

Sexual Misconduct Basics - Police

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Agenda

1. Misconceptions & Bias
2. Responsible Employee Reporting Requirements
3. Victim's Rights & Options
4. Trauma-Informed Interview Approach Resources
5. Threat Assessment & Behavior Intervention Teams (BIT's)

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What are **Misconceptions** & **Bias** Relating to Sexual Assault?

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What is Bias?

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Assumptions

Thoughts,
Generalizations

Limited or inaccurate
perception of others

Stereotypes

Overly simplified
Ideas

Limited or inaccurate
perception of others

Prejudices

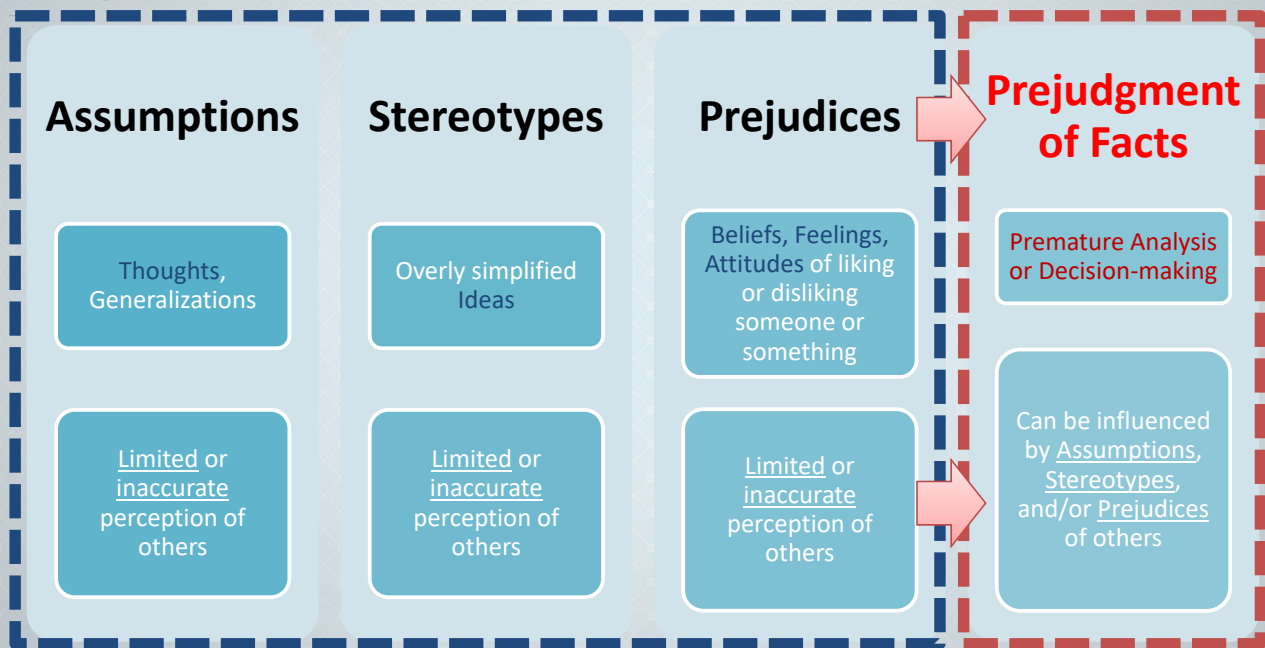
Beliefs, Feelings,
Attitudes of liking or
disliking someone or
something

Limited or inaccurate
perception of others

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Implications of Bias

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Misconceptions & Realities of Sexual Assault

Misconceptions About Sexual Assault	Realities About Sexual Assault
Only women are victims of sexual assault.	Victims can be male, female or transgender In Texas, 1 in 5 men experience sexual assault in their lifetime. ²⁵ Nationally, male victims range from 1 in 10 to 1 in 20 victims. ²⁶
The perpetrators are mostly strangers.	Perpetrators are most often known to the victim In Texas, 77% of victims knew their offenders. ²⁷ Nationally about 3 in 4 victims of sexual violence knew the offender. ²⁸
The "normal" response to being assaulted is hysteria and crying.	Emotional responses vary; victims are often in shock and passive, quiet, and unemotional. ²⁹
Sexual assault usually involves a weapon.	Often no weapon is used, but perpetrators use strategies and tools like alcohol intoxication to commit sexual assaults. In Texas, weapons were used in only 3% of sexual assaults. ³⁰ Nationally, only 1 in 10 rape or sexual assault victimizations involve a weapon. ³¹ Perpetrators also use manipulation, deceit, premeditation, planning, victim selection, and betrayal of trust to commit sexual assaults. ³²

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Misconceptions & Realities of Sexual Assault (Cont.)

