

Investigating Sexual Assault by Intoxication Cases

(3 Hours)

This presentation addresses issues, which investigators and prosecutors face in intoxicated sexual assault cases. Facing high hurdles such as the “consent defense” and intoxicated victims with memory loss, also cases known as, “He said, she said.” The “regrettable sex” and I was “blacked out also” defenses. Mistakes made by law enforcement and how investigators approach sexual assault by intoxication cases.

Why detectives should follow through with their investigation, you need to know who and what your suspect is and how the assault occurred. Detectives should look for reasons to go forward with the investigation not reasons to drop it. Why in the long run not following through could be dangerous.

Deceptive evidence, when and how to use it. The successes and pit falls of this type of evidence.

How and why credibility plays a big part. Dealing with victim and witness who lie about things big and small. Inconsistent statements by everyone involved, including law enforcement. Bad sloppy police work.

No physical or scientific evidence and why you don't need them. Dealing with late disclosures, the history and understanding them. Almost all sexual assaults by intoxication are delayed reported, making them cold case crimes from the start leaving investigators with little to no “evidence.” Unconscious victims with a bizarre story. First disclosure witness, why they are the investigator's best witnesses.

Sizing up your victims and suspects. Who and what are they? What are the investigator's goals and the strategies to address them? How to approach the investigation.

How does an investigator obtain the intoxication level of victim and suspect on late disclosure cases?

Investigating sexual assault by intoxication are the hardest and most difficult cases you will ever investigate or prosecute even more so than homicides. There are so many negative issues involving sexual assault by intoxication cases you will not find in other types of crimes. Knowing and understanding these issues will help detectives and prosecutors in the course of their investigations.

Understanding your victim and how these crimes occur is only half the battle, getting your case into the court room is the other half. How to get the investigator's case issued by prosecutors.

False reporting is a big issue with investigators, prosecutors and the jury. Defendants use this as a defense. False reports, what to look for and why they occur.

This session will cover my experience with false reporting and the myth that a lot of victims lie about being assaulted. This simply isn't true.

Learning Objectives

- Address sexual assault by intoxication cases with new and effective responses.
- Obtain evidence from these types of cases in order to prosecute the suspects.
- Address and understand bizarre behavior by the victim.
- Recognize false reporters versus late disclosers.
- How to approach and complete the investigation.
- Debunk the mostly used defenses.
- Understand how alcohol affects the credibility of everyone involved.

This Presentation's History

April 2009 – End Violence Against Women International, “Investigating Difficult Sexual Assault Cases” – **Anaheim, CA**

October 2009 – California District Attorneys Association, Chapman University School of Law
“Innovative Investigative Responses to Sexual Assault Cases”

April 2010 – Naval Criminal Investigative Service/JAG Corps Officers, United States Naval Base 32Nd Street, *“Innovative Investigative Responses to Sexual Assault Cases”*

April 2010 – San Diego County Sexual Assault Investigator's Association, *“Innovative Investigative Responses to Sexual Assault Cases”*

September 2010 – 15Th International Conference of Violence, Abuse & Trauma, *“Innovative Investigative Responses to Difficult Sexual Assault Cases”*

March 2011 – California Sexual Assault Investigator's Association Spring Training, *“Innovative Investigative Responses to Difficult Sexual Assault Cases”*

July 2011 - California Sexual Assault Investigator's Association Training, *“Innovative Investigative Responses to Difficult Sexual Assault Cases” “Sexual Assault Victimology” “Pre-Text Phone Calls”*

April 2014 – End Violence Against Women International, “Investigating Difficult Sexual Assault Cases” “Contesting the “He said, She said” defense – **Seattle**

April 15, 2015 – End Violence Against Women International, “Investigating Difficult Sexual Assault Cases” “Contesting the “He said, She said” defense – **New Orleans**

April 22, 2015 – West Virginia State's Attorney's Office, 15Th Annual West Virginia Sexual

