



ADVANCED ISSUES IN INVESTIGATION AND PROSECUTION OF SEXUAL ASSAULT AND DOMESTIC VIOLENCE

FEBRUARY 24-26, 2015 • Omni Hotel at CNN Center, Atlanta, GA

AGENDA

Tuesday, February 24, 2015

7:30-8:30 Registration

8:30-8:45 Introductions

8:45-10:00 **Plenary** – Prevalence and Characteristics among Domestic Violence and Sexual Offenders: 2009 Partner Rape Study, *A. Mervyn Davies, M.A., Evaluator*

The study explored the prevalence of intimate partner rape in adult sex offenders and domestic violence offenders in treatment in Colorado. Although domestic violence offenders and sex offenders are not the same, and the mechanisms that lead to these problematic behaviors differ, this symposium will present findings that these individuals exhibit similar behaviors and attitudes, particularly with respect to intimate sexual violence.

10:00-10:15 Break

10:15-11:45 Workshops

1. Identifying the Predominant Aggressor in LGBT IPV: Crime Scene to Prosecution

Identifying the predominant aggressor is extremely important at the scene of the crime but should not stop there. This presentation will discuss effective tools to determine the predominant aggressor at a domestic violence call as well as additional information that can be obtained during the follow-up investigation. Specific strategies available to advocates, officers and prosecutors for identifying the predominant aggressor during the prosecution process will also be presented.

Sgt. Brett Parson, Washington, D.C. Police Department

2. Investigating and Prosecuting Intimate Partner Violence with Reluctant and Recanting Victims

One of the most frustrating aspects of intimate partner violence for investigators and prosecutors is that the dynamics of intimate partner violence often result in victims becoming reluctant to cooperate or recanting their initial version of events. There are techniques that have been developed to overcome this challenge. Presenter will discuss; an update on Crawford issues, the importance of assessing the risk of lethality versus the ability of the system to protect the victim and hold the offender accountable, techniques for collecting evidence and interviewing witnesses that may overcome the challenges presented by a reluctant or recanting victim, specialized cross examination techniques, the rules of evidence, and use of experts to prove the case even with a reluctant or recanting victim.

Sandi Tibbetts Murphy JD, BWJP Legal & Policy Advisor

3. Improving Investigations and Prosecutions of Alcohol Facilitated Sexual Assault

Sexual assault investigations and prosecutions involving voluntary intoxicated victims present significant challenges. Many predators know of these challenges and prey upon voluntarily intoxicated victims. All too often, investigators and prosecutors focus on explaining away the victim's choices and behaviors rather than focusing on the predator's use of intoxication as a tool. Consequently, these cases are often not charged or are lost at trial. The presenter will provide participants with a strong foundation in the toxicology of alcohol and how to investigate to identify the outward manifestations of the impact of alcohol, as well as its impact on decision making, memory and perception. The presentation will also offer strategies for re-framing the investigation and prosecution to ensure that they are conducted in an offender focused way.

Herb Tanner, Jr., Violence Against Women Project Director, Prosecuting Attorneys Association of Michigan

11:45-1:15

Lunch on your own

1:15-2:45

Workshops

1. What to do! Ideas for a system response when Intimate Partner Rape (IPR) is involved.

This workshop is a continuation of the plenary involving the 2009 Intimate Partner Rape (IPR) study. A brief overview of how Colorado has responded to this study and changed its standards for the treatment of convicted domestic violence offenders will be presented. Participants will learn how to help the system respond more appropriately to these difficult cases. Victim advocates will learn how to ask questions that might lead to a better understanding if IPR is involved in a case. Participants will be challenged with an understanding of consent and how to use domestic violence treatment providers to help reduce IPR in the future.

