

The Ally

a newsletter for law enforcement professionals combating sexual violence

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The Ally is a publication of the Austin/Travis County Sexual Assault Response & Resource Team (Austin/Travis County SARRT)

Response, Investigation, and Prosecution of Sexual Assault: How Far We've Come

Ted Bundy, the Boston Strangler, and Jack the Ripper - names that evoke powerful images of horrific crimes, violent sexual assaults, and the murder of innocent victims. As a society, when we think about and discuss rape and sexual assault, we focus on images of the stranger preying upon his victim. Yet this is far from the norm of what is actually occurring in our communities. More typical is the less well-understood phenomenon of non-stranger sexual assault.

How do we as a society define what rape is? We can go back to some of the oldest recorded rapes and analyze the role of the media, as well as the public's response, to help us understand.

One of the most notorious criminals of modern times, Jack the Ripper, was one of the first serial rapist/murders to be covered heavily in the press. At that time, the media was criticized for sensationalizing and reporting information that was inaccurate. As a result, over time, "The Ripper" and his crimes have been romanticized, the victims

often forgotten, the crimes minimized as to the actual horror of it all.

As time passed, the media continued to report on the likes of "The Ripper", and continued to feed into the common misperception that rape is typically perpetrated by strangers. As a society, we have bought into what we are being fed by the media and, to a lesser degree, what is being reported within law enforcement as "real" rape.

However, those of us who work within the sexual assault investigations arena understand that sexual assaults perpetrated by strangers are a tiny percentage of what is actually occurring. The majority of sexual assaults in the United States are committed by non-strangers. The victim knows the perpetrator in some capacity. In Austin, 89% of all sexual assaults are committed by non-strangers. The injuries incurred upon these victims typically are minimal. The most common weapon used to facilitate these sexual assaults is alcohol.

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Our first issue

The Ally was created to serve as an information sharing newsletter of best practices, current research, emerging trends, and other items of note for professionals working in the field of sexual assaults investigations.

We would like this to become a forum for Texans working in law enforcement and victim services to discuss strategies, successes, and obstacles in working tough cases.

We'd like your input, not just as readers, but as collaborators. Let us know what topics you'd like to see covered, what articles you can contribute, and what useful information you take away from an issue.

The Ally is not meant as a venue for discussing active cases or sharing sensitive information, there are already channels in place for that. Instead we want to compile, from across the state, nation, and world, the best information you need to know to strengthen a case, support a victim through a complex system, and make your community a safer place for all residents.

Publication Guidelines

Interested in writing for The Ally? Please contact us with your topic. Submissions are preferred in a Word document. If any images are to accompany the article please provide them as JPEGs or TIFF files with a minimum 300 dpi resolution.

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Photo courtesy of US Army. Margo Wright, photographer.



Dragging the 'Net

The Case for Online Investigations

A little over two years ago, a juvenile female was raped in a hotel room in Round Rock, TX. The case originally landed on my desk in the Austin Police Department Child Exploitation Unit because all we knew at the time was the girl was from Austin. She did not know where the suspect had taken her, and she only knew his first name and what his last name sounded like. The best piece of evidence she did have for me, however, was his partial e-mail address. The juvenile had run away from home and during her three-day excursion was soliciting rides on Internet forums. She managed to remember the domain of his e-mail (the part after the “@” symbol) and the partial name on it.

I ran the domain of the suspect’s e-mail along with his first name on Google. I found a web page for an Austin company that listed its employees. Finding a name with a matching first name and similar sounding last name, I got a driver’s license photo and took it to the victim. After she positively identified his picture, I confronted the suspect and obtained a confession. The suspect was arrested and convicted in the appropriate jurisdiction.

The course of that investigation may be commonplace for me, my partner or other investigators that specialize in Internet-based crimes, but it could quickly be applied to just about any unit working a case with similar pieces of evidence. The case was, at heart, a sexual assault investigation, but could have just as easily been a kidnapping or homicide. Instead of looking at it as an “Internet crime”, the case should be viewed as the violent crime it is, and the Internet itself viewed as a helpful tool. An estimated 200 million Americans¹ have access to Internet data, and 93% of juveniles² are plugged in as well. All of these people have a potential

to be victims, witnesses, and even suspects, and are likely to leave trace information that could pertain to your investigation. Overlooking the Internet as you pursue your case could lead to overlooking pertinent facts. New avenues of exploring a case can be opened up and dead leads can be resurrected by adding the Internet to your detective’s toolbox.

