



2020

CASE SYSTEMS TRAINING REVIEW

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

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CASE SYSTEMS TRAINING REVIEW – EXECUTIVE SUMMARY

During the 2020 Legislative Session, the Washington State Legislature approved House Bill (HB) 2318, which was then signed by Governor Jay Inslee. In addition to addressing Sexual Assault Kit storage, the bill included authorization for a sexual assault investigation case review project led by the Washington State Criminal Justice Training Commission (WSCJTC) to assess the Victim-Centered Engagement and Resiliency Tactics (VCERT) victim interview training provided to officers conducting adult sexual assault investigations. The review was designed to evaluate the effectiveness of WSCJTC's VCERT course mandated by the legislature under Revised Code of Washington (RCW) 43.101.272. To date, 15 of these trainings (11 in person and 4 virtually) have been delivered to over 315 officers around the State, representing 100 agencies. As part of the legislation passed in HB 2318, the WSCJTC was asked to develop a case review process under RCW 43.101.278. The purpose of this case review is to measure the effectiveness of the VCERT course, and to identify other training needs, including advanced training for sexual assault investigators. Between July and November 2020, a case review process was developed and piloted. Many of the findings from the review were either emphasized or integrated into the November 2020 VCERT training.

Due to in person meeting restrictions and the necessity of health and safety precautions concerning the COVID-19 pandemic, various modifications were made prior to implementing the actual case file reviews. The reviews were conducted virtually and not in person, thereby changing the mechanics and timing of communication with investigative team members. Because this was the pilot for the reviews, it is unknown whether the shift to virtual settings had an impact on communications or the availability of case file information. Regardless of whether future reviews are done in person or virtually, longer lead times for case information will need to be established because of the time and resources required for redacting recordings.

Teams met during the week of October 19, 2020 to review redacted, electronic files provided by the three law enforcement agencies selected for this review. Three Whatcom County agencies (Whatcom County Sheriff's Office (WCSO), Bellingham Police Department (BPD), and Western Washington University Police Department (WWUPD), were selected for these reviews because of the rural, urban, and university characteristics, the numbers of officers and investigators who attended the training, and the timing of the training (September 2019). Additionally, because the VCERT training was conducted on-site in Bellingham and included presentations from the local advocate organization and prosecuting attorney's office, these department selections were ideal for the case review assessment.

Members of the VCERT training team convened virtually multiple times to develop and plan the case review training assessment. Training attendees from the three Bellingham-area law enforcement agencies who attended the VCERT training were sent surveys comprised of questions about their recollection and application of training materials, as well as additional training suggestions and needs.

Of the 20 survey recipients, 15 responded. Nearly all investigators reported feeling better equipped during their interactions with sexual assault victims since the training. And all respondents reported the training giving them an increased understanding of the impacts of trauma on sexual assault victims and survivors. Many of the participants continue to utilize the Community Resiliency Model® (CRM) wellness skills taught during the training.

Upon establishing case file criteria, sexual assault investigations were requested from each of the Bellingham area police departments. All three agencies met the requested expedited timelines to produce examples of redacted sexual assault case files for the week set aside by training team participants for the review. Some of the criteria of requested files was modified because of investigator assignments or limited cases meeting the January 2018 to October 2020 closed cases scope of the review. Time and funding constraints interfered with agency provision of recordings and other digital materials. However, each agency was able to provide examples of closed cases that were conducted by officers and investigators who attended the VCERT training, as well as cases investigated by officers who did not attend the training. Reviewing reports from officers with and without the training provided an opportunity to demonstrate the contrast in skill level and the effectiveness of the VCERT training.

Three teams consisting of VCERT training team members with backgrounds in law enforcement, advocacy, and law reviewed files provided by the Bellingham area agencies. With the VCERT training lens applied, the reviews generally established the need for immediate training adjustments and emphasis on the development and delivery of additional trainings. *Additions to the current VCERT Training include:*

- An investigative checklist is being developed for use by investigators and patrol officers that will be distributed in the December 2020 VCERT training;
- Recommendations that VCERT participants review the patrol officer training for sexual assault response on CJTC's Acadis training platform and encourage their patrol units to also take the training;
- Questions about perceived prosecution barriers in pre-course assessment;
- Provision of a report writing template;
- Involvement of advocates and/or other forms of support in victim interviews;
- Inclusion of Community Resiliency Model® (CRM) facilitators during interview practices;
- Inclusion of additional report writing examples;
- Addition best practice information for addressing victim recantation;
- Inclusion of investigations to update scenarios for interview practices; and
- Added emphasis on co-occurring crimes and lethality assessments.

Additional trainings recommended include:

- Digital and overall evidence collection;
- Courtroom testimony;
- Investigating cases involving teenagers; and
- Suspect interviewing.

Recommendations for future case reviews are that they are conducted annually as a means to assess, adapt, and advance trainings on sexual assault investigations. It is further recommended that these reviews be conducted in person, on-site, and with longer lead times for agency document and recording redaction, and more time devoted to team file review. This would allow for follow up with investigators, prosecutors, and/or advocates while the reviews are being conducted. As it was, the reports provided only a snapshot of the investigations and in instances where a case was referred to another agency or jurisdiction or declined for prosecution, the details of the outcomes or declination were unknown and therefore, unable to be assessed during the reviews.

Following the reviews, surveys were also sent to the Whatcom Prosecuting Attorney's Office and to the Bellingham-Whatcom County Commission on Sexual & Domestic Violence for additional local feedback on police responses to sexual assaults. The responses from these agencies reiterated the importance of investigators of sexual assault cases applying their understanding of trauma to victim interactions in furtherance of outcomes of increased victim reporting, continued victim engagement, and suspect prosecutions in these cases. Despite several officers being trained in trauma-informed victim interviewing, it appears there continues to be the perception, and perhaps practices of officers not being knowledgeable or equipped for these interviews. WSCJTC intends to distribute this report to all agencies involved in the review so there is increased familiarity with VCERT and the Patrol Officer Response to Sexual Assault training.

ACRONYMS

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



TEAMS INVOLVED

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Whatcom Prosecuting Attorney's Office, Chief Deputy Erik Sigmar

SAI-VCERT BACKGROUND

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."

