Special Investigative Topics
(#3232)

Revised: March 2015

Special Investigation Topics

• Child Abuse & Neglect
• Family Violence
• Sexual Assault
• Sex Offender Characteristics

Child Abuse & Neglect
Unit One

• Functional Area: To provide the officer an understanding of Child Abuse & Neglect and those key changes within the different Texas Codes that may impact on their performance in the critical areas of child abuse and neglect
Child Abuse & Neglect

- Learning Objective 1.1: The student will be able to define Child Abuse & Neglect in accordance with Chapter 261 of the Texas Family Code. (Review)

  - Child Abuse:
    - Mental or emotional injury to a child
    - Causing or permitting the child to be in a situation in which the child sustains mental or emotional injury
    - Physical injury that results in substantial harm or the genuine threat from physical injury

Child Abuse & Neglect

- Failure to make reasonable effort to prevent an action by another that results in physical injury
- Sexual conduct harmful to a child's mental, emotional or physical welfare
- Failure to make a reasonable effort to prevent sexual conduct harmful to a child
- Causing, permitting, encouraging, engaging in or allowing photographing, filming or depicting of a child in an obscene manner

Child Abuse & Neglect

- Use of a controlled substance in a manner or extent that the use results in physical, mental or emotional injury to a child
- Causing, expressly permitting or encouraging a child to use a controlled substance
### Child Abuse & Neglect

#### Child Neglect:
- Leaving of a child in a situation where the child would be exposed to a substantial risk of physical or mental harm
- Placing a child in or failing to remove a child from a situation that a reasonable person would realize requires judgment or action beyond the child's level of maturity, physical condition or mental abilities, which results in bodily injury or substantial risk of immediate harm
- Failing to seek, obtain, or follow through with medical care for a child

#### Failing to provide a child with food, clothing, or shelter necessary to sustain the life or health of a child, excluding failure caused by financial inability
- Placing a child in or failing to remove the child from a situation in which the child would be exposed to a substantial risk of sexual conduct
- Placing a child in or failing to remove the child from a situation in which the child would be exposed to acts of omissions that constitute abuse

#### Failure by the person responsible for a child's care, custody or welfare to permit the child to return to the child's home without arranging for the necessary care for the child after the child has been absent from the home for any reason
- Born addicted to alcohol or a controlled substance
Child Abuse & Neglect

• Learning Objective 1.2: The student will be able to list national and state statistics surrounding Child Abuse & Neglect.
  – National Statistics:
    • April is National Child Abuse Prevention month
    • In 2012 the National Child Abuse and Neglect Stats reported:
      – More than 58% of all reports of alleged child abuse or neglect were made by professionals; Teachers, law enforcement and social services staff.

Nearly 60% of all child maltreatment reports were submitted by professionals

- Professionals: 58.7%
- Nonprofessionals: 18.0%
- Unclassified: 23.3%

Child Abuse & Neglect

- Approximately 6.3 million children were referred to CPS that warranted 3.8 million investigations into maltreatment, in which 678,810 children were determined to be victims of abuse or neglect.
- Children under age of 2 year had the highest victimization. More than 13% had a reported disability.
Child Abuse & Neglect

- Approximately 6.3 million children were referred to CPS that warranted 3.8 million investigations into maltreatment, in which 678,810 children were determined to be victims of abuse or neglect.

- Children under age of 2 year had the highest victimization. More than 13% had a reported disability.

Percentages of victimization were similar for boys and girls

Boys 48.7%  Girls 50.9%

Unknown 0.3%
Approximately 6.3 million children were referred to CPS that warranted 3.8 million investigations into maltreatment, in which 678,810 children were determined to be victims of abuse or neglect. Children under age of 2 year had the highest victimization. More than 13% had a reported disability. More than 78% of victims suffered neglect, more than 18% of the victims suffered physical abuse, less than 9% were sexually abused, less than 10% suffered psychological maltreatment.

An estimated of 1,640 children died from child abuse/neglect, in which 77% were under age 4 with 42.4% being under the age of 1 year. Approximately 80.3% of perpetrators were parents, in which 88.5 % of those being the biological parents.
82% of perpetrators were 18–44 years old

Perpetrators by race

80% of perpetrators were parents of the victims
Child Abuse & Neglect

- Homicide is the third leading cause of death among all 5 – 14 year olds in the U.S.
- Fatal abuse is interrelated with poverty, domestic violence and substance abuse.
- Every ten seconds a child is victimized by abuse or neglect.

Texas 2014 Statistics

- a) Today 185 children will be victims of abuse.
- b) Over 65,000 child abuse and neglect cases were confirmed.
- c) 73% of the cases are sexual abuse of a child.
- d) 95% knew their perpetrator.
- e) 26% were not old enough to attend kindergarten.
- f) 67% are female victims.
Child Abuse & Neglect
Kelsey Smith-Briggs Child Protect Reform Act - Oklahoma

- Kelsey Shelton Briggs
- The cause of death was blunt force trauma to the abdomen.
- Stepfather was arrested on first degree murder.
- Her mother was later charged with two felonies of Child Neglect and Enabling Child Abuse.
- In April 2006 Kelsey's body was exhumed for a second autopsy where sexual abuse was documented. The stepfather's charges were amended to add the sexual abuse.
- On February 2, 2007 a plea was entered. The stepfather plead guilty to a reduced charge of Enabling Child Abuse and received 30 years in prison. He has no possibility of parole for 25.5 years.

Child Abuse & Neglect
Recent Cases

- Physical Abuse - Dec. 2008 - A father was charged with the death of his three-month-old infant who was found unresponsive, with bone fractures and liver lacerations.

- Physical Abuse - Feb. 2009 - A father in Lodi, California, was charged with physical abuse after a school employee noticed and reported burns on a six-year-old student, which were thought to have been inflicted by a clothes iron. She had also been beaten with a stick and her mother was charged with child endangerment.

- Physical Abuse - Feb. 2009 - A mother and her live-in boyfriend in Janesville, Wisconsin, were charged with abuse after repeatedly hitting her three-year-old daughter to the point that she required emergency brain surgery.

- Physical Abuse - Feb. 2009 - The boyfriend of a child's mother in Wilmington, Delaware, hit and killed a 16-month old girl because she wouldn’t stop crying.

- Physical Abuse - Feb. 2009 - A nine-year-old was beaten by his mother's boyfriend in Lawrence, Massachusetts.

- Physical Abuse - Jan. 2009 - In Fall River, Massachusetts, a mother was charged with burning her four-year-old foster son with a curling iron, causing third-degree burns that required skin graft surgery.
Child Abuse & Neglect

State Statistics:

- In Texas in 2013:
  - 258,996 total referrals for child abuse and neglect,
  - 100,861 were completed investigations
  - 17,022 children were removed from their homes

Child Abuse & Neglect Incident

Houston, Texan (2001) - 36-year-old mother, Andrea Yates was charged with capital murder Wednesday in the deaths of her five children police said they believe were drowned in a bathtub of their home.

Child Abuse & Neglect Incident

Haltom, Texas (Sep 2007) - Sisters, from left, Alexandria, Adamiria and Ariania Green were doused with gasoline and burned Saturday. Ariania, the youngest, died three days after she was taken off life support. Their mother, Alysha Green 29, coaxing her children into a closet and burning them, had been diagnosed with bipolar disorder but stopped taking her medication.
Child Abuse & Neglect
Recent Cases

- Neglect - Feb. 2009 - A mother in Dallas, Texas, was charged with neglect after her nine-year-old died from complications of diabetes after she failed to help her manage her disease.

