

153974

**U.S. Department of Justice
National Institute of Justice**

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this ~~copyrighted~~ material has been granted by
Public Domain/OJP/BJA

U.S. Department of Justice

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the ~~copyright~~ owner.

153974

IACP National Law Enforcement Policy Center

Sexual Assaults

NO. 10

APR 83 1995

Concepts and Issues Paper

February 1995

ACQUISITIONS

I. INTRODUCTION

A. Purpose of Document

This document is designed to accompany the Model Policy on Investigating Sexual Assault established by the IACP National Law Enforcement Policy Center. This paper presents essential background material and supporting documentation to provide greater understanding of the developmental philosophy and implementation requirements for the model policy. This material will be of value to law enforcement executives in their efforts to tailor the model to the requirements and circumstances of their communities and their law enforcement agencies.

This discussion paper reviews components of the model policy with emphasis on field investigative procedures and the interview process. This document is designed to provide a broad overview of the components of a sexual assault investigation in order to explain the primary directives of the model policy. It is in no way designed to represent an exhaustive study of this sometimes complex and extensive subject.

B. Background

Law enforcement authorities agree that, for a number of reasons, rape is the most underreported crime in the United States. Because of the highly personal nature of rape, many victims are too embarrassed to report the crime. They would rather forget the incident than discuss it. In some instances, the rapist may be a relative or family friend; therefore, the victim is reluctant to file a complaint. Of particular significance to law enforcement is the fact that some victims do not contact the police because they fear that the investigative, medical and prosecutorial procedures followed in a rape case are as psychologically traumatic as the crime itself.

The legal process that rape victims encounter is generally unfamiliar and, under the circumstances, can be emotionally threatening to victims. The police and prosecutorial interviews, in which the victim recounts and re-experiences the crime by relating details of the rape and answering intimate questions is followed by the courtroom trial where she can be subjected to an intimidating cross-examination by defense counsel. The legal process may take years to complete, constantly remind-

ing the victim of the experience and making her relive it each time.

Victims may also be unwilling to report a sexual assault due to factors that she fears may discredit her and/or her claim. For example, these factors may include cases in which the victim engaged in heavy alcohol use or prescription or illegal drug abuse at the time of the assault; did not take sufficient care to guard against the offense or placed herself at risk (such as entering a stranger's automobile or apartment); has a "reputation" among peers and associates for sexual promiscuity; has an arrest record or was engaged in illegal activity at the time of the offense; was related to or closely acquainted with the assailant; or was intimidated or blackmailed by the assailant's position, power or social status. Not only do these and other factors sometimes inhibit victims from reporting sexual assaults, but they have been demonstrated to be factors that influence police and prosecutors' complaint filing and charging decisions.¹ The challenge to investigating officers in this latter regard is to impartially segregate such factors from the pertinent details of the sexual assault.

Statutory law may also interfere with a victim's reporting of sexual assault and may influence prosecutorial charging decisions and judicial decision making. For example, some state laws do not recognize rape of a spouse, while others may require overt resistance to the assault by the victim in order to demonstrate force and lack of consent. Still other jurisdictions may require physical proof that penetration of the victim took place in order to prove rape. Nevertheless, many states have modified their laws on these and other points in consideration of the trauma of rape victims and to help prosecute offenders. For example, so-called "rape shield laws" have been introduced to limit the introduction of a victim's personal sex life during a rape trial. Many states permit the introduction of expert testimony concerning rape trauma, while others have eased some evidentiary requirements supporting a rape conviction.

Therefore, the police investigative inquiry should be more than a simple fact-finding mission surrounding the physical act of rape or molestation. At an appropriate point, investigators need to acquaint the victim with the sometimes complicated legal and medical system that she will undoubtedly encounter.

An important component of a successful investigation is the officer's understanding of the emotional condition of a rape victim. When interviewing a victim, the officer should not regard rape as solely a physical sexual assault but should consider the psychological effects rape has on its victims. Often the lasting scar of rape is an emotional one, leading to marital problems, mental illness --even suicide.