Misconceptions About Sexual Assault	Realities About Sexual Assault
Most 'real' victims do not delay reporting to law enforcement.	Victims often don't report or delay for a number of reasons. This should not be seen as a cause for suspicion. ³³ In Texas, only 9.2% of sexual assaults are reported to police. ³⁴
Men are usually sexually assaulted by men.	In Texas, men report being just as likely to be victimized by women as they are by men. ³⁵
The victim will have physical evidence of violence on the body such as bruises and cuts.	Often there are no visible physical injuries and this lack of visible injury should never been seen as a cause for suspicion. In Texas, only 10.4% of victims reported being physically injured. ³⁶ Nationally, only 1 in 3 female sexual violence survivors sought some type of treatment for their injuries. ³⁷ However, some injuries like strangulation might not be as visible early on so check for raspy voice, loss of consciousness, and undergoing the four stages of strangulation: denial, realization, primal, and resignation. ³⁸
Victims will physically resist to the utmost to deter the rape.	One study found only 1 in 4 women used forceful physical resistance. ³⁹ Another study found women were more likely to: reason, plead, turn cold, physically struggle, or cry. ⁴⁰ Women often do not resist because they are taken by surprise, scared, confused, fear injury or are too incapacitated. Also, due to the neurobiology of trauma, victims may suffer from a rape-induced paralysis called tonic immobility. ⁴¹



Source: Research and Citations in Blueprint for Campus Police (2016)

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Examples of Sex/Gender-based Biases

1. **"Real men" cannot be victims** of sexual assault.
2. If a **woman doesn't physically resist rape**, then it cannot constitute sexual assault.
3. If a **man is intoxicated**, it might be **unintentional sexual contact** (e.g. getting carried away), but it's not sexual assault.
4. If a **woman engages in alcohol consumption willingly**, then she is at least **somewhat responsible** for later allowing sexual contact or engaging in any other sexual activity.
5. If a **woman initiates kissing** or other forms of sexual contact, then she is **consenting to all** of the sexual activity.
6. If a **woman has had multiple past sexual partners**, then the incident in question likely isn't a "real sexual assault". She's just **promiscuous, regretful** and/or **lying**.
7. If a **man** is accused of **sexual assault**, he likely did it because men **always** desire sex.



Source: Research and Citations in Blueprint for Campus Police (2016)

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Prevalence of College Sexual Violence



26.4%
of undergraduate
women



6.8%
of undergraduate
men

*Experience rape or sexual assault through
physical assault, violence, or incapacitation*



23.1%
of TGQN college
students

*Transgender, gender-queer, nonconforming
college students (TGQN) reported having
been sexually assaulted*



Source: www.rainn.org (2023)

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More Targeted Populations or Risk Factors

1. Women
2. LGBTQ+ populations
3. College students in their 1st or 2nd years
4. A prior abusive dating relationship
5. Frequent attendance at Greek-related parties
6. Individuals with disabilities
7. Victimization prior to college

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DOJ's Principles to Preventing Gender Bias in Policing

1. Recognize and address **biases**, **assumptions**, and **stereotypes** about victims.
2. Treat all victims with **respect** and employ interviewing tactics that encourage the victim to **participate** and provide facts about the incident.
3. Investigate sexual assault and domestic violence complaints **thoroughly** and **effectively**.
4. Appropriately **classify** reports of sexual assault or domestic violence.
5. Refer victims to appropriate **services**.
6. Properly identify the **assailant** in domestic violence incidents.

Source: Dept. of Justice,
December 2015, Updated
May 2022

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What to Do? Responsible Employee Reporting Requirements

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Campus Police: What to Do?



- What if I see or hear something that might be prohibited conduct of some nature (such as the University's Sexual Misconduct Policy)?
- What if a student, employee or fellow coworker **discloses** that they are a victim/survivor of some type of **sexual misconduct**, with or without filing a report?
- What if the person asks that I keep the information or situation **confidential**?