- Physical/Emotional Abuse - June 2008 - A mother in North Central Texas has her three children taken away because of a case of Munchausen syndrome by proxy.

- Physical Abuse - Jan. 2009 - Two parents in Dallas, Texas, were charged with abusing their six-month-old infant so severely that he was in intensive care and it was thought that he was not going to be able to recover.

Child Abuse & Neglect
Causes

- Learning Objective 1.3: The student will be able to list and describe theories about the cause of child abuse and neglect.
  - Psychoanalytic
  - Environmental
  - Cognitive Development

  Abuse is more likely a combination of all of the above explanations

- Psychoanalytic:
  - Abusive behavior of the parent is determined by subconscious drives and conflicts
  - As a child, the abuser may have suffered rejection and lack of nurturing; the parent passes on the same treatment by failing to nurture their own children, setting unrealistic expectations for children, and even role reversal where the abusive parent seeks care and nurturing from the child to fulfill the parent’s unmet needs
Child Abuse & Neglect Causes

- Environmental:
  - State child welfare records indicate that substance abuse is one of the top two problems exhibited by families in 81% of the reported cases
  - Social and environmental problems and crisis cause stress and frustration in the abuser
  - Socialization of abuser determines the response to stress (the abusers learn behavior on how to handle stress)

- Cognitive Development:
  - There is a lack of understanding of appropriate parent/child roles as the abuser has self-centered attitudes
  - Abuse occurs from the lack of information and skills as a result of the low level of emotional and intellectual development of the abuser

Mothers Who Kill

Lisa Diaz  Kamryn  Briana

What happened: Drowned her two daughters in 2003, although she was tried in only one death.
History of mental illness: Defense cited mental health experts who said Ms. Diaz was suffering a psychotic delusion at the time of the killings.
Verdict: Not guilty by reason of insanity. On Thursday, she was cleared to leave Big Spring State Hospital in West Texas in 2005.
County: Collin
Was the death penalty sought? No
Mothers Who Kill

Deanna Laney

What happened: Stoned two of her sons to death in 2003 in their front yard and physically impaired another son, Aaron.
History of mental illness: Five psychotic breaks in three years.
Verdict: Not guilty by reason of insanity. Sent to North Texas State Hospital in Vernon.
County: Smith
Was the death penalty sought? No

Mothers Who Kill

Dena Schlosser

What happened: Killed her 10-month-old daughter by severing her arms at the shoulders in November 2004.
History of mental illness: Postpartum psychosis and depression.
Verdict: Not guilty by reason of insanity
County: Collin
Was the death penalty sought? No

Child Abuse & Neglect

• Learning Objective 1.4: The student will be able to list methods of reporting and documenting Child Abuse and Neglect by photographs.
Child Abuse & Neglect

– Contact the local prosecutor’s office in order to determine what specific type of information is required and always follow departmental policy.

– Reporting:
  • Correct title of offense
  • Child is the victim
  • Detailed scene summary
  • Detailed injury summary

Child Abuse & Neglect Reporting

– Reporting: (continued)
  • Demeanor of complaint, witness and suspect
  • List all children in the home
  • Dates of birth of all children in the home
  • Who had care and control of victim
  • Disposition of victim and other children in the home
  • Note outcry witness in report

CRIME SCENE PHOTOGRAPHY
PROBLEMS COMMONLY ENCOUNTERED

Check Camera Focus

Keep Officers Out of Photos (If Possible)
Relational Photos

Use the Proper Flash

Types of Photographs

• Overall
• Mid-Range
• Close-Up
• Evidence
• Victims Injuries
• Witness View
Special Documentation

- Sexual Assault
- Child Abuse
- Family Violence

Objectives

- Record the condition of the scene before it is altered
- Record the location of items of evidence before they are collected
- Document the point of view of principals and witnesses
- Show the relationship of one item to another
- Overlap the photos

A PHOTOGRAPH IS AN ESSENTIAL SUPPLYMENT TO OTHER MODES OF CRIME SCENE DOCUMENTATION
### Conditions that Challenge the Crime Scene Photographer

- Lighting
- Weather
- Security

### Credibility of Photographs

- Accurate Representation
- Free of Distortion
- Material and Relevant
- Unbiased

### Progression of Photographs

- Perimeter to the Center
- General to Specific
- Long-range, Mid-range, Close-up
## General Types of Photographs

- Point of view of witnesses
- Latent Prints
- Aerials
- Wounds

## Points to Remember

- Work systematically
- Work from the perimeter toward the center
- Log your photos
- Take notes of pertinent data
- Take photos during daylight hours when possible
- Too many photos are better than not enough

## Child Abuse & Neglect Photograph Techniques

- **Photographs:**
  - Try to have another officer present when taking pictures
  - Have only one person in the picture
  - White wall background
  - Include clothing in all photos
  - Take a facial picture to identify victim (with clothing in picture)
  - Don’t take victim’s clothes off unless necessary
Child Abuse & Neglect
Photograph Techniques

- Photographs: (continued)
  - Have child raise arms on malnutrition investigation
  - Identify pictures of injuries in report
  - If no injuries are observed, photograph and list in report
  - Take photos to the juvenile section with the report if the photos are not digital

- Photographs should include a way for the viewer to gauge dimensions of injury
  - A tape measure or some other method to indicate size of bruises and other injuries (coins work well – especially useful when describing “dime-size”, etc. bruises, abrasions)
  - Useful to have measurement when alleged perpetrator states child received massive injuries from a fall from the bed, table, couch, etc
  - Measurement of height where dangerous items are stored is helpful—guns, meth manufacturing chemical, dope stash, etc. – to gauge accessibility to child

Child Abuse & Neglect
Interviewing Process

- Interviewing:
  - Position self at or below eye level of the child
  - Start interview with nonessential questions (puts child at ease and build rapport)
  - Ease into the questions about the abuse, let the child use their own terms. The interviewer should use the child’s terms, but be very clear as to what the terms refer to
  - When essential questions have been answered, ask a few more nonessential questions then thank the child for their time and talking with the interviewer
Child Abuse & Neglect

- **Learning Objective 1.5:** The student will be able to describe when a joint investigation with Child Protective Services (CPS) is required, and identify requirements for protocols between law enforcement and Child Protective Services.

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Child Abuse & Neglect

- **Overview:**
  - CPS and law enforcement are required to conduct some child abuse allegations jointly, per the CCP and the Family Code. Improving joint investigations between CPS and law enforcement is an important focus of CPS, so much so that CPS currently has positions whose primary function is to improve the way CPS investigators work with law enforcement and to increase and improve joint investigations around the state.
  - CPS and law enforcement are also mandated by the family code to develop guidelines and protocols for working joint investigations.

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Child Abuse & Neglect

- **CCP Art. 2.27 - Investigation Reports Alleging Abuse**
  - Report received with highest priority assigned by CPS
  - Peace officers from appropriate jurisdiction shall conduct joint investigation with CPS
  - Time frame to initiate joint investigation is as soon as possible but no longer than 24 hours
  - Officers shall accompany the department investigator in initially responding to the report
Child Abuse & Neglect

- **FC §261.301- Investigation of Report**
  - Clarify the respective roles of the department and law enforcement agency in conducting the investigation
  - Require that mutual child protective services, and law enforcement training and agreements be implemented by both entities to ensure the integrity and best outcomes of joint investigations;
  - Incorporate the use of forensic methods in determining the occurrence of child abuse or neglect

- **FC §261.3011(b) - Joint Investigation Guidelines and Training**
  - CPS shall collaborate with local law enforcement for joint training
  - Training must include information on interviewing techniques, evidence gathering, and testifying in court for criminal investigations, as well as instruction on rights provided by the Fourth Amendment to the United States Constitution

- **Learning Objective 1.6:** The student will be able to list and describe current legislative updates passed during the 81st Legislature that is relevant to child abuse and neglect. (Refer to Appendix I)
Family Violence
Unit Two

• Functional Area: To provide the officer an understanding of Family Violence and those key changes within the different Texas Codes that may impact on their performance in the critical areas of family violence.