II. LEGAL BASIS FOR SEXUAL ASSAULT

For purposes of the model policy and this discussion paper, the term sexual assault refers particularly to the crime of rape. However, the term "sexual assault" may incorporate a broader range of sex-related crimes. While this document focuses principally upon rape investigation, many of the procedures discussed here may also apply to the investigation of this broader range of sexual molestation or assault investigations.

A. Legal Elements of Rape

According to common law, there are three elements to the crime of rape when the female is over the age of consent: carnal knowledge (penetration), forcible submission and lack of consent. Penetration, as an essential element of rape, means generally that the sexual organ of the male entered the sexual organ of the female. Court opinions have held that penetration, however slight, is sufficient to sustain a charge of rape. There need not be an entering of the vagina or rupturing of the hymen; entering of the vulva or labia is usually all that is required. During the interview, where required by law, an officer must clearly establish that penetration occurred with the penis. Penetration of a finger is not rape, although it is, of course, another form of assault.

In many states, the victim must have resisted the assault, and her resistance must have been overcome by force. The amount of resistance that the victim is expected to have displayed depends on the specific circumstances of the case. The power and strength of the aggressor and the physical and mental ability of the victim to resist vary in each case. The amount of resistance expected in one case will not necessarily be expected in another situation. It can be expected that one woman would be paralyzed by fear and rendered mute and helpless by circumstances that would inspire another to fierce resistance. There must be real, not token or feigned, resistance on the part of the woman before there can be a foundation for a rape charge in many cases.

The kind of fear that would render resistance by a woman unnecessary to support a case of rape includes a fear of death or serious bodily harm, a fear so extreme as to preclude resistance, or a fear that would render her incapable of continuing to resist. On the other hand, consent prior to penetration may remove the criminal character of rape from the subsequent intercourse. Of course, it is problematic in some cases whether the consent was voluntary or coerced or whether resistance was possible or even prudent on the part of the victim. As one state ruled, "there is no definite standard fixed for the amount of resistance required in rape cases. Resistance is not necessary where it would endanger the

complainant's safety or when she is overcome by superior strength or paralyzed with fear."² This ruling may reflect the position of some state courts although other states require more demonstrable evidence of resistance to rape. In any event, most would recognize that there is a wide difference between consent and submission by force or threat of force. consent may involve submission, but submission does not necessarily imply consent.

B. Corroboration

In the absence of a statute requiring corroboration, common law generally holds that the unsupported testimony of the victim, if not contradictory or incredible, is sufficient to sustain a conviction of rape. Some states, in order to provide safeguards against unfounded accusations of rape, have laws that require corroborative evidence. Corroboration is supportive evidence that tends to prove that a crime was committed. It lends credence to the allegation that the crime occurred and need not be proved beyond doubt.

Police officers should pay close attention to corroborative evidence even if it is not required by statute. Corroboration of a rape offense can take physical forms such as semen stains on clothing, bruises, cuts and medical evidence of sexual intercourse. Collection of such evidence will be discussed further in this paper. Corroborating evidence can also be circumstantial, such as statements and observations of witnesses. Although in some jurisdictions rape can be proved by the sole testimony of the victim, it is not common. Medical and scientific evidence are of prime importance and will often directly influence the successful prosecution of a case.

III. PSYCHOLOGICAL REACTIONS OF RAPE VICTIMS

A. Issues Related to the Victim's Self-concept

Rape is a crime of physical violence, but the fact that it is more than this is apparent to those who have witnessed the reactions of rape victims. In many cases, these victims have sustained more psychological damage than physical injury.

Except for homicide, rape is the most serious violation of a person's body because it deprives the victim of both physical and emotional privacy and autonomy. When rape occurs, the victim's ego or sense of self as well as her body is penetrated and used without consent. She has lost the most basic human need and right: control of physical and emotional self.

Perhaps most damaging to her self-concept is the intrusion of her inner space. Psychologically, it does not matter which orifice has been violated. Symbolically, violation of any one represents to the victim a forced entry into her ego.

Police officers should be aware that the rape victim has been forced to experience an event that is emotionally asexual. The victim's psychological response to rape primarily reflects her reaction to violation of self. As such, it is extremely important that police officers view rape as an emotional as well as a physical assault. This is true regardless of the moral reputation of the victim. Even prostitutes, who regularly sell their bodies, will experience the psychological violation of

self when raped.

