

IMPROVING RESPONSE TO  
SEXUAL ASSAULT CRIMES  
IN ILLINOIS

Sexual Assault Incident Procedure Act

---

---

---

---

---

---

---

FAIR USE DISCLAIMER

- FAIR USE NOTICE: This presentation contains copyrighted material the use of which has not always been specifically authorized by the copyright owner. We are making such material available in an effort to advance understanding of environmental, political, human rights, economic, democracy, scientific, and social justice issues, etc.
- This constitutes a 'fair use' of any such copyrighted material as provided for in section 107 of the US Copyright Law. In accordance with the Title 17 U.S.C. Section 107, the material is distributed without profit to those who have expressed a prior interest in receiving the included information for research and education purposes.

---

---

---

---

---

---

---

CONFLICT OF INTEREST STATEMENT

- This educational activity is presented without the provision of commercial support. In addition, none of the planners or presenters have any relevant financial relationships to disclose

---

---

---

---

---

---

---



---

---

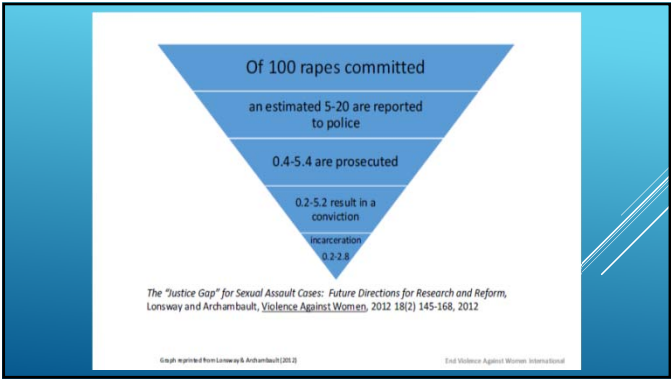
---

---

---

---

---



---

---

---

---

---

---

---

**THE NUMBERS**

- ▶ 1 in 5 women in the US has been raped in her lifetime
- ▶ That is 18.3% of the female population
- ▶ 22 Million women in the US
- ▶ Nearly 1 in 2 women has experienced sexual violence other than rape
- ▶ That is 45% of the female population

---

---

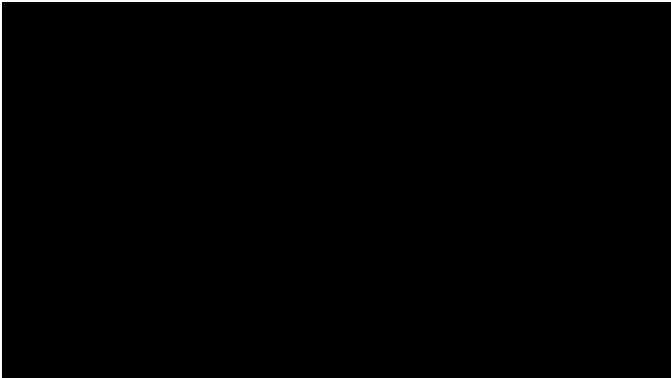
---

---

---

---

---



---

---

---

---

---

---

---

WHAT IS THE PERCENTAGE  
OF FALSE REPORTS?

2-8 %

---

---

---

---

---

---

---

Male Victims

- 1 in 21 males will experience sexual assault
- 1 in 5 males will experience sexual violence in their lifetime
- More than one quarter of male victims of completed rape experienced their first rape when they were 10 years old or younger

---

---

---

---

---

---

---

THE MAJORITY OF RAPES GO UNREPORTED

---

---

---

---

---

---

---

What do RAPISTS look like?



---

---

---

---

---

---

---

Intimate Partner  
Violence



Describes physical violence, sexual violence, stalking and psychological aggression by a current or former intimate partner

- A physically-abused woman also experiencing forced sex is over **seven times** more likely than other women to be killed
- Sexual assault is experienced by most physically abused women and associated with a higher level of PTSD compared to women who are physically abused only

---

---

---

---

---

---

---

FEAR OF REPORTING

- No one will believe them
- Protecting the Offender
- Lack of Anonymity
- People will Blame them
- Ashamed & Embarrassed
- Community Backlash
- Engaged in Illegal activity
- Geographic Isolation

---

---

---

---

---

---

---

COMMUNITY BACKLASH-  
TRIAL BY SOCIAL MEDIA

---

---

---

---

---

---

---

STEUBENVILLE, OHIO



---

---

---

---

---

---

---

A 16-year old girl, **unconscious** from alcohol, is sexually assaulted and **ferried from party to party** by members of the high school football team.

