

## Encouraging the Discontinuation of Victim Forms to Waive Investigations in the United States

*Submitted by: Victim Services Committee*

*Co-Sponsored by: Police Investigative Operations Committee, Human & Civil Rights Committee, Juvenile Justice & Child Protection Committee, Crime Prevention Committee*

VSC.19.19

WHEREAS, in the United States, an estimated 3.1 million men, women, and children (12 or older) were the victims of violent crimes in 2017;<sup>1</sup> and

WHEREAS, in the United States, more than 1.2 million violent crimes and 7.6 million property crimes were reported to the police in 2017;<sup>2</sup> and

WHEREAS, from 2016 to 2010, nearly 60% (59.6%) of rape and sexual assault victims surveyed did not report their victimization to police;<sup>3</sup> and

WHEREAS, according to the National Crime Victimization Survey conducted by the U.S. Census Bureau for the Bureau of Justice Statistics, crime victims do not report to the police for a variety of reasons, including they do not believe the police will do anything, they fear retaliation, or they do not believe their report is important enough;<sup>4</sup> and

WHEREAS, due to the traumatic nature of violent crime, a victim's ability to give an account of the incident may be impaired and without an understanding of the neurobiology of trauma, their account might be viewed by police, prosecutors, loved ones, and others, as inconsistent, inaccurate, or unreliable;<sup>5</sup> and

WHEREAS, the effects of trauma including the inability to process information, inability to remember details or chronology of events, the inability to physically move or fight back while being attacked, and disassociation;<sup>6</sup> and

WHEREAS, victims who experience violent crime may have impaired decision-making and impaired memory and should not be asked to make long-term investigative or prosecution decisions immediately

---

<sup>1</sup> Rachel E. Morgan and Jennifer L. Truman, *Criminal Victimization, 2017* (Office of Justice Programs, Bureau of Justice Statistics, December 2018), <https://www.bjs.gov/content/pub/pdf/cv17.pdf>.

<sup>2</sup> Federal Bureau of Investigation, *Crime in the United States, 2017*, Uniform Crime Reports, [https://ucr.fbi.gov/crime-in-the-u.s.-2017](https://ucr.fbi.gov/crime-in-the-u.s/2017/crime-in-the-u.s.-2017).

<sup>3</sup> Lynn Langton et al., *Victimizations Not Reported to the Police, 2006-2010* (Office of Justice Programs, Bureau of Justice Statistics, August 2012), <https://www.bjs.gov/content/pub/pdf/vnnp0610.pdf>.

<sup>4</sup> Langton et al., *Victimizations Not Reported to the Police*, <https://www.bjs.gov/content/pub/pdf/vnnp0610.pdf>.

<sup>5</sup> Christopher Wilson, Kimberly A. Lonsway, and Joanne Archambault, *Understanding the Neurobiology of Trauma and Implications for Interviewing Victims* (End Violence Against Women International, 2016), <https://www.evawintl.org/Library/DocumentLibraryHandler.ashx?id=842>.

<sup>6</sup> Wilson, Lonsway, and Archambault, *Understanding the Neurobiology of Trauma and Implications for Interviewing Victims*.

after the crime;<sup>7</sup> and

WHEREAS, studies have shown that all individuals have implicit and explicit biases that may unknowingly affect some law enforcement professionals' perception of a victim thus impacting their objectiveness during an investigation;<sup>8</sup> and

WHEREAS, it has been presented in the media and in some instances some law enforcement professionals are prompting victims to waive their rights to an investigation either because they do not believe the victim or do not think that the case has prosecutorial merit;<sup>9</sup> and

WHEREAS, it is known that some law enforcement professionals prematurely address the issue of prosecution with victims, asking them in their initial interview whether they "want to prosecute" the suspect and/or pressuring victims into signing a release waiver; and

WHEREAS, this practice is patently unfair to victims because it sidesteps the law enforcement agency's responsibility for investigating the report and takes advantage of some victims' lack of understanding of how the criminal justice system works; and

WHEREAS, due to this behavior, offenders are not being held responsible for the crimes committed thus allowing perpetrators to repeat criminal acts; and

WHEREAS, according to the IACP *Sexual Assault Response Policy and Training Guidelines*, victims of crime should not be asked to sign non-investigate or non-prosecution statements or waivers, and by asking victims to sign these forms may deter them from reporting future crimes or seeking victim services. Now, therefore, be it

RESOLVED, that law enforcement agencies should discontinue the use of waivers or forms to not investigate, regardless of the type of crime; and be it

FURTHER RESOLVED, that law enforcement agencies should provide trauma-informed interviewing and investigation training so that all agency members understand how trauma impacts crime victims; and be it

FURTHER RESOLVED, that the International Association of Chiefs of Police strongly discourages the use of any type of Victim Waiver forms that seek to reduce a victim's legal rights to justice and empowerment.

---

<sup>7</sup> National Center for Victims of Crime, "How Crime Victims React to Trauma," <https://victimsofcrime.org/help-for-crime-victims/get-help-bulletins-for-crime-victims/how-crime-victims-react-to-trauma>.

<sup>8</sup> National Initiative for Building Community Trust & Justice, "Implicit Bias," <https://trustandjustice.org/resources/intervention/implicit-bias>.

<sup>9</sup> Catherine Rentz, "Hundreds of Baltimore-Area Sex Assault Victims Signed Waivers Releasing Police from Duty of Investigating," *The Baltimore Sun*, February 19, 2019, <https://www.baltimoresun.com/news/investigations/bs-md-sex-assault-waivers-20190219-story.html>.