The Ally

a newsletter for law enforcement professionals combating sexual violence

Volume 1
Issue 2
Summer 2010

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

She was asking for it

How many times have we heard a victim of sexual assault was somehow responsible for being sexually assaulted? The victim did not act like a rape victim. She should have known better. What did she expect?

It seems incredible that we ourselves would ever think or say that a victim of sexual assault had some culpability in the assault - yet that occurs more often than not. In no other crime do we challenge the credibility and believability of a victim from the moment she discloses on throughout the judicial process. In some cases, as in the Roman Polanski rape, we continue blaming the victim decades later despite the judgment by the court.

Part of the issue surrounding our lack of understanding of sexual assault goes back to institutionalized thinking. We learned as young children from our parents about sexual assault; who are the victims and who are the suspects that commit these crimes. As we grew older we continued to hear a similar theme which was consistently reinforced by what was reported in the media. We have a difficult time in our society coming to terms with sexual assault victims behaving outside our preconceived ideas about how she/he should act. We need to understand that all victims of crime act in a manner that is very individual to their personal experiences. Each of us has experienced traumatic events in our lives, these events have molded us to react to certain incidents in a way that works for us.

Understanding Trauma

To put it into perspective, we all have experienced death in our lives. Grief is a very personal, individual experience. Some of us might grieve outwardly - sharing our thoughts, our feelings, and our loss with anyone who might listen. Still, some might not show any emotion,

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Our Purpose

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 wrting for *The Ally*? Please contact us with your topic. Submissions are prefered 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.

Tess Sherman, Editor
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Sexting

Felony, fad, or both?

Over the last year I've been asked by several agencies for information concerning "sexting". I've explained that sexting is a layman's term and it is up to each department to determine not only how their community defines sexting, but also what an appropriate response to sexting incidents would be. The Austin Police Department Child Exploitation Unit (APDCEU) sought assistance from the Travis County District Attorney's Office and the Austin Independent School District Police Department (AISDPD) in determining a definition for sexting that would encompass not only legal elements of offenses, but also determine what is important in its investigation. We define sexting as any electronic communication, whether via Internet or telecommunications, verbal or visual, which is sexually gratifying to any person, takes place where both parties are typically under the age of 17 and is consensual in nature. Simply put, sexting includes sexual text messages transmitted in the following manner:

- by phone
- chat messages by instant messenger or e-mail
- nude pictures and video, regardless of how they are exchanged
- standard voice communications of a sexual nature
- Cellular telephones, digital cameras, computers, laptops, and webcams can play a role in sexting incidents.

If it's "teen-to-teen" and no adults are directly involved, we label the incident "sexting".

Keep in mind that sexting is not a legal term so we have leeway for our standards, but we use the standards found in the offenses of Sexual Assault (TXPC 22.011), Online Solicitation of a Minor (TXPC 33.021) and, in cases involving pictures, Child Pornography (TXPC 43.26). We acknowledge that the Texas Penal Code standard for child pornography applies to images of a child under the age of 18, but the offense of online solicitation requires sexually gratifying communication with a child under the age of 17. Since not all sexting incidents will involve pictures, the actual age of victims when defining sexting can vary. Despite variance in different sexting cases, we have agreed that the priority of the investigation is the protection of the children involved and the isolation of any illicit media. Punishment in cases where the victim is the person producing the illicit material is a matter to be resolved later on, after all media is secured. We agree that all incidents are viewed separately from previous incidents when considering prosecution, if any, so that things such as coercion of one or more parties or malicious behavior to harm another person can be determined.

When discussing sexting, it's important to address not only the technology being used, but its impact to those involved. I've learned one of the most prominent misunderstandings of sexting is the level of severity of the offense. Many people believe that, while adolescents using electronic means to be covertly sexual is shocking or obscene, it's also just "kids being kids" and nothing can be done about it. However there are several repercussions to a sexting incident:

Unwanted sexual behavior. Sexually gratifying communication can, of course, lead to arousal and a desire to pursue the other party physically. If physical contact is unavailable, I have worked several cases where at least one participant proceeded with manual stimulation while communicating the action, often at the request of another party. Voice communications and pictures or video are also used at times to better enhance the experience. Regardless of the format, this is sexual contact being experienced by someone our society has deemed too young to do so, in a manner that can easily be recorded and reproduced. This can result in the same emotional damage found in more typical sexual assault cases. Sexting is more than just "talking dirty" via cell phone; it's the complete sexual exposure of an adolescent.