Family Violence

• Learning Objective 2.1: The student will be able to define Family Violence in accordance with Section 71.004 of the Texas Family Code. (Review)

• Family Violence Defined:
  • Family violence is an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault, or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself.

Family Violence

– Family Violence Defined: (continued)
  • Senate Bill 68 of the 77th Legislature amended the Family Code to include “Dating Violence”. The “Dating Relationship” means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature.
Family Violence

• National Statistics:
  – October is National Domestic Violence Awareness Month
  – In the US a woman is assaulted every 9 seconds.
  – On average more than three women and one male a day are murdered by their husbands/wives or boyfriends/girlfriends in the United States

• In 2011, 1509 women were murdered by men and of those 926 women were murdered by an intimate partner. 264 were killed during an agreement.

• In 2011, the Centers for Disease Control and Prevention published data that finds that women experience two million injuries from intimate partner violence each year.

• Nearly one in four women and one in seven men in the United States reports experiencing violence by a current or former spouse or boyfriend at some point in her life.

• Women are much more likely than men to be victimized by a current or former intimate partner. Women are 84% of spouse abuse victims, 86% of victims of abuse at the hands of a boyfriend or girlfriend, and about three-fourths of the persons who commit family violence are male.

• Women of all ages are at risk for domestic and sexual violence, and those ages 18 to 24 are at the greatest risk (38.3%) of experiencing nonfatal intimate partner violence.

• Over 38,028,000 women will experience intimate partner violence in their life.

• Women with disabilities are 40% more likely to be victims of DV
Family Violence

- Worldwide, men who are exposed to DV as children are 3 to 4 times more likely to commit DV.
- Intimate partner violence is the leading cause of female homicide and injury related deaths during pregnancy.
- 2 in 5 gay or bi-sexual will experience intimate partner violence in their lifetime.
- 50% of lesbian women will experience domestic violence in their lifetime. (not necessarily intimate partner violence)
- Women who are victims of FV are 8 times more likely to be killed by their partner if firearms are in the home.

Family Violence

- Black women experience FV at a rate of 35% higher than white women.
- DV is the third leading cause of homelessness among families.
- A woman is seventy times more likely to be murdered within a few weeks of leaving her abusive partner.
- 10,000,000 children are exposed to FV each year.
- Only about 25% of the physical assaults perpetrated against women are reported to the police.

Family Violence

<table>
<thead>
<tr>
<th>Year</th>
<th>Women Killed</th>
<th>Family Violence Incidents</th>
<th>Adults Sheltered</th>
<th>Children Sheltered</th>
<th>Adults Receiving Nonresidential Services</th>
<th>Children Receiving Nonresidential Services</th>
<th>Adults Denied Shelter</th>
<th>Hotline Calls Answered</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>114</td>
<td>188,992</td>
<td>11,994</td>
<td>14,534</td>
<td>18,831</td>
<td>14,578</td>
<td>26.2%</td>
<td>191,301</td>
</tr>
<tr>
<td>2011</td>
<td>102</td>
<td>177,983</td>
<td>11,833</td>
<td>14,576</td>
<td>17,018</td>
<td>15,674</td>
<td>21%</td>
<td>207,510</td>
</tr>
</tbody>
</table>
Family Violence

Domestic Violence and Youth:

- Approximately one in three adolescent girls in the United States is a victim of physical, emotional or verbal abuse from a dating partner – a figure that far exceeds victimization rates for other types of violence affecting youth

- Nationwide, nearly one in ten high-school students (8.9 percent) has been hit, slapped or physically hurt on purpose by a boyfriend or girlfriend

Family Violence

- Nearly one in three sexually active adolescent girls in ninth to twelfth grade (31.5 percent) report ever experiencing physical or sexual violence from dating partners

- One in four teen girls in a relationship (26 percent) says she has been threatened with violence or experienced verbal abuse, and 13 percent say they were physically hurt or hit

Family Violence

- One in three teens reports knowing a friend or peer who has been hit, punched, kicked, slapped or physically hurt by a partner, and 45 percent of girls know a friend or peer who has been pressured into having either intercourse or oral sex

- One in five between – age 11 to 14 – say their friends are victims of dating violence and nearly half who are in relationships know friends who are verbally abused. Two in five of the youngest between, ages 11 and 12, report that their friends are victims of verbal abuse in relationships.
Family Violence

Domestic Violence and Children:

- 15.5 million U.S. children live in families in which partner violence occurred at least once in the past year, and seven million children live in families in which severe partner violence occurred
- In a single day over 16,000 children were living in a domestic violence shelter or transitional housing facility

In a national survey of more than 6,000 American families, 50 percent of the men who frequently assaulted their wives also frequently abused their children

Slightly more than half of female victims of intimate violence live in households with children under age twelve

Family Violence

- Waco 2014 Stats:
  - Cases Investigated 1843
  - Family Violence Cases 1728
  - Stalking 112
  - Cases Sent to DA 573
  - Felony Cases 328
Learning Objective 2.3: The student will be able to list and describe some of the types of abuse and characteristics of batterers.

- There is no single, definitive "cause" of spousal abuse, and anyone may be vulnerable to being abused.
- Family Violence is a complex, and there are many factors that contribute to a person's choice to use violence.
- Family Violence is used for one purpose, to gain, exert and maintain power and control over the victim.

Family Violence

Types of Abuse

- Emotional Abuse includes:
  - Making victims think they're crazy, telling victims the abuse didn't happen
  - Controlling what victims do, who they talk to, what they read & where they go
  - Isolating victims from their family and friends
  - Threatening to take the children away
  - Threatening to commit suicide
  - Calling the victim names, embarrassing her

- Emotional Abuse includes: (continued)
  - Making victims think they're crazy, telling victims the abuse didn't happen
  - Controlling what victims do, who they talk to, what they read & where they go
  - Isolating victims from their family and friends
  - Threatening to take the children away
  - Threatening to commit suicide
  - Treating the victim like a servant
Family Violence
Types of Abuse

– Emotional Abuse includes: (continued)
  • Making the victim afraid by using looks, actions or gestures
  • Destroying the victim’s property
  • Abusing/killing the pets
  • Preventing the victim from getting or keeping a job
  • Making the victim ask for money/giving her an allowance

– Sexual Abuse includes:
  • Rape
  • Refusal to use contraceptive
  • Forcing partner to participate in unwanted acts
  • Using sexual acts as “punishment”
  • Knowingly transmitting STDs
  • Forcing sex while healing from childbirth

– Physical Abuse includes:
  • Punching
  • Hitting
  • Slap
  • Shoving
  • Strangulation
  • Kicking
Family Violence
Types of Abuse

– If the Victim is an Immigrant:

  • Immigrants experiencing family violence often have additional barriers to leaving the abusive relationship. This is especially true if they are undocumented. The batterer often tells the victim, “if you leave I will call Immigration or the police and have you deported.” This threat, combined with language, cultural, religious and economic barriers makes it unlikely that immigrant victims of family violence will approach law enforcement for help.