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Responsible Employee Reporting Requirements

Under the institution's Sexual Misconduct Policy, **Responsible Employees** have a duty to report incidents and information reasonably believed to be sexual misconduct (prohibited conduct defined) under the Policy.

All employees are Responsible Employees (except Confidential Employees or police officers when a victim uses a **pseudonym form**). Responsible Employees include **all** administrators, faculty, and staff.

Responsible Employees must report all known information concerning an alleged incident of sexual misconduct to the **Title IX Coordinator**.

Source: UT System Model Policy for Sexual Misconduct;
UT Institution's Sexual Misconduct Policy

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Report Immediately

UT Institution's Title IX Coordinator
<https://www.utsystem.edu/offices/systemwide-compliance/title-ix/ut-title-ix-coordinators>

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Definition of "Failure to Report" for Responsible Employees

Under Texas law: If a Responsible Employee knowingly fails to report all information concerning an incident the employee reasonably believes constitutes stalking, dating violence, sexual assault, or sexual harassment committed by or against a student or employee at the time of the incident, the employee is subject to disciplinary action, including termination.

University Policy: Requires Responsible Employees to report all acts reasonably believed to be any type of Sexual Misconduct, as defined in the institution's Sexual Misconduct Policy.

 Sources: *UT System Model Policy for Sexual Misconduct; UT Institution's ; Tex. Edu. Code Section 51.252-51.259*

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Support

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Supportive Statements (Police Examples)

- ***“Thank you for sharing this with me.”***
- ***“This sounds upsetting/difficult/hard.”***
- ***“I hear you.”***
- ***“I see that you’re feeling X, Y, Z”***
- ***“I care about you and your experience.”***
- ***“You can file a report with police if/when you are ready.”***
- ***You have the right to have an Advocate with you in any interviews or meetings with police officers.***

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Title IX - Supportive Measures for Students & Employees

Non-Disciplinary & Non-Punitive Measures...
that do not unreasonably burden the other party; available with or without filing a formal complaint with the University

Housing Reassignment

Counseling Services

Class Extensions or Adjustments

Work or Class Modifications

Class Withdrawal or Retake (w/o penalty)

Leave of Absence

Mutual No-Contact Btwn Parties

Campus Escort Services

Increased Campus Security

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Parallel Processes



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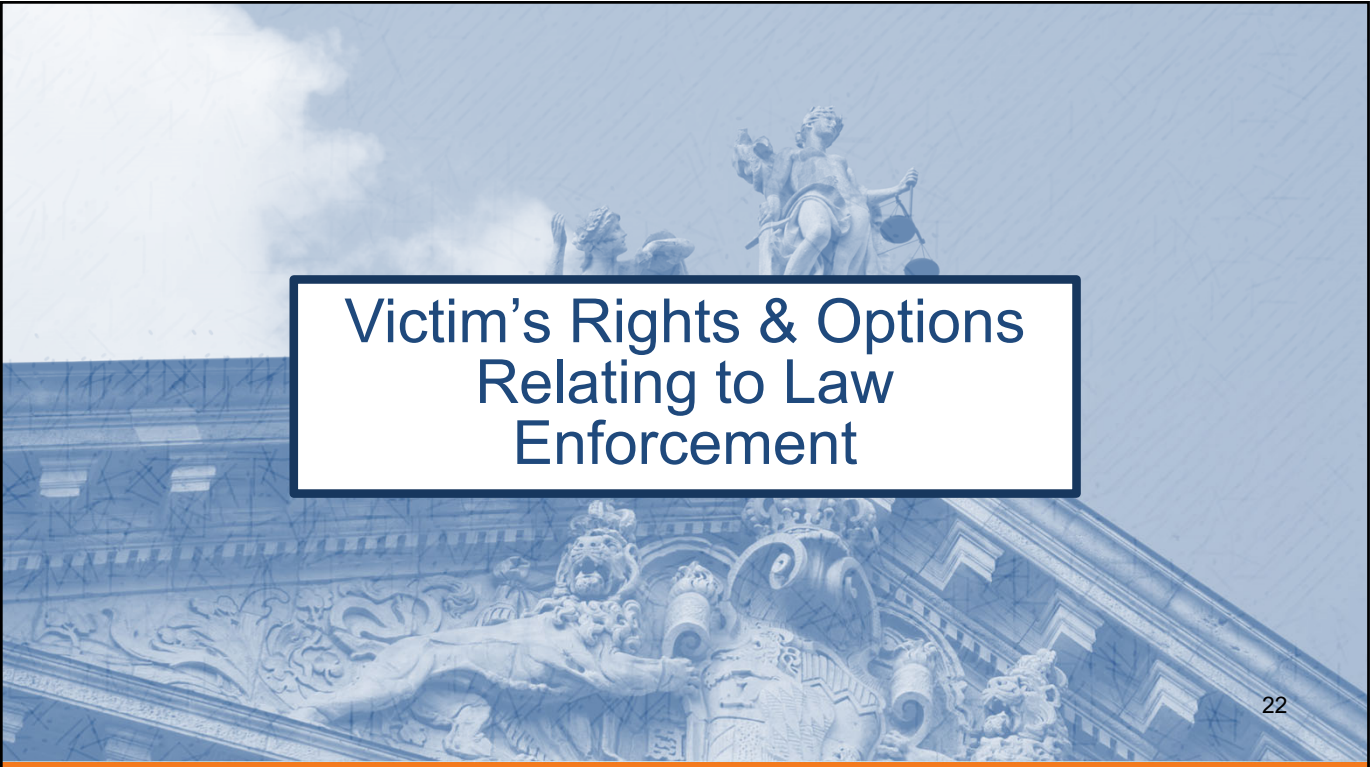
Concurrent Criminal or Civil Proceedings