Unintentional parties. Rarely are there only two kids involved in a sexting episode, especially when pictures are being produced. More often than not, when a juvenile takes a picture of himself or herself, the image goes from the intended recipient,

to that person's friends, to their friends, and so on in a matter of minutes. This leads us to the next repercussion.

Production of child pornography. My partner and I have noted a rise in child pornography collections that contain more than a couple of illicit pictures that appear to have been taken by the child themselves. Digital images, whether by webcam or cell phone, that don't get isolated and contained right away can easily end up on the Internet with a simple click of a button. Once there it is loaded onto a website, a bit torrent, or a file sharing service and is sent on to countless consumers of whom the victim has no knowledge. Not only is the child subject further violated with every fresh pair of eyes, but it also creates more illegal content to be dealt with in an already rapidly growing illegal industry.

Sexual assault. An adolescent who is comfortable with sexting behavior may proceed with more than one target, and eventually may contact someone who is not an adolescent. My partner and I both have worked cases where a suspect lied about their age to appear younger online. Steps were then made to meet with the child, or at least it was brought up in discussions.

These repercussions should be kept in mind the next time someone comments that sexting is just 'kids being kids' and isn't worth an investigation. The above listed possibilities aren't just "what if" but scenarios that have indeed happened before and will again. The most prominent scenario in my experience is pictures being distributed, and it is more often than not in my cases that nude pictures meant for one person were sent to two or three or more, sometimes on school grounds via cell phone. The sexting images we find in child porn collections were not downloaded from the victim or an acquaintance, but from open Internet sources.

An obstacle to be prepared for in any sexting incident is the varying cooperation of the victims. Remember that many of these incidents were purely consensual, so your victim, if they see themselves as one at all, may equivocate on telling you with whom they were chatting or who received the pictures. Not only is the victim facing severe humiliation at the hands of anyone who saw or heard the illicit media, but they also have to face consequences from parents and guardians, peer groups, and, if it happened on school grounds, school administration. Others still do not see anything wrong with the situation and refuse to talk out of spite or to protect the recipients of their transmissions. Be prepared for crying, laughing, tight lips, or even flagrant lies. One young woman, in an effort to protect herself, said she was cornered on the playground and forced to pose for the pictures. The other children involved said it was her idea and she was smiling and laughing at the time. The picture showed in favor of the other children's story. While the victim was deceptive, however, that did not hinder our efforts to find and secure every text message containing the pictures. We were successful in the end and managed to save the child further embarrassment by confirming the destruction of all the copies. Despite her lack of cooperation, our main goal was achieved: protecting the child.

With a quick response most images and text *can* be intercepted before they hit mainstream communications or the Internet and truly become viral.

That brings us to another concern: many believe it can't all be stopped, so why bother? With a quick response most images and text *can* be intercepted before they hit mainstream communications or the Internet and truly becomes viral. I sat down with AISDPD and we developed a game plan for how to respond to sexting calls on school grounds. We decided to focus on chasing down all the forms of communication as quickly as possible, tracing one e-mail or text message to the next, and identifying the users. Speed is critical and full interrogations or filling of charges may have to wait until the trail is exhausted. Together, we have been successful many times in securing all the images or text, to the satisfaction of children and parents. Several other times, however, we were notified too late and the content was long gone into cyberspace or cellular networks before we could get the first recipient identified.

Cellular telephones are the typical instrument used in sexting. As technology advances we're seeing more cellular telephones storing information at levels to rival some laptops. Cameras, video recorders, and wireless or 3G or 4G network access are now standard with many phones. Sexual chat and illicit images can be produced and sent within seconds without the child having to leave their seat in school. Whether or not your department has the software or equipment to forensically preserve all of the electronic elements, old fashioned investigation skills and a solid gameplan will still lead you to the source and, hopefully, keep the information from causing any more harm.

Det. Joel Pridgeon
Child Exploitation Unit
Austin Police Department

Texas Department of Public Safety

Information for the News Media

Media Relations Office

(512) 424-2080

July 7, 2010

DPS targets Most Wanted Sex Offenders

In an effort to enlist the public's help in apprehending dangerous sex offenders who are currently fugitives, DPS is instituting the Texas Ten Most Wanted Sex Offenders program.