Currently, the most obviously beneficial area of online investigations is social networks. Chat rooms, blog pages, Facebook, MySpace, online videogames along with all the buzzwords and jargon can be confusing but the benefits of social network snooping can be priceless. Many times fellow investigators have come to me wanting help with screenshots of a suspect’s Facebook account because they were posting on a victim’s page they had previously denied knowing. Sometimes threats to the victim by the suspect or suspect’s friends and family can be preserved in a victim’s e-mail account. When a person has their page set to non-private settings and blabs about the case, the information they divulge can be better than anything you’ll get in a search warrant. Social networks can even be a means to locate a suspect when all is known is his or her MySpace page. Looking at his last known login date and obtaining a subpoena for IP accesses at that time can literally lead you right up to your suspect’s doorstep with a little know-how.

Taking the time to learn more ways to use the Internet can open a whole new spectrum of options for new investigative programs as well as existing cases. The most popular programs that people think of when they hear “Online Investigations” is chat room solicitation stings, or “traveler” cases. When these stings are done right (as opposed to what is typically demonstrated on television) they can be very rewarding in the courtroom. With a focused target of chat room circuits, bad guys willing to travel to your community, or residing in it, can be intercepted in advance. Child pornography investigations can also expand your department’s resume of expertise. Many child pornography incidents start with 911 calls and referrals from the National Center for Missing and Exploited Children (NCMEC). Complaints are generated from computer repair shops, major appliance chains, relatives of the suspects, and people just stumbling across illicit files by browsing the web. I have received dozens of child pornography photos just by blatantly asking suspects for them via e-mail. These investigations *can* be executed

¹ From *Online Solicitation of Children*, report prepared by Council on Sex Offender Treatment, September 1, 2006

² From www.pewresearch.org/pubs/621/parents-teens-and-technology

with a little training and equipment. A word of caution: with all the investigations you can do online, traveler and child pornography cases require the most stringent procedures both in execution and in evidence retention. We'll discuss the aspect of training later but while I'm stating these investigations are simpler than most people think, they certainly aren't to be performed without extensive preparation.

As a two-man unit with a high caseload, much of our investigations are done solo. My colleague calls me for backup on a traveler take-down, or I include him when questioning suspects at their house, but other than that many of the cases can be managed by just one person. The snag is when forensics are needed on a computer, as in properly extracting and recording digital information. Many departments utilize DPS or another agency for that, which is the more complicated part of the investigation but is entirely necessary. Some departments are fortunate enough to have a specialized forensic unit. Know and understand that forensics and online investigations usually require two entirely different schools of instructions, and just because an officer is good at tracking information on the Internet does not mean they automatically understand how to preserve a hard drive. The point to that, however, is that online investigation can be done with just one or two specialized detectives as opposed to a 10-person team.

So many departments and agencies are reluctant to get involved in Internet investigations due to a lack of understanding of the Internet. The application of such specialized procedures to existing investigations as well as the prosecution of rare offenses was a hard sell to many in the upper echelons. Other agencies believe that such investigations cost an exorbitant amount of money and only involve elaborate stings with complex procedures. Still others simply have a vague idea of what the Internet is or what it has to offer.

These doubts are not without merit. Online investigations require something that many departments across Texas are short on: modern computer equipment. The latest \$4,000 computer with T3 high-speed line isn't necessary to browse a suspect's MySpace page, but a simple computer and Internet connection does require some amount of monetary resource. I've chased several child porn file-sharing leads with a simple laptop and wireless Internet card, but that equipment is not enough for every situation.

The training to use that equipment in an investigative role, likewise, can have a cost to it. If your goal is to build a dedicated unit for Internet investigations, then yes, the costs can mount, but a simple setup to inquire into someone's chat habits or blog page can be done effectively on the cheap. Programs offered through Fox Valley and NCMEC (listed at the right) are often affordable and obtainable to smaller departments. You can take basic level courses without having to delve too deep into forensics or advanced studies if you wish. The only advanced training I would recommend would be for "traveler" cases mentioned above. Entire courses are dedicated to the appropriate

way to make contacts, preserve evidence, and execute the take-down without having your case fall apart in a courtroom.

