



2021

# CASE SYSTEMS TRAINING REVIEW

**CONDUCTED BY THE WASHINGTON STATE  
CRIMINAL JUSTICE TRAINING COMMISSION**

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# ACRONYMS

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**CRM**® - Community Resiliency Model®

**CSTR** – Case Systems Training Review

**SAI** – Sexual Assault Investigations

**SAKI** – Sexual Assault Kit Initiative

**SANE** – Sexual Assault Nurse Examiner

**VCERT** – Victim-Centered Engagement and Resiliency Tactics

**WCSAP** – Washington Coalition of Sexual Assault Programs

**WSCJTC** – Washington State Criminal Justice Training Commission

# EXECUTIVE SUMMARY OF THE CASE SYSTEMS TRAINING REVIEW PROJECT

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During the 2021 legislative session, the Washington State Legislature approved House Bill (HB) 1109, which was signed into law by Governor Inslee. HB 1109 added further conditions to Sexual Assault Kit testing, updated the Victims Bill of Rights, and included additional guidance on the Washington State Criminal Justice Training Commission (WSCJTC) sexual assault investigation case reviews (also referred to as the Case Systems Review Training, or CSTR) that was piloted in 2020. The case review project was mandated for WSCJTC and selected law enforcement agencies and prosecuting attorney's offices as a mechanism to evaluate the Victim-Centered Engagement and Resiliency Tactics (VCERT) victim interview training required for WA State officers conducting adult sexual assault investigations (RCW 101.43.272).

As of the completion of this report, and since November 2018, 23 VCERT trainings have been offered by WSCJTC; 11 in person and 12 in a virtual setting. Class participants total 482, representing 128 departments and agencies. A listing of attending departments with the number of officers who have taken the course from those departments is included as Attachment 1. By year's end, four prosecutors (representing Chelan, Whatcom, and King Counties) will have participated in the VCERT training as well. A description of the 2021 VCERT topics is included later in this report and described by topic in Attachment 2.

For the 2021 CSTR, ongoing concerns about COVID-19 resulted in most of the team meetings and some of the agency meetings being conducted virtually. The review of electronic case files provided by the prosecuting attorney's offices was also completed by team members virtually, with some in-person meetings held with team members and departments to discuss results. Given the storage, ease of transfer, and access to case materials through electronic means, this practice is expected to continue in later reviews. This year's CSTR endeavored to overcome some of the challenges and lack of case outcome information available to reviewers by requesting sexual assault case files from prosecuting attorney's offices and unassigned and non-referred reports from law enforcement agencies.

The two counties selected for this year's review were Chelan and Kittitas. Since three officers from the Chelan County Sheriff's Office (CCSO) participated in the VCERT training, it was the only agency selected for review in Chelan County. A Chelan County prosecuting attorney attended VCERT in August 2021, prior to notification of county/agency selections. In Kittitas County, three agencies were selected for the review; Kittitas County Sheriff's Office (KCSO), Ellensburg Police Department (EPD), and Central Washington University Police Department (CWU-PD). Non-attendance at VCERT at the outset of the review, as well as the county's occupation of rural, urban, and university police departments were among the reasons for that county's selection.

As of September 2021, a number of KCSO and EPD detectives have now attended or registered for the VCERT training. CWUPD advised of severe staffing shortages and anticipates including officers in VCERT as new officers are hired and certified. Discussions are underway for a regional training in Kittitas County at a time agreed upon by CWUPD and WSCJTC.

Surveys were completed by the CCSO officers who attended the trainings and by the respective community-based advocate organizations serving Chelan and Kittitas Counties. A prosecutor from each county was also sent a questionnaire and answered questions in a respective virtual meeting with team members at the conclusion of the team case file review process.

Sexual assault investigations forwarded to the prosecuting attorney's offices by the selected departments that either moved forward in prosecution or were declined were requested and reviewed by members of the CSTR team. For Chelan, six of the ten cases provided by the prosecuting attorney were reviewed and for Kittitas, three cases were selected for each of the law enforcement agencies, for a total of nine case files reviewed. Additionally, each department was asked to provide 10 reports on adult sexual assaults that were not assigned for investigation or referred for prosecution. Files and reports were requested from Sept. 1, 2018 to Sept. 1, 2021 to account for COVID-19 anomalies. Staffing shortages and operational demands for two of the agencies caused timeline shifts for the completion of report provision and survey completion.

CSTR Teams, consisting primarily of VCERT training team members with backgrounds in law enforcement, advocacy, and law reviewed files provided by the Kittitas and Chelan area agencies. As with the prior year's review, through the VCERT lens, the results established the need for ongoing training adjustments and emphasis, as well as the consideration for additional topics and collaborative and discipline-specific trainings.

Recommended updates to the current VCERT Training following the CSTR include;

- Continued reference to/emphasis on the sexual assault investigation checklist for investigators and patrol officers
- Continued reference to/emphasis on the Patrol Officer Response to Sexual Assault 2-hour online training (in Acadis, WSCJTC's online training portal)
- Creation of a sexual assault response booklet that includes a variety of resources for patrol and investigating officers, including the investigative checklist, a report writing template, the trauma-informed interviewing framework and sample questions, the Victim Bill of Rights, area advocate contact information, and various website references.
- Further emphasis on and potentially practice interviews involving the early inclusion and report references with advocates at outset of investigation or reporting
- Early and regular interaction with prosecuting attorney's office on evidence, leads, and investigative strategies
- Recordings of all interviews (victim, witness, and suspects)

- Avoidance of perjury warnings in verbal or written victim statements
- Joint victim interviewing trainings with law enforcement agencies and prosecuting attorney's offices

Additional webinars or trainings recommended include;

- Digital evidence collection
- Regional classes (with area prosecutors, advocates, SANEs, and investigators)
- Suspect interviewing (see WSCJTC's Investigative Interviewing class)
- Development of a one-day SAI Refresher training
- Ongoing informal and formal education and development with the VCERT training team cadre

Team members made various recommendations for modifications to future case reviews that optimize the efficiency and effectiveness of this evaluation mechanism. CSTR process recommendations include: the selection of only one county for the review; earlier identification and notification to selectees; more detailed document requests to prosecutor and law enforcement agencies; earlier notifications to selectees of documents sought; allowance of a 30-40 day turnaround for the production of records; coordination of records between agencies and CSTR teams by a WSCJTC representative; interviews of prosecutors at the outset of the review process; and the involvement of a prosecutor on the CSTR that has attended the VCERT training. Revisions to the checklist forms relied on by CSTR members were also recommended.

All of these revisions to the CSTR process are expected to improve communications and establish expectations between the Program Manager, review teams, and selected agencies. Because VCERT trainings involving the PM and CSTR team members continue through the review process, additional resources will also be requested for document management and coordination during the reviews and communications and implementation of review results.



# CONTRIBUTING AGENCIES & CSTR TEAM MEMBERS

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THE WSCJTC WOULD LIKE TO ACKNOWLEDGE AND EXPRESS GRATITUDE TO THE VARIOUS CONTRIBUTORS TO THIS CASE SYSTEMS TRAINING REVIEW PROJECT:

- **Kittitas County Prosecuting Attorney's Office, Chief Criminal Deputy Prosecuting Attorney Jodi Hammond**
- **Chelan County Prosecuting Attorney's Office, Deputy Prosecuting Attorney Julia Hartnell**
  - **Ellensburg Police Department, Sgt. Cameron Clasen**
  - **Kittitas County Sheriff's Office, Sgt. Zach Green**
  - **Central Washington University, Lt. Marc McPherson**
  - **Chelan County Sheriff's Office, Det. Sgt. Bruce Long**



## *Case Systems Training Review Team*

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Kari Overson (Overson Investigative Group), Antoinette Bonsignore, JD (legal analyst), Patti Toth, JD (former prosecutor and former WSCJTC Program Manager), Riddhi Mukhopadhyay, JD (Exec. Director, Sexual Violence Law Center), Mike Davis (retired Sgt. Vancouver Police Dept.), Marylisa Priebe-Olson (retired Detective, King County Sheriff's Office), Corp. Curtis Whitman (Washington State University Police Dept.), Megan Allen (Legal Advocate, King County Sexual Assault Resource Center), Emily Stone, MSW, Trina Ledbetter (Guardian Investigations Group), Andrea Piper-Wentland (SAI Training Consultant and Instructor), Amy Gallardo (Forensic Interviewer and WSCJTC Instructor), and Megan Saunders (WSCJTC Communications Manager)