Mervyn Davies, M.A., Evaluator

2. Responding to Law Enforcement Officers as Domestic Violence Victims and Offenders

Effective response to domestic violence in the law enforcement family presents unique challenges. When the offender is a law enforcement officer, the victim faces additional obstacles in reporting the crime and receiving proper assistance from responding law enforcement officers and when it is the victim who is a law enforcement officer, regardless of the status of the abuser, the victim may be reluctant to identify as a "victim" by reporting the abuse. This presentation will identify the unique challenges these cases present, explain the need to coordinate administrative response with criminal investigation and prosecution, suggest effective protocols for law enforcement response to officer-involved domestic violence, provide strategies to prevent and identify domestic violence in the law-enforcement community, and suggest resources to assist victims when one or both of the parties is a law enforcement officer. *Randy Carroll, Chief of Police (Ret.) Bellingham, WA*

3. Combat Experience and Intimate Partner Violence: PTSD Made Me Do It

Over 2.5 million people have served in Iraq and Afghanistan, including National Guard and Reserve personnel. These veterans are returning to communities throughout the country with visible and invisible wounds of war sometimes leading to involvement with the criminal justice system for a range of crimes, including intimate partner violence (IPV). In addition, increasing numbers of attorneys representing military and veteran offenders in IPV cases are using combat-related post-traumatic stress disorder (PTSD) as a defense. The workshop will address the increasing incidence of the co-occurrence of IPV and PTSD related to the offender's combat experiences and the unique and complicated dynamics in these cases. The workshop will also explore the implications that PTSD issues pose for advocates serving military-related victims and practitioners in the criminal justice system seeking to assist victims and hold offenders accountable.

Capt. Glenna Tinney (Ret), Sandi Tibbetts Murphy JD, BWJP Legal & Policy Advisor

2:45-3:00

Break

3:00-4:30

Breakout workshops

1. What Today's Investigators and Prosecutors Need to know About Technology

Technology is used by criminals in the commission of every type of violent crime that is committed today. Offenders use of technology includes, but is not limited to, the Internet, Email, cell phones, digital photography, texting, GPS, and social networking sites. This workshop will provide an overview of what you need to know about various types of technology to combat today's criminal. This session will use both lecture and live demonstrations to show how criminals can be identified and located and how the technology they use may be used as evidence against them.

Cindy Southworth, SafetyNet, National Network to End Domestic Violence

2. Implementing Risk assessment protocols for Law Enforcement

The Lethality Assessment Program (LAP) Maryland Model is a two-pronged intervention process that features a research-based lethality screening tool and an accompanying protocol referral that provides direction for law enforcement, medical personnel, clergy, social workers and others to initiate appropriate action based on the results of the screening process. The workshop explores strategies used to plan, implement, sustain and evaluate the Lethality Assessment Program. The presenters will share lessons learned by law enforcement and domestic violence advocates in implementing LAP in Jackson County, Missouri, with a specific focus on the collaboration between the Kansas City Police Department and Rose Brooks Center. *Captain Mark Folsom, Kansas City PD and Monica Mayberry, MSW, Rose Brooks Center Community Advocacy Coordinator*

3. Identifying, Documenting, and Charging Crimes of Intimidation

Unchecked witness intimidation can frighten witnesses and seriously hurt prosecution. To learn where and when intimidation arises, a local team in Duluth, MN observed 9-1-1 call takers and dispatchers, court proceedings, court hallway activity, and offender groups; conducted focus groups with victims; interviewed criminal justice practitioners; reviewed prosecution files ; and reviewed historical reports compiled by the domestic violence response team. This presentation will give examples of gaps found in witness safety and offender accountability and describe how the information learned has already been incorporated into law enforcement response/investigation, advocacy, and prosecution as well as into policy and practice goals for the future.

Rhonda Martinson, J.D., Rhonda Martinson Consulting, LLC

Wednesday, February 25, 2015 (full day training)

8:30-3:00 Shifting the Paradigm for Investigating Trauma Victimization: The Forensic Experiential Trauma Interview

Russell Strand, Chief, Family Advocacy Law Enforcement Training Branch, U.S. Army Military Police School, Ft. Leonard Wood, MO

Russell Strand was selected by the End Violence Against Women International Board of Directors to receive their 2012 Visionary Award for his work with the military. Strand emphasized the great job being done in the military to identify sex offenders and hold them accountable. While Strand is proud of the work the military has done he admits much work remains. Research also suggests first responders need to re-evaluate their reliance on their instincts when dealing with trauma victims.