** - The WA Attorney General's Sexual Assault Forensic Examination (SAFE) Best Practices Advisory Group will soon release a best practices guide for cold cases that will be incorporated into the SAI-VCERT trainings. This topic is currently addressed in the VCERT Dynamics of Sexual Assault and the Sexual Assault Kit Initiative presentations*

Since November 2018, the WSCJTC delivered 15 of the SAI-VCERT trainings to over 300 officers. The training was designed primarily as a victim interviewing course, and as a mechanism to equip officers with knowledge and ability to recognize and adapt communications for victims who have been sexually assaulted. The course also seeks to increase victim and officer capacity, as well as establishing best practices in interviewing and investigations towards offender accountability. The in-person course is three days in duration, with approximately four hours of pre-course work. The virtual trainings are conducted over a four-day period, primarily with three of those days as half day sessions. There is an entire day of the training that is devoted to practice interviews. Participants also have a homework assignment to assist them in their preparations for the practice interviews.



Training team and participants in the initial SAI-VCERT class, November 2018

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 a therapist, advocates, a Sexual Assault Nurse Examiner (SANE), investigators, a civil attorney, and prosecutors, which is consistent with the collaborative investigative approach taught in the course. Participants are also trained in the Trauma Resource Institute's Community Resiliency Model® wellness skills that can bolster officer presence, 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, relevant WA statutes as well as prosecution perspectives on consent, documentation, and drug and alcohol-facilitated assaults. The course learning objectives are as follows (Attachment 1):

- Understand and recognize the nature and consequences of victimization;
- Understand and describe how specific experiences impact victim trauma, memory, reactions, and behavior;
- Understand how investigator interpretation of victim behaviors impact sexual assault cases;
- Identify strategies to work with all victims to facilitate trust and communication;
- 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;
- 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
- Understand the importance of working with a multi-disciplinary team.

WSCJTC's SAI Program Manager provided 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 Washington Coalition of Sexual Assault Programs (WCSAP), the Washington Association of Prosecuting Attorneys (WAPA), and the WA State Association of Sexual Assault Nurse Examiners (WA SANE).

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 End Violence Against Women International 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, given the amount of media attention to that case and its similarity to other cases, and its impact on CA law. 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.

SAI-VCERT MEASUREMENT AND ASSESSMENT

Course Participants. There is not a formal exam for the course. However, participants are evaluated by the interview facilitators during their pass/fail interviewing exercises with professional actors portraying sexual assault victims and survivors. The facilitators and actors provide feedback based on the trauma-informed guidelines provided to participants. Although occasionally a participant will falter in the initial interview, through guidance from facilitators and watching/receiving feedback from peers, they have consistently re-calibrated to overcome earlier challenges in the second practice interview.

Training. In terms of how the training is measured, we rely on post-course evaluations from the participants and also the takeaways reported verbally at the conclusion of the class. We have made several modifications to the course since its inception in November 2018, in response to these evaluations. Also, End Violence Against Women, International (EVAWI), a non-profit sexual assault investigations training organization in Washington State, and the Trauma Resource Institute (TRI) have sent representatives to the SAI-VCERT course to assess and provide feedback that was incorporated into the training protocols beginning in August 2019.

Case Systems Training Review (CSTR) as a Measurement. With the strategies devised and the project's ongoing learning benefits, we anticipate relying on an annual CSTR conducted by members of the SAI-VCERT training team of up to three departments. Although the immediate post-class

evaluations continually provide suggestions and information that is integrated into the training protocols, there also appears to be a tremendous benefit to surveys conducted up to a year following the class and then through reviewing cases to assess its application and/or other areas requiring emphasis or inclusion. With a multi-disciplinary team of training team members involved in the case review process, they have the opportunity to learn more about each role and perspective as they also become informed about how the current training is being applied and/or where gaps exist or content that could be added to current or other courses. Additionally, surveys from investigators, prosecutors, and advocates in the area being reviewed are also beneficial in terms of identifying training gaps and benefits.

CASE SYSTEMS TRAINING REVIEW PROCESS

WSCJTC's SAI Program Manager 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. Two former prosecutors, including one 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 confidentiality agreement prior to conducting the reviews (Attachment 2).

The three departments were provided with the criteria regarding the cases for team member reviews and asked to return redacted cases to the project lead by Oct. 19, 2020 for the agreed upon, scheduled start of the reviews. Files requested included cases by investigators who attended SAI-VCERT training and investigators who did not attend the training. The departments were also asked for cases since January 2018, regardless of prosecution outcome. The departments handled the requests as they would a public records request (PRR), and redacted victim identifying information. However, they also expedited the process in order for the team to obtain electronic versions of the files by the review start date. Although most of the files included recorded interviews, the departments advised they would not be able to meet the timeline requested if recordings were also included in the records response. Additionally, case investigator and volumes were modified to meet sexual assault case assignments, training participation, and recent or overlapping training timelines in order to align with established review timelines. WCSO provided nine cases for review, WWUPD provided seven cases, and BPD provided 15 cases. The results of these reviews are provided on pages 15-17 of this report.

The Police Executive Research Forum (PERF) has determined that the external review of sexual assault cases should be routine in law enforcement. In its May 2018 report on police practices for the investigation of sexual assault cases, PERF acknowledged that case reviews:

"ensure that cases are properly classified throughout the police process; that investigators are conducting thorough, victim-centered investigations; and that police actions are appropriate based on the evidence collected. These reviews can help strengthen department policies and practices, and foster stronger partnerships and mutual understanding among all involved."

The Sexual Violence Justice Institute's Case Review Guidebook and the Women's Law Project's case review model (known as the "Philadelphia Model") were the two case review models selected as guides for this process. The Women's Law Project established its groundbreaking external review of police investigatory practices in sexual assault cases in Philadelphia and the Philadelphia Model is now recognized as a national best practice.

During the review, law enforcement and advocate representatives were asked to fill out part 1 of the Checklist form, while the legal representatives were asked to fill out parts 2 and 2.5, as able (see Attachments 3 & 4). All team members completed the Team Findings form together (Attachment 8).

Case Systems Training Review Steps

Conducted by the WSCJTC

Development

- Legislative support and funding
- Convene stakeholders and training team members
- Identify departments
- Research case review models
- Identify case review team members
- Establish case request criteria

Implementation

- Establish a schedule for case reviews (revised to virtual meetings due to COVID-19)
- Design and deliver survey
- Request records from departments
- Develop case review criteria and checklists, deliver to case review team
- Conduct case reviews

Analysis

- Analyze survey response data from training attendees, prosecutors, and advocates
- Analyze and summarize case review findings
- Revise current training to reflect findings

Findings

- Met with all training team case review participants, as well as other training team members, to discuss findings
- Met with departments to review findings
- Draft report and coordinate report approvals
- Report submission

CSTR SURVEY FINDINGS

INVESTIGATORS

The survey was designed to reflect an investigator's perception, takeaways, and reliance of the VCERT materials. All Bellingham-area officers who attended the September 2019 VCERT course were sent the survey and 15 of the 20 attendees responded. All reported favorable and ongoing benefits of VCERT, particularly relating to their understanding of trauma during victim interviews and overall interactions. Attendees also reported benefits of the training relating to all crimes investigated. A copy of the survey can be found in Attachment 5.