## **Other Acknowledgments**

- **Aspen Kittitas County Dawn Brumfield, Program Manager**
- **SAGE, Megan Mitchell, Mental Health Therapist/ Clinical Director**

# WSCJTC SAI-VCERT TRAINING CONTENT

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The Sexual Assault Investigations – Victim Centered Engagement and Resiliency Tactics (SAI-VCERT) training at WSCJTC was mandated through [RCW 43.101.272](#), as training for persons investigating adult sexual assault, with the following description:

(1) Subject to the availability of amounts appropriated for this specific purpose, the commission shall provide ongoing specialized, intensive, and integrative training for persons responsible for investigating sexual assault cases involving adult victims. The training must be based on a victim-centered, trauma-informed approach to responding to sexual assault. Among other subjects, the training must include content on the neurobiology of trauma and trauma-informed interviewing, counseling, and investigative techniques.

(2) The training must: Be based on research-based practices and standards; offer participants an opportunity to practice interview skills and receive feedback from instructors; minimize the trauma of all persons who are interviewed during abuse investigations; provide methods of reducing the number of investigative interviews necessary whenever possible; assure, to the extent possible, that investigative interviews are thorough, objective, and complete; recognize needs of special populations; recognize the nature and consequences of victimization; require investigative interviews to be conducted in a manner most likely to permit the interviewed persons the maximum emotional comfort under the circumstances; address record retention and retrieval; address documentation of investigative interviews; and educate investigators on the best practices for notifying victims of the results of forensic analysis of sexual assault kits and other significant events in the investigative process, including for active investigations and cold cases.\*

(3) In developing the training, the commission shall seek advice from the Washington Association of Sheriffs and Police Chiefs, the Washington Coalition of Sexual Assault Programs, and experts on sexual assault and the neurobiology of trauma. The commission shall consult with the Washington Association of Prosecuting Attorneys in an effort to design training containing consistent elements for all professionals engaged in interviewing and interacting with sexual assault victims in the criminal justice system.

(4) The commission shall develop the training and begin offering it by July 1, 2018. Officers assigned to regularly investigate sexual assault involving adult victims shall complete the training within one year of being assigned or by July 1, 2020, whichever is later. (Note: This date was extended to July 1, 2022).

\* - In August 2021, the WA Attorney General’s Sexual Assault Forensic Exam (SAFE) Best Practices Advisory Group released a best practices guide for cold cases, titled, “Washington State Delayed Victim Notification Best Practice Guidelines.” These guidelines are provided to participants in the SAI-VCERT trainings. “Cold case notifications” are also currently addressed in the VCERT presentations involving the Dynamics of Sexual Assaults and the Sexual Assault Kit Initiative.



Since November 2018, the WSCJTC delivered 23 SAI-VCERT classes to close to 500 officers. The training was designed primarily as a victim interviewing course, and as a mechanism to educate and equip officers to recognize and adapt communications for victims who have been sexually assaulted. The course also incorporates best practices in interviewing and investigations towards offender accountability, and also includes the recently added, case review inspired topics of equity as it pertains to SAI investigations and interviewing debriefs. Officer resiliency, formerly an optional topic, is now a required part of the training that caps the course. Since June 2020, this training has only been offered virtually and is conducted over a four-day period, with two half day sessions and two entire day sessions for an in class total of 25 hours. The third day of training is devoted to practice interviews. Participants are also required to complete pre-course requirements and one homework assignment. For the VCERT virtual class, participants receive credit for 28 hours.

The SAI-VCERT practice interviews are staffed with professional actors portraying sexual assault victims and interview facilitators to guide participants in trauma-informed, victim-centered interview exercises. Additionally, the course was developed and is delivered by a multi-disciplinary team comprised of experienced law enforcement investigators, therapists, advocates, a Sexual Assault Nurse Examiner (SANE), a civil attorney, and prosecutors, which is consistent with the collaborative investigative approach taught in the course. Instructors, facilitators, and actors are also trained in the Trauma Resource Institute's Community Resiliency Model® wellness skills included to bolster officer engagement, awareness, and capacity, as well as increase victim well-being, endurance, and recall as they provide information about the assault.

In addition to its focus on victim interviewing, the SAI-VCERT course also includes an overview of suspect-focused investigations, evidence collection, report writing/documentation, considerations of equity in SAI cases, relevant WA statutes and prosecution perspectives on consent, documentation, drug and alcohol-facilitated assaults, and ends with officer resiliency. The course learning objectives are as follows:

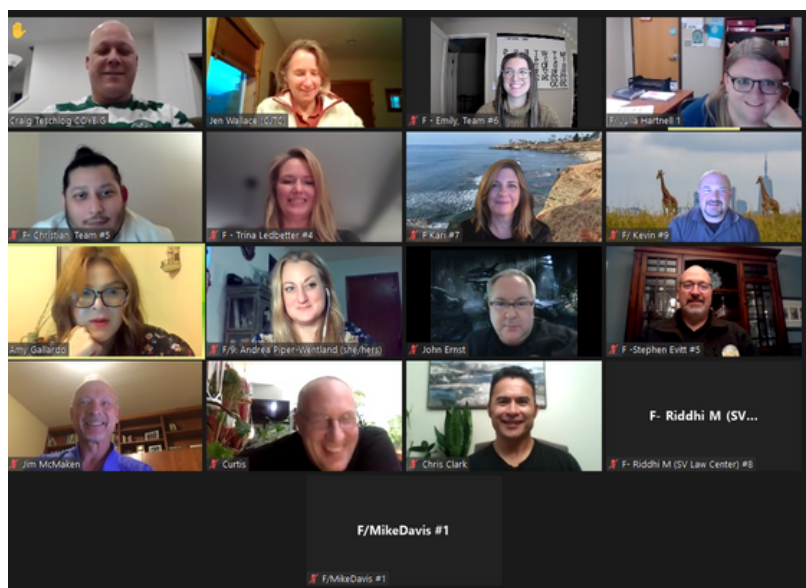
- a. Understand and recognize the nature and consequences of victimization;
- b. Understand and describe how specific experiences impact victim trauma, memory, reactions, and behavior;
- c. Understand how investigator interpretation of victim behaviors impact sexual assault cases;
- d. Identify strategies to work with all victims to facilitate trust and communication;
- e. Conduct interviews utilizing a research-based model that integrates wellness skills designed to minimize victim trauma, provide maximum emotional comfort, reduce the number of interviews, and foster resilience;
- f. Conduct objective, thorough, and complete investigations that articulate elements of the identified crime, while utilizing physical, psychological, and sensory evidence to build a strong case; and
- g. Understand the importance of working with a multi-disciplinary team.

Descriptions of the SAI-VCERT topics for trainings since August 2021 were referenced in the Executive Summary (Attachment 2).

WSCJTC’s SAI Program Manager (PM) and training team members continue to provide overviews and trainings on course content and wellness skills included in the SAI-VCERT class to other organizations and individuals working with sexual assault victims in WA State, such as a recent Washington Association of Prosecuting Attorneys (WAPA) conference in October 2021 and a training delivered to SANes in Kittitas County. VCERT team members were also invited to the 2021 End Violence Against Women International (EVAWI) conference to describe the development and content of the mandated training on EVAWI’s national SAI training platform.

SAI-VCERT pre-course materials provide an introduction to the neurobiology of trauma, as well as obtaining information about officer experience and connecting them to resources such as the EVAWI sexual assault investigation training website and local and statewide advocate information contained in the [WCSAP website](#). With the inception of the virtual training, participants are also expected to review and answer questions pertaining to a case study on the sexual assault of Chanel Miller. Although this is a California-based investigation, the content, amount of media attention to that case, and its detailed victim impact statement caused it to be selected as a pre-course case study. Also, participants are referred to the Trauma Resource Institute’s [iChill app](#) and must answer questions about the concepts and skills contained in that app in order to acquaint them with the skills prior to the training start.