Allows the University to **temporarily delay** their investigation or grievance process for a brief period due to concurrent criminal or civil proceedings.

Temporary Delays

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Victim's Rights & Options Relating to Law Enforcement

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Jeanne Clery Act (1990) & Violence Against Women Act (2013) - Amendments to the Clery Act



VAWA applies to **sexual assaults, dating violence, domestic violence, and stalking.**

Among the many provisions, Clery and VAWA provide **victim rights**, and **victim assistance options**, such as:

- Right to receive information on
 - a) The importance of **preservation of evidence** and how to do so; and
 - b) **Orders of protection** or similar orders
- Right to **report or decline reporting to law enforcement**
- Right to have **assistance in reporting to law enforcement**
- Right to **protective measures** regardless of choosing to report a crime to law enforcement



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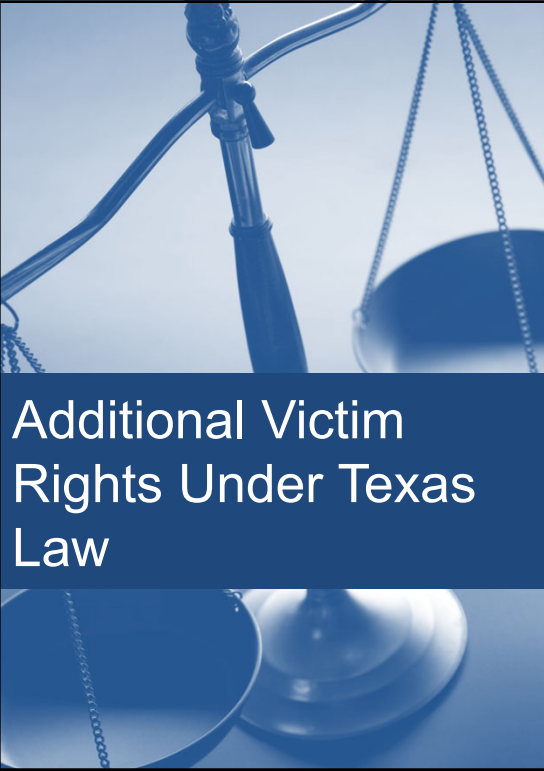
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Additional Victim Rights Under Texas Law

- Right to a **Rape Kit - Sexual Assault Forensic Exam** within five days of the sexual assault, with or without a police report, and at no cost to the victim.
- Right to be informed of and have access to a **victim advocate** before any police interviews or meetings.
- Right to **Victim Assistance Program, Victim Compensation Program** and other types of **victim services** provided by state and local agencies.

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Additional Victim Rights Under Texas Law

- Right to use a **pseudonym form**, to protect the victim's identity in public records:
 - If the victim goes forward with a pseudonym, the **name** of the victim must be **redacted** from the report submitted to the Title IX Coordinator.