Trauma. All respondents reported that since the training, they have an increased understanding of and interest in the impacts of trauma on sexual assault victims. Investigators also reported that they have been able to rely on this understanding when engaging with victims, particularly during the interview and in their case documentation. All respondents were able to properly identify common trauma responses, even a year after the training. Most noted that their case documentation reflected this trauma understanding as well and shared the importance of documenting observations over their personal opinions in reports.

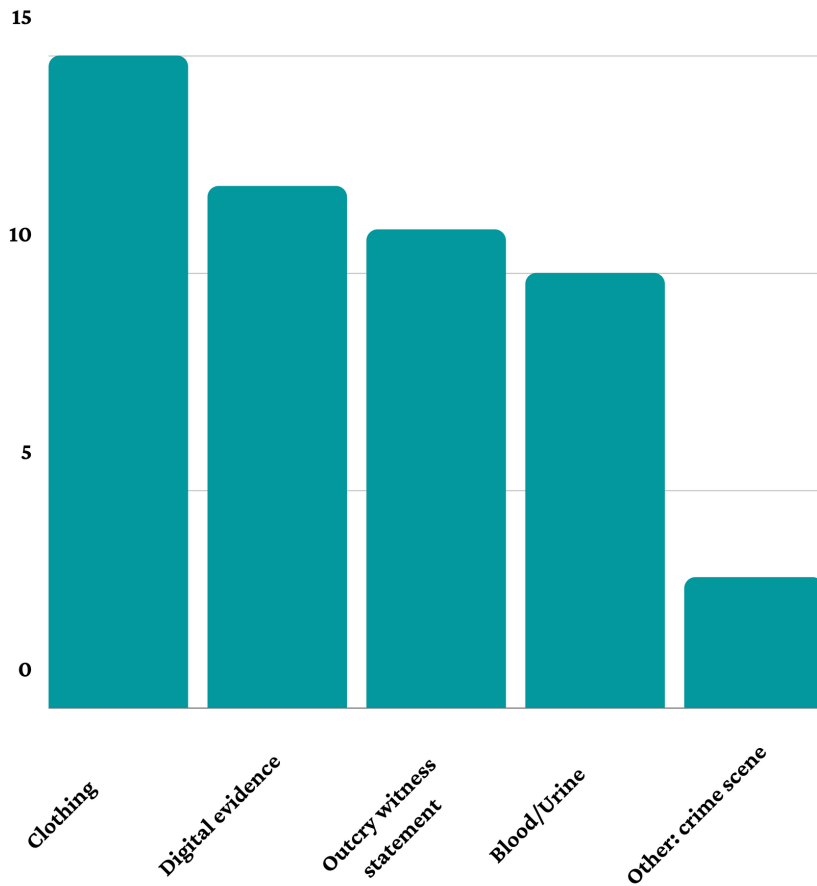
Interviewing. All respondents said they incorporate rapport building in the interview process and many investigators noted tailoring questions specifically to each victim to get to

know them better. Additionally, they have noticed a significant difference in victims providing more detailed responses and more success conducting a thorough interview when they have taken the time to do rapport building at the beginning of the interview. Respondents also reported increased comfort in asking open-ended questions with 93% of respondents using open-ended questions for suspects, and 100% of respondents reporting using open-ended questions for victims. They also noted an increase in including sensory-based questions in their interviews with victims to help recall memory and get more detailed information about the assault.

Victim support. Since the training, investigators reported an overall increase in providing victim support. Most investigators reported that they continue to offer advocacy services immediately upon contact and reported having positive relationships with the local advocates in Bellingham. Respondents were also asked to identify potential barriers to victims reporting a sexual assault and all were able to properly identify barriers, with the most common being shame and fear of retaliation. Additionally, all respondents who have investigated sexual assault cases since the training reported that overall they feel better equipped during their interactions with sexual assault victims and understanding their needs.

Investigative process. Overall, since the training respondents reported an increased understanding in investigatory practices for sexual assault cases. Investigators were able to properly identify the difference between mental incapacity and physical helplessness, what constitutes consent in sexual assault cases, and all the components of the definition of sexual assault (i.e. not just vaginal or anal penetration). Investigators also self-reported all of the evidence collected during their cases, which can be seen in the graphic below. Furthermore, 100% of respondents stated the training has improved or enhanced their response to crime victims and witnesses beyond sexual assault crimes as well.

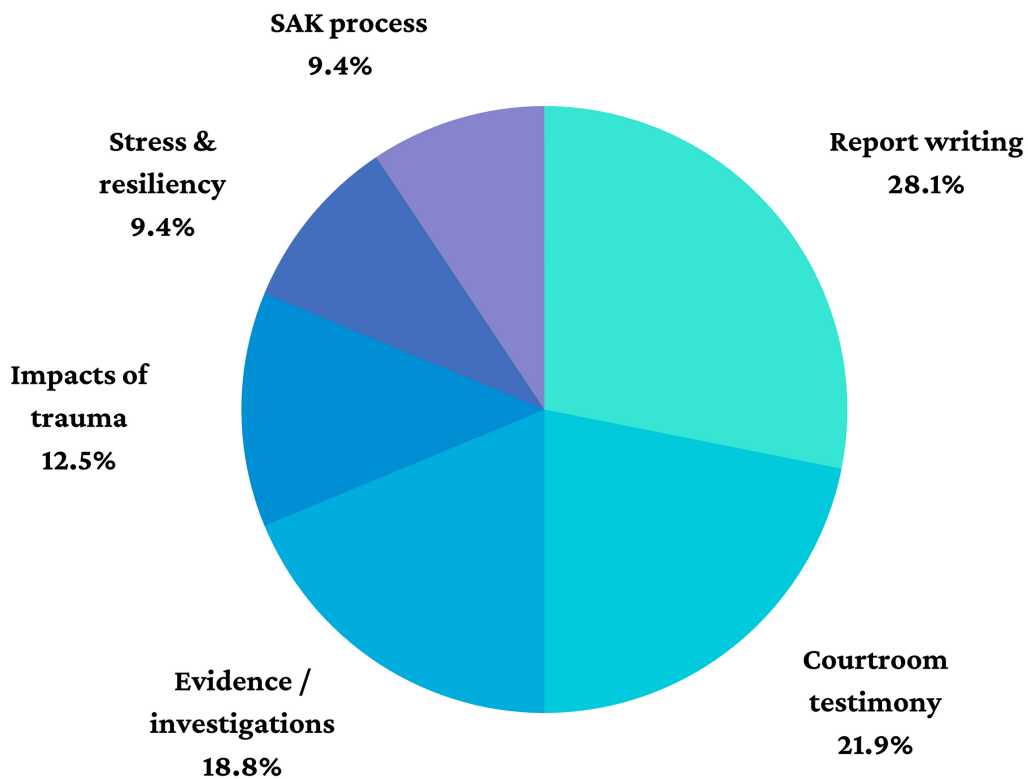
Types of Evidence Collected by Participants