Although patrol officers have also attending the VCERT class, in instances of operational constraints in staffing and/or scheduling, it is strongly recommended that patrol officers take the two-hour online Patrol Officer Response to Sexual Assault course in the [WSCJTC Acadis platform](#).



Interview Facilitator meeting during the November 2021 VCERT Class

# SEXUAL ASSAULT INVESTIGATIONS TRAINING MEASUREMENTS & ASSESSMENTS

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**Course Participants.** There is not a formal exam for the course. However, participants are required to complete pre-course assessments with questions about materials reviewed and conduct two interviews with actors portraying sexual assault victims as part of the training. Exceptions to this requirement are occasionally made with supervisors or non-officer participants when there are actor and facilitator shortages during a particular class. The facilitators provide their observations and the actors describe their experiences based on the trauma-informed guidelines officers are expected to apply while conducting the interviews. Although occasionally a participant will experience difficulties in the initial interview, through guidance from facilitators, and watching and receiving feedback from peers, they have consistently re-calibrated to overcome earlier challenges in the second practice interview. Since December 2020, in response to recommendations from the CSTR, most of the interview teams are comprised of two facilitators – one is a lead on trauma-informed law enforcement interviewing tactics, while the other facilitator guides interviewers in the application of wellness skills.

**Training.** Post-course evaluations are the primary form of assessment for the training. Additionally, participants are asked to verbally describe their takeaways near the conclusion of the class. Each training includes adjustments from the prior training and the course regularly adapts to and emphasizes discoveries from the Case Systems Training Review project, as well as information gleaned or practices observed during the practice interviews.

**Case Systems Training Review (CSTR) as a Measurement.** With the strategies devised and the project's ongoing learning benefits for training team members and CSTR selectees, WSCJTC anticipates relying on an annual CSTR for VCERT assessments and improvements. Although the immediate post-class evaluations continually provide suggestions and information that is integrated into the training content and protocols, there is also an increasingly inherent value to training team member reviews of cases to assess application of the concepts addressed in VCERT and/or other areas requiring emphasis or inclusion. With a multi-disciplinary team of training team members involved in the case review process, it offers an opportunity to learn more about each role and perspective as they also become informed about how the current training is being applied by officers and/or where gaps exist. During these reviews, CSTR members also get to discuss ways to enhance the current training and additional topics or trainings to consider and/or develop. Additionally, meetings and questionnaires with prosecutors and surveys from investigators and advocates in the area being reviewed are also beneficial in terms of understanding local team relationships and identifying training gaps and benefits.

**University of Washington (UW)-Bothell Nursing Student Assessment.** The Nursing program at UW-Bothell is collaborating with WSCJTC on a project to assess the resiliency and wellness components of the interviewing practices employed in the SAI-VCERT trainings. This assessment is part of the curriculum for a cadre of Bachelor of Science Nursing students in their Population-Based Health in Community Practice class. These students received a presentation on the Community Resiliency Model® integrated into the VCERT trauma-informed interviewing practices, observed a recent VCERT class, and researched various materials to develop survey questions for three classes of VCERT attendees. Although survey results will not be available until after this report is completed, it is anticipated that those results will also benefit VCERT training content through evaluation and adjustments by training team members.

# CASE SYSTEMS TRAINING REVIEW HISTORY & PROCESS

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WSCJTC's SAI Program Manager initially convened meetings in July 2020 to identify a team and process for implementing the case review program in accordance with the legislative mandate established by HB 2318. Concerns were expressed regarding the appearance of the review as a mechanism to criticize and discredit law enforcement investigations and the name was thereby changed to Case Systems Training Review to reflect its purpose. VCERT training team members – primarily instructors for the course - were selected to participate in the review. Three attorneys, including a former prosecutor with a strong training background that assisted in the development of VCERT, were recruited to review legal aspects of the cases. Three teams, or a team per agency, were formed to conduct the reviews. The teams consisted of training team members with backgrounds in advocacy, law enforcement, and legal/prosecution. All members signed a team agreement prior to conducting the reviews (Attachment 3).

In 2021, the selection of two counties resulted in the formation of four teams for the review. Letters were sent to each of the prosecutor and law enforcement agencies at the outset of the review to advise the agencies of their selection and the purpose of the review. A sample of one of the letters is included as Attachment 4.

# CASE SYSTEMS TRAINING REVIEW HISTORY & PROCESS

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The Chelan and Kittitas County Prosecuting Attorney’s Office were provided the case file criteria and notified of the October 18, 2021 timeline for the review of sexual assault case files for their respective offices. Ten sexual assault reports involving adult victims that were not assigned for further investigation or referred for prosecution were also requested from each of the law enforcement agencies. The results of reviews of Kittitas and Chelan case files and reports reflect information obtained from the October and November 2021 CSTR team reviews and can be found in Section 7. As opposed to each discipline filling out different sections of the checklist form relied on for the reviews, all team members filled out the same forms and provided their collective/team results to the WSCJTC Program Manager. The Review Checklist form and Team Results form relied upon by CSTR team members are included with this report as Attachments 5a and 5b.

## Case Systems Training Review Steps

Conducted by the WSCJTC

### Development

- Legislative support and funding
- Convene stakeholders and training team members
- Identify departments
- Rely on 2020 pilot, prior research of case review models
- Identify case review team members
- Establish case request criteria

### Implementation

- Establish a schedule for case reviews
- Review, modify, and deliver surveys to advocates and officers
- Create questionnaire for prosecutors during findings review
- Revise case review criteria based on pilot results
- Request records from prosecutors and law enforcement agencies
- Conduct case reviews

### Analysis

- Collect and analyze survey data from advocates and investigators
- Analyze and summarize case review findings
- Revise current training to reflect findings

### Results

- Meet with all CSTR team members to discuss findings
- Meet with each agency representative to review findings
- Draft report and coordinate report review and approvals
- Report submission

# CSTR SURVEY & QUESTIONNAIRE RESULTS

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## **INVESTIGATORS**

The survey was designed to reflect an investigator's perception, takeaways, and reliance of the VCERT materials. Because only three officers (all from Chelan County Sheriff's Office) had taken the training prior to the 2021 CSTR project and two of the officers completed the survey, there is limited survey information to analyze for this year's report. Both respondents provided answers that were consistent with content offered in VCERT. For instance, both demonstrated an understanding of trauma and its impacts on a victim. Both respondents also emphasized the importance of the early introduction of advocates and indicated that their reliance on advocates had increased since the training and one of the respondents praised the collaborations within the Chelan sexual assault response community. Also of note was the recognition of the importance of rapport building in the interview with victim and the reliance on open-ended questions in interactions with victims, witnesses, and suspects in various crimes. Answers about evidence collection were also in alignment with information and strategies included in the VCERT course. One of the respondents could not recall whether or how victim untruthfulness was addressed in the training and thought this would be a helpful addition to the training.

## **PROSECUTORS**

The Chelan County case review team reviewed six sexual assault cases. One was a stranger case in which charges were filed and the defendant pled guilty. The remaining five were non-stranger cases. Charges were filed in one, resulting in a guilty plea, and the prosecutor declined to file charges in the other four cases.

The Kittitas County case review team reviewed nine cases (three from each included law enforcement agency). Two of the nine cases were prosecuted, both investigated by the same agency, and resulted in convictions. One of these was a voyeurism charge and the other involved sexually explicit images of a minor. One of the 7 declined cases was a stranger assault, with the victims explicitly stating they did not want to proceed with prosecution. None of the Kittitas cases included in this review included consent issues or intoxicant-facilitated assaults.

Following the review of case files, members of the CSTR were able to interview the two prosecutors primarily responsible for sexual assault cases in Chelan and Kittitas Counties. Both prosecutors agreed that strong relationships and effective communication with law enforcement agencies and investigators, as well as early involvement and coordination with community-based advocates, are critical to facilitate successful case outcomes.