The party starts at **an assistant coach's house**.



Photo Credit: Joshua Sutter, The Plain Dealer

---

---

---


---

---

---

---

---



---

---

---

---

---

---

---

---

The victim learns of the **assault when pictures and videos are posted on social media**.

She contacts police.



"We're not gonna let dumb s--- like this mess up our state championship goal," one football player Tweets.

Photo Credit: Joshua Sutter, The Plain Dealer

---

---

---

---

---

---

---

---

Police urge students and parents to come forward.



The response: "mostly silence."

Revised Draft: Development Plan (June: September 2, 2012)

Photo Credit: (top) Source: The Plain Dealer

---

---

---

---

---


---

---

---

Two suspects are ultimately convicted for rape of a minor.

Media coverage focuses on how the young men's lives are "destroyed."



"This will haunt them for the rest of their lives."

2010, March 12, 2010

Photo Credit: Youth Services: New York Times

---

---

---

---

---

---

---

---

Ohio Attorney General Mike DeWine announces the indictment of four adults for obstruction of justice and tampering with evidence.



"While this started out being about the kids, it is also just as much about the parents, about the grown-ups, about the adults."

New York Times, November 26, 2010

Photo Credit: Youth Services: Associated Press

---

---

---

---

---

---

---

---



The school technology director is the first adult charged for the **cover up**.

Charges against the school superintendent are related to the **prior rape** of a 14-year old girl by several Steubenville **baseball players**.

New York Times, November 25, 2013

Photo Credit: Dave Gribbitt, Associated Press

---

---

---

---

---

---

---

---

MARYVILLE, MISSOURI



---

---

---

---

---

---

---

---

Two high school seniors supply **14-year old** Daisy Coleman with alcohol. One sexually assaults her while the other videotapes it.

They leave her on her porch, **unconscious**, in freezing temperatures.

Her mother wakes to find Daisy **scratching at the door**.



Denver City Star, October 24, 2013

Photo Credit: Coleman Family

---

---

---

---

---

---

---

---



Within hours, deputies execute a search warrant, seize evidence, conduct interviews, and make arrests.

The suspects **confess on videotape**.

The Sheriff says the case will **"absolutely" result in prosecutions**.



Kansas City Star: October 24, 2013

Photo Credit: Monica Sandbrook, KCStar

---

---

---

---

---

---

---

---

Daisy is read her Miranda rights and questioned by the prosecutor and defense attorney in a "tag-team" deposition.

She is asked **690 questions** ... nearly **500 by the prosecutor**.

The **suspect's interview** with a detective lasts **17 minutes**.

Kansas City Star: March 7, 2014

---

---

---

---


---

---

---

---

The District Attorney **drops all charges**.



"There wasn't any prosecuting attorney that could take that case to trial. It had to be dismissed."

Kansas City Star: October 24, 2013

Photo Credit: Michael Long, Kansas City Star

---

---

---

---

---

---


---

---

Months of torment follow. Daisy's mother is fired.  
The family moves.

Their unsold home in Maryville **burns to the ground** under mysterious circumstances.

Three skinned rabbits are found at their new home.



Kennett City Star: October 24, 2013, January 7, 2014

---

---

---

---

---

---

---

---

Finally, a **special prosecutor** is appointed.

Only one suspect is convicted for **misdemeanor child endangerment**.



Kennett City Star: January 8, 2014, March 7, 2014

Photo Credit: David Smith, Kennett City Star

---

---

---

---


---

---

---

---

Daisy recovers from her **third suicide attempt**.



"I refuse to be a victim of cruelty any longer. That is why I am saying my name. That is why I am not shutting up. I am not done fighting yet."