Assault & Stalking Symposium, “Investigating Difficult Sexual Assault Cases” and “False Reporting” - **West Virginia**

June 2016 – Live Violence Free – “Sexual Assault Investigations” & “False Reports” one-day training for local law enforcement and Domestic Violence & Sexual Assault advocates.
South Lake Tahoe County

April 5, 2018 – **End Violence Against Women International**, “Investigating Difficult Sexual Assault Cases” “Contesting the “He said, She said Defense.” – **Chicago**

April 17, 2018 – **Conference on Crimes Against Women**, “False Reporting; Moving Beyond the Issues” “Investigating Sexual Assault by Intoxication” “In Their Own Words, Practical Tools & Techniques for Obtaining Post-Arrest Communications in Cases of Intimate Partner Violence & Human Trafficking.” – **Dallas**

June 26, 2018 – **End Violence Against Women**, “False Reporting – Moving Beyond the Issues” Webinar

November 5, 2018 – **2018 Delaware Law Enforcement Training Conference**, “Investigating Sexual Assault by Intoxication Cases” “Effective Communication with Difficult Victims” “Why doesn’t She Leave, The Science Behind It” – **Delaware**

January 28, 2019 – **Iowa Sexual Assault Investigator’s Association Annual Training**, “Investigating Sexual Assault by Intoxication Cases” “False Reporting; Moving Beyond the Issues” “Pre-text Phone Calls as an Investigative Tool” – **Des Moines, Iowa**

May 6, 2019 – **International Association of Chiefs of Police**, “Investigating Sexual Assault by Intoxication Cases” “False Reporting; Moving Beyond the Issues” – **Denton, Texas**

May 29, 2019 – **RISE**, “Investigating Sexual Assault by Intoxication Cases” “Trauma-Informed Responses to Sexual Assault.” – **San Luis Obispo, California**

June 10, 2019 – United States Army Reserve Special Victims Command Training, “Investigating Sexual Assault by Intoxication Cases” “False Reporting; Moving Beyond the Issues” – **United States Air Force Academy, Colorado Springs, Colorado**

June 19, 2019 – **Northeast South Dakota Conference**, Brown County State’s Attorney’s Office, “Investigating Sexual Assault by Intoxication Cases” “Effective Communication with Difficult Victims” – **Aberdeen, South Dakota**

September 10, 11, 12, 2019 – **International Association of Chiefs of Police**, “Investigating Sexual Assault by Intoxication Cases” Nampa Police Department – **Nampa, Idaho**

September 26, 2019 – **17th Judicial VALE**, Adams County SART Team “Investigating Sexual Assault by Intoxication Cases” “False Reporting; Moving Beyond the Issues” – **Brighton, Colorado**

October 23, 2019 – Sexual Assault Awareness Training, Union County Ohio, “Investigating Sexual Assault by Intoxication Cases” “False Reporting; Moving Beyond the Issues” – **Union County, Ohio**

Presenter's History

I have presented this presentation, in full or in part, for the following law enforcement agencies, Department of Defense (All branches of the United States military) and civilian organizations; Center for Community Solutions in San Diego, (SAVI & SARC Programs) for the United States Military, Sexual Assault Examiner Training for Health Care Professionals Training, Sexual Assault Examiner Training for Healthcare Professionals, National Sexual Assault Institute, *"Pursuing Justice through Civil Legal Remedies," "Sexual Assault by Intoxication, Credibility & Consent,"*

October 2001 – Present – San Diego Police Regional Law Enforcement Academy as an instructor for 16 years for the following menu classes, Sex Crimes Investigations, Victimology of Sex Crimes, First Responders to Sex crimes, Crime Scene Investigations, Cold Case Sexual Assault Investigations (CODIS Hits), Stalking, California Sex Crimes Laws and Drug Facilitated Sexual Assaults, Investigations 101 and Basic Interviewing & Interrogations.

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