So much of what I've learned, however, came not from classroom instruction, but by sitting down with the Internet and just trying different things. Much class time will be spent learning about legal issues, process and procedure, and how to get a search warrant for e-mails and hard drives. Learning how to manipulate search engines and getting the most from communicating with people in social networks comes from hours of hands-on with the programs themselves. Dedicating one or two officers to advanced learning online can lead to helping other officers in the same unit with Internet searches. Before you know it, the entire unit is proficient in tracking online information.

I've passed on what knowledge I can to other units and other departments across Central Texas every chance I get. Your department may pass on larger investigations but every investigating officer across the state should at least know how to find a suspect through their e-mail account, regardless of where they work. Go online and research the schools that interest you so that you can keep your cases open while you look for that one more scrap of identifying evidence. Be careful; you might be your department's next "expert".

Det. Joel Pridgeon
Child Exploitation Unit
Austin Police Department



Online Resources

For better training opportunities go to Fox Valley Technical College

<http://dept.fvtc.edu/childprotectiontraining/>

The Central Texas ICAC Hub is the Office of Attorney General of Texas

www.oag.state.tx.us/criminal/cybersafety.shtml

The National Center for Missing and Exploited Children can be reached at www.missingkids.com

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So, how do we combat society's stereotypical understanding of sexual assault - the "Ripper phenomenon"?

We begin by educating ourselves to understand the psychology of sexual assault victimization, and to shift the paradigm within which we work from stranger sexual assault to non-stranger sexual assault.

However, to improve our response to *real sexual assault*, we must also begin a complete transformation in how we train our first responders. We must help them understand what they will typically encounter when responding to a sexual assault. The institutionalized thinking, the common understanding – or rather, misunderstanding – of what constitutes sexual assault, have to be completely re-thought and re-taught. Our first responders are not prepared for the myriad – and surprising – ways in which victims of sexual assault may react to what has just happened to them. They must understand and appreciate the incredible influence they have on the victim during the initial response to the sexual assault *and* how their response influences the victim's ability to stay within the system and hopefully achieve some measure of justice.

Historically, the disciplines involved in responding to, investigating, and prosecuting sexual assault have not interacted and communicated well, especially among advocates and law enforcement. We now understand that, for sexual assault investigations to be worked effectively and for victims to receive the best possible service, we must take a collaborative approach.

Key to success in the response, investigation and prosecution of sexual assault is the creation of a SARRT, a Sexual Assault Response and Resource Team. The SARRT is a team of professionals from within the community who work together to improve the response to victims of sexual assault. The core team is usually

comprised of law enforcement, advocates, prosecutors, and sexual assault nurse examiners. The participation of other members of the community, such as local universities or colleges, childrens' advocacy agencies, the military, and mental health professionals, should also be welcomed.

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The SARRT works in collaboration with the other disciplines and meets regularly to address issues within sexual assault. Keys to the success of a SARRT are: (1) clearly defined and well understood roles; (2) understanding the issues and limitations unique to each discipline/team member; (3) believing in the good intentions of each team member; and (4) communicating openly and working together as a team. A strong SARRT helps the community provide a better response to sexual assault, better service to the victims of sexual assault, helping to

ensure they are not re-victimized by the "system", and a closer and more effective relationship between various members of the community.

We have come a long way in our understanding of sexual assault, as well as our appreciation for the bias and prejudice victims experience because of common misconceptions about the realities of sexual assault. We have significantly improved the level of service we provide to victims through a multi-disciplinary approach. And we have begun to educate our colleagues and our community about the realities of sexual assault, chief among them being the fact that most sexual assaults are perpetrated by non-strangers. But we still have a lot of work to do.