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Trauma-Informed Interview Approaches

Tex. Edu. Code § 51.288

Training on trauma-informed investigations is required of peace officers employed by IHE, regarding allegations of sexual harassment, sexual assault, dating violence, or stalking.

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UT System's ODOP Policy #421 Sexual Assault Response and Investigation



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Blueprint for Campus Police

Toolkit for Investigators p. 61-73
Toolkit for Patrol Officers p. 75-82

THE BLUEPRINT FOR
Campus Police:
Responding to Sexual Assault

The University of Texas at Austin
Institute on Domestic Violence
& Sexual Assault
School of Social Work



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Neurological Effect of Trauma

- A. Traumatic events can affect a person's brain chemistry and functioning, which can impact memory recall, information processing, and communication
- B. Possible effects on memory recall:
 - Flashbacks
 - Delayed recollection
 - Difficulty concentrating
 - Non-linear recollection
 - Self-blame

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Basis for a “Trauma-Informed” Approach

- A. *Encourages participants to share what they are able to recall about their experience without demanding chronological recall; and*
- B. *Facilitates the gathering of information in a balanced manner*

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Funneling Technique

1. Open Phase

2. Clarification Phase

3. Pinning Down Phase

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FETI Interview Approach



Acknowledge the person's trauma, pain, emotions, and that this is a difficult situation. Show empathy and concern.

Ask questions, such as:

- **What are you able to tell me about your experience?**
- **Tell me more about that** or **"Help me understand ..."**
- **"What did you mean by [blank]...?"**
- **"Help me understand your thought process** for [insert the clarifying part]...
- What were your **reactions** to this experience? **Emotionally?**
Physically?
- **What, if anything,** are you able to **remember** about...[insert sensory recall prompts]...
- What was the **most difficult part** of this experience?
- **What, if anything, can't you forget about your experience?**

Avoid 'Why/why not' questions, or chronological questions.

Source: Forensic Experimental Trauma Interview (FETI)

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Interview Documentation

Document the **psychological & physical responses** of the experience (if applicable):

Nausea

Flashbacks

Trembling

Muscle Rigidity

Terror

Memory Gaps

Sensory Recall

Injuries

Interview Documentation (Cont.)

Document these **control elements** (if applicable):

Force

Threats

Coercion

Intimidation

Fear

Note: These elements may not be based on weapon use or actual physical threat for it to be perceived as real

Interview Documentation (Cont.)

Document any **defensive strategies** (if applicable):

Forceful Physical Resistance (Fight)

Verbal Resistance

Attempt to Get Away (Flight)

Bargain (Appease)

Tonic Immobility (Freeze)

Consent: Evidence Examples

- Does the victim **know** the suspect, and if yes, for how long?
- How did they first **meet**?
- Did the suspect **initiate** sexual activity? Evidence of consent? If yes, how did the suspect **ask for** and **know** that they had received consent?
- Evidence of **physical or verbal resistance** by the victim? Any other **defensive strategies** used by the victim?
- Evidence of genital or non-genital **injuries**?
- Evidence of factors that heightened the victim's **vulnerability**?
- Detailed account of the **victim's thoughts** and **feelings** during the assault?
- Information regarding the **suspect's size** and **strength** in comparison with the victim's?
- Information regarding the **environment** in which the assault took place? Evidence of **isolation**?

Consent (Cont.)

- Information regarding the **victim's post-assault behavior**? Symptoms of PTSD, changes in eating/sleeping patterns, social behavior, drug or alcohol use, depression or anxiety?
- Description from **family** and **friends** of victim before and after the assault?
- Evidence of **premeditation**, planning, victim selection, emotional manipulation, deceit, grooming, use of alcohol or drugs?
- Determine **age**, **cognitive status**, and/or **incapacitation** of the victim?
- How did the victim **know**, if at all, where they were going, how they got there, what they were doing (actions/words), and/or what was going on around them (understanding the environment)?
- Position of **authority** or **trust** held by the suspect over the victim?
- **Reconstructive** or **corroborative evidence** to demonstrate **consistency** of victim's or suspect's account (e.g. photographs of the crime scene, detailed account of victim's thoughts)?