Kennett City Star: October 18, 2013

Kennett City Star: January 7, 2014

Photo Credit: Corinne Perry

---

---

---

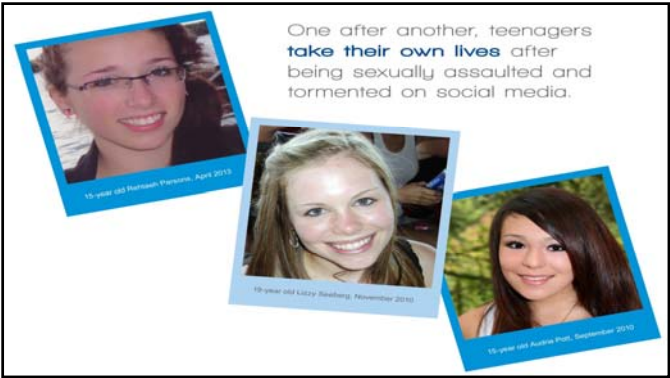
---

---

---

---

---



---

---

---

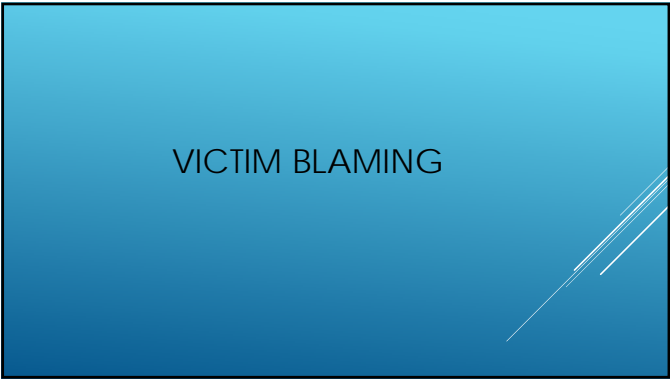
---

---

---

---

---



---

---

---

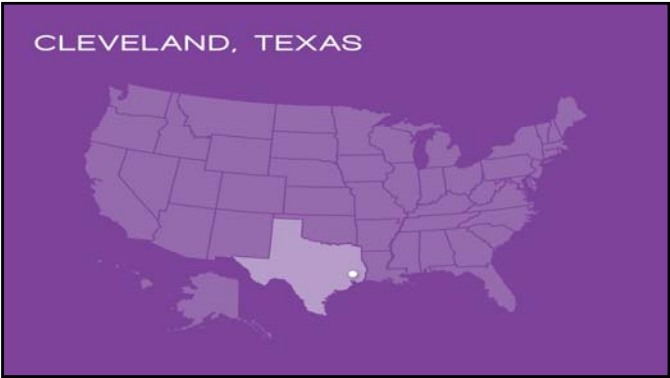
---

---

---

---

---



---

---

---

---

---

---

---

---

21 suspects are charged with the videotaped gang rape of an **11-year old girl** in an abandoned trailer.

Residents say the victim wore makeup and dressed like a 20-year old.

**"What was her mother thinking?"** one neighbor asked.



Houston Chronicle, November 27, 2012

Photo Credit: Michael Brando, New York Times

---

---

---

---

---

---

---

---

The defense likened the victim to a spider:

**"Wasn't she saying, 'Come into my parlor, said the spider to the fly?'"**

The lead investigator answered:

**"I'd say she was just an 11-year old girl."**

Houston Chronicle, November 27, 2012

---

---

---

---

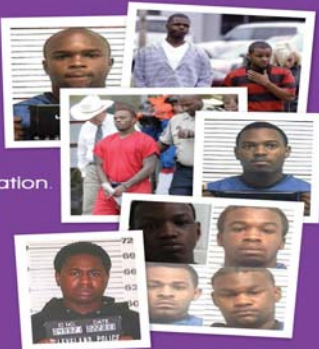
---

---

---

---

21 people are convicted:  
7 juveniles, **7 years probation.**  
14 adults, **7 years to life.**



Houston Chronicle, September 19, 2012, November 27, 2012, October 11, 2013

Photo Credit: Matthew Philip, Houston Chronicle

---

---

---

---

---

---

---

---

The Bench:  
They never get it wrong.....  
just ask them!

---

---

---

---

---

---

---

BILLINGS, MONTANA



---

---

---

---

---

---

---

A 54-year old former high school teacher is sentenced to **30 days in jail** for raping a student.

Montana District Judge G. Todd Baugh explains the **14-year old victim** was "older than her chronological age" and "**as much in control**" as the teacher.



Los Angeles Times, August 26, 2011

Photo Credit: Paul Ruffalo, Billings Gazette

---

---

---

---

---

---

---

A 54-year old former high school teacher is sentenced to **30 days in jail** for raping a student.

Montana District Judge G. Todd Baugh explains the **14-year old victim** was "older than her chronological age" and **"as much in control"** as the teacher.



Los Angeles Times, August 28, 2015

Photo Credit: Paul Rutherford, Billings Gazette

---

---

---

---

---

---

---

---



"I think that people have in mind that this was some violent, forcible, horrible rape ... but it wasn't this forcible beat-up rape."

The victim **took her own life** at 16.