Family Violence
Types of Abuse

– If the Victim is an Immigrant: (continued)

  • Immigrant women may also fear and distrust law enforcement because the police in their country of origin were abusive and corrupt. The combination of all of these factors means that if an immigrant victim of family violence does reach out to law enforcement, the situation is most likely severe and requires an expedited and informed response.

  • The Violence Against Women Act (VAWA) initially passed in 1994 and reauthorized in 2000 and 2005, includes provisions specifically created to ensure that battered immigrants could report abuse without the fear of being deported.

Family Violence
Types of Abuse

– If the Victim is an Immigrant:

  • Remedies include the self petitioning process, which allows an immigrant victim who has been “battered or subject to extreme cruelty” by her US citizen or lawful permanent resident (LPR) spouse to obtain immigration status without having to rely on the abuser.

  • In addition, U visas and T visas were created to enable immigrant victims of certain violent crimes and trafficking to participate in investigations and/or prosecutions of crimes with protection from deportation.
Family Violence
Types of Abuse

– If the Victim is an Immigrant:
  • Remedies include the self petitioning process, which allows an immigrant victim who has been “battered or subject to extreme cruelty” by her US citizen or lawful permanent resident (LPR) spouse to obtain immigration status without having to rely on the abuser
  • In addition, U visas and T visas were created to enable immigrant victims of certain violent crimes and trafficking to participate in investigations and/or prosecutions of crimes with protection from deportation

Family Violence
Abuser’s Characteristics

– General Characteristics of Batterers:
  • Can be found in all socio-economic groups, all occupational categories, all cultural groups, and all neighborhoods
  • Are often liked and respected in their communities yet can be a tyrant and abuser behind closed doors
  • May appear to be “model” husbands, thus making it hard for outsiders to believe the violence is “real”

Family Violence
Abuser’s Characteristics

– General Characteristics of Batterers: (continued)
  • Usually contain their violence and abusive behavior to their home life; however, there is a certain number (about 20%) that can be violent and aggressive in a variety of other situations
  • May have learned from an abusive family background that violence is an acceptable way to resolve conflicts
  • Have often been victimized themselves as children or witnessed their mothers being abused and mistreated
Family Violence
Abuser’s Characteristics
– General Characteristics of Batterers: (continued)
  • Frequently are unable to express a range of emotions, misidentifying many of their feelings as anger
  • Often have difficulty being in intimate relationships and therefore prefer to talk about or participate in sports, work, cars, fishing, etc
  • Have rigid ideas about roles in a marriage or relationship. For instance, he sees his role as being the one in charge, superior, dominant while the woman’s role is subordinate, care-giving, and home-centered

Family Violence
Abuser’s Characteristics
– General Characteristics of Batterers: (continued)
  • Easily become jealous
  • Want their partner to account for their time, money, and whereabouts
  • Assume that they are entitled to certain rights and privileges within the relationship such as being head of the household, sex on demand or the right to make all the important decisions
  • Use psychological defense mechanisms such as denying (“She’s just a crybaby, I didn’t hurt her”), blaming (“I’ve been under a lot of stress”), and minimizing (“She bruises easily”)

Family Violence
• Learning Objective 2.4: The student will be able to list assistance available to victims of Family Violence.
  – Utility Deposit Waivers
  – Crime Victim’s Compensation (CVC)
  – Lease termination without penalty
  – U Visas
Family Violence Victim Assistance

– Utility Deposit Waivers:
  • Law enforcement personnel may sign a certification letter to waive the deposit for new electric, telephone and gas service, allowing a victim to move more easily

– Crime Victim’s Compensation (CVC):
  • CVC provides a one-time reimbursement for victims of family violence for moving expenses

Family Violence Victim Assistance

– Lease termination without penalty (Property Code §92.016):
  • Victims of family violence may terminate their leases early and without penalty if they have a final protective order and the violence was committed by an occupant or co-tenant

– U Visas:
  • Law Enforcement may certify that an immigrant victim of family violence qualifies for a U Visa. The victim must possess information about the crime and may be helpful to the investigation and/or prosecution

Family Violence

• Learning Objective 2.5: The student will be able to list sections of the Family Code and the Code of Criminal Procedures that pertains to Protective Orders and describe the function of the different Protective Orders.
Family Violence
Protective Orders

There are three types of protective orders in Texas:

- Magistrate’s Order for Emergency Protection (CCP Art. 17.292)
- Temporary Ex-Parte Protective Order (Family Code Chapter 83)
- Final Protective Order (Family Code Chapter 85)

Family Violence
Magistrate’s Order for Emergency Protection

- Magistrate’s Order for Emergency Protection (CCP Art. 17.292)

  - Who qualifies for a Magistrate’s Order for Emergency Protection?
    - A victim of family violence assault Class A or higher
    - A victim of sexual assault or aggravated sexual assault (effective 9/1/07)
    - A victim of stalking

- Who may request a Magistrate’s Order for Emergency Protection?
  - A magistrate on his/her own motion
  - The victim of the offense
  - The guardian of the victim
  - A peace officer
  - An attorney representing the state
Family Violence
Magistrate’s Order for Emergency Protection

- A request from the victim for an Emergency Protective Order is not necessary. The arresting officer or the magistrate may request the EPO on behalf of the victim
- An Emergency Protective order may be issued in all qualifying offenses except an Emergency Protective Order shall be issued for offenses involving serious bodily injury or the use or exhibition of a deadly weapon

Magistrate’s Order for Emergency Protection may prohibit the arrested party from:
- Communicating directly with a member of the family or household or with the person protected under this order in a threatening or harassing manner
- Communicating a threat through any person to the member of the family or household or with the person protected under this order
- Going within a certain number of feet of the residence of a member of the family or household or the person protected under this order
- Going within a certain number of feet of the place of employment or business of a member of the family or household or the person protected under this order
Family Violence
Magistrate’s Order for Emergency Protection

- Magistrate’s Order for Emergency Protection may prohibit the arrested party from: (continued)
  - Going within a certain number of feet of the residence where a child protected under this order resides
  - Going within a certain number of feet of the school or child care facility a child protected under this order is attending
  - Possessing a firearm

- It is ordered that the license to carry a concealed handgun of the respondent is suspended for the duration of the order

- This order shall be enforce no fewer than 31 days or no longer than 61 days except in the case of use or exhibition of a deadly weapon, then the order shall be enforce no fewer than 61 days or no longer than 91 day

- A violation of a Magistrate’s Order for Emergency Protection is a Class A offense
Family Violence
Ex-Parte Protective Orders

- Temporary Ex-Parte Protective Order:
  • Issued when an application for a Protective Order is filed
  • Not valid for more than 20 days but may be extended by the court
  • During this time the respondent is notified that an application has been filed with the court and of the time of the hearing for the final protective order.
  • May exclude respondent from residence

Family Violence
Ex-Parte Protective Orders

- Temporary Ex-Parte Protective Order: (continued)
  • The respondent is directed to refrain from committing family violence
  • A violation of a Temporary Ex-Parte Protective Order is a Class A offense if the order has already been served beginning January 1, 2008
  • Enforceable only after the respondent has been served by a court official

Family Violence
Protective Orders

- Who Qualifies?
  • Victims of Family Violence
  • Victims of Sexual Assault CCP Chapter 7A
  • Victims of Hate Crimes CCP Art. 6.08
Family Violence
Protective Orders

- Requirements of Order Applying to Person Who Committed Family Violence:
  - Complete a battering intervention and prevention program, and
  - The court may prohibit the person found to have committed family violence from:
    - Communicating directly with a member of the family or household or with the person protected under this order in a threatening or harassing manner

- Communicating a threat through any person to the member of the family or household or with the person protected under this order
- Going within a certain number of feet of the place of employment or business of a member of the family or household or the person protected under this order
- Going within a certain number of feet of the residence where a child protected under this order resides
- It is ordered that the license to carry a concealed handgun of the respondent is suspended for the duration of the order.
- The respondent is prohibited from possessing a firearm, unless the person is a peace officer, as defined by Section 1.07, Penal Code, actively engaged in employment as a sworn, full-time paid employee of a state agency or political subdivision
The court shall specifically describe each prohibited location and the minimum distances from the location, if any, that the party must maintain. This subsection does not apply to an order in which Section 85.007 Confidentiality of Certain information applies. On request, the court may exclude from a protective order the address and telephone number of the protected person’s residence, place of employment, child care facility and/or school.