B. Response to Interview

The way in which rape victims respond to the interview situation is varied, depending on their physical condition, individual psychological makeup and emotional reaction to the sexual assault. The verbal styles of victims can range from quiet and guarded to talkative. Some victims find it extremely difficult to talk about the rape, perhaps because of the personal nature of the subject or because they are uncommunicative while under pressure. Others find relief in discussing the details of the rape. Often a victim will exhibit both patterns during the full course of an interview.

The two verbal patterns frequently displayed by rape victims during an interview are indicative of general emotional states that are commonly associated with the psychological effects of rape. The victim may respond to the crime in an expressed manner; that is, she verbally and physically exhibits fear, anger and anxiety. Or, the victim may respond in a controlled behavior pattern in which she hides her feelings and outwardly appears to be calm, composed or subdued.

Some rape victims show their feelings through physical manifestations such as crying, shaking, restlessness or tenseness--all of which are means of expression that accompany discussion of the crime, especially the more painful details. Some women may react by smiling or laughing. They do so to avoid their true feelings. Comments such as "really, nothing is wrong with me" combined with laughter generally serve as substitutes for the distressing memory of the attack.

Rape victims who are composed and able to calmly discuss the rape are usually controlling their true feelings. Presenting a strong controlled appearance during a personal crisis may be the way they cope with stress. In some cases, however, the victim's state of calmness may result from physical exhaustion rather than a conscious effort to remain composed. Because many rapes occur at night, victims are frequently exhausted, not having slept since the previous night.

A silent reaction on the part of the victim may also be encountered. The officer needs to realize that silence does not necessarily mean that the victim is hiding facts. It may mean that she is having a difficult time organizing her thoughts and initiating conversation about the incident.

Another emotional reaction of rape victims is to express shock that the incident occurred. Statements such as "I can't believe it happened," "It doesn't seem real" or "I just want to forget it" are common psychological responses to the trauma of rape.

Although there is no doubt that general emotional reactions to rape vary among individuals, there seems to be one common psychological denominator: fear. Law enforcement officers often observe that the victim has feared for her life during the rape, having viewed the rapist as a potential murderer. In most cases, the emotional reaction to this fear does not dissipate by the time of the interview.

Regardless of the victim's emotional reaction and its observable manifestations, the interview itself creates

additional anxiety. In many cases, the victim is totally ignorant of police procedures. Perhaps she has never before talked with a police officer, much less discussed the details of probably the most traumatic experience of her life. This produces a conflict within the victim: She *knows* that to make an investigation possible, the details of the rape must be discussed, but she *feels* apprehensive about describing the experience.

The character of the emotional stress that the victim experiences when she describes the rape is perhaps frequently misunderstood. To recount the details of the rape, the victim must mentally relive the incident. In most cases, the victim's psychological defenses will interfere with her ability and desire to remember what occurred. The victim may not be able to recall certain parts of the attack, or she may consciously change certain facts or omit them. The officer must exercise great patience and understanding in eliciting from the victim the necessary details of an experience she does not want to relive. Officers need to realize that this "reliving" of the experience, if not handled cautiously, can compound the psychological trauma of the victim.

IV. INVESTIGATIVE PROCEDURES

A. Crime Scene Investigation

An officer's first duty at the scene of a rape is to aid the victim and obtain medical attention at once if required. If the attack is brutal and the victim is suffering from wounds, briefly question the victim about the attack if she is able to speak. Questions relating to what happened, where the attack took place, and a description of or information about the assailant are pertinent basic facts. This initial attempt to secure information should be made whenever possible while awaiting the arrival of an ambulance or during transport to medical facilities. In turn, the dispatcher should be contacted immediately with this information.

Usually upon arriving at a rape scene, officers will find the victim of a sexual assault under severe emotional stress ranging from hysteria to deep depression. She may be sobbing uncontrollably, excited to the point of incoherence or be in a state of shock. When encountering any of these situations, officers must comfort the victim, reassure her that she will be all right and that she has nothing more to fear. A victim in this mental state may best be comforted by another woman: a female officer, a family member or a friend. Such individuals should be summoned as quickly as possible if not objectionable to the victim.