USA Today, September 6, 2015

Photo Credit: Larry Marano, Billings Gazette

---

---

---

---

---

---

---

---

VULNERABLE POPULATIONS

---

---

---

---

---

---

---

---



---

---

---

---

---

---

---



---

---

---

---

---

---

---



---

---

---

---

---

---

---

Police interviewed the woman, collected her clothing, and **took pictures of her injuries**. Hospital personnel conducted the exam.



At Sowell's home, police found **signs of a struggle and blood**. They interviewed Sowell and took pictures of injuries on his shoulder and legs.

Chicago Tribune Photo (Sowell), November 16, 2008Photo courtesy of Danae Ferguson, MEd, RN, CPNP, BSN

---

---

---

---

---


---

---

---

Prosecutors said there was insufficient evidence to charge, indicating the **"detective did not believe the victim was credible."**

The detective noted:  
**"Clean up report  
— Unfounded."**



Chicago Tribune Photo (Sowell), November 16, 2008

---

---

---


---

---

---

---

---



Sowell is **sentenced to death** for 11 murders.

Chicago Tribune Photo (Sowell), November 16, 2008Photos courtesy of The Plan Project

---

---

---

---

---

---

---

---



ISSUES IN FALSE REPORTING

---

---

---

---

---

---

---

CRANBERRY TOWNSHIP, PENNSYLVANIA



---

---

---

---

---

---

---

Sara Reedy reports being robbed and raped at gunpoint.  
The detective fails to investigate or connect it with his  
other case – **the only other rape reported that year.**



**Sara is arrested** for  
filing a false report,  
theft, and receiving  
stolen property. Five  
months pregnant, she  
spends **5 days in jail.**

---

---

---

---

---

---

---

When arrested, the suspect confesses to 12 sexual assaults, **10 after Sara**.

Sara later wins a **1.5 million dollar settlement** and testifies before the Senate Judiciary Committee.

"If my story can bring about change, I owe it to people to tell it."



© The Associated Press/Photo 12, 2012

© Senate Judiciary Committee, July 29, 2012

---

---


---

---

---

---

---



Sentenced on 11 rapes, Wilbur Cyrus Brown is eligible for parole when he is 82

---

---

---

---

---

---

---

LYNNWOOD, WASHINGTON



---

---

---

---

---

---

---

Police now believe a woman they **accused of lying** about a rape in 2008.

They doubted **"her ever-changing story,"** and charged her with false reporting.

She was **fined \$500.**

The Inland Northwest, Washington, April 15, 2011

Photo Credit: KIRO 7 News

---

---

---

---

---

---

---

---

Marc Patrick O'Leary is arrested for a series of sexual assaults in Colorado. Investigators discover **hundreds of pictures, including the Lynnwood victim.**

Lynnwood Police apologize to the woman and **return her money.**

She wins a \$150,000 settlement against the department.

Seattle Times, January 14, 2014

Photo Credit: Jefferson County Sheriff's Office

---

---

---

---

---

---

---

---

**SEXUAL ASSAULT  
INCIDENT PROCEDURE ACT  
REQUIREMENTS**

---

---

---

---

---

---

---

---

JOINT SEXUAL ASSAULT  
WORKING GROUP

Established in 2015 by the Illinois Attorney General's Office, the Cook County State's Attorney's Office, the St. Clair County State's Attorney's Office and the Illinois Coalition Against Sexual Assault

Chicago Police Department  
Cook County Sheriff's Office  
Illinois Association of Chiefs of Police  
Illinois Criminal Justice Information Authority  
Illinois Department of Healthcare and Family Services  
Illinois Department of Public Health  
Illinois Health and Hospital Association  
Illinois Law Enforcement Training and Standards Board  
Illinois Sheriffs Association, Illinois State Police  
Illinois State's Attorneys Association  
Rape Victims Advocates  
The Center for the Prevention of Abuse  
YWCA of Metropolitan Chicago

---

---

---

---

---

---

---

---

TRAUMA-INFORMED  
VICTIM-CENTERED

- **MINIMIZE** retraumatization associated with the criminal justice process
- **RECOGNIZE** the presence of trauma symptoms
- **ACKNOWLEDGE** the role that trauma has played in a sexual assault or sexual abuse victim's life
- **FOCUS** on the needs and concerns of a victim that ensures compassionate and sensitive delivery of services in a nonjudgmental manner.

The response of law enforcement can directly impact a victim's ability to heal as well as his or her willingness to actively participate in the investigation by law enforcement.