Source: Research and Citations in Blueprint for Campus Police (2016)

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Threat Assessment & Behavior Intervention Teams (BIT's)

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Determining Predominant Aggressors

Common Considerations:

- Indicators of **power & control**
- Presence or threat of a **weapon**
- **History** of dating or domestic violence
- Aggressive or hostile **body language**
- Pre-existing **protective orders** or “**no contact**” directives
- Comparative extent of **injury** (if both are injured)
- **Property** damage
- Elements of **fear**



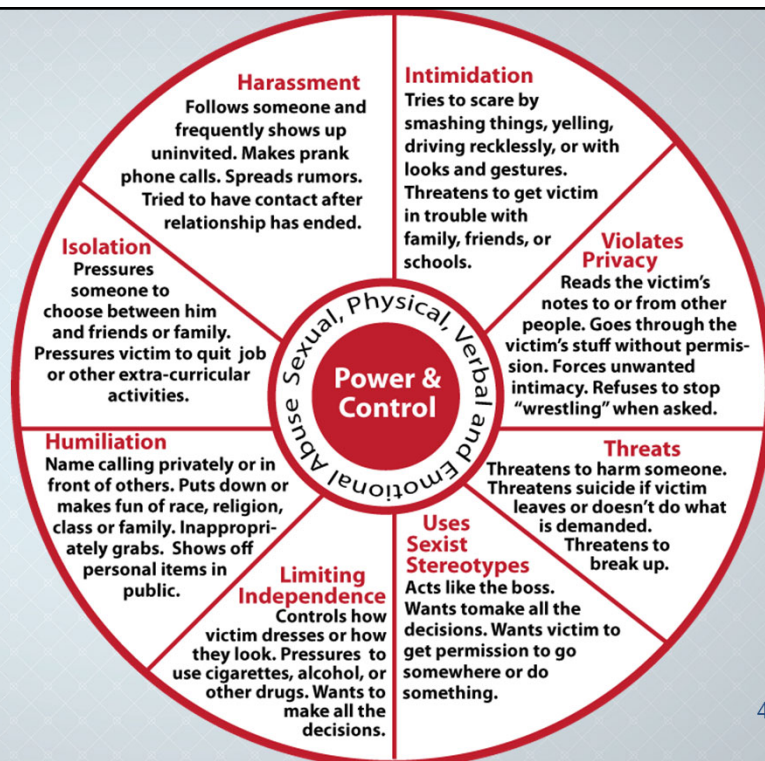
Source:

The National Center for Campus Public Safety

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Power & Control Wheel (Examples)



Source: www.alteristic.org



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Has the person of concern:

- Prevented you from talking to others such as family or friends?
- Listened to your private phone calls or read your email?
- Acted jealous?
- Humiliated you at home or in public?
- Broken your personal belongings or damaged your property?
- Prevented you from leaving or held you against your will?
- Behaved violently or aggressively at home or in public?
- Assaulted your friends or family?
- Been arrested in the past for violence?

Assessing Danger

Example Questions
for the Person
Targeted



Sources: National Center for Campus Public Safety;
Stalkingawareness.org

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Has the person of concern:

- Have access to a weapon, and/or threatened to use a weapon?
- Threatened to harm or kidnap your children?
- Threatened to kill you, themselves, or others?
- Harmed your pet(s)?
- Been abusing alcohol or drugs?
- Stalked or followed you? Showing up unannounced?
- Forced confrontation(s) with you?
- Forced you or your children to flee in the past?

Assessing Lethality

Example Questions
for the Person
Targeted



Sources: National Center for Campus Public Safety;
Stalkingawareness.org

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BIT Example Interventions

- **Outreach** to the person of concern
- **Wellness meeting** w/ person of concern
- **Warm referrals** to resources or support services
- Coordinate **resources & support services**
- **Data mining & collaboration** with w/ **key campus stakeholders** (advisors, faculty, supervisors, Dean of Students, etc.)
- Refer to **Title IX** (TIX reportable information known)
- Collaborate with **Title IX**
- Refer for **Disciplinary Review/Action** (including **Interim Action** considerations)
- Contact **emergency contact(s)** listed
- Call **police** for **emergency welfare check, close patrol, or back-up**
- Refer for a **No Trespass Directive** (non-affiliated visitors)

Mitigate risk by
engaging directly with
the person of concern

Elevated
or High
Risk Levels

Q & A

UT System's Contact Information

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