The program identifies violent sex offenders who have either violated parole or failed to comply with sex offender registration. These offenders are now fugitives and are considered a threat to our communities. Some of the victims of these sex offenders were children.

DPS along with its local and federal partners will actively pursue these sex offenders. The Criminal Justice Division of the Governor's Office has authorized a crime stoppers reward of $1,000 for tips leading to the arrest of a Texas Top Ten Most Wanted sex offender.

"Sex offenders who hide are at risk to strike again," said DPS Director Steven McCraw. "This program will enlist the public's help in locating these high risk offenders."

The public should not try to apprehend these criminals as they are considered dangerous. Anyone with information on these offenders can provide anonymous tips in three different ways:

- Call the Crime Stoppers hotline at 1-800-252-TIPS (8477).
- Text the letters DPS—followed by your tip—to 274637 (CRIMES) from your cell phone.
- Submit a tip through the DPS website by selecting the sex offender you have information about, and under their picture is a link to submit a web tip.

The 10 Most Wanted Sex Offenders are available on the DPS website at http://www.txdps.state.tx.us/wanted/sexoffenders/topTenSexOffenders.htm# and have last known addresses in the following cities:

- Amarillo
- Austin
- Clute
- Grand Prairie
- Houston
- Irving
- Lufkin
- Rowlett
- Whitney

(PIO 2010-60)

Read about DPS online at www.txdps.state.tx.us

Texas Department of Public Safety
Texas 10 Most Wanted Sex Offenders

August 6, 2010

Earn up to **$1,000 CASH** for information leading to the arrest of a Texas Most Wanted Sex Offender.

Texas Crime Stoppers

Text **"DPS plus your tip" to 274637** (CRIMES) or call **1-800-252-TIPS (8477)** - 24 hours a day

Callers' anonymity is guaranteed by law and you could earn up to the **CASH REWARD** amount listed for each individual. These fugitives should be considered **Armed and Dangerous!** **Never** try to apprehend a fugitive yourself.

Troy James Allison

White Male
DOB: 05/27/1953
6'00", 210 lbs.

Wanted For:
Aggravated Rape

Last Known Area:
Lufkin, TX

Up to $1,000 Reward

Guillermo Chavez-Gonzalez

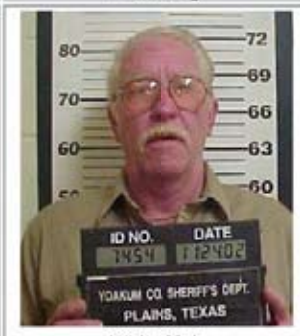
White Male
DOB: 02/28/1969
5'07", 130 lbs.

Wanted For:
Aggravated Sexual Assault, Indecency with a Child

Last Known Area:
El Paso, TX

Up to $1,000 Reward

David Ross Baxley



White Male
DOB: 07/02/1943
6'00", 220 lbs.

Wanted For:
Driving While Intoxicated, Failure to Register as a Sex Offender, Failure to Appear.

Last Known Area:
Rowlett, TX

Up to $1,000 Reward

Luiz Amador Jr.

White Male
DOB: 07/16/1934
5'6", 188 lbs.

Wanted For:
Parole Violation, Possession of Cocaine, Sexual Conduct With a Minor, Molestation of a Child, Indecent Exposure and Sexual Exploitation of a Minor.

Last Known Area:
Houston, TX

Up to $1,000 Reward

Antonio Garcia

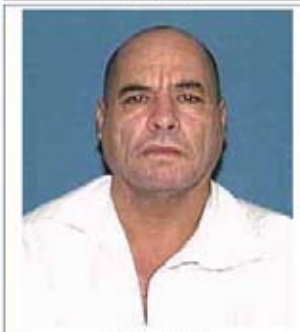
White Male
DOB: 04/05/1976
5'11", 190 lbs.

Wanted For:
Failure to Comply with Sex Offender Registration Requirements

Last Known Area:
Houston, TX

Up to $1,000 Reward

Jose Luis Lopez



White Male
DOB: 08/22/1948
5'06", 200 lbs.

Wanted For:
Failure to Register as a Sex Offender

Last Known Area:
Grand Prairie, TX

Up to $1,000 Reward

Jose Juan Sandoval

White Male
DOB: 05/08/1969
5'08", 175 lbs.

Wanted For:
Probation Violation

Last Known Area:
El Paso, TX

Up to $1,000 Reward

Dallas Wayne Waddell

White Male
DOB: 05/08/1965
5'04", 160 lbs.