---

---

---

---

---

---

---

---

EFFECTIVE JANUARY 1, 2017

Mandatory Report Writing

- Law enforcement officers are required to complete written reports of **EVERY** sexual assault or sexual abuse complaint, regardless of who is reporting the crime and where it occurred. A third-party reporter is not required to provide the name of the victim.
- If the crime occurred in another jurisdiction, the responding agency has **24 hours** to send the report with the agency with jurisdiction for investigation. Agency with jurisdiction is to respond within 24 hours acknowledging receipt.
- The statute specifies what information, if known, must be included in the report.

---

---

---

---

---

---

---

---

WRITTEN REPORT

- (1) the victim's name or other identifier;
- (2) the victim's contact information;
- (3) time, date, and location of offense;
- (4) information provided by the victim;
- (5) the suspect's description and name, if known;
- (6) names of persons with information relevant to the time before, during, or after the sexual assault or sexual abuse, and their contact information;
- (7) names of medical professionals who provided a medical forensic examination of the victim and any information they provided about the sexual assault or sexual abuse;
- (8) whether an Illinois State Police Sexual Assault Evidence Collection Kit was completed, the name and contact information for the hospital, and whether the victim consented to testing of the Evidence Collection Kit by law enforcement;
- (9) whether a urine or blood sample was collected and whether the victim consented to testing of a toxicology screen by law enforcement;
- (10) information the victim related to medical professionals during a medical forensic examination which the victim consented to disclosure to law enforcement; and
- (11) other relevant information.



---

---

---

---

---

---

---

---

Additional Responsibilities of Responding Officers

- Provide victims with written information advising them of their rights and options concerning the availability of medical and forensic services, protective orders, rape crisis centers, and law enforcement contact information.
- A form has been created for use by law enforcement officers and is available on the Attorney General's Website in 10 languages – **Mandatory Notice for Sexual Assault Survivors**.
- Offer to provide or arrange transportation to a hospital emergency room for medical and forensic services.

---

---

---

---

---

---

---

---

Collection, Storage and Testing of Evidence

- Law enforcement agencies **must** collect all ISP Sexual Assault Evidence Collection Kits from hospitals.
- Agencies have **5 calendar days** to pick up the Kit and other evidence, once notified by the hospital that a medical forensic exam has been completed. **10 business days** to submit to lab
- If a victim does not consent to evidence testing and is an adult, the evidence must be stored for **5 years**.
- If a victim does not consent to evidence testing and is under the age of 18, the evidence must be stored until the victim's 23rd birthday.
- The victim can provide consent to test the evidence after leaving the hospital at anytime during the storage period.
- Keep in mind your Statute of Limitations for each different kind of sex case

---

---

---

---

---

---

---

---

- If a victim does not consent to evidence testing and is an adult, the evidence must be stored for **5 years**.
- If a victim does not consent to evidence testing and is under the age of 18, the evidence must be stored until the victim's 23rd birthday.
- The victim can provide consent to test the evidence after leaving the hospital at anytime during the storage period.
- Keep in mind your Statute of Limitations for each different kind of sex case

---

---

---

---

---

---

---

**Release of Information Regarding  
Evidence Testing to Victims**

- The date the sexual assault evidence was sent to a laboratory
- Test results provided to the agency by the laboratory, including:
  - Whether a DNA profile was obtained from the testing of the evidence
  - Whether the DNA profile developed from the evidence has been searched against the DNA Index System or any state or federal DNA database
  - Whether an association was made to an individual whose DNA profile is consistent with the sexual assault evidence DNA profile, provided that disclosure would not impede or compromise an ongoing investigation
  - Whether any drugs were detected in a urine sample and information about any drugs detected

---

---

---

---

---

---

---

**EFFECTIVE JULY 1, 2017**

**Comprehensive Guidelines**

- The Office of the Attorney General, in consultation with the Illinois Law Enforcement Training Standards Board and the Illinois State Police must develop comprehensive guidelines for creation of a law enforcement agency policy.
  - (1) dispatcher or call taker response;
  - (2) responding officer duties;
  - (3) duties of officers investigating sexual assaults and sexual abuse;
  - (4) supervisor duties;
  - (5) report writing;
  - (6) reporting methods;
  - (7) victim interviews;
  - (8) evidence collection;
  - (9) sexual assault medical forensic examinations;
  - (10) suspect interviews;
  - (11) suspect forensic exams;
  - (12) witness interviews;
  - (13) sexual assault response and resource teams, if applicable;
  - (14) working with victim advocates;
  - (15) working with prosecutors;
  - (16) victims' rights;
  - (17) victim notification; and
  - (18) consideration for specific populations or communities.