The crime scene should be secured, and a search for physical evidence begun as soon as possible. Quite often, the victim will pull hair or tear the assailant's clothes or scratch his face and accumulate skin tissue or blood stains under her fingernails. The victim's clothing can also provide valuable information. This should be collected and forwarded to the crime laboratory with other trace evidence for analysis.

Clothing. When a rape occurs in the home, the victim should be requested by the complaint taker not to change her clothing, shower or touch anything in the area until officers

arrive at the scene to give her instructions. Responding officers should assume custody of all the clothing worn at the time of the attack, so they may be examined for blood or seminal stains, hair fibers or other physical trace evidence that may lead to the identification, apprehension and conviction of a suspect. If the location of the crime makes the immediate recovery of the clothing impractical, the victim should be informed that an officer will collect her garments at the hospital for transfer to the crime laboratory. In these situations, arrangements should be made with a friend or a relative to bring a change of clothing for the victim to the hospital. The number of persons handling the victim's clothing must be restricted. Concerted efforts to protect the integrity of the specimens and to guard the chain of possession also require that evidence be properly marked, packaged and labelled to facilitate future identification.³

The clothing of a rape victim, especially the undergarments, as well as the clothes of a suspect, should be analyzed by crime laboratory technicians for semen stains, blood stains, hair and other physical traces, such as soil, grass stains and the like. Scientific analysis of the evidence may link a suspect to the crime, or it may indicate that a suspect is not the person who should be sought.

Recovered clothing should be carefully handled to protect the evidentiary value of the stains it may contain. Seminal traces and blood stains are highly brittle when dry and may be brushed off the clothing. Clothing should be covered with paper before folding, and each item individually placed in an evidence bag.

Semen. Seminal traces may be located by ultraviolet radiation because of their fluorescent qualities. Semen is highly proteinaceous serum normally containing a great number of spermatozoa. These traces are usually found on underclothing of the victim and/or the suspect, and may also be located on bedding, mattresses, towels, automobile cushions and similar types of materials found at or near the crime scene or in the possession of a suspect. Ultraviolet light and/or an acid phosphatase color test are helpful in identifying semen on these and other surfaces. Vaginal secretions and some other material will react to the latter test but not at the same speed as semen. A positive test requires that the material be subjected to microscopic examination for confirmation.

Blood stains may also be found in similar locations. Both semen and blood samples can be subjected to DNA analysis.

Hair. It is fairly common to find a reciprocal transfer of evidence in crimes involving bodily contact. As such, it is not unusual to find hair of the offender transferred to the body or clothing of the victim and, in turn, to discover some of the victim's hair on the suspect.

Recovered hair is usually subjected to microanalysis at the crime laboratory. The results of this examination can generally narrow the search for a suspect. A single strand of hair may identify the race, sex, approximate age and the true color of the hair of its host. The analysis can also determine the portion of the body that it is from scalp, chest, arm or pubic region.

Although the crime laboratory examination leads to general

identification characteristics of a suspect, a positive finding may suggest the implication of an individual while a negative finding may disprove an erroneous theory. By the same token, hair found on a suspect's clothes can be examined and identified as being similar to that of the victim.

B. Medical Examination

A rape victim should receive medical attention and undergo an examination as soon as possible after the incident. This examination and treatment is not only needed for therapeutic and prophylactic reasons, but is also necessary to develop evidence showing penetration and the possibility of rape.

The victim has the right to be examined by a physician of her choice. However, for practical reasons, this should be generally discouraged. A private practitioner or a hospital staff physician is often reluctant to be specific in officially reporting findings or to take time from a busy work schedule to testify in court. Gentle persuasion and tact will usually influence an unwilling victim or her parents to allow a physician from a public institution to conduct the examination. A written statement or report should be obtained from the attending physician after the victim has been examined. This record is extremely important at the trial to sustain the victim's allegation that she was raped.