# CSTR SURVEY & QUESTIONNAIRE RESULTS

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While they both believe existing relationships are sound, they recognized ongoing challenges presented in sexual assault cases, especially those that involve non-stranger perpetrators and/or alcohol or drug-facilitation. They identified the following strategies they believe would enhance communication among prosecutors, victims and law enforcement, would strengthen investigations, and would ultimately reduce case attrition and improve the ability to successfully prosecute sexual assault cases:

- Expand and update sexual assault training opportunities for prosecutors, consistent with the content and current best practices included in the SAI VCERT training for law enforcement (and also include regular refresher training) - increasing prosecutor attendance at the current SAI VCERT training is one option, as well as developing prosecutor-specific trainings aimed at strengthening trial advocacy skills;
- Increase awareness among investigators and prosecutors about the dynamics of sexual assaults (including rape myths) and about recognizing and avoiding victim-blaming, especially in rural areas and in substance-facilitated sexual assault cases
  - Include this information in training that also addresses how prosecutors can handle these issues during jury selection/voir dire
  - Also address in training information about when and how to utilize expert witnesses to explain the impacts of trauma on domestic violence and sexual assault victims
- Foster better law enforcement and prosecutorial connection and communication with victims – which would lead to improved evidence collection and reduced victim recantation/case attrition
- Improve abilities to inquire about the gritty details of sexual assault
- Routinely offer “court school” (or other effective court preparation) for victims prior to courtroom testimony
- Work closely with investigators to prepare them to testify effectively
- Avoid issuing material witness warrants for victims, except in exceptional circumstances when absolutely necessary
- Eliminate having victims certify to the truthfulness of their statements – may require education regarding how these situations are different than those where “Smith affidavits” are recommended

# CSTR SURVEY & QUESTIONNAIRE RESULTS

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- Increase use of these investigative strategies and techniques:
  - Audio and/or video recording of interviews with victims, suspects, and key witnesses
  - One-party consent calls with suspects
  - Scene photos
  - Search warrants for physical and electronic evidence
  - Collection of social media evidence
  - Interviews with a broader group of potential witnesses, including those who saw or interacted with victims and suspects both before and after the reported assault
  - Preservation of 9-1-1 calls
- Develop/update county protocols aimed at improving communication and collaboration in adult sexual assault cases
- Establish strategies to ensure the collection of accurate information regarding a victim's race/ethnicity and include training protocols to work effectively with underserved populations
- Expand cross county collaborations and support

Many of these ideas can be incorporated/strengthened in joint trainings that allow prosecutors and investigators to attend training together. In addition to enhancing and aligning knowledge and skill sets, such joint trainings have the added benefit of strengthening the relationship between prosecutors and investigators. These ideas could also be incorporated in prosecutor-specific sexual assault trial advocacy trainings, which could help prosecutors connect with peers who handle these cases throughout Washington State. With the majority of sexual assault cases reported being non-stranger cases, the investigations are more complex and require further precision and a concerted, multi-faceted, and ongoing effort to improve the system for victims and the community.

## **ADVOCATES**

Three individuals employed by two advocate agencies – Aspen in Kittitas County and SAGE in Chelan County responded to [the survey](#). Aspen works with five different law enforcement agencies in Kittitas County and SAGE works with four different agencies in two counties, Chelan and Douglas. All three advocate agency respondents were complimentary of the relations between the law enforcement agencies they work with and their respective agencies and stated that officers involved them early in the interviewing and/or investigative process. The recommendations made for officer training (such as understanding and responding to the impacts of trauma and recognition of implicit bias in interactions with victims) are currently included in the VCERT training.



# CSTR SURVEY & QUESTIONNAIRE RESULTS

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Respondents also requested that patrol officers receive training on the impacts of trauma and abuse and victim rights. Advocate agency respondents noted the following as law enforcement best practices in responding to sexual assaults in their respective counties;

- “Warm hand offs” to other members of the multi-disciplinary team
- Informing victims of their rights in the investigative process
- Early involvement of advocates in interviews and investigations
- Active listening and seeking input on desired outcomes (note: VCERT training suggests that if this is asked, it’s at a later or less acute time in the investigation and not during the initial interview)



# CSTR RESULTS & TRAINING RECOMMENDATIONS

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Generally, the four CSTR teams identified consistencies in what is being trained in SAI-VCERT from interviewing and investigative applications in both counties. With the Kittitas County agencies, however, team members suggested involvement in and application of some of the VCERT practices as means to further engage victims through rapport building, which could result in eliciting additional details for investigative follow up as well as a further demonstration of empathy and support. Officers in Kittitas County may also benefit from an understanding of the impacts of trauma and ways to mitigate these impacts during interviews with victims. In both counties, case reviews yielded difficulty in determining whether advocates were involved, as this typically was not documented in reports or files. On the other hand, advocates from both counties referenced their early involvement as a consistent practice and survey responses from investigators also noted this as an improved practice since attending VCERT. In both counties, CSTR team members noted instances of officer opinions in reports, victim blaming and/or consensual language to describe incidents – all contrary to VCERT principles and best practices. Typically, problematic report-writing was noted in patrol officer reports. Not having recordings of all of the victim interviews also made it difficult to discern victim statements from officer descriptions. In Chelan County, recordings of victims, witnesses, and suspects was inconsistent. And in Kittitas County, there were instances where suspects were not interviewed or witnesses were asked to complete a statement outside of the officer's presence. Additionally, officers in neither county appeared to include sensory questions during their interviews. Again, with the absence of recordings in some instances or absence of responses of such questions noted in reports, it was difficult for team members to determine whether this occurred. Among the more problematic practices discovered through the reviews was the inclusion of statements certifying to the truthfulness of information provided to officers during victim interviews. It appeared that instances of such certifications were primarily applied by individual (not all) patrol officers and not agency policies or practices. This practice has also surfaced during VCERT trainings and, in addition to representing non-trauma informed/outdated practices and biases in sexual assault cases, is attributed to the use of Smith Affidavits in domestic violence cases. This practice was referenced and discouraged in meetings with each department and the termination of this practice will also continue to be reinforced in the VCERT course. Prosecutors advised of their disapproval of requiring victims to provide statements about the truthfulness of their information as well.

# CSTR RESULTS & TRAINING RECOMMENDATIONS

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In terms of investigative practices, case files did not typically include 911 recordings and in some instances, evidence collection appeared to be incomplete. In some instances, stronger rapport building and engagement with victims could have potentially elicited more details, leads, and ultimately more evidence to refute consent defenses/challenges by suspects. Earlier and more frequent communications with prosecutors would also benefit investigative strategies and results. Overall, VCERT likely provided helpful, best practice reminders to attending officers and the CSTR through meetings and discussions with command staff, as well as the information contained in this report. The findings, which were documented using and VCERT training adjustments are noted, below.

Results to be addressed through upcoming, 2022 VCERT trainings:

- Advocate utilization was rarely noted.
- No recordings of victim or suspect.
- Inclusion of officer opinions in reports.
- Incomplete investigations, lack of 911 evidence.
- Irregular or delayed involvement of prosecutors.
- Patrol officer report writing and questioning can hinder case outcomes. Inclusion of truthfulness statements/certifications for victims.
- Some of these findings were specific to a certain department. Each department was provided the specifics of the findings for their respective case files for actions deemed appropriate.

These findings will be shared with members of the training team for inclusion or emphasis in respective topics and during the practice interviews during the VCERT training conducted the week of December 6th, 2021. Presenters and facilitators will continue to address findings during the VCERT training. A training alignment and development team is also being formed to coordinate information and skills delivered in current and projected WSCJTC trainings. It is recommended that patrol officers review the 2-hour online Acadis training, "Patrol Officer Response to Sexual Assaults," while investigators attend VCERT (per the mandate).

Again this year, various training adjustments and suggestions are anticipated as a result of the review. The low number of VCERT attendees prior to the review made it difficult to compare and assess differences between the counties, as many of the files or reports reviewed were by officers who had not attended VCERT. From the results noted, it does appear that VCERT training attendance by more investigators and prosecutors could bolster victim recall and engagement, resulting in additional leads, more thorough investigations, and ultimately stronger case outcomes. As with Chelan County, prosecutor attendance at VCERT is also recommended.