Sgt. Liz Donegan
Sex Crimes Unit
Austin Police Department

In future issues

Developing a SARRT in your agency ♦ Successful prosecution of non-stranger cases ♦ Offender psychology ♦ Interviews ♦ Book reviews ♦ Alcohol and drug facilitated sexual assault ♦ Legal news ♦ DNA evidence ♦ Sexual assault and family violence ♦ Media treatment of sexual assault cases

Current Research

Sexual Assault on campus, A frustrating search for justice

New data from The Center for Public Integrity

‘Undetected Rapists’ on Campus: A Troubling Plague of Repeat Offenders

By Jennifer Peebles and Kristen Lombardi | February 26, 2010

Research shows that repeat offenders account for a significant number of sexual assaults on campus, contrary to the beliefs of those who adjudicate these cases. School authorities are often slow to realize they have such "undetected rapists" in their midst, and some appear to be pillars of the campus community — like Elton Yarbrough at Texas A&M. Read more at www.publicintegrity.org/investigations/campus_assault

Sexual Assault on Campus Shrouded in Secrecy

By Kristen Lombardi | December 01, 2009

A nine-month investigation by the Center for Public Integrity has found that a thick blanket of secrecy envelops cases involving allegations of sexual assault on campus. Many victims don't report at all, and those who do come forward can encounter secret disciplinary proceedings, closed-mouthed school administrations, and off-the-record negotiations. At times, school policies and practices can lead students to drop complaints, or submit to gag orders — a practice deemed illegal. Read more at www.publicintegrity.org/investigations/campus_assault

Key Findings

Kathryn Russell said it happened in her on-campus apartment. For Megan Wright, the venue was a residence hall. According to a report funded by the Department of Justice, roughly one in five women who attend college will become the victim of a rape or an attempted rape by the time she graduates. But official data from the schools themselves don't begin to reflect the scope of the problem. And student victims face a depressing litany of barriers that often either assure their silence or leave them feeling victimized a second time, according to a 12-month investigation by the Center for Public Integrity.

The probe reveals that students found “responsible” for alleged sexual assaults on campuses often face little or no punishment, while their victims' lives are frequently turned upside down. Many times, victims drop out of school, while students found culpable go on to graduate. Administrators believe the sanctions administered by the college judicial system are a thoughtful and effective way to hold abusive students accountable, but the Center's investigation has discovered that “responsible” findings rarely lead to tough punishment like expulsion — even in cases involving alleged repeat offenders. Read more at www.publicintegrity.org/investigations/campus_assault

Increasing Sexual Assault Prosecution Rates

Recent report from the Office of Justice Programs (OJP)

by Philip Bulman

Humane treatment shapes both the victims' recovery and the success of investigations. Sexual assault victims often praise the compassionate services of Sexual Assault Nurse Examiners, and a new study of two SANE programs confirmed that they contribute to higher prosecution and conviction rates.

The study focused on SANE programs in a large Midwestern county, carefully measuring how far sexual assault cases progressed through the criminal justice system during the years before and after the programs started. Researchers found statistically significant increases in various case progression measures, including the percentage of cases that eventually resulted in guilty pleas or convictions. Read more at www.ojp.usdoj.gov/nij/journals/264/SANE.htm

Trainings in 2010

Training across the nation



**2010 International Conference on
Sexual Assault, Domestic Violence and Stalking
Atlanta, GA
April 19 - 21, 2010**

About the Conference

Join fellow law enforcement personnel, prosecutors, victim advocates, judges, parole and probation officers, rape crisis workers, medical personnel, faith community members, educators and others in this two-and-a-half-day conference highlighting promising practices and emerging issues in sexual assault, domestic violence and stalking.

Check back regularly for conference updates at www.evawintl.org/. We continually update our website as additional conference information becomes available.

Training in Texas



The Sexual Assault Family Violence Investigators Course (SAFVIC) Program is designed to provide law enforcement officers around the state with the tools they need to effectively investigate and prevent sexual assault and family violence. The SAFVIC Program is comprised of 3 courses: the SAFVIC 24 Hour course for Law Enforcement, SAFVIC for Cybercrimes for Law Enforcement, and SAFVIC for Telecommunication Professionals. The SAFVIC Program is funded by a grant from the Criminal Justice Division, Office of the Governor and the National Violence Against Women Office. This program is administered by the Training & Research Institute for Professional Law Enforcement (TRIPLE) with input from a statewide steering committee composed of representatives from law enforcement, prosecution and victim services.

For more information on upcoming trainings or to host a training visit www.safvic.org/

Do you have an upcoming training of relevance to professionals working with victims of sexual assault you'd like announced in *The Ally*? Contact our Editor, Tess Sherman at tess.sherman@ci.austin.tx.us with your specifics (dates/times, venue, speakers and topics, costs etc.) and we'll do our best to get it into our next issue.