The medical examination conducted by a licensed physician is necessary to establish proof of penetration. It usually consists of a visual examination of the vaginal area to determine if there is evidence of tissue damage (lacerations, abrasions, contusions) or other indication of physical trauma that are logically connected with the assault. Smears should be obtained from the vaginal passage to determine the presence or the absence of sperm. However, the presence of sperm merely corroborates that the victim had sexual intercourse, not necessarily that she had been raped.

If the victim dies before the physical examination, she should not be examined by the attending physician. Instead, the body should be examined by the posting physician or the medical examiner. This procedure is followed to reduce the number of persons examining the body. Also, an examination prior to the posting process may destroy or remove important evidence.

The medical examination of a deceased victim should include other body cavities such as the anus, mouth and ears. Scrapings should also be taken from under the fingernails. A thorough examination is necessary to determine the kind of sexual assault suffered by the victim and to obtain specimens of blood that could possibly be the assailant's. In some instances, assailants insert foreign objects into body cavities before or after the death of the victim. In instances of death, officers should provide the medical examiner with all information surrounding the assault and death of the victim.

C. The Interview

While the victim interview is one of the key components of a rape investigation, it can also be one of the more difficult functions for a criminal investigator. The difficult and, in many

ways, specialized nature of these interviews has been a major reason for the introduction and use of rape crisis specialists to assist in these cases. Most agencies do not have such specialized personnel resources. But, many agencies have found it helpful to utilize female officers individually or in conjunction with a male officer for such interviews. Female officers, even without specialized training, are generally effective in mitigating some of the anxiety and apprehension that rape victims have concerning the interview process and related investigatory activities. Significant additional benefits can be realized, both for the victim and the criminal investigation, where the same female officer can be assigned to assist the victim throughout the investigation and prosecution of the case.

Most rape investigations should incorporate a preliminary and subsequent in-depth interview with the victim. As outlined in the model policy, the initial interview conducted at the crime scene should be limited to gathering basic facts about the crime sufficient to identify the victim and to describe and locate the offender on a timely basis. The ability of the responding officer or investigator to gather this information will depend greatly upon the emotional and physical condition of the victim and the professional and interpersonal skills of the interviewer. However, it is ill-advised to attempt to fully explore the events and circumstances surrounding the crime at the scene of the incident. The emotional condition of rape victims generally precludes their ability to clearly focus and to articulate accurate and complete details of the incident. Even in cases where a victim appears to be under control, officers should retain some skepticism about the clarity and factual basis of statements and should attempt to validate such information at a later time during an in-depth interview session.

By gathering complete information during the in-depth interview, officers avoid the need to repeatedly question the victim at later dates. Repeated interviews require the victim to relive the experience again and again. A structured interview that will cover all pertinent areas is one of the better means of avoiding such repetitive questioning.

The investigative goal of the police officer in interviewing a rape victim is to determine if and how the crime occurred. It is from the statements made by the victim to the officer that the essential elements of the offense and the direction of the investigation are established. The prosecutor and eventually the court must be given a well-balanced account of the offense describing the actions of the offender, any accomplices and the victim. It is the investigator's responsibility to provide the court with the explanation and clarification it seeks. Part of the story may be obtained from the analysis of physical evidence, but the eyewitness account of the victim or other persons fill in the missing portions of the picture presented to the court.

Because the interview process may be considered as a routine operation, the police officer may, if not careful, project a feeling of lack of concern for the victim as a person. The danger is that the victim may be left with the impression that she is being treated as an object of physical evidence rather than as a human being. This eventuality must be avoided

for its own sake as well as for the good of the investigation. It is by the personal and sensitive communication of the interview that the victim's cooperation is gained and her emotional well-being maintained. If the officer treats the victim impersonally, her confidence will be shattered, the interview will be unsuccessful and the victim may suffer further emotional stress. The following points should be kept in mind when conducting the in-depth interview.

Officer Attitude. When interviewing a rape victim, the officer must realize that, from the victim's viewpoint, what has occurred is a violent and perverted invasion of her "self." Further, the officer must be constantly aware of personal sexual attitudes and prejudices as well as the subtle and not-so-subtle ways in which they emerge. Special care should be exercised so that the rape victim is not placed in the position of perceiving herself as being guilty because of the personal nature of the crime and the social stigma attached to it. Professional bearing throughout the interview will help the officer obtain an accurate report of the crime without causing the victim to experience unnecessary anxiety.