Requirements of Order Applying to Person Who Committed Family Violence: (continued)

• A Protective Order shall be enforce for the period stated in the order, not to exceed two years.
• A Violation of a Protective Order is a Class A offense unless the defendant has been convicted two or more times for violating a protective order or violated the order by committing an assault or stalking then it is a 3rd degree felony.

Court Order for Law Enforcement Assistance Under Final Order (FC§86.004):

• If requested by the applicant the magistrate shall order law enforcement to:
  – Accompany applicant to the residence covered by the order
  – Inform the respondent that the court has ordered him excluded from the residence
  – Protect the applicant while applicant takes possession of the residence and the respondent takes possession of the respondent’s necessary personal property;
Family Violence
Protective Orders

– If the respondent refuses to vacate the residence:
  » Remove the respondent from the residence; and
  » Arrest the respondent for violating the court order

Violation of Protective Order or Magistrate’s Order:

• Reconciliatory actions or agreements made by persons affected by an order do not affect the validity of the order or the duty of a peace officer to enforce this section

• A peace officer investigating conduct that may constitute an offense under this section for a violation of an order may not arrest a person protected by that order for a violation of that order

• A peace officer shall arrest without warrant a person who has violated a protective order if the offense is committed in the presence of the officer

<table>
<thead>
<tr>
<th>Type of Order</th>
<th>Length of Protection</th>
<th>Enforced by:</th>
<th>Applied for by:</th>
<th>Additional Info</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emergency Protective Order</td>
<td>31, 61, or 91 days</td>
<td>Law Enforcement</td>
<td>Responding Officer or Victim</td>
<td>Mandatory self-safety warning</td>
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<tr>
<td>Ex-Parte Protective Order</td>
<td>Temporary, until final hearing</td>
<td>Law Enforcement</td>
<td>n/a</td>
<td>n/a</td>
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<tr>
<td>Full-Term Protective Order</td>
<td>2 years (can be extended)</td>
<td>Law Enforcement</td>
<td>Victim</td>
<td>n/a</td>
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<tr>
<td>Restraining Order</td>
<td>Varies</td>
<td>Civil Judge</td>
<td>Petitioner</td>
<td>Costs $$</td>
</tr>
</tbody>
</table>
Learning Objective 2.6: The student will be able to list the Articles in Chapter 5 of the Texas Code of Criminal Procedures, Family Violence Prevention.

- Art. 5.01 Legislative Statement:
  - Family violence is a serious danger and threat to society and its members. Victims of family violence are entitled to the maximum protection from harm or abuse or the threat of harm or abuse as is permitted by law.

- CCP Art. 5.03 Family or Household Relationship does not create an Exception to Official Duties:
  - A peace officer’s or a magistrate’s duty to prevent the commission of criminal offenses, including acts of family violence, are not waived or except because of a family or household relationship between an alleged violator and victim.

- CCP Art. 5.04 Duties of Peace Officers:
  - The primary duties of law enforcement that responds to a call that involves family violence is to protect any potential victim, enforce the law, enforce a protective order and make lawful arrests.
  - A law enforcement officer who investigates a family violence call shall provide a written notice to any adult victim of family violence stating the victim’s legal rights, possible remedies and the number for the local family violence shelter or other community services.
Family Violence Prevention

- CCP Art. 5.045 Standby Assistance; Liability:
  - An officer may stay with a victim of family violence to protect the victim and allow the victim to take personal property and/or property of a child.
  - An officer is not civilly liable for an act or omission of the officer that arises in connection with the assistance or civilly or criminally liable for the wrongful appropriation of any personal property by the victim.

Family Violence Prevention

- CCP Art. 5.05 Reports & Record:
  - An officer who investigates a family violence call shall make a written report.

Family Violence Reporting & Documentation

- Learning Objective 2.7: The student will be able to describe the importance of reporting and documenting a Family Violence offense.
  - Reporting & Documentation:
    - Law enforcement documentation of all actual injuries and statements made by the victim and witness can significantly improve prosecution in family violence cases.
Family Violence Reporting & Documentation

- Reporting & Documentation: (continued)
  - Things to consider including in report:
    - Physical and emotional state of the victim, the suspect and children if present
    - Condition of the room - Is anything broken?
    - Is the phone ripped out of the wall?
    - Type of abuse
    - Any visible injuries

- Medical treatment required
- Victim's relationship with abuser
- Length of relationship
- Has the relationship ended?
- Was there a protective order? If so, what type of order?
- Name of the suspect
- Were there weapons present?

- Specific location of the incident – Is this where they both live? Have they lived together in the past?
- Assess for strangulation: scratches on neck, spots on face and/or neck, blood-red eyes, rope or cord burns, neck swelling or stiffness, raspy breath, complaints of sore throat, difficulty speaking
Family Violence
Predominant Aggressor

- Learning Objective 2.8: The student will be able to identify the predominant aggressor.

  - Determining the predominant aggressor starts with a thorough investigation. The following are issues to investigate prior to making this determination:
    - Who poses the most danger to the other?
    - Is one party in fear of the other?
    - Was the amount of force used appropriate and reasonable? For example, did one party react to a slap by beating the other party?

- The relative severity of the injuries inflicted on each person
- Is one party physically larger and stronger than the other?
- Is there a history of violence by one of the parties against the other? Against other people?
- Is one party usually the aggressor?
- Who is at most risk for future harm or injury?

- Did any injuries appear to be the result of self-defense?
- Is the party with less serious injuries demanding that the other party be arrested too?

  - Above all LISTEN to the stories and ask yourself:
    - Do the stories make sense?
    - Can anyone else (children, witnesses, 911 tapes) corroborate either story?
    - Is one person overly helpful and apologetic?
    - Is the person you believe to be the victim taking visual cues from another person about what to say?
Family Violence
Predominant Aggressor

− Self-Defense:

* A person is justified in using force against another when and to the degree he reasonably believes the force is immediately necessary to protect himself against the other’s use or attempted use of force

* By law, self-defense includes actions that are reasonable and necessary to protect oneself. This includes preemptive strikes

Family Violence
Predominant Aggressor

− Self-Defense: (continued)

* Typical indications of self-defense include injuries left by the victim on the body of the attacker include:
  − scratches on the back of the attacker’s arms, wrists/or back
  − scratches to the attacker’s face or neck
  − bite marks on the inside of the attacker’s arms, chest, or neck

Family Violence
Predominant Aggressor

− indications of the attacker’s hair being pulled
− groin or kicking injuries
− injuries caused by hard objects or weapons

* Defensive injuries on the victim typically appear as:
  − bruises on the back of arms, legs, or hands, and/or
  − bruises on the buttocks, back of legs and back because the victim will often curl into a fetal position to escape injury
Family Violence
Predominant Aggressor

– Self-Defense: (continued)
  • Texas law does not require the arrest of both parties simply because they both have injuries resulting from each other
  • If a dual arrest is made, the officer should document in the report why the predominant aggressor could not be identified

Family Violence
Photographs & Video

• Learning Objective 2.9: The student will be able to identify considerations for documenting any injuries by photograph or video of alleged family violence.