Resiliency & wellness skills. Respondents were able to properly identify reasons why resiliency skills were useful when working with victims of trauma, particularly related to regulating the nervous system in order to obtain more information during an interview. The most commonly reported Community Resiliency Model® (CRM) skill utilized with victims was grounding, which entails guiding back into the present moment by suggesting they notice any contact they have with surfaces (for instance, hands to a table or feet to a floor). Investigators shared that this skill was helpful for victims who become activated during an interview as a quick way to help bring them back into what CRM refers to as their Resiliency Zone and continue on with the interview. Many respondents reported being able to use the resiliency/wellness skills to build on their own personal skills as well, and some expressed interest in further training on stress and resiliency.

Training. Many additional training needs were identified through the survey. Respondents were asked to choose from a list of training topics, and then had the opportunity to add any additional training topics they felt might be helpful to them. As seen below in the graphic, the training topics with the most interest included report writing, courtroom testimony, and evidence collection/investigative practices. Investigators also shared that it would be helpful for patrol officers to receive specific sexual assault trainings since they are often the first to respond to a report of sexual assault, which is addressed later in the report.

Trainings Requested by Participants



PROSECUTORS

According to the survey sent to the Whatcom Prosecuting Attorney's Office (Attachment 6), the most common barrier to a case being submitted for charges is due to a lack of evidence or insufficient evidence, suggesting the need for more thorough investigations. Not only can this help lead to more accepted cases, but also reduce the number of subsequent interviews the victim must take part in. Consistent with content of VCERT, the prosecutor's office noted that in Whatcom County, they have seen deputies do well in consoling victims, listening intently, validating their experiences, and

sympathizing with them. Training suggestions for both patrol officers and detectives/investigators included trauma-informed interviewing and investigatory practices for sexual assault cases (which are both included in the current VCERT curriculum).

ADVOCATES

Six advocates from DVSAS and one from Lummi Victims of Crime completed the survey (Attachment 7) to share their experiences working with law enforcement in the Whatcom area from a victim's perspective. Advocates identified several barriers to victims reporting sexual assault crimes to law enforcement, with the most common responses being a fear of victim-blaming or -shaming, fear of not being believed, and a fear of the perpetrator/suspect retaliating. Many of these barriers listed in their responses are covered in the VCERT course to bring awareness to officers of victims' fears of engaging with the criminal justice system, along with the trauma responses that often follow a sexual assault. Many of the training suggestions advocates proposed for patrol officers and investigators are already included in the SAI-VCERT course or the Patrol Officer Response to Sexual Assault training video (see page 16 in this report for more information), including information about trauma responses, victim interviewing (e.g. asking open-ended questions), sexual assault dynamics and consent laws, and connecting victims to advocacy services. While acknowledging there are still many systemic barriers to victims feeling supported as they navigate the criminal justice system, advocates highlighted a few best practices they have seen in the Whatcom County area with law enforcement responses to sexual assaults:

- Patience and allowing time for pauses/breaks during interview;
- Officers being mindful of power dynamics, along with being gentle with victims after they have just experienced a traumatic event;
- Active listening and matching victim's language (in interview and report language);
- Validating a victim's experience and normalizing both their experience and response relating to the sexual trauma;
- Educating the victim about the criminal justice system, investigative process, etc.

One advocate also shared their experience working with an officer recently, saying "He was really calm with his tone and allowed pauses between questions. He didn't interrupt and allowed the victim to trail off the question a little bit, but still writing things down. He told her that he believed her and what happened was wrong."

CASE FILE REVIEW FINDINGS AND RECOMMENDATIONS

During the case reviews, the three teams identified disparities in what is being trained in SAI-VCERT from victim interview report content. In some instances, the report's author was either an investigator or patrol officer who had not been through the training. In other instances, reviewers were able to connect the trauma-informed, victim-centered lens emphasized during the training to the reports. There were also instances where this was the case even when officers had not been through the training. Overall, there were enough disparities between investigator/officer practices and the information presented in the SAI-VCERT training to warrant added emphasis, clarification, or adaptations to the SAI-VCERT training. Patterns and individual findings are included. The findings and VCERT training adjustments are noted, below.

Findings to be addressed through current VCERT or to be developed trainings:

- Victims at one department were asked (typically by patrol officers) of their wishes to pursue charges or prosecute during initial reporting. It also appeared that negative responses or uncertainty about pursuing charges or prosecution resulted in minimal investigative effort. This practice is not trauma-informed, nor does it follow best practices of conducting a thorough investigation. (VCERT updated, 11/09/20)
- There were inconsistent introductions of reliance on advocates. Also, if advocates were being utilized, the report did not notate their inclusion. (Emphasized in VCERT, 11/09/20)
- The inclusion of a support person in the victim interview; practical and legal considerations. (VCERT updated, 11/09/20)
- No interview of a suspect when identified. A suspect was interviewed by phone. Suspect or victim interviews were not recorded. (Suspect interviewing seminar or training recommended.)
- The use of certain terms, such as “alleged” that can be inferred as questioning victim credibility, or “not cooperating,” as a way to describe a victim’s decision not to continue participation in an investigation. (Emphasized in VCERT, 11/09/20)
- The inclusion of opinions in reports, particularly concerning victim drug use. (Emphasized in VCERT, 11/09/20)