The many racial or ethnic discrepancies in reporting, investigative effort, or outcomes were again inconclusive due to the inconsistency of reporting on this information. Since August 2021, the VCERT training currently includes a segment on equity in investigations and has incorporated further attention to barriers to reporting and resources available for vulnerable populations in interviewing scenarios. Departments advised that race or ethnicity noted in reports is typically derived from driver's licenses.

# PROSECUTOR CONSIDERATIONS

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Early and more frequent coordination between law enforcement and prosecutors in the investigation of sexual assault cases, as well as alignment on victim interviewing training and the understandings and responsiveness to the neurobiology of trauma, may offer prosecutors more tools and successes in addressing non-stranger sexual assault cases. The increased coordination between law enforcement and prosecutors should include an ongoing identification of decision-making factors potentially leading to case attrition. The identification of causality factors leading to case attrition will help provide the needed improvements to VCERT training protocols. Overall, improved training protocols will help law enforcement and prosecutors establish a collaborative working relationship to improve case outcomes and reduce case attrition.

Going forward, in order to enhance training protocols, the case review teams need to better understand why victims are dropping out of investigations, why law enforcement is failing to make certain arrests, and why prosecutors are declining to prosecute certain rape cases – which are the three main points of case attrition.

The reasoning underlying the use of the exceptional clearance case designation, or elements outside of an investigator's control, cited most often by law enforcement is either that the victim chose to drop out of the case and/or the prosecutor declined to file charges. Understanding the parameters of the misuse of the exceptional clearance designation by law enforcement may help evaluate the influence that prosecutorial gatekeeping decisions have on exceptional clearance designations.

Additionally, there needs to be a review of exceptional clearance designated cases from the perspective of stranger versus non-stranger rape. Since the overwhelming majority of sexual assault cases are non-stranger cases, the difference between the gatekeeping decisions between stranger versus non-stranger sexual assault cases should be examined to better define the needs for comprehensive victim-centered and trauma informed training protocols for both law enforcement and prosecutors.

Moreover, how can we tailor the case review program to reform law enforcement and prosecutorial training protocols to address the fact that most non-stranger cases are never prosecuted?

Finally, the case review program was unable to consistently identify the race/ethnicity of victims. Without access to accurate victim race/ethnicity information we cannot understand the underlying reasons for case attrition affecting marginalized groups of survivors. Consequently, unless we can better understand the factors affecting case attrition for marginalized survivors, we cannot further enhance law enforcement and prosecutorial training protocols designed to address the specific needs of those marginalized survivors. Establishing specific law enforcement and prosecutorial training protocols that address the needs of marginalized survivors will hopefully decrease both victim non-engagement and overall case attrition.

## CONCLUSION

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Due to further engagement with the prosecuting attorney's offices and increased coordination with law enforcement agencies, this year's review yielded more thorough case information and investigative practices expected to benefit current and impending WSCJTC trainings. Through reviews of case files, investigative reports, surveys, and meetings with prosecutors and departments, team members identified not only modifications and highlights for VCERT, but also the potential for strengthening communications between agencies and joint law enforcement/prosecutor training opportunities. The increasing participation of prosecutors in VCERT, the 2021 VCERT and CSTR presentation at the WAPA training, and the CSTR with prosecutor and law enforcement meetings suggest that case outcomes may benefit from further alignment in interviewing, investigative, and communication practices. Prosecutors, their decision-making, overall case assessment, and prosecution strategy and application roles, are critical to the criminal justice process and outcomes. With increased communication and collaborative trainings and practices between sexual assault prosecutors and investigating officers, more offenders can be held accountable and communities will be safer.

A few months ago, a Whatcom County Detective who recognized the benefit of prosecutors in his county having the same information and skills he acquired through VCERT and reached out to WSCJTC with a request to include prosecutors in a VCERT class. These are his words:

*"I wanted to reach out to you to say thank you again for the training you and your team provided in Bellingham (what seems like forever ago). This again has changed the way I view almost every aspect of my job. Recognizing and addressing my logic bias has made a massive difference in how I interact with victims (and everyone really). I sing your (and your team) praises whenever I talk about training and how this was one of the best – if not THE BEST training I have received in 20 years in law enforcement.*

# CONCLUSION

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*I had an interview yesterday and used grounding to help her get through a difficult account of what was so traumatizing she waited 8 months (with counseling) to come forward to law enforcement. In the interview I used so many of the tools and stories from your class to help her process the incident and to stop her blaming herself. I talked about how boundary pushers manipulate the situations. I defined for her the boundaries I heard her give the suspect and confirmed that she did not give consent and she was in fact violated by the suspect – which helped her. Your training helped me help a victim through a difficult process. I am confident after talking with her and using the skills you and your team taught that she left feeling heard.*

*Which brings me to my question – are you still doing training and if so how would I get a few prosecutors (who are interested) in to a session?”*

In addition to recommendations to strengthening the VCERT training, this year’s strongest recommendation is to increase prosecutor attendance at the VCERT trainings and/or to initiate collaborations with the Washington Association of Prosecuting Attorney’s to develop and deliver joint WSCJTC/WAPA victim interview trainings with separate investigator and prosecutor tracks. Such a training could further the goals of improving victim experience with the criminal justice and case outcomes through an ever-learning and adapting and aligned multi-disciplinary team approach.





2021

# ATTACHMENTS

# ATTACHMENTS

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1. List of Departments, Officer numbers for VCERT trainings
2. SAI- VCERT Topic Descriptions
3. CSTR Team Agreement form
4. Sample Agency Notification Letter
5. a. CSTR Checklist form  
b. CSTR Results form
6. Prosecutor Questions



