

# **EXCERPT FROM**

# **Reporting Methods**

# **for Sexual Assault Cases**

**EVAW International**  
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## **Crime Reports vs. Informational Reports**

When responding officers and deputies document every single sexual assault call with a written report, it is obviously important to differentiate those reports that constitute a crime from those that do not. Yet there are a variety of terms and procedures used by law enforcement agencies, which makes it difficult to compare practices across the country.

- In some law enforcement agencies, crime reports are documented with a form that is entirely different from the one that is used to document incidents that do not meet the elements of a crime. These agencies may describe the former as a crime report,” “offense report,” “case report,” or “scored case” – and distinguish it from a report of an incident that does not meet the elements of a sexual assault offense. The latter may be described as an “incident report,” “informational report,” “officer’s report,” or with another term.
- In other agencies, the same form is used for all sexual assault reports, but it is “scored” (or “coded”) as a crime when the elements of a sexual assault offense are present. They may use the same term to describe reports on sexual assault crimes and incidents that do not meet the elements of a sexual assault crime, or they may utilize different terminology for a report that is “scored” versus not “scored” (or “coded” versus “not coded” as a crime report).

Unfortunately, all of these different terms make it extremely difficult to talk about the different practices that law enforcement agencies use for reporting and clearing sexual assault cases.

### ***Our terminology***

We will use the terms “crime report” and “informational report” to describe the two primary reporting methods available to law enforcement agencies. Then we will use the term “incident report” or “incident number” generically to include both crime reports and informational reports.

- The term “crime report” will be used to describe a written report documenting a call that is determined to meet the elements of a sexual assault offense.
- The term “informational report” will be used to describe a report documenting an incident that does not meet the elements of a sexual assault offense.
- We will also use the term “incident number” generically, to refer to the number given to a case that may constitute either a crime report or informational report.

## **Blind Reporting, Third Party Reporting, Victim Pseudonyms**

In general, the term “blind reporting” is used to describe the method for providing information to police about a sexual assault (or any other type of incident, for that matter) without recording any identifying information. Confidentiality of the victim is therefore maintained.

On the basis of such information, law enforcement personnel can then conduct a limited investigation, perhaps by checking to see if there are any other similar reports – either by geography or pattern of behavior. The agency can thus increase its intelligence on the realistic numbers and characteristics of sexual assault crimes taking place in a particular area. The information may also help investigators to link together sexual assaults committed by the same perpetrator, based on the similarities in the geographic region or patterns of behavior.

However, “blind reports” should not really be considered a separate type of reporting. Rather, blind reports only represent examples of a crime report or informational report, depending on whether or not the blind report meets the elements of a sexual assault offense.

- If a blind report meets the elements of a sexual assault offense, for example, it constitutes a crime report. The only difference from other crime reports would be that information in the case file would not include the identity of the victim.
- On the other hand, if the blind report does not meet the elements of a sexual assault offense, it is an informational report. Again, the only difference from other informational reports would be the lack of victim identification.

Of course, blind reports cannot result in successful prosecution of the crime without identifying information from the victim. However, a blind reporting system offers a number of important advantages for both victims and police.

### ***Using a pseudonym (also known as a “Jane Doe” report)***

In addition to blind reporting, some states have enacted laws to explicitly provide victims the option of using a pseudonym (i.e., false name) on all legal and medical documents associated with the sexual assault. Other states have laws that allow victims to request that their name and other identifying information not be made available to the public. In that case, all reports include accurate information so they can be correctly archived and effectively searched in a database. However, for victims who request it, their name and any other identifying information are removed before any report is released. Then if there is a trial, victims can either testify in court either using a pseudonym (e.g., Jane Doe or John Doe) or using only their first name. This decision would be made by the victim and the prosecuting attorney in the case.

- Please note that this is different from a blind report, which typically implies that law enforcement does not know the identity of the victim.
- When a victim uses a pseudonym, law enforcement knows the identity of the victim but removes identifying information from specified records.

### ***Third party (anonymous) reporting***

Some law enforcement agencies even allow victims to file the blind reports with a third party such as the local rape crisis center instead of the police. This is another example of a best practice, although it is relatively uncommon. If this practice is implemented by a law

enforcement organization, it will again require establishing policies and procedures in collaboration with the rape crisis center or other third party who is authorized to accept reports.

The primary advantages of third party (anonymous) reporting are that it provides yet another option for victims, and it ensures that law enforcement has a more realistic picture of the sexual assaults taking place in the community.

The primary disadvantages, however, are that third party (anonymous) reports will not typically result in anything but the most limited investigation by law enforcement and will not lead to criminal prosecution. One reason for this is that the reports are not typically accompanied by physical evidence, except perhaps photographs of any injuries that can be stored in an envelope. The agency or organization receiving the third party report will not generally have the capacity to store any other forms of physical evidence, including a “rape kit” completed as part of a medical forensic examination. However, best practice for agencies receiving any third party (anonymous) reports would be to establish this capacity by working in coordination with law enforcement agencies in the area. While it is not reasonable to expect community-based advocacy organizations or other similar agencies to store this evidence and properly maintain chain of custody, law enforcement agencies can implement a protocol for receiving and storing such evidence that is provided along with the third party (anonymous) report and labeled only with the case number, pseudonym, or other anonymous identifier as specified in the protocol.

## **Mandated Reporting by Medical Professionals**

In some states, medical professionals are mandated by state law to notify law enforcement of any sexual assault that is committed or suspected against one of their patients. These laws vary dramatically in terms of what triggers the mandated reporting requirement, what information must be reported, who must be notified of the report, and what specific procedures must be followed to comply with this mandated reporting requirement. In order to clarify these complex issues, the American Prosecutors Research Institute (APRI), through their National Center for the Prosecution of Violence Against Women, recently released a report entitled: *“Rape and Sexual Assault Reporting Requirements for Competent Adult Victims”* (2005).

To find out whether or not your state has a **law mandating medical professionals to report suspected cases of sexual assault to law enforcement**, see the interactive map created by the American Prosecutors Research Institute through the National Center for the Prosecution of Violence Against Women at [http://www.ndaa.org/apri/programs/vawa/state\\_rape\\_reportings\\_requirements.html](http://www.ndaa.org/apri/programs/vawa/state_rape_reportings_requirements.html).

### ***Are victims identified in a mandated report?***

In states with mandated reporting requirements for competent adult victims of sexual assault, victims are not the ones to decide whether or not the sexual assault will be reported to law enforcement. Medical professionals in these states are mandated to report the sexual assault to law enforcement, irrespective of the victim’s wishes. Yet some of these mandated reporting laws do not require that any identifying information be provided. Therefore, the law in these states requires only a **blind (anonymous) report** be filed with law enforcement officials.

Meeting the requirements of the new VAWA 2005 provisions may require implementing some of the best practices we have already discussed, such as blind reporting, third party reporting, and reporting with a victim pseudonym.

In other states, the law requires medical professionals to provide the **victim's identity** to law enforcement, along with other basic information about the sexual assault. Again, these laws still leave it up to the victim to decide whether or not to talk with law enforcement professionals or participate in an investigation and prosecution.

Whatever the specific reporting requirements, they must be clearly explained to mandated reporters (so they know how to comply) and to victims (so they know what to expect from the process). Victims must also be notified of what triggers a mandatory report and what information would be provided. However, they must also be informed that even a mandatory report does not obligate them to talk with law enforcement professionals or participate in the investigation or criminal prosecution, as we have already discussed.