---

---

---

---

---

---

---

EFFECTIVE JANUARY 1, 2018

Sexual Assault Response Policy

- Every law enforcement agency shall develop, adopt, and implement written policies regarding procedures for incidents of sexual assault or sexual abuse consistent with the guidelines developed.
- In developing these policies, each law enforcement agency is encouraged to consult with other law enforcement agencies, sexual assault advocates, and sexual assault nurse examiners with expertise in recognizing and handling sexual assault and sexual abuse incidents.

---

---

---

---

---

---

---

EFFECTIVE JANUARY 1, 2019

Investigating Law Enforcement Officer Training

- All law enforcement officers who conduct sexual assault and sexual abuse investigations must have received specialized evidence-based, trauma-informed, victim-centered training on investigating these cases.
- These officers must also receive in-service training on sexual assault and sexual abuse investigations every 3 years.

---

---

---

---

---

---

---

EFFECTIVE JANUARY 1, 2020

Responding Law Enforcement  
Officer Training

- All sworn officers responding to sexual assault and sexual abuse cases must receive evidence-based, trauma-informed, victim-centered training on responding to these cases.
- These officers must also receive in-service training on sexual assault and sexual abuse response and report writing every 3 years.

---

---

---

---

---

---

---

PURPOSE OF TRAINING

Improve Investigators Response to Sexual Assault

- Abandon out of date Rape Myths and misconceptions
- Learn the most advanced techniques in trauma informed interview techniques
- Understand the neurobiology of trauma to better understand your victim

---

---

---

---

---

---

---

TRAUMA AND THE BRAIN



---

---

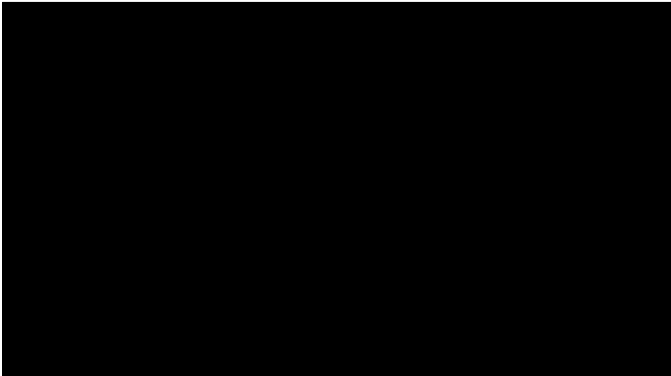
---

---

---

---

---



---

---

---

---

---

---

---





REMEMBER...

The survivor cannot control these effects.

The survivor cannot simply “get over it.”

Credibility judgments cannot be made based on a survivor’s demeanor or inability to state a chronological narrative.

---

---

---


---

---

---

---

BEYOND THE CALL OF DUTY

  
5:56 AM PT

RIGHT NOW MIAMI 83° ORLANDO 78° TAMPA 80°

---

---

---

---

---

---

---

OFFICER INVOLVED SHOOTING

SEXUAL ASSAULT

- ▶ “I don’t remember squeezing off the first 4-5 rounds”
- ▶ “I don’t know how I got to my squad, I just remember radioing for back-up”
- ▶ “I wouldn’t have even known that I fired my weapon if I hadn’t smelled the gun powder”

- ▶ “I don’t remember how my pants came off”
- ▶ “I couldn’t scream, I froze even though I could hear the party in the other room”
- ▶ “I don’t know how I got home from the bar”

---

---

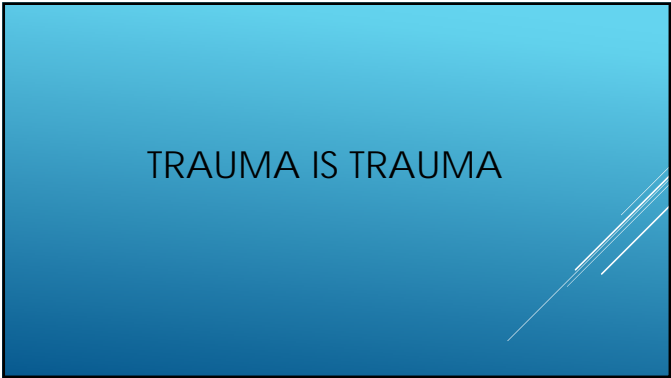
---

---

---

---

---



---

---

---

---

---

---

---