## SAI-VCERT Attendee Count Per Agency

**Total # of Agencies+ served:** 128

**Total # of attendees:** 482

“Default Agency” (Agency not specified in LMS):5

Aberdeen Police Department: 2

Airway Heights Police Department: 1

Anacortes Police Department: 3

Arlington Police Department: 2

Auburn Police Department: 2

Bainbridge Island Police Department: 2

Bellevue Police Department: 15

Bellingham Police Department: 6

Bingen White Salmon Police Department: 1

Black Diamond Police Department: 4

Blaine Police Department: 1

Bonney Lake Police Department: 4

Bothell Police Department: 6

Bremerton Police Department: 7

Burlington Police Department: 5

Centralia Police Department: 1

Chehalis Police Department: 1

Chehalis Tribal Law Enforcement: 1

Chelan County Regional Justice Center: 1

Chelan County Sheriff’s Office: 3

Cheney Police Department: 2

Clallam County Sheriff’s Office: 6

Clark County Sheriff’s Office: 14

Clarkston Police Department: 1

Des Moines Police Department: 2

Douglas County Sheriff’s Office: 4

Duvall Police Department: 1

East Wenatchee Police Department: 2

Ellensburg Police Department: 2

Enumclaw Police Department: 5

Ephrata County Sheriff’s Office: 1

Everett Police Department: 4

Evergreen State College Police Department: 2

Federal Way Police Department: 7

Ferndale Police Department: 1

Fife Police Department: 1

Franklin County Sheriff’s Office: 2

Garfield County Sheriff’s Office: 1

Gig Harbor Police Department: 3

Grant County Sheriff’s Office: 2

In-State Misc. Personnel: 18

Island County Sheriff’s Office: 5

Issaquah Police Department: 1

Jefferson County Sheriff’s Office: 1

Kennewick Police Department: 3

Kent Police Department: 7

King County Sheriff’s Office: 29

Kirkland Police Department: 5

Kitsap County Sheriff’s Office: 12

Kittitas County Sheriff’s Office: 4

Klickitat County Sheriff’s Office: 1

## **SAI-VCERT Attendee Count Per Agency**

Lacey Police Department: 2	Port of Seattle Police Department: 2
Lake Forest Park Police Department: 6	Port Orchard Police Department: 1
Lake Stevens Police Department: 6	Poulsbo Police Department: 2
Lakewood Police Department: 7	Pullman Police Department: 5
Liberty Lake Police Department: 2	Puyallup Police Department: 4
Longview Police Department: 5	Puyallup Tribal Police Department: 1
Lummi National Police Department: 1	Quincy Police Department: 1
Lynden Police Department: 1	Redmond Police Department: 4
Lynnwood Police Department: 3	Richland Police Department: 4
Marysville Police Department: 4	San Juan Sheriff's Office: 2
Mason County Sheriff's Office: 1	Seattle Police Department: 23
Monroe Police Department: 1	Sequim Police Department: 3
Mount Vernon Police Department: 2	Shelton Police Department: 2
Mountlake Terrace Police Department: 4	Skagit County Sheriff's Office: 2
Mukilteo Police Department: 4	Skamania County Sheriff's Office: 2
Newport Police Department: 1	Snohomish County Sheriff's Office: 9
Nisqually Public Safety: 1	Snoqualmie Police Department: 3
Normandy Park Police Department: 1	South Correctional Entity – SCORE: 6
Oak Harbor Police Department: 4	Spokane County Sheriff's Office: 11
Okanogan County Sheriff's Office: 1	Spokane Police Department: 12
Olympia Police Department: 4	Stevens County Sheriff's Office: 1
Orting Police Department: 2	Suquamish Police Department: 1
Othello Police Department: 1	Swinomish Police Department: 1
Pacific Police Department: 3	Tacoma Police Department: 4
PI – Private Investigator Company: 1	Thurston County Sheriff's Office: 2
PI – Private Security Company: 1	Tukwila Police Department: 4
Pierce County Sheriff's Department: 7	Tulalip Tribal Police Services: 2
Port Angeles Police Department: 9	Tumwater Police Department: 2

## **SAI-VCERT Attendee Count Per Agency**

Twisp Police Department: 2

U.S. Department of Veteran's Affairs Police  
Department (Puget Sound): 1

U.S. Navy: 1

University of WA Police Department: 1

Vancouver Police Department: 9

W. Richland Police Department: 1

WA State Patrol: 4

WA State University Police Department,  
Pullman: 5

WA State University Police Department,  
Vancouver: 2

Walla Walla Police Department: 1

Washington Association of Sheriffs and Police  
Chiefs: 1

Wenatchee Police Department: 4

Western WA University Police Department: 7

Westport Police Department: 2

Whatcom County Sheriff's Office: 11

Yakima Police Department: 7

Yelm Police Department: 1

Zillah Police Department: 1

# SAI-VCERT TOPIC DESCRIPTIONS

## DAY 1

### SAI-VCERT INTRODUCTIONS 8:30 – 9:30AM (1 HOUR)

*Jen Wallace, Program Manager (PM), Sexual Assault Investigations (SAI), CJTC*

This section includes the introduction of program representatives and participants, their backgrounds, the purpose of the course, and a review of pre-course assignments. Participants are required to complete 2 hours of pre-requisite course materials. Participants are also provided with the course background, an overview of topics and book content, and reminded of the key features of trauma-informed, victim-centered practices.

### DYNAMICS OF SEXUAL ASSAULT 9:30 – 10:30AM (1 HOUR)

*Curtis Whitman, WSU-PD and Andrea Piper-Wentland, Piper-Wentland Innovations*

This section identifies myths surrounding sexual assault cases and addresses barriers victims potentially face in reporting this crime to law enforcement. It also addresses the prevalence of sexual violence – through media, ads, gaming in mainstream culture that influence the perpetrators and victim reporting and perceptions of this crime. Additionally, this topic sets the stage for the remainder of the course through its emphasis on the application of trauma-informed, victim-centered practices throughout an interview and investigation.

### UNDERSTANDING THE VICTIM'S RESPONSE TO TRAUMA 10:30 – 11:30AM 1 HOUR

*Stephanie Sacks, Clinical Director of Therapy Services, Rebuilding Hope of Pierce County*

In this section, the instructor details the various ways in which victims of sexual assault may present during their interviews and provides information about causes and conditions. The instructor relies on various examples from her long history of working with victims and survivors to illustrate the impact of trauma on memory and behaviors. Participants will also learn to consider and tend to symptoms and consequences of vicarious and/or secondary trauma during their work with victims of these crimes.

### UNDERSTANDING THE ROLE OF THE SANE 11:30 – NOON (30 MIN.)

*Terri Stewart, RN, SANE, Harborview Sexual Assault and Traumatic Stress Center*

In this section participants learn about the role of the Sexual Assault Nurse Examiner and their interactions with the victims and law enforcement. Participants also learn about the SANE process, Sexual Assault Kit components and coordination, and records maintained by the hospital relating to these exams.

### WASHINGTON'S SEXUAL ASSAULT STATUTES NOON – 1PM (1 HOUR)

*Celia Lee, Prosecutor, King County Prosecuting Attorney's Office*

This section identifies relevant statutes in sexual assault cases and breaks down the particular components of these statutes to consider/apply to investigations. The instructor contextualize also describes trial experiences and outcomes with the relevant statutes.

## DAY 2

### WORKING WITH ADVOCATES 8:30 – 9:15AM (45 MIN.)

*Megan Allen, Legal Advocate, King County Sexual Assault Resource Center*

Participants will learn the role of victim advocates in a case and how victims, interviews, and investigations can benefit from the involvement and services of an advocate. Additionally, this section will distinguish the roles and responsibilities of community-based and systems advocates. Local protocols for involving advocates will also be discussed in this section.

### COLLABORATING WITH SEXUAL ASSAULT RESPONSE OR MULTIPLE-DISCIPLINARY TEAMS (SARTS AND MDTs) 9:15 – 9:45AM (30 MIN.)

*Curtis Whitman, WSU-PD, Amy Gallardo, Forensic Interviewer*

This presentation will explain the structure and purpose of MDTs and SARTS, while also addressing the benefits and challenges of this approach to sexual assault investigations. Examples and ideas for working with SARTs and MDTs will also be discussed.

### SEXUAL ASSAULT KIT INITIATIVE/COLD CASES 9:45 – 10:30AM (45 MIN.)

*Kate Hemann, WA State Attorney General's Office*

In this section, participants will learn about the Sexual Assault Kit Initiative in Washington State, its origins and current status, and the potential impact on their investigations and caseloads. Participants will also learn the distinction between "cold cases" and other reported sexual assaults.

### VICTIM RECALL AND RESILIENCY 10:30 – 11:30AM (1 HOUR)

*Jen Wallace, PM, CJTC and Amy Gallardo, Forensic Interviewer, Curtis Whitman, WSU-PD*

Participants will revisit earlier descriptions of the trauma and discuss how it potentially impacts their investigations and interviews. This section includes an overview of the 3-part brain, the central nervous system, and common physiological responses to trauma addressed in previous segments. This section will reference the neurobiology of trauma as it pertains to a victim's recollections of the incident being reported and include strategies and techniques to assist the victim in regulating their nervous system during the interviewing process. Through instruction and practice, participants learn about the Trauma Resource Institute's Community Resiliency Model (CRM), the resiliency zone as a framework for this model, and how the wellness techniques contained in this model apply to victim interviewing and resiliency.

## INTRODUCTION TO SAI INTERVIEWING MODEL 11:30 – 2:00PM (2.5 HOURS)

*Amy Gallardo, Forensic Interviewer and Curtis Whitman, WSU-PD*

Participants are provided with the framework and features of the trauma-informed, victim-centered, research and resiliency-based 5-part interview model being used in the class. Participants will be directed to the guidelines for the interviews and discuss interview and interviewer qualities designed to elicit case details while also assessing and attending to the victim. Participants are assigned an hour-long video to observe an example of the interviewing model being taught in this class and as preparation for the next day's interviewing exercises.

## DAY 3

### INTERVIEW MODEL REVIEW AND LOGISTICS 8:30 – 9:00AM (30 MIN.)

*Amy Gallardo, Forensic Interviewer, Curtis Whitman, WSU-PD*

A review of the interview model and interview exercises is provided. Participants are assigned to interview teams, facilitators, scenarios, and breakout rooms according to the interview grid designed for this purpose. Each team will be comprised of 2 – 3 investigators who will each have an opportunity to practice and observe interviewing the victim/actor about an alleged sexual assault.

