did not immediately report an assault or chooses not to report it at all does not mean that the assault did not happen.

Slide 68: Myth #8: Sexual assault victims come from all walks of life and are not only young, pretty women.

Slide 69: Fact!

Slide 70: You're correct, this is a fact. The belief that only young, pretty women are sexually assaulted stems from the myth that sexual assault is based on sex and physical attraction. Sexual assault is a crime of power and control, and offenders often choose people whom they perceive as most vulnerable to attack or over whom they believe they can assert power. Sexual assault victims come from all walks of life. They can range in age from the very old to the very young. 67% of all victims of sexual assault reported to law enforcement agencies were under the age of 18; 34% of all victims were under age 12. One of every seven victims of sexual assault reported to law enforcement agencies were under age 6. Men and boys are sexually assaulted too. Persons with disabilities are also sexually assaulted. Assumptions about the "typical" sexual assault victim may further isolate those victimized because they may feel they will not be believed if they do not share the characteristics of the stereotypical sexual assault victim.

Slide 71: Fact!

Slide 72: No, this is fact. The belief that only young, pretty women are sexually assaulted stems from the myth that sexual assault is based on sex and physical attraction. Sexual assault is a crime of power and control, and offenders often choose people whom they perceive as most vulnerable to attack or over whom they believe they can assert power. Sexual assault victims come from all walks of life. They can range in age from the very old to the very young. 67% of all victims of sexual assault reported to law enforcement agencies were under the age of 18; 34% of all victims were under age 12. One of every seven victims of sexual assault reported to law enforcement agencies were under age 6. Men and boys are sexually assaulted too. Persons with disabilities are also sexually assaulted. Assumptions about the "typical" sexual assault victim may further isolate those victimized because they may feel they will not be believed if they do not share the characteristics of the stereotypical sexual assault victim.

Slide 73: Myth #9: It's only rape if the victim puts up a fight and resists.

Slide 74: Myth!

Slide 75: Yes, that's right! This is definitely a myth. Many states do not require a victim to resist in order to charge the offender with rape or sexual assault. In addition, there are many reasons why a victim of sexual assault would not fight or resist their attacker. They may feel that fighting or resisting will make their attacker angry, resulting in more severe injury. They may not fight or resist as a coping mechanism for dealing with the trauma of being sexually assaulted. Many law enforcement experts say that victims should trust their instincts and intuition and do what they think is most likely to keep them

alive. Not fighting or resisting an attack does not equal consent. It may mean it was the best way they knew how to protect themselves from further injury.

Slide 76: Myth!

Slide 77: No, this is a myth. Many states do not require a victim to resist in order to charge the offender with rape or sexual assault. In addition, there are many reasons why a victim of sexual assault would not fight or resist their attacker. They may feel that fighting or resisting will make their attacker angry, resulting in more severe injury. They may not fight or resist as a coping mechanism for dealing with the trauma of being sexually assaulted. Many law enforcement experts say that victims should trust their instincts and intuition and do what they think is most likely to keep them alive. Not fighting or resisting an attack does not equal consent. It may mean it was the best way they knew how to protect themselves from further injury.

Slide 78: Myth #10: Someone can be sexually assaulted without a weapon involved.

Slide 79: Fact!

Slide 80: This is a fact: In many cases of sexual assault, a weapon is not involved. The offender often uses physical strength, physical violence, intimidation, threats, or a combination of these tactics to overpower the victim. An offender often uses the victim's trust developed through their relationship to create an opportunity to commit the sexual assault. In addition, the offender may have intimate knowledge about the victim's life, such as where they live, where they work, where they go to school, or information about their family and friends. This enhances the credibility of any threats made by the offender. Although the presence of a weapon while committing the assault may result in a higher penalty or criminal charge, the absence of a weapon does not mean that the offender cannot be held criminally responsible for a sexual assault.

Slide 81: Fact!

Slide 82: No, this is a fact. In many cases of sexual assault, a weapon is not involved. The offender often uses physical strength, physical violence, intimidation, threats, or a combination of these tactics to overpower the victim. An offender often uses the victim's trust developed through their relationship to create an opportunity to commit the sexual assault. In addition, the offender may have intimate knowledge about the victim's life, such as where they live, where they work, where they go to school, or information about their family and friends. This enhances the credibility of any threats made by the offender. Although the presence of a weapon while committing the assault may result in a higher penalty or criminal charge, the absence of a weapon does not mean that the offender cannot be held criminally responsible for a sexual assault.

Slide 83: Myth #11: Rape is mostly an inter-racial crime.

Slide 84: Myth!

Slide 85: Correct, this is a myth. The vast majority of violent crimes, which include sexual assaults and rapes, are intra-racial, meaning the victim and the offender are of the same race. This is not true, however, for rapes and sexual assaults committed against Native women. American Indian victims

reported that approximately 8 in 10 rapes or sexual assaults were perpetrated by whites. Native women also experience a higher rate of sexual assault victimization than any other race.

Slide 86: Myth!

Slide 87: No. This is not a fact, it's a myth. The vast majority of violent crimes, which include sexual assaults and rapes, are intra-racial, meaning the victim and the offender are of the same race. This is not true, however, for rapes and sexual assaults committed against Native women. American Indian victims reported that approximately 8 in 10 rapes or sexual assaults were perpetrated by whites. Native women also experience a higher rate of sexual assault victimization than any other race.

Slide 88: Enter your feedback below.

Slide 89: Quiz results.

Slide 90: Objectives: In this course, you have learned why training and educating law enforcement on the importance of sexual assault is so important.

Slide 91: Thank you for completing this course. Select "Close" to exit.

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