The interviewer's approach should be informal and natural in order to put the victim at ease. Words should be used that are appropriate to the victim's age, intelligence and social class. Slang or colloquialisms may be appropriate in alluding to matters indirectly related to the offense, but medical terms should be used to refer to the various sexual organs and parts of the body (penis, vagina, vulva, etc.). In some instances, an officer may have to define terms to the victim before the interview. This adds a degree of dignity to the confidential relationship one should establish, indicates respect for the private parts of the body and helps allay doubt or misgiving about the officer's sincerity and interest.

Physical Setting. It is unreasonable to expect a rape victim to respond to detailed questioning while she is uncomfortable or in physical pain. The victim may have been beaten as well as raped. If the rape has occurred outdoors, the victim and her clothing will probably be soiled. Sometimes the victim has been urinated on or has been forced to commit oral sodomy. Under conditions such as these, the preliminary interview should be brief, and the in-depth follow-up interview should be conducted after the victim has been medically examined and treated, and her personal needs such as washing and changing clothes have been met.

Officers often interview a rape victim at the hospital or other medical facility where the victim is being treated. Most hospitals meet the basic requirements of appropriate physical setting for an interview. The physical surroundings of most hospitals provide desired privacy and a professional care environment that can restore confidence in the victim.

Outside the hospital, the interview should take place in a comfortable setting where there is privacy and freedom from distraction. A crowded office or similar location where the interview is subject to interruption is inappropriate. The reluctance of a rape victim to discuss intimate details of the crime will generally increase if there are other people present. This may include persons who would be close to the victim under otherwise normal conditions, such as a husband or

boyfriend.

Opening Remarks. Opening remarks represent a critical point at which an officer must gain the victim's confidence and let her know that a major part of the officer's function is to help and to protect her. The officer should make clear his/her sympathy for and interest in the victim. By doing this, the officer contributes to the immediate and long-term emotional health of the victim and lays the foundation of mutual cooperation and respect upon which the effective interview is built.

Ventilation Period. Following the opening remarks, the officer should allow the victim to direct the conversation into any area of concern to her. This "ventilation" period gives the victim an opportunity to relieve emotional tension. During this time, the officer should listen carefully to the victim, provide answers to questions as appropriate and reassurance where necessary.

Investigative Questioning. After a ventilation period, the victim should be allowed to describe what occurred in her own words and without interruption. As the victim provides details about the rape, she will also relate a great deal about herself. Her mood and general reaction, her choice of words and her comments on unrelated matters can be useful in evaluating the facts of the case. It is important in such an interview that the police officer be humane, sympathetic and patient. He/she should also be alert to inconsistencies in the victim's statement. If the victim's story differs from the originally reported facts, the officer should point out the discrepancies and ask her to explain them in greater detail. The officer should phrase questions in simple language, making sure that he is understood. It is best if the questions are presented in a manner that encourages conversation rather than implies interrogation.

Often a rape victim will omit embarrassing details from her description of the crime. Officers should expect a certain amount of reluctance on the part of the victim to describe unpleasant facts. The officer should explain that certain information must be discussed to satisfy the legal aspects of rape and pursue the investigation. He may add that the same questions will be asked in court if the case results in a trial.

In a majority of cases, the attack is premeditated, and in about half the cases, the rapist has known or has seen the victim before the assault. Because of this, certain types of questions should be asked. The victim should be asked if, and how long, she has been acquainted with the offender. The circumstances of their meeting and the extent of any previous relationship, including any prior sexual relations, should be explored. Although previous sexual acts with the accused will not absolve the offender at this point in the investigation, knowledge of them helps to establish the validity of the complaint. Along these same lines, the officer should determine if the victim has ever made a charge of this nature in the past; review of previous records, if any, will provide insight on this point.

Where it is determined that the victim had known the rapist prior to the incident, he should be identified and interviewed.