- The appropriate use of quotations in reports to reflect actual victim or suspect statements. (Emphasized in VCERT, 11/09/20. Also, develop a report writing template or separate seminar on this topic).
- The use of consensual language when referring to a suspect's description. Without quotes it was unclear as to whether description was the report writer's or the suspect's. (Emphasized in VCERT, 11/09/20 and include in a report template sample).
- In most cases, even when a suspect was identified through the investigation, it was unclear whether the case was prosecuted. In some instances, there were memos from the Whatcom Prosecuting Attorney's Office that declined prosecution for insufficient evidence. (Note: Verbal follow up with the departments indicated they were working towards improving their communications with the prosecutor's office and that that office is in the process of obtaining a case management system that would help officers track prosecution status).
- A victim was told that in order to obtain a sexual assault exam, she had to report the assault to police. This is inaccurate. (Emphasized in VCERT, 11/09/20).
- Some investigations appeared to be incomplete, that more investigative steps could have been pursued. Because of the limited time frame allotted to investigative steps and techniques during the VCERT training, a separate course or training combined with suspect interviewing is recommended.
- Patrol officer questioning can hinder continued victim involvement in cases. All departments were advised of WSCJTC's online training for patrol officers and it was suggested that investigators also review this training and continue to educate patrol about these responses. In October 2020, Patrol Officer Response to Sexual Assault training was published by WSCJTC. For civilians, this can be reviewed at [this link](#) under the vendor "Washington State Criminal Justice Training Commission." Commissioned personnel can find the training in the [Acadis](#) portal. (This Patrol Officer video was also highlighted during the VCERT training, 11/09/20)

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 were 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 November 9, 2020. Presenters and facilitators will continue to address findings during the VCERT training. A training development team is also being formed to coordinate the delivery of virtual topic-specific seminars.

The review teams also noted best practices in investigations, including practices that are taught in the SAI-VCERT training and those that could be taught in supplemental trainings. These best practices were drawn from case files from one or more of the reviewed agencies and included:

- Efforts to locate a vehicle
- Coordination of advocacy personnel and services
- Following up on time-sensitive evidence
- Conducting victim-centered interviews
- Identifying and interviewing witnesses
- Addressing/investigating new charges involving suspect
- Conducting of a thorough, detailed investigation with a timeline
- Coordination with other investigative agencies
- Swift investigative follow up
- A thoroughly documented investigation
- Empowering a victim during the interview
- Provision of additional resources to the victim
- Using victim language in a report
- A thorough investigation/exemplary case involving multiple victims
- Corroboration of case facts through suspect and witness interviews
- Obtaining an outcry witness statement
- Describing influence of trauma on victim's account
- Collection of digital evidence
- Execution of search warrants, collection of evidence at crime scene
- Collection of forensic/DNA evidence
- Addressing safety concerns with the victim
- Thoroughly conducted investigation
- Strong suspect interview
- Coordination with Title IX Office
- Submission of toxicology request

Although there were various training recommendations and adjustments made as a result of the review, the CSTR was inconclusive in terms of whether the training resulted in increased prosecutions or reporting by victims. Additionally, the reviews were unable to determine racial or ethnic discrepancies in either reporting or investigative effort or outcome. Had this been available, it would have been used to determine whether there needs to be additional VCERT race/ethnicity specific victim interview training emphasis or a separate training designed to reduce victim non-engagement and reduce case attrition for vulnerable or marginalized populations. It is not known whether racial/ethnic information was redacted or is even collected and/or recorded by these departments. It should be noted that because reviewers did not have recordings, any takeaways or assessments were derived exclusively from reports reviewed.

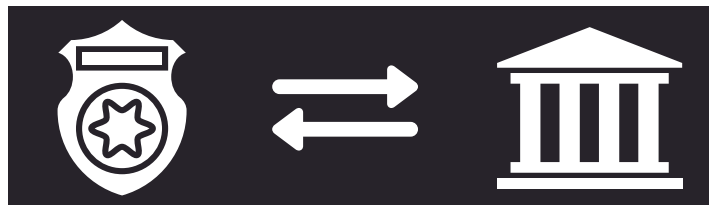
PROSECUTION CONSIDERATIONS

During the case reviews, we also identified a comprehensive need for the coding of all cases that will be reviewed by the teams. That coding should include the identification of cases with arrests made, permanently closed cases, cases referred to prosecution, and exceptionally closed cases. The exceptionally closed cases should include the identification of the point of victim non- engagement, the point of declination the reasons for declination, and the identification of factors leading to attrition and final declination of the case. Criteria for case files requested from departments included cases with or without known prosecution outcomes.

In reporting rape clearance rates to the federal government, police jurisdictions are permitted to report rape cases as cleared or closed even when no arrests have been made. Law enforcement agencies are permitted to declare cases closed or cleared through what is known as “exceptional clearance.” [Federal guidelines](#) authorize the “[exceptional clearance](#)” classification for use by police departments to “...clear cases when they have enough evidence to make an arrest and know who and where the suspect is, but can’t make an arrest for reasons outside their control.”

In classifying rape cases as [exceptionally cleared](#), police departments most often indicate that arrests were not made in those cases because the victim was no longer cooperating with the investigation or the prosecutor’s office declined to prosecute. In the case reviews, we consistently were unable to assess case outcomes due to the absence of specific decision making factors that drove case attrition. This indicates a need for improved coordination between law enforcement and prosecutors in the investigation of sexual assault cases. Prior studies have identified that case attrition is substantially driven by interconnected gatekeeping decisions made between law enforcement and prosecutors ([US DOJ Los Angeles](#), [US DOJ multi-jurisdictional study](#)). In order to cure the ongoing and substantial attrition of sexual assault cases in Washington State, an external review paradigm must have access to clearer reasons for why cases are being exceptionally closed.

An expansion of the Case Systems Training Review into an annual case review will help determine why victims are dropping out of investigations and why prosecutors are declining to prosecute certain rape cases. And consequently, how those findings can be used to improve training protocols to reduce the attrition of these cases. Improved training protocols will help law enforcement and prosecutors establish a collaborative working relationship to improve case outcomes and reduce attrition. Going forward, this comprehensive review will establish a foundation to better inform the victim-centered and trauma informed training needed for both law enforcement and prosecutors.