The Forensic Experiential Trauma Interview (FETI) utilizes information about the parts of the brain that experience trauma. This technique not only reduces the inaccuracy of the information obtained but enhances understanding of the experience, increasing the likelihood that judges and juries will also understand the event. This type of interview technique is being employed by Army CID special agents and other criminal investigators trained by Russell Strand, a retired U.S. Army CID special agent and the current chief of the Family Advocacy Law Enforcement Training Division at the U.S. Army Military Police School.

This training will review current forensic physiological knowledge and practices and compare what we think we know with new and exciting research and ideas, which will assist us in a better understanding of the realities and limitations of this new field of endeavor, and implications for changing practice.

Participants will be better able to:

- Understand psycho-physiological reactions to stress and trauma
- Identify proper procedures for the collection of psycho-physiological evidence
- Analyze the meaning of the forensic psycho-physiological evidence collected
- Consider the use of new investigative approaches, interview techniques, and trial strategies that successfully convey the three-dimensional reality of crimes.

3:15-4:30 The Impact of Cumulative Trauma: Caring for Others By Caring for Yourself *Russell Strand*

Working with victims and families who have undergone significant trauma WILL affect you in a significantly traumatic and profoundly personal way – no matter who you are. Each trauma victim brings something with them into the interview/intervention, leaves something behind – with us, and also takes something with them. Helping professionals generally receive vicarious trauma on a regular basis – often times without understanding the impact of cumulative vicarious trauma. This session will explore the many ways in which vicarious trauma is received and processed by most human beings and how trauma impacts all of us and the ones we care about. Participants will be given practical information and guidance on how to recognize cumulative trauma and avoid the devastating effects on personal health and happiness.

Thursday, February 26, 2015

8:30-10:00 Workshops

1. **Developing Protocols to Guide Criminal Justice Responses to Survivors with Disabilities**

Through an OVW Arrest grant, Illinois developed model protocols for law enforcement and prosecutors that provide guidance for responding to violent crimes against people with disabilities. The protocols were developed through the collaborative efforts of victims with disabilities, law enforcement, prosecutors, victim services, disability service providers and other allies committed to criminal justice for crime victims with disabilities. The protocols guide law enforcement and prosecutors in responding to domestic violence and sexual assault victims with disabilities through model guidelines, investigative procedures, pre-trial motion examples, and legal considerations. This webinar will highlight Illinois' statewide effort to develop the model protocols including the collaborative multi-disciplinary process, design challenges, training and technical assistance components and lessons learned. Key areas of the protocol will be reviewed as well as the process for statewide implementation. *Shirley Pacey, MA, Director, Blue Tower Training, Decatur, IL, Director, Teresa L. Tudor, Department of Human Services, PAIP Administrator, Illinois Imagines & Envision Illinois Project Director, and Lt. Barry Portman, Princeton Illinois Police Department*

2. **Gang Related IPVSA Against Women and Girls**

Violence against women and girls is evolving as rapidly as prosecutors and advocates can conjure up solutions, resources, and initiatives to eradicate it. The characteristics of victims and typologies of abusers are also changing; recently, new victims have emerged. They are young adult women and girls who are intimate partners of gang members, gang members, and prostituted women recruited and pimped by gang members or some combination. This presentation will first explore, compare and contrast the contemporary domestic violence dynamics among teen and adult women. Second, the presentation will explore the gang culture and gang members as manipulators and abusers. Finally, this presentation will offer strategies to identify and address issues relevant to the prosecution of gang-related violence against women and girls. *Lt Charles Wilson, Boston PD*

3. **Co-Charging Stalking: Enhancing Sexual Assault Prosecutions**

Sexual assault prosecutions are often difficult. Court rules may prohibit the presentation of events prior to or following the sexual assault that could show clear premeditation or intent of the offender. By co-charging stalking, these behaviors may be able to be introduced into evidence providing the judge or jury with a more complete picture of what occurred and ideally bringing greater justice to sexual assault victim/survivor. *Michelle Garcia, Director, and Elaina Roberts, Staff Attorney, Stalking Resource Center*

10:00-10:20 Checkout Break

10:20-11:45 **Plenary: Surrender, Storage, and Return of Firearms in CPO Cases: The Wisconsin Project**

Danielle Long, Wisconsin Department of Justice