If the offender is unknown, the officer must get a detailed description of him including clothing, speech mannerisms and related identifying characteristics. The officer should determine whether the offender revealed any personal facts such as area of residence or places he frequented. Questions should be asked related to the presence of any accomplices, use of weapons, and make and model of any vehicle involved, among other pertinent factors.

Concluding the Interview. As a result of having been raped, some victims suffer long-term emotional problems. Because of this, it is appropriate for the officer conducting the interview to determine whether the victim has sought assistance for any such problems. It is generally advisable to inform the victim that emotional reactions to rape are common and that counseling is advisable. Victims who are not familiar with available community resources to assist in these matters should be provided with information on referral agencies.

D. A Crime or A False Complaint?

Law enforcement investigators must proceed on the assumption that a reported rape is bona fide, but one must be aware that on infrequent occasions a false accusation may be encountered. Cases arise in which false rape charges are lodged against a boy friend, casual acquaintance or even a stranger. In some of these cases, the accuser may have consented to an act of intercourse with the person she is accusing or with someone else. Then, in an attempt to conceal her indiscretion or prompted by the fear of pregnancy, guilt, revenge or a similar motive, she charges that she has been raped. On less frequent occasions, one may encounter a false accusation directed against an innocent person by one who is mentally ill.

Separating truth from falsehood in such uncommon situations is often a difficult task. In doing so, officers should carefully consider the appearance and behavior of the alleged victim. Generally, the actions and the appearance of a legitimate rape victim leave little doubt that a crime has been committed. Under such circumstances, the victim is highly agitated, emotionally distraught, often in a state of hysteria and may have sustained injuries, cuts, bruises or wounds. The victim's clothing is often ripped or torn off as evidence that it was forcibly removed and, if the rape occurred outdoors, the victim is generally thrown to the ground, and her outer garments stained or soiled.

Questions may reasonably be raised concerning the validity of rape charges in which none or only a few of the above manifestations exist. During the investigative interview, officers may also note the attitude and unusual hesitancy or anxiety of the victim to a suggestion that she undergo a medical examination. Similar doubt is warranted in those instances in which there is a substantial delay between the alleged offense and report of the crime. Victims usually report rapes as quickly as possible. However, one should not discredit a complaint registered a number of hours or even a day or two later without a serious investigation. Some victims, through a misdirected sense of shame or fear, or because of emotional trauma or other reasons, may delay notifying the police. Officers should question in a tactful yet thorough manner the

reasons for any extended delay between the report and alleged attack.

Endotes

¹Kerstetter, Wayne A., "Gateway to Justice: Police and Prosecutor Response to Sexual Assaults Against Women," Criminal Law Journal of and Criminology, Summer 1990

²*People v. McCann*, 76 Ill. App. 3rd 184, 186, 394 N.E.2d 1055, 1056 (2d Dist. 1979)

³See, for example, "Model Policy on Evidence Control," IACP National Law Enforcement Policy Center, International Association of Chiefs of Police, Alexandria, VA 1992

This project was supported by Grant No. 93-DD-CX-K009 awarded by the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice. The Assistant Attorney General, Office of Justice Programs, coordinates the activities of the following program offices and bureaus: the Bureau of Justice Assistance, the Bureau of Justice Statistics, National Institute of Justice, Office of Juvenile Justice and Delinquency Prevention, and the Office of Victims of Crime. Points of view or opinions in this document are those of the author and do not represent the official position or policies of the United States Department of Justice, or the International Association of Chiefs of Police.

Every effort has been made by the IACP National Law Enforcement Policy Center staff and advisory board to ensure that this model policy incorporates the most current information and contemporary professional judgment on this issue. However, law enforcement administrators should be cautioned that no "model" policy can meet all the needs of any given law enforcement agency. Each law enforcement agency operates in a unique environment of federal court rulings, state laws, local ordinances, regulations, judicial and administrative decisions and collective bargaining agreements that must be considered. In addition, the formulation of specific agency policies must take into account local political and community perspectives and customs, prerogatives and demands, often divergent law enforcement strategies and philosophies, and the impact of varied agency resource capabilities, among other factors.