CONCLUSION

Despite its limitations with COVID-19 restrictions and time constraints, the CSTR project offered new insight to key training takeaways, best practices for sexual assault investigations, and additional training moving forward. Both survey and case file review findings identified components of the VCERT course that needed further emphasis, ideas for future trainings and seminars, and reassurance that the training course offers practical content that can be implemented in investigative practices. Officers continue to rely on the CRM® wellness skills, both during victim interviews and to enhance their own resiliency. Further collaborations with the Trauma Resource Institute on the development of a resiliency-focused, community policing training model incorporating the CRM skills are already underway. Overall, findings from this project suggest that law enforcement officers who attend VCERT leave with a greater understanding of the impacts of trauma, strengthen their rapport building and interview skills, and conduct thorough, victim-centered investigations.

If current funding allows, with some modifications learned through the project pilot, the WSCJTC intends to employ the CSTR on an annual basis as a training tool for instructors, facilitators, and training attendees – as well as the agencies participating in the review. Training team members who participated in the case reviews perhaps most strongly benefited from what was learned during these reviews, which will ultimately bolster training content and impact. Much like sexual assault investigations, the CSTR project, the VCERT training, and the Patrol Officer video, all illustrate and emphasize that in order to improve victim experience with the criminal justice process and case outcomes, a wellness-integrated, evolving, ever-learning and adapting multi-disciplinary team approach are essential and best practice.



ATTACHMENTS

ATTACHMENT 1

SAI-VCERT – Training Topics

Day One.

SAI-VCERT Introductions. *Jen Wallace, Program Manager (PM), Sexual Assault Investigations, CJTC*

This section includes the introduction of program representatives and participants, their backgrounds, the purpose of the course, and participant information gleaned through the pre-course assessments. Participants are required to complete pre-requisite course materials that currently consist of approximately 3 hours of materials. Once the SAI Online training course has been completed by CJTC, this will replace the multiple requirements, decrease pre-course training time to 2 hours, and include a knowledge check that helps instructors assess class content familiarity. A pre-course assessment will no longer be included as data will be collected through the on-line training course. Participants are also provided with an overview of the 3-day course, of the course book provided, and reminded of the key features of trauma-informed, victim-centered practices.

Case Study; Emily Doe. *Jen Wallace, PM, SAI, CJTC*

The Case Study pertains to the sexual assault of “Emily Doe” by Brock Turner during a party at Stanford University in early 2015. Participants are provided with a summary of the content and outcomes of this case. Before participants observe a video of readings of the graphic Victim Impact Statement from this case, they are introduced to 3 wellness skills that will be referred to and utilized during the interviewing portion of the training. At the conclusion of the video, participants discuss several questions among their table groups as they consider various components of and steps to this investigation. This is followed by a class discussion.

Dynamics of Sexual Assault. *Curtis Whitman, WSU-PD, and Andrea Piper-Wentland, formerly of WCSAP*

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. *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.

Introduction to SAI Interviewing Model. *Jen Wallace, PM, CJTC, Amy Gallardo, Forensic Interviewer*

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 will also observe either live or recorded interviewing examples for further context for the upcoming interview practices.

Victim Recall and Resiliency. *Jen Wallace, PM, CJTC and Amy Gallardo, Forensic Interviewer*

Participants will revisit earlier descriptions of the trauma and discuss how it might affect 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 recollections of the incident being reported and include strategies and techniques to elicit further details through nervous system regulation and stabilization. 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. Investigators are encouraged to identify and practice skills to enhance their familiarity and comfort through their own application of these wellness techniques, as well as guiding victims with these steadying practices while eliciting case details.

Washington's Sexual Assault Statutes *Megan Winder, Prosecutor, Thurston 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 contextualizes statutes by describing cases, trial experiences, and outcomes with the relevant statutes.

Overcoming the Consent Defense *Megan Winder, Prosecutor, Thurston 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 also includes discussion and illustrations of consent and the lack of consent in sexual assault investigations and prosecutions.

Drug and Alcohol Facilitated Assaults *Anita Petra, Prosecutor, Benton County Prosecuting Attorney's Office, Brian Capron, Toxicologist, Washington State Toxicology Laboratory*

The instructors for this section describe 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.

Day Two.

Active Listening Exercise. *Jen Wallace, PM, CJTC and Amy Gallardo, Forensic Interviewer*

Participants are provide with descriptions of active, reflective, and empathic listening skills and then practice these skills during question guided, 3-person, rotating interactions. Some of the Community Resiliency Model wellness skills are incorporated into this exercise to offer participants practice with the application of these skills while engaged in these interactions with their peers during this listening exercise.

Interview Model Review, Exercise Assignments and Logistics *Jen Wallace, PM, SAI, CJTC with SAI Instructor cadre*

Participants will be assigned to interview facilitators, scenarios, and their interview 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 interviewing the victim/actor about an alleged sexual assault.

Interview Exercise, Part 1. *SAI-VCERT Facilitators, Jen Wallace, PM, SAI, CJTC*

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. *SAI-VCERT Facilitators, Jen Wallace, PM, SAI, CJTC*

In Part 2 of this exercise, participants will conduct a second interview an actor portraying a sexual assault victim based on an assigned scenario and apply any lessons learned from the original interview. 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 Three.

Sexual Assault Kit Initiative/Cold Case Investigations, *Andrea Piper-Wentland, formerly of WCSAP*

In this section, participants will learn about the Sexual Assault Kit Initiative in WA 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. **Note: This section is typically addressed by the WA State Attorney General’s Office, SAKI Team. However, due to scheduling conflicts, is being presented by another member of the SAI Instructor Cadre familiar with this topic.**

Sexual Assault Response Teams or Multiple-Disciplinary Teams (SARTs and MDTs)

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.

Working with Advocates. *Karen Burke, ED, DVSAAS - Bellingham*

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.

Understanding the Role of the Sexual Assault Nurse Examiner, 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 victim 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.

Report Writing and Documentation. Part 1 – Riddhi Mukhopadhyay, Sexual Violence Legal Services, Part 2 – Det. Marylisa Priebe-Olson with input from Whatcom County Prosecutor (TBD) Part 1 of this addresses word choice in reports and considerations from using quotes from victims and non-consensual language and terminology. Part 2 of this section explore the impact of reports on prosecution decision-making and the outcomes of investigations. A local prosecutor will emphasize the importance of fully documenting investigative steps and the overall relevance of documentation as components of a strong case.

Offender-focused Investigations. Det. Marylisa Priebe-Olson, KCSO and Curtis Whitman, WSU-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 Detective Marylisa Priebe-Olson, KCSO and Curtis Whitman, WSU-PD

This section identifies the crimes scenes involved in sexual assault cases, types of evidence, and strategies for collecting this evidence. The instructors demonstrate the collection of DNA evidence from a suspect's body.