### INTERVIEW EXERCISE, PART 1 9:00 – 12:30 PM (3.5 HOURS)

*Jen Wallace, PM, SAI Instructor/Facilitator/Actor cadre*

Participants will interview an actor portraying a sexual assault victim based on an assigned scenario. After conducting the interview, the interviewer will critique their interviewing skills based on information and concepts delivered in class. Facilitators and observers will also offer feedback to the interviewer about effective strategies and identify areas for practice during Interview Exercise #2. In addition to following the SAI interview model framework and concepts, interviewers will be expected to elicit information from the victims regarding elements of the crime. Depending on time, actors may also be invited to offer feedback about aspects of the interview that encouraged their provision of information.

### INTERVIEW EXERCISE, PART 2 2:00 – 5:30PM (3.5 HOURS)

*Jen Wallace, PM, SAI, CJTC with SAI Instructor/Facilitator/Actor cadre*

Participants will interview an actor portraying a sexual assault victim based on an assigned scenario. After conducting the interview, the interviewer will critique their interviewing skills based on information and concepts delivered in class. Facilitators and observers will also offer feedback to the interviewer about effective strategies and identify overall areas of practice or development. In addition to following the SAI interview model framework and concepts, interviewers will be expected to elicit information from the victims regarding elements of the crime. Depending on time, actors may also be invited to offer feedback about aspects of the interview that encouraged their provision of information.

## DAY 4

### INTERVIEW DE-BRIEF 8:00 – 8:15AM (15 MIN)

*Amy Gallardo, Forensic Interviewer*

The observations, experiences, and takeaways from the prior day's interviewing exercises are discussed by the entire class. Participants are invited to share what they experienced and/or learned during the interviewing. The instructor provides observations reported by the interview facilitators as well.

### EQUITY IN INVESTIGATIONS 8:15 – 9:00AM (45 MIN)

*Riddhi Mukhopadhyay, Director, Sexual Violence Law Center, and Stephen Evitt, Detective, Wenatchee PD*

In this section, the instructors describe possible barriers to reporting by diverse and/or traditionally marginalized populations. Examples of investigations demonstrating bias are discussed. As with other content throughout this course, this topic also emphasizes officer awareness and sensitivities in working with vulnerable individuals and communities.

### WORDWATCH/REPORT WRITING, PART 1 9:00 – 9:30AM (30 MIN.)

*Riddhi Mukhopadhyay, Director, Sexual Violence Law Center*

Part 1 of this section will include a presentation that addresses word choice in reports and the media. Content of this section offers various report writing and word choice examples that represent non-consensual language and the victim's own words.

### OFFENDER-FOCUSED INVESTIGATIONS 9:30 – 10:30AM (1 HOUR)

*Corp. Curtis Whitman, WSU-PD, and TBD (Detective Stephen Evitt, Wenatchee PD, Sgt. Mike Davis (ret.), Vancouver PD)*

This section will distinguish offender-focused investigations from cases that place the investigative burden on victim actions and behaviors. Participants will learn effective interviewing strategies and other techniques for obtaining information and evidence involving the suspect.

### EVIDENCE COLLECTION 10:30 – 11:45AM (1 HOUR, 15 MIN.)

*Corp. Curtis Whitman, WSU-PD, and TBD (Detective Stephen Evitt, Wenatchee PD, Sgt. Mike Davis (ret.), Vancouver PD)*

This section identifies the crime scenes involved in sexual assault cases, types of evidence, and strategies for collecting this evidence. A "made for VCERT" video with a retired King County Detective demonstrating the collection of DNA evidence from a suspect's body is shown during this section.

### REPORT WRITING AND DOCUMENTATION, PART 2 11:45 – 12:15 (30 MIN.)

*Megan Winder, Deputy Prosecutor, Pierce County Prosecuting Attorney's Office*

This section of report writing explores the impact of reports on prosecution decision-making and the outcomes of investigations. A Pierce County Prosecutor will emphasize the importance of fully documenting investigative steps and the overall relevance of documentation as components of a strong case.

**OVERCOMING THE CONSENT DEFENSE 12:15 – 12:45PM (30 MIN.)**

*Megan Winder, Deputy Prosecutor, Pierce County Prosecuting Attorney's Office*

This section addresses the consent defense in sexual assault cases and provides investigative examples and considerations for prosecution of these cases. This course is also presented by a prosecutor.

**DRUG AND ALCOHOL FACILITATED ASSAULTS 12:45 – 1:15PM (30 MIN.)**

*Megan Winder, Deputy Prosecutor, Pierce County Prosecuting Attorney's Office*

This section describes and includes examples of drug facilitated assaults, identifies substances used to commit these acts, and some of the evidentiary considerations relating to these cases. Common and actual scenarios are discussed, and drugs are identified by name, symptom, and statistical representation in WA State sexual assault cases.

**COURSE TAKEAWAYS 1:30 – 1:45PM (15 MIN.)**

*Jen Wallace, PM, CJTC*

This includes a brief, class discussion on key takeaways from the course, as well as time for participants to ask any administrative or topical questions.

**LAW ENFORCEMENT AND TRAUMA/OFFICER RESILIENCY 1:45 – 3:00PM (1HR, 15MIN)**

*Phoebe Mulligan, LCSW/Therapist*

The course concludes with a therapist's description and examples of the impacts of vicarious trauma on officers. Recommendations for continued mental and emotional health are included in this section.





# Team Agreement Form

The 2021 Case Systems Training Review Project being led by the Sexual Assault Investigations (SAI) program at WA State Criminal Justice Training Commission (CJTC) is a collaboration with SAI-Victim-Centered Engagement and Resiliency Tactics (VCERT) training team members involves a review of sexual assault cases from Kittitas and Chelan Counties. Members of the team will be accessing and reviewing actual recent, closed cases to assess the effectiveness of the VCERT course, as well as the development of additional training. To ensure the integrity of the process, respect the role of individual agency employees, and to protect the privacy of community residents, all case file review team members agree to the following:

1. The material collected and distributed to team members is intended only for use in conducting this case file review and to inform project staff and training stakeholders (with CJTC authorization) about noted themes in current response practices.
2. Team members will have access to case files and file information only for the purposes of the case review. At the end of the review, all written materials with case information will be turned in to Jen Wallace at CJTC for safe keeping.
3. Specific case information should not be discussed outside of the review project.
4. While careful work has been done to protect the identities of the parties involved in each case as well as those of responders, the nature of the documents remains sensitive. Any discussion of case file content will happen only in the context of the case file review process and only in the presence of team members who have agreed to this confidentiality statement. Additionally, should identities become known, review team members will not identify or discuss any individuals involved in any case materials, except as necessary within review team meetings.
5. Team members are not authorized to release or discuss any details of the review or case information to anyone outside of the review team or VCERT training team, except through coordination with the SAI program at CJTC and as agreed to through the release of findings and recommendations.

Team member signature: \_\_\_\_\_

Print Name: \_\_\_\_\_ Date: \_\_\_\_\_



# WASHINGTON STATE CRIMINAL JUSTICE TRAINING COMMISSION

Monica A. Alexander, Executive Director

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19010 1st Avenue South • Burien, WA 98148 • Phone: 206-835-7300 • [www.cjtc.wa.gov](http://www.cjtc.wa.gov)

August 26, 2021

Chelan County Prosecuting Attorney  
401 Washington Street  
Wenatchee, WA 98801

Dear \_\_\_\_\_,

We are writing to inform you that the Chelan County Prosecuting Attorney's Office, along with the Chelan County Sheriff's Office, were two of the six agencies selected in Central Washington for the Case Systems Training Review project under the Sexual Assault Investigations (SAI) training program at the Criminal Justice Training Commission (CJTC). This project, mandated under House Bill 1109, is being conducted annually by SAI training team members consisting of the CJTC Program Manager, attorneys, investigators, and advocates. The purpose of this review is to assess officer applications of a trauma-informed, victim-centered practices as prescribed in the training and determine whether there are gaps or enhancements that can be applied to the victim interviewing course.