– Reason for photographing or videoing injuries:
  • May be able to replace reluctant witness for testimony
  • Enhance the written report of family violence
  • Presents the victims condition when officers respond to the scene
  • Can aid in later investigation of the case or help establish facts which might be subject to dispute
Family Violence
Photographs & Video

– Consideration when taking photographs:
  • Try to have another officer present
  • Have one person per picture
  • Take a facial picture to identify victim
  • Full body picture of the victim
  • Unless absolutely necessary, don’t take victim’s clothes off
  • Full body picture of the suspect (if present)

Family Violence
Photographs & Video

– Department should seek advice from the local Prosecutor’s office to determine requirements for photographing and videoing family violence injuries

Family Violence
Documenting Statements

• Learning Objective 2.10: The student will be able to identify considerations for documenting any statements in a written account of alleged family violence.
Family Violence Documenting Statements

- Consideration when taking written statements:
  - Include excited utterances
  - Include medical personnel (emergency, physician)
  - Include statements against interest by the suspects or if the suspect says or does anything that might cause the victim to be afraid
  - Frequency and severity of prior incidents of physical abuse by the batterer
  - Number of prior calls for assistance

Family Violence Documenting Statements

- U.S. Supreme Court Decision clarifying types of statements:
  - Recently the U.S. Supreme Court clarified what evidence is admissible in cases where a victim or witness may refuse to or cannot appear in court. The two kinds of evidence are:
    - Non-testimonial: Statements made to the police for the primary purpose of enabling the police to address an on-going emergency (Ex. 911 calls)

Family Violence Documenting Statements

- U.S. Supreme Court Decision clarifying types of statements: (continued)
  - Testimonial: These statements are made when there is no on-going emergency and the primary purpose of questioning is to establish or prove events relevant to future legal proceedings
  - Non-testimonial statements are admissible in most circumstances. Testimonial statements are subject to further legal tests
Family Violence
Documenting Statements

• **Suggested Best Practice:** Law enforcement should continue to gather evidence as though the case will go to court, making sure to document:
  – Any statements that the victim makes that indicate a “cry for help” or that the violence is on-going or that the victim is still afraid
  – Any statement by the suspect that, directly or indirectly instructs the victim not to speak to the officers

• Department should seek advice from the local Prosecutor’s office to determine requirements for photographing, videoing and written statements

Sexual Assault
Unit Three

• **Functional Area 3.0:** To provide the officer an understanding of sexual assault and those key changes within the different Texas Codes that may impact on their performance in the critical areas of sexual assault.

Sexual Assault

• **Learning Objective 3.1:** The student will be able to define Sexual Assault in accordance with Chapter 22 of the Texas Penal Code.
  – Sexual Assault defined:
    • If the person intentionally or knowingly causes the penetration of the anus or female sexual organ of another person by any means, without that person’s consent;
    • Causes the penetration of the mouth of another person by the sexual organ of the actor, without that person’s consent; or
Sexual Assault

- Causes the sexual organ of another person, without that person’s consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor; or
- Intentionally or knowingly causes the penetration of the anus or female sexual organ of a child by any means;
- Causes the penetration of the mouth of a child by the sexual organ of the actor;
- Causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor;

A sexual assault under Subsection (a)(1) is without the consent of the other person if the actor compels the other person to submit or participate by the use of physical force or violence; the actor compels the other person to submit or participate by threatening to use force or violence against the other person, and the other person believes that the actor has the present ability to execute the threat; the other person has not consented and the actor knows the other person is unconscious or physically unable to resist; the actor knows that as a result of a mental disease or defect the other person is at the time of the sexual assault incapable either of appraising the nature of the act or of resisting it;
The other person has not consented and the actor knows the other person is unaware that the sexual assault is occurring; the actor has intentionally impaired the other person’s power to appraise or control the other person’s conduct by administering any substance without the other person’s knowledge; the actor compels the other person to submit or participate by threatening to use force or violence against any person, and the other person believes that the actor has the ability to execute the threat; the actor is a public servant who coerces the other person to submit or participate; the actor is a mental health services provider or a health care services provider who causes the other person, who is a patient or former patient of the actor, to submit or participate by exploiting the other person’s emotional dependency on the actor; or the actor is a clergyman who causes the other person to submit or participate by exploiting the other person’s emotional dependency on the clergyman in the clergyman’s professional character as spiritual adviser.

Sexual Assault

- **Learning Objective 3.2:** The student will be able to list national and state statistics surrounding Sexual Assault.
- **National Statistics:**
  - April is Sexual Assault Awareness month
  - According to RAINN, there are an estimated 293,000 rapes each year.
  - Two thirds of the assaults are committed by someone known to the victim
  - 38% of rapist are a friend or acquaintance

Sexual Assault

- Every 107 seconds, someone is sexually assaulted
- 44% of victims are under 18 and 80% are under 30
- 68% of the assaults are not reported to the police
- 98% of the rapists will never spend a day in jail
- One in five teen girls and one in ten younger teen girls (age 13 to 16) have electronically sent or posted nude or semi-nude photos or videos of themselves. Even more teen girls, 37% have sent or posted sexually suggestive text, email or
Sexual Assault

- It's estimated that about 44% of rape victims are under age 18, and 80% are under age 30
- Approximately 60,000 to 70,000 sexual offenses occur against minors under 18 years of age
- Sexual Assault has fallen by more than 60% in recent years

State Statistics:
- In 2013, there were 17,844 reported cases of sexual assault in Texas.
- In 2013, two rapes occurred every hour in Texas

**Learning Objective 3.3:** The student will be able to describe the Post Traumatic Stress Disorder (PTSD) or Post Traumatic Stress Syndrome (PTSS).

Sexual Assault

Post Traumatic Stress Disorder

- PTSD defined:
  - Is a recognized psychological description of the state of mind that may follow sexual assault victimization
- Occurs in three phases:
  - Acute Distress – characterized by an increase in the level of tension and increase feelings of being upset
**Sexual Assault**
**Post Traumatic Stress Disorder**

- **Regression or Outward Adjustment** - characterized by rationalization of the rape. The victim appears to have "forgotten" the rape and to have resolved the issues.

- **Reorganization or Integration** - begins when the victim develops a sense of depression and feels the need to talk about his/her feelings and the situation.

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**Sexual Assault**
**Post Traumatic Stress Disorder**

- Can produce inconsistencies in details at different stages of the investigation and behaviors that are easily misinterpreted.

  - The “atomic bomb” of neuro chemicals that the body releases during the trauma affects forever the way brain recalls memory.

  - Victims can not and does not recall in chronological, logical order.

  - Nor do the victim recall the event in language—the memory is stored as sensory perceptions, and can be accessed—by asking sensory/tactile questions.

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**Sexual Assault**
**Physical Consequences**

- Sexual violence can have very harmful and lasting physical, psychological and social consequences for victims.