Course Closeout. Jen Wallace, PM, CJTC

This includes a brief, class discussion on key takeaways from the course, as well as time for participants to complete the course evaluations.

ATTACHMENT 2



Sexual Assault Investigations Program,
Case Systems Training Review

Team Agreement Form

The Case Systems Training Review Project that the Sexual Assault Investigations (SAI) program at WA State Criminal Justice Training Commission (CJTC) is leading in collaboration with SAI-Victim-Centered Engagement and Resiliency Tactics (VCERT) training team members involves a review of sexual assault cases from the Whatcom County Sheriff's Office, Bellingham Police Department, and Western Washington University Police Department. 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 and/or Roxana Jenny-Williams of 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: _____

ATTACHMENT 3



Sexual Assault Investigations Program,
Review Team Eyes Only

Case Review Checklist, Part 1

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

Observation Form

A. Initial Response

	Yes	No	Unk	
1.				Name/role of initial responder: Name Role:
2.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Did initial responder conduct investigation?
3.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Advocacy offered/engaged
4.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	SA exam offered/encouraged as applicable
5.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Coordination within dept./with outside resources as applicable
6.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Report uses victim's language and descriptive words as applicable/appropriate
7.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Complete, thorough documentation
8.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Crime scene secured; proper evidence collected

Additional Observations



B. Victim In-depth Interview

	Yes	No	Unk	
1.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Uses trauma-informed practices
2.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If no or unknown re; trauma-informed practices:
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<ul style="list-style-type: none"> • Did the investigator ask questions that were focused on victim-blaming and/or reflecting more concern for the accused than the victim? • Did the investigator ask questions demonstrating disbelief or misunderstanding of victim behavior?
3.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Report uses victim's language and descriptive words as applicable/appropriate
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 well documented in interview as advisable/appropriate
6.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Complete, thorough documentation
7.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	If there was a recantation, was it coerced?
8.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Were there circumstances that suggested the recantation resulted from fear of reprisal from the perpetrator and not because the assault did not occur?
9.	How is victim credibility measured/determined?			
10.	To what extent does the case rely on information/evidence from the victim			

Additional Observations



C. Suspect Interview

	Yes	No	Unk	
1.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Suspect interview attempted/accomplished
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

D. Evidence Collection/Witness Identification

	Yes	No	Unk	
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)

Additional Observations



Case Review Checklist, Part 2

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

Overall Questions

Key: [Low](#) 1 2 3 4 5 [High](#)

A.	To what extent does the documentation capture the full context of the crime/sexual assault?	
	Rating	Choose number from key
	1.	Are there things that are routinely captured?
	2.	Are there things that are routinely missed?
	3.	Language of victim included
	4.	Information from appropriate parties collected
	5.	Appropriate history gathered
	6.	Length/detail of report fits the complexity of crime

Additional Observations

B.	To what extent did the process used by (police department) (timing, interview content, follow up, handoffs between responders, etc.) support a successful case outcome?	
	Rating	Choose number from key
	1.	What factors support best practice?
	2.	What factors get in the way of best practice?
	3.	What would make best practice easier?

Additional Observations



C.	To what extent do we see a victim-centered response? _____ chose number from key	
	Rating	Choose number from key
	1.	Does the process accommodate the victim, or does it require that the victim conform to the needs of the department?
	2.	Appropriate follow up with victim?
	3.	Accessibility for victim considered.
	4.	AA – victim needs identified and attended to by LE or through coordination with other responders (e.g. safety issues, information needs, financial concerns).
	5.	Victim provided notification of crime victim rights

Additional Observations

D.	To what extent is the report organized for clear communication of the case to the reader?	
	Rating	Choose number from key
	1.	Documents summarizes the main points.
	2.	Report ‘connects the dots’ for the reader.
	3.	Case refutes likely defenses – including consent defense – as applicable.
	4.	Minimizes opportunities for negligible/meaningless contradictions.

Additional Observations

ATTACHMENT 4



Sexual Assault Investigations Program,
Review Team Eyes Only

Case Outcome Addendum, Part 2.5

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

Overall Questions

	Yes	No	Unk	
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, was it proper to do so?
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? In other words, was an arrest warranted by the evidence and the perpetrator identified and at a known location but some reason outside of law enforcement prevented the arrest from being made?
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

ATTACHMENT 5

SAI-VCERT Class September 2019, Bellingham

Please answer all of the questions below with the caveat, "Since the SAI-VCERT training..."

1. Enter your name, title/role, and agency

Name

Title/Role

Agency

2. I have an increased understanding of and interest in the impacts of trauma on sexual assault victims.

Strongly agree

Disagree

Agree

Strongly disagree

Neither agree nor disagree

3. I have relied on my understanding of trauma during interactions and interviews of sexual assault victims.

Strongly agree

Disagree

Agree

Strongly disagree

Neither agree nor disagree

4. I have reflected my understanding of sexual assault victim trauma in case documentation.

Strongly agree

Disagree

Agree

Strongly disagree

Neither agree nor disagree

5. List or describe the common trauma responses you have observed when responding to sexual assault victims.

6. Select all reasons why resiliency skills are useful in working with victims of trauma.

Helps to regulate their nervous system

Supports building rapport

Helps obtain more information during interviews

Allows you to take ALL control of the victim interview process

7. I have used the wellness/resiliency skills taught in the class (tracking, grounding, resourcing, or reset now) with the sexual assault victim being interviewed.

- Strongly agree Disagree
 Agree Strongly disagree
 Neither agree nor disagree

8. I have used the wellness/resiliency skills taught in the class (tracking, grounding, resourcing, or reset now) to build on my own well-being and/or resiliency.

- Strongly agree Disagree
 Agree Strongly disagree
 Neither agree nor disagree

9. Please describe one wellness/resiliency skill (tracking, grounding, resourcing, or reset now) you have used recently with a victim or suspect that has worked well.

