

Law and Investigative Strategy

(2 Hours)

Although penal code definitions of criminal sex offenses vary state by state, most are conceptually similar and can be understood by analyzing their elements. By making a series of decisions, law enforcement investigators can determine not only which specific crime was committed but also frame the entire investigative strategy based on the defense that is most likely to be raised. Criminal sex offenses will thus be discussed conceptually in this presentation.

Learning Objectives

- Determine the category of sexual assault case being handled.
- Determine whether sexual penetration or sexual contact has been committed by the suspect.
- Determine whether any reported sexual acts (whether penetration or contact) were committed using force, threat or fear.
- Given the category of sexual case being handled, predict the defense most likely to be raised, including: • Denial • Identity • Consent.
- Develop an investigative strategy designed to overcome a particular defense.
- Recognize the types of evidence that support the particular elements of the sexual assault case.
- Recognize the types of evidence that effectively counter common defense strategies.
- Recognize the purposes of associative and reconstructive/corroborative evidence.

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.

May 10, 2015 – Present – Department of Defense, “Sexual Assault Investigations” & “False Reports” two-week training for United States JAG Corps. **Army Base Fort Leonard Wood, MO.**

November 2009 – San Diego City Attorney’s Office, *“Sex Crimes Victimology, Sex Crime Laws & Advocate resources”*

August 2010 – San Diego City Schools Police Department, *“Sex Crimes Investigations & Laws”*

September 2011 – Sexual Abuse Forensic Examiner Training for Healthcare Professionals, *“Victim’s Rights” “Stages of Criminal Prosecution” “Penal Code Review”*

October 2012 – California Court Interpreter Association, *“The Language of Human Trafficking” “Intoxication Sexual Assault & Court”*

May 2013 – United States Marine Corps, JAG Training, Pacific & Western Regions TCAP Training, *“Proving the Intoxication 120 Case”* **Long Beach, California**

April 18 – 20, 2017 – End Violence Against Women International, Start by Believing: “Can I Really Say I Start by Believing?” “What about Perceptions of Bias and Objectivity?” **Orlando, Florida**

- Jerald Monahan, Chief of Police of Yavapai College, Prescott, Arizona
- Herbert Tanner Jr, JD, Consultant Trainer, HR Tanner Consulting, Portland Maine
- Miriam Falf, JD, Assistant Attorney General, Prosecutor for Domestic Violence and sexual assault, Wisconsin Department of Justice, Madison, Wisconsin
- Roger Canaff, Esq., Legal Expert, Child Protection and Special Victims Advocate, New York, New York

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