  - **Physical Consequences:**

    - Women who experience both sexual and physical abuse are significantly more likely to contract sexually transmitted diseases.

    - Over 32,000 pregnancies result from rape every year.
Sexual Assault
Long-Term Consequences

• Long-term Consequences can include:
  – Chronic pelvic pain
  – Gastrointestinal disorders
  – Gynecological and pregnancy complications
  – Migraines and other frequent headaches
  – Back pain
  – Facial pain
  – Disability preventing work. These are somatic symptoms that can be very physically debilitating

Sexual Assault
Psychological Consequences

• Psychological Consequences can include:
  – Shock
  – Denial
  – Fear
  – Confusion
  – Anxiety
  – Withdrawal
  – Guilt

Sexual Assault
Psychological Consequences

– Nervousness
– Distrust of others
– Post-traumatic Stress Disorder
  » Emotional detachment
  » Sleep disturbances
  » Flashbacks or mental replay of assault
Sexual Assault Psychological Consequences

– Chronic psychological consequences can include:
  » Depression
  » Attempted or completed suicide
  » Alienation
  » Post-traumatic stress disorder

Sexual Assault Psychological Consequences

  » Unhealthy diet-related behaviors
    - Fasting
    - Vomiting
    - Abusing diet pills
    - Overeating

Sexual Assault Social Consequences

* Social Consequences can include:
  – Strained relationships with the victim's family, friends, and intimate partners
  – Less emotional support from friends and family
  – Less frequent contact with friends and relatives
  – Lower likelihood of marriage
Sexual Assault Interview Process

- **Learning Objective 3.4:** The student will be able to list information sought during the interview process of a Sexual Assault victim.
  - Remember:
    - The interview process produces more anxiety for the victim, at a time when they are already anxious, and they must relive the assault each time they describe it.
    - Most victims are not familiar with police procedures and terminology.

- **Normal defense mechanism** that protects the victim emotionally will interfere with the ability and desire to recall details.
- Victim reactions to the assault and interview vary, and fluctuate. There is no correct way to behave to indicate credibility.

### Interview Process

- Description of the Assault:
  - Date, time and location
  - Extent of injuries, including pain, and weapons used (because most rapists are people the victim already knows and trust there usually aren’t any weapons involved and this just perpetuates the myth that the rapist is the boogie man hiding in the bushes)
  - Activity of the victim preceding the assault
Sexual Assault
Interview Process

– Nature of force used and the victim’s effort to resist

» Submission is not consent

» Fear can produce immediate submission (like a threat, a raised eyebrow, a weapon, physical pain)

» Amount of resistance expected will depend on the circumstance

» Nature and penetration and ejaculation

Sexual Assault
Interview Process

• Description of any Suspects:
  – Details on approach and attack method used; weapon/devices used
  – Clothing worn
  – Behaviors, mannerisms, words and phrases used, again this is where going for sensory perceptions can be very useful
  – Description of anything taken
  – Method of transportation
  – Time and direction when leaving scene

Sexual Assault
Interview Process

• Stranger assaults:
  – Physical characteristics, tone of voice, accent
  – Smells of body odor, cologne, oil, smoke, anything that can be remembered
  – Any previous encounter or interaction

• Date/Acquaintance assaults:
  – Full name of suspect, place of residence, place of employment
  – Nature of acquaintance, how they met, how long they’ve known each other
### Sexual Assault Interview Process

- Names of suspect's friends, associates, family members
- Previous sexual activity with suspect (Know suspect activities and hang-outs)
  - Identity of witness - anyone the victim knows:
    - Who saw the victim and suspect when they met
    - Who saw the victim and suspect in a public area

### Sexual Assault Interview Process

- Who heard something during the assault?
- Who may be an "outcry" or character witness?

* Steps for First Officer on Scene:
  - Check for victim injuries, call EMS, or provide other medical attention as required
  - Determine the nature of the crime and obtain suspect description
  - Broadcast suspect information if crime just occurred

### Sexual Assault Interview Process

- Secure the scene from further contamination or destruction
- Have dispatch notify support services for your jurisdiction, including investigator, crime lab (photo & fingerprint), and victim counselor
- Interview the victim and be as brief as possible
  - Ask questions in a professional manner, let victim tell you what happened in own words
Sexual Assault Interview Process

» Careful here: excitable utterances aside, the victim may choose words that do not reflect what accurately happened due to shock and that someone they know and trust “did this” to them. This is not consensual sex – this is forced sex. Victims were made to do certain things with their body parts.

» Caution the victim NOT to shower, bathe, douche, or drink

Sexual Assault Interview Process

– Explain the importance of having a rape exam and to take a change of clothing

» Caution: The victim may chose not to want to report or they get to the hospital and have to sit for hours waiting for a forensic exam and later refuse a SANE exam. Is there a process in place (Sexual Assault Response Team-SART) in place to help the victim during the waiting process?

– Provide victim an explanation of what to expect in the investigation

– Reassure the victim they are NOT TO BLAME and you are there to help

Sexual Assault Interview Process

• Steps for Second Officer on the Scene:
  – Secure and protect the crime scene
  – Conduct search of the area for items such as washcloths, towels, clothing, tissue, or other items where the suspect may have left body fluids or hair
  – Collect items the victims had been wearing at the time of assault that they are not currently wearing including what the victim was laying on during the assault
Sexual Assault Interview Process

• Steps for Second Officer on the Scene (con’t):
  – Place each item of evidence in a separate paper bag. Write the contents on the outside of the bag and attach a property tag
  – Take measurements of the scene and draw a brief sketch
  – If the suspect is arrested within a short period of time, collect all of their clothing, including shoes and place in a marked paper bag

Semen Evidence

Places Commonly Found

• Dried Stains
  – Clothing
  – Bedding
• Wet Stains
  – Condoms
Places Commonly Found

- Dried Stains
  - Clothing
  - Bedding
- Wet Stains
  - Condoms
  - Vaginal, oral, or anal swabs

Collection of Semen and Saliva

- Both dry and wet samples are collected and stored the same as any biological fluid.
- Never store any of these samples in an airtight or plastic container.
- Never expose these samples to heat, humidity, or direct sunlight.

Sexual Assault Interview Process

- Steps for Officer at the hospital:
  - Have the rape exam authorized if rape occurred within the last 72 hours (life span of sperm), and the victim is willing to cooperate. If victim is unwilling, or there are questions about credibility of the case, contact supervisor or follow department policy
  - Collect clothing the victim wore to the hospital and place in a marked paper bag
  - Collect contents of the rape exam (blood, hair, saliva and swabs). Make sure the rape exam kit is refrigerated as soon possible
Sexual Assault Interview Process

- Steps for Officer at the hospital:
  - Secure all evidence at your department’s evidence collection point
  - Write a detailed report ensuring all elements of the offense are included in the narrative. Document accurately the suspect's words and/or acts, but paraphrase the victim's words. Avoid personal opinion
  - Document complete victim, witness and suspect information. Include addresses and phone numbers for home and employment, and when they can be reached. Make a note if the follow-up investigation needs to protect confidentiality of certain information

Sexual Assault

- Learning Objective 3.4: The student will be able to list and describe legislative updates passed during the 81st Legislative Session that are relevant to Sexual Assault (See Appendix 1).

Sex Offender

- Functional Area 4.0: To provide the officer an understanding of sex offender characteristics and those key changes within the different Texas Codes that may impact on their performance in the critical areas concerning sex offenders.
Sex Offender

Learning Objective 4.1: The student will be able to define sex offender.