10. What are reasons you have NOT employed a wellness/resiliency skill?

- N/A, I have relied on these skills
 I have discomfort with them
 Not suitable for victim/situation
 Need more training with them
 Other (please specify)

11. I have devoted more time and attention to rapport building during the interview process.

- Strongly agree Disagree
 Agree Strongly disagree
 Neither agree nor disagree

12. Select and/or describe the changes you've noticed in the interviews with victims following rapport building:

- Ability to identify personal resource(s) or support
- More detailed responses
- Ability to complete the interview
- I do not spend time on rapport building during an interview
- Other (please specify)

13. There are certain topics or questions I rely on that are typically helpful in building rapport.

- Yes
- No

Please explain your answer

14. Has rapport building been challenging when engaging with a victim?

- Yes
- No

If yes, please describe

15. I am regularly incorporating open-ended questions in my interviews with victims.

- Strongly agree
- Disagree
- Agree
- Strongly disagree
- Neither agree nor disagree

16. I am regularly including sensory-based questions in my interviews with victims.

- Strongly agree
- Disagree
- Agree
- Strongly disagree
- Neither agree nor disagree

17. I am regularly incorporating open-ended questions in my interviews with suspects and victims of other crimes.

- Strongly agree Disagree
- Agree Strongly disagree
- Neither agree nor disagree

18. Since the training, my utilization of community-based sexual assault advocates has:

- Increased
- Decreased
- Stayed the same
- I do not rely on advocates in these cases.

19. I am offering community and system advocates as a support to the victim:

- Immediately upon initial contact
- Within 2-3 days after contact
- Once forwarded to prosecution
- I do not rely on advocates in these cases.

20. Describe the typical process for connecting a victim to an advocate. Or, if you responded that you do not rely on advocates, please explain why they are not utilized.

21. Provide any recommendations you have for improving the collaborations between sexual assault advocacy and law enforcement investigations, please describe.

22. What are some potential barriers victims have when reporting a sexual assault?

- Fear of retaliation Not wanting the person who harmed them to get in trouble
- Shame Adverse prior experience making a report or interacting with systems
- Concerned they will not be believed and/or blamed for the assault

23. What are examples of ways in which offenders select and groom their victims?

- | | |
|---------------------------------------|--|
| <input type="checkbox"/> Manipulation | <input type="checkbox"/> Boundary Invasion |
| <input type="checkbox"/> Isolation | <input type="checkbox"/> Befriending |
| <input type="checkbox"/> Gift Giving | |

24. What are the types or categories of evidence you are collecting in sexual assault cases?

- | | |
|---|--------------------------------|
| <input type="checkbox"/> Clothing | <input type="checkbox"/> Blood |
| <input type="checkbox"/> Digital Evidence | <input type="checkbox"/> Urine |
| <input type="checkbox"/> Outcry Witness Statement | |

Other (please specify)

25. The training improved or enhanced my response to crime victims and witnesses beyond sexual assault crimes.

- | | |
|--|---|
| <input type="radio"/> Strongly agree | <input type="radio"/> Disagree |
| <input type="radio"/> Agree | <input type="radio"/> Strongly disagree |
| <input type="radio"/> Neither agree nor disagree | |

Please explain

26. The definition of sexual intercourse includes (select all that apply):

- Touching of the inner labia with fingers
- Penile vaginal penetration
- A sex toy inserted in the anus
- Oral sex

27. Mental incapacity and physical helplessness are two different things. Describe the differences, and what evidence you would look for to substantiate the difference.

28. Why is it important to document your observations and not your opinion?

29. What constitutes consent in sexual assault cases?

30. In what circumstances should you collect blood and/or urine? Why would you collect it?

31. Since the training, I feel better equipped during my interactions with sexual assault victims.

Strongly agree

Disagree

Agree

Strongly disagree

Neither agree nor disagree

Please explain

32. The training has increased my understanding of what should be collected as evidence for sexual assault cases.

Strongly agree

Disagree

Agree

Strongly disagree

Neither agree nor disagree

33. What, if anything, was missing from the VCERT course now that you have brought the content back into the field?

34. What additional training(s) would be useful to you in your work on sexual assault investigations?

Sexual Assault Kit (SAK) process

Report writing

Evidence collection and investigative techniques

Mitigating stress/Resiliency strategies for law enforcement

Courtroom testimony

Impacts of trauma

Other (please specify)

35. Any additional feedback or suggestions you have regarding the SAI-VCERT course and your work in sexual assault investigations?

ATTACHMENT 6

CSTR Prosecutors Survey

1. Name and Organization (Company)

Name

Company

2. What are the most common barriers you perceive between cases submitted for charges by investigative agencies but not prosecuted?

3. What training topics and/or emphasis within topics would you recommend for patrol officers?

4. What training topics and/or emphasis within topics would you recommend for detectives/investigators?

5. Our training emphasizes a trauma-informed, victim-centered approach to sexual assault investigations. Towards that end, we are interested in learning of the strategies you recommend for reducing the number of interviews conducted of victims. Please provide your recommendations.

6. What would you consider to be examples of best practices you've observed/experienced with regards to law enforcement responses to sexual assaults in your County?

7. What strategies would you recommend to identify the decision making factors leading case attrition that establish an environment for the lack of victim engagement?

8. Through a collaborative working process between prosecutors and law enforcement what other external factors can be identified as leading to case attrition specifically dealing with victim credibility, the victim's mental health, the victim's use of alcohol or drugs, and other so-called "risky" behaviors that could potentially affect the final prosecutorial charging decision?

ATTACHMENT 7

CSTR Advocate Survey

1. Name and Organization (Company)

Name

Company

2. What are the most common barriers you perceive for victims to report sexual assaults to police departments in Whatcom County?

3. What training topics and/or emphasis within topics would you recommend for patrol officers?

4. What training topics and/or emphasis within topics would you recommend for detectives/investigators?

5. What would you consider to be examples the best practices you've observed/experienced with regards to law enforcement responses to sexual assaults in your County?

ATTACHMENT 8



Sexual Assault Investigations Program,
Review Team Eyes Only

Team Findings Form

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

SAI-VCERT Learning Objectives

- Understand and recognize the nature and consequences of victimization.
- Understand and describe how specific experiences impact victim trauma, memory, reactions, and behavior.
- Understand how investigator interpretation of victim behaviors impact sexual assault cases.
- Identify strategies to work with all victims to facilitate trust and communication.
- 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.
- 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.
- 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"/>	Did the SAI-VCERT training (9/23-9/25/2019) overlap with the investigation?
3.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Were the interactions with the victim consistent with training objectives?
4.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Was the case conducted with training objectives?
5.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Were there takeaways from the case (either best practices or gaps) that should be included in the training?
6.	List any questions for advocate(s).			
7.	List any questions for prosecutor(s).			
8.	List any questions for investigator(s).			



Team Findings Form Continuation

Notes and Observations