The training, SAI-Victim-Centered Engagement and Resiliency Tactics (VCERT) was mandated for officers who regularly conducted adult sexual assault investigations under RCW 43.101.272. We have identified three Chelan County Sheriff's Deputies who have taken the course and will be requesting cases at the Chelan County Prosecuting Attorney's Office and your office for the purpose of the closed cases review. Chelan County Deputy Prosecutor \_\_\_\_\_ has also recently taken the VCERT course and we are hopeful for her involvement in the case reviews as well.

We're currently anticipating this review to take place in Chelan in late October, either the week of October 18<sup>th</sup> or 25<sup>th</sup>, and request that pre-identified closed case files be made available to training team members on the date(s) requested. We also ask to remain in contact with a staff member or prosecutor generally familiar with the content and outcome of these cases.

Case Systems Training Review results will be included in the CJTC report to the Governor's office that is to be submitted by Dec. 1<sup>st</sup>, 2021. We have included the inaugural report with this correspondence for further details of the process and reporting resulting from this review. Any review results by the training team will be verbally briefed to the respective department prior to inclusion in the report. Specific cases will not be identified in that report as it centers around revisions to the CJTC training.

Please contact Program Manager Jen Wallace, SAI, Advanced Training Division, CJTC with any specific questions about the CSTR at (206)794-9345.

Chelan County Prosecuting Attorney  
401 Washington Street  
Wenatchee, WA 98801

Thank you for your attention to this information and thank you and your department, in advance, for your role in advancing sexual assault investigations training in Washington State.

Sincerely,

Monica A. Alexander

Enclosures (1) Case Systems Training Review, December 1, 2020

Cc: Brian Burnett, Chelan County Sheriff

Jen Wallace, Program Manager, Sexual Assault Investigations Program Manager, CJTC



# Case Review Checklist

<b>Case ID Number:</b>	<b>Reviewer(s):</b>
<b>Investigator:</b>	
<b>Department:</b>	<b>Case Open Date:</b>
<b>Attended SAI-VCERT:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	<b>Case Closed Date:</b>
<b>Advocate Name:</b>	<b>Advocate Org:</b>
<b>Others Involved (name/org):</b>	

## Observation Form

### A. Initial Response

	Yes	No	Unk/NA	
1.				Name/role of initial responder: Name          Role:
2.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Did initial responder conduct the full investigation?
3.				Was the case referred to a Detective for investigation?
4.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Were advocacy services offered and explained?
5.				Were advocacy services utilized?
6.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Was a SANE exam offered and explained?
7.				Was a SANE exam administered?
8.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Coordination within dept./with outside resources as applicable. Describe:
9.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Report include victim's words/language?
10.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Complete, thorough documentation in case file.
11.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Crime scene secured; proper evidence collected.

#### Additional Observations



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### B. Victim In-depth Interview

	Yes	No	Unk/NA	
1.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Used trauma-informed practices.
2.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If no or unknown re; trauma-informed practices: <ul style="list-style-type: none"> <li>• Did the investigator ask questions that were focused on victim-blaming and/or reflecting more concern for the accused than the victim?</li> <li>• Did the investigator ask questions demonstrating disbelief or misunderstanding of victim behavior?</li> </ul>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Report uses victim's words/language?
4.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Report captures the full context of the crime in language of non-consensual sex?
5.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Context of force, threat, or fear victim experienced is well documented in interview, if applicable?
6.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Complete, thorough documentation of victim interview?
7.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If recantation occurred, what were the circumstances?
8.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
9.				
10.	Does the case strongly rely on information/evidence from the victim?			

#### Additional Observations

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### C. Suspect Interview

	Yes	No	Unk/NA	
1.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Suspect interview attempted/accomplished (circle)?
2.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Report uses suspect's language as appropriate?
3.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Elements of 'voluntariness' of statement highlighted (or suspect Mirandized if in custody)?
4.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Offender history collected/investigated as applicable?
5.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Suspect's role in 'setting up' the assault (or creating the conditions of vulnerability) noted?
6.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Areas of corroboration of victims' account highlighted; implausible/absurd statements highlighted?
7.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Forensic/physical exam conducted as applicable?

Additional Observations

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### D. Evidence Collection/Witness Identification

	Yes	No	Unk/NA	
1.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Information necessary to prove elements of the crime included/noted?
2.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Witnesses identified and interviewed (witnesses at scene, witnesses who know suspect, initial disclosure witnesses, etc.)?
3.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Interviews recorded?
4.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Comprehensive evidence collection (e.g. photographs, physical/forensic evidence from suspect, clothes, pre-text calls)?



Sexual Assault Investigations Program,  
Review Team Eyes Only

Additional Observations

**E. Prosecution Overall Questions**

	Yes	No	Unk/NA	
1.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Was the case properly coded as a crime and as the correct crime?
2.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If the investigation supported an arrest, was it made?
3.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If the case was unfounded, explain the circumstances.
4.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Did the investigation demonstrate that no crime had occurred?
5.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Did a supervisor review and approve each decision to unfound a case?
6.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If a case was exceptionally cleared was the exceptional clearance proper? Describe.
7.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Was the case forwarded to the prosecutor after a full investigation and the proper collection and testing of evidence?

Additional Observations



Sexual Assault Investigations Program,  
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# Team Findings Form

<b>Case ID Number:</b>	<b>Reviewer(s):</b>
<b>Investigator:</b>	
<b>Department:</b>	<b>Case Open Date:</b>
<b>Attended SAI-VCERT:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	<b>Case Closed Date:</b>
<b>Advocate Name:</b>	<b>Advocate Org:</b>
<b>Others Involved (name/org):</b>	

## SAI-VCERT Learning Objectives

- a. Understand and recognize the nature and consequences of victimization.
- b. Understand and describe how specific experiences impact victim trauma, memory, reactions, and behavior.
- c. Understand how investigator interpretation of victim behaviors impact sexual assault cases.
- d. Identify strategies to work with all victims to facilitate trust and communication.
- e. Conduct interviews utilizing a research-based model that integrates wellness skills designed to minimize victim trauma, provide maximum emotional comfort, reduce the number of interviews, and foster resilience.
- f. Conduct objective, thorough, and complete investigations that articulate elements of the identified crime, while utilizing physical, psychological, and sensory evidence to build a strong case.
- g. Understand the importance of working with a multi-disciplinary team.

## Questions

	Yes	No	Unk	
1.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Did the investigator attend SAI-VCERT?
2.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Were the interactions with the victim consistent with training objectives?
3.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Was the case conducted in accordance with training objectives?
4.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Were there trauma-informed, victim-centered takeaways from the case that could be incorporated into the training?
5.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Were there areas of improvement in the case that can be addressed through training?
6.	List specific questions for advocate(s):			
7.	List specific questions for prosecutor(s):			



Prosecutor Questions 2021

1. At what point do law enforcement and prosecutors begin communications following a reporting of sexual assault? Are there policies or general practices around these communications or do these communications happen more situationally between the officer/investigator and prosecutor? Please explain.
2. What bail amounts are typically set for suspects in sexual assault cases? Do these amounts appear to be increasing, decreasing, or staying the same?
3. Do you tend to conduct joint interviews with officers and/or advocates during sexual assault cases? If joint interviews are being conducted, do they occur both with cases moving forward and with those approaching declination?
4. Does your office have a prosecutor(s) who specializes or most typically addresses sexual assault cases?
5. Are prosecutors in your office familiar with the content of police training (in terms of the basic academy and classes such as SAI-VCERT)?
6. Do prosecutors typically weigh in on decisions such as arrests, warrants, and protection or other orders?
7. What types of sexual assault cases are most often being referred to your office?
8. What characteristics of sexual assault cases increase the likelihood of prosecution?
9. What characteristics of sexual assault cases decrease the likelihood of prosecution?
10. What are some of the most common challenges you've in prosecuting these cases?
11. What training or other recommendations do you have for increasing nonstranger cases in your area?
12. Are there topic-specific trainings for prosecutors or investigators or other resources you would like to see or recommend to potentially mitigate these challenges?
13. How and when are the details of declinations in sexual assault cases communicated to law enforcement agencies? How are declinations communicated to victims in sexual cases?