- Sex offender defined:
  - Persons convicted of crimes involving sex, including rape, molestation, sexual harassment and pornography production or distribution.

Sex Offender

- National Statistics:
  - As of June 2010, there were a reported 716,750 registered sex offenders in the United States
  - The residency status of approximately 100,000 registered sex offenders, are unknown to authorities (law enforcement officials and local law enforcement)
  - There are 38 states in these United States which require juveniles convicted of sex offenses to “register” as sex offenders

- Middle School teacher Kelsey Preston was taken into custody after allegedly running away with a 13-year-old student from a rural Nebraska town. Now, Fernando Rodriguez may not be able to return to the U.S. because he is an illegal immigrant.
Las Vegas, NV (Sep 2007) Chester Stiles, is accused of sexually assaulting Madison, a 3-year-old on videotape.

felony pornography possession charge against Darrin Tuck, the man who turned in a homemade videotape showing a man raping a 3-year-old girl.

Debra Lafave was sentenced to house arrest and probation in 2005 after pleading guilty to charges that she had sex with a 14-year-old student.

Wendie Schweikert, 37, pleaded guilty to having sex with an 11-year-old student and in March was sentenced to 10 years in prison.
• Aaron Brevik, an elementary teacher and principal from Michigan, was convicted of criminal sexual conduct in 2005. He is serving 5 to 20 years after being accused of using a hidden camera to film students in the gym locker room.

• Mary Kay Letourneau, left, served a seven-year sentence for having sex with student Vili Fualaau, right, when he was 12. They had two children and wed in 2005.

• Former Ohio teacher Donald Coots was convicted in 2000 of sexually abusing a 15-year-old girl after a basketball game. Years earlier, a different student was expelled for making similar accusations against Coots.
• In 2005, Pamela Rogers received an eight-year sentence for having sex with a 13-year-old student. She later sent suggestive photos to the boy and got two years added.

• After her relationship with a 16-year-old student resulted in a pregnancy in 2004, Rebecca Boicelli went on maternity leave during the police investigation and found a job at another school nearby.

Sex Offender

— State Statistics:

• According to the Texas Department of Public safety, as of February 2010, there were a reported 65,837 registered sex offenders in the State of Texas

• There are approximately 3,600 registered juvenile sex offenders in the State of Texas, according to the Texas Department of Public Safety
Navarro County, Texas (Sept 2007)

Shawn Earl Arender, 19, charged him with capital murder in the Hanna Mack murder.

Hanna was found hung in her family garage.

Lived less than a mile from the Mack’s rural home about 65 miles south of Dallas. He was already in jail on unrelated burglary and drug possession charges.

Jessica Lunsford

• 25-99 year sentence, no parole for ‘super aggravated’ sexual assaults
• A sexual assault is ‘super aggravated’ if:
  – If the victim is younger than 6
  – If the victim is younger than 14 AND there is an aggravating factor
• A 2nd conviction of a ‘super aggravated sexual assault’ makes offender eligible for the death penalty

Jessica Lunsford Act: (HB 8)
Sex Offender

• Continuous Abuse of a Child
  – Created in direct response to problems inherent in prosecuting sex crimes involving children, i.e. that juries must find a defendant guilty of one particular offense
  – There is a five year affirmative defense if the defendant was not more than 5 years older than the victim, did not use force, duress or threat and was not a registered sex offender

Sex Offender

• Extension of Statute of Limitations
  – No Limitation
    » Sexual assault of a child
    » Aggravated sexual assault of a child
    » Continuous sexual abuse of young child/children
    » Indecency with a child

Sex Offender

– 20 years past the victim’s 18th birthday
  » Sexual performance by child
  » Aggravated kidnapping with intent
  » Burglary with intent

• No community supervision (probation) allowed for persons convicted of:
  – Indecency with a child by contact if victim was younger than 14
  – Aggravated sexual assault, if victim was younger than 14
Sex Offender

- Sexual assault, if victim was younger than 14
- Aggravated kidnapping with intent, if victim was younger than 14
- Sexual performance by a child
- Enhances the penalties for sexual performance of a child from second and third degree felonies to first and second, when the child is under the age of 14
- Mandates that district courts must give priority to trying cases expeditiously for sexually violent offenses for which the victim is a child under 14

Sex Offender

- Codifies sex offender treatment and psychological evaluation for inmates in TDCJ facilities
- Mandates active GPS monitoring for all civilly committed sex offenders
- Clarifies that knowingly harboring a sex offender who is in violation of registration is a 3rd degree felony.

Sex Offender Registration

- **Learning Objective 4.3:** The student will be able to describe the process for sex offender registration in Texas as outlined in Chapter 62 of the Code of Criminal Procedure.
  - First sex offender registration laws in Texas went into effect on September 1, 1991 and have been amended every legislative session since then
  - Who is required to register?
    - Any person with a reportable conviction or adjudication must register as a sex offender
Sex Offender Registration

- Sex offenders from other states if the sex offender’s conviction is a reportable conviction or adjudication and the offender resides, works or attends school in Texas
- Sex offenders convicted under federal law, military law or the laws of another country if the sex offender’s conviction is a reportable conviction or adjudication and the offender resides, works or attends school in Texas
- Nonresident sex offenders register only for as long as they work or attend school in Texas

Sex Offender Registration

- A sex offender must registers with the local law enforcement authority of the municipality where the offender resides. If they don’t reside in a municipality, the offender registers with the law enforcement (chief) of the county where they reside
- Register no later than the seventh day after the offender arrives in the municipality or county (sheriff), which becomes the offender primary registration authority and seven days after leaving

Sex Offender Registration

- Texas Offender Registration Program requires:
  - Offenders full name, alias, date of birth, sex, race, height, weight, eye and hair color, social security number, driver’s license number, shoe size and home address
  - Recent photograph, preferably an electronic digital image and fingerprints
  - Type of offense convicted of, age of the victim, date of conviction and punishment received
  - Disposition; discharged, paroled, or released on juvenile probation, community supervision or mandatory supervision
Sex Offender Registration

- Any professional license, certificates permits held
- If the offender will be employed, carrying on a vocation or a student at public or private institution of higher education in the state or another state and the name and address of the institution
- Local authority to maintain the registration, provide notification to schools if required and submit information to the Texas Department of Public Safety

Sex Offender Registration

- Offenders are required to periodically verify registration information and report changes in job status, health status and educational status
- They are register either for life or for ten years following discharge from state supervision
- It is a felony offense if a person required to register fails to comply with any requirement under the Texas Sex Offender Registration Program

Sex Offender Registration

- Public Notification:
  - DPS Sex Offender Database (public information)
  - Postcard Notification of Civilly Committed (High Risk Offenders only)
  - School Notification
Sex Offender Classification

- **Level 1** - The vast majority of registered sex offenders are classified as Level 1 offenders. They are considered at low risk to re-offend. These individuals may be first time offenders and they usually know their victims.

- **Level 2** - Offenders have a moderate risk of re-offending. They generally have more than one victim and the abuse may be long term. These offenders usually groom their victims and may use threats to commit their crimes.

- **Level 3** - Offenders are considered to have a high risk to re-offend. They usually have one or more victims and may have committed prior crimes of violence. They may not know their victim(s). The crime may show a manifest cruelty to the victim(s) and these offenders usually deny or minimize the crime. These offenders commonly have clear indications of a personality disorder.
Sex Offender Sexual Dysfunctions

• Learning Objective 4.5: The student will be able