Wanted For:
Sexual Assault, Burglary of a Habitation

Last Known Area:
Whitney, TX

Up to $1,000 Reward

Reginald Okeith Williams

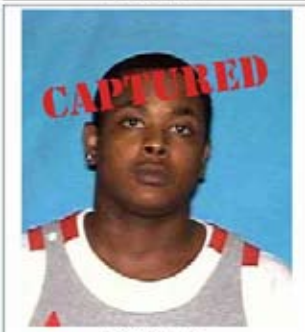
Black Male
DOB: 08/08/1969
5'06", 190 lbs.

Wanted For:
Failure to Register as a Sex Offender, Aggravated Sexual Assault of a Child.

Last Known Area:
Houston, TX

Up to $1,000 Reward

Leonard Eugene Wilson



Black Male
DOB: 06/07/1984
5'09", 215 lbs.

Wanted For:
Failure to Register as a Sex Offender, Bond Forfeiture.

Last Known Area:
Austin, TX

Up to $1,000 Reward

continued from front page

preferring to grieve in private; others are filled with anger and remorse. We Irish are famous for our wakes and celebration of life. Growing up, it was normal to attend a wake and following it, a get-together with family and friends. My own father at his wake was remembered with laughter and tears. Each of my four sisters reacted very differently - one cried rather hysterically; one laughed in the middle of the wake; one sister initially showed little reaction at all. Their responses did not make their grief any less. If we could understand that the reactions of victims to sexual assault are as varied as are the reactions to death, we would have an easier time understanding and accepting their response to the assault.

Leave your baggage at the door

We often run into another common barrier - victim blaming. Looking for fault in the victim's actions which would lead us to believe that she asked for it. When a victim is sexually assaulted we immediately begin looking at whether the assault and victim are credible. When that doesn't discredit her, we then switch to her behavior. She shouldn't have been drinking. She should have known better than to go home with someone she just met. She should have locked her door. We can overcome these biases by having a better understanding of the psychology of sexual assault victimization and being sensitive to our own bias, prejudice and myths.

Perpetrator Accountability

Traditionally the non-stranger rapist has been viewed as less culpable for his actions (boys will be boys; he had too much to drink and didn't communicate his intentions well), less dangerous than stranger rapist. The finding of recent studies indicate that non-stranger rapists are "as likely to be serial and multi-faceted offenders as incarcerated rapists"1

The actions *of the perpetrator* should be the focus of the investigation.

The research clearly indicates the overwhelming percentages of rapes are committed by non-strangers. Yet, we refuse to hold these perpetrators accountable. The current "Hollywood" version of rape is a myth, alive, well - and flourishing. We as a society do not want to believe that those who are committing the majority of rapes are people we know and trust. It hits too close to home. The actions of the perpetrator should be the focus of the investigation. Perpetrators know better than anyone else the bias, prejudice, and myths our society holds against victims of sexual assault. They exploit our bias and we as a society are responsible to a certain degree for allowing that to happen.

We can make a difference in our response to sexual assault investigations. We can effect cultural change by ensuring victims receive the best possible service and perpetrators are held accountable for their crimes. This type of change begins by believing victims.

Sgt. Liz Donegan
Sex Crimes Unit
Austin Police Department
Austin, TX

[1]Lisak, D., Understanding the Predatory Nature of Sexual Violence, available online at www2.ucsc.edu/rape-prevention/pdfs/PredatoryNature.pdf

In future issues

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

We want to hear from you - send us your suggestions for articles you'd like to see.

Current News & Research

Understanding the predatory nature of sexual violence

Read Dr. Lisak's full article at
www2.ucsc.edu/rape-prevention/pdfs/PredatoryNature.pdf

Dr. Lisak is also interviewd on this CBS News clip at
www.cbsnews.com/video/watch/?id=5592427n&tag=mncol;lst;1

Spotlight on rape statistics

City rape statistics, investigations draw concern
Police defend tactics, but mayor orders review

Read more about the closer look municialities are starting to take at rape statistics.
www.baltimoresun.com/news/bs-md-ci-rapes-20100519,0,5338041.story

Trainings in 2010

Training in Texas

SAFVIC
Sexual Assault Family Violence Investigator Course

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.

FYI

Check out the DOJ's Office on Violence Against Women website - it's an extensive online resource. For information on grants and programs visit www.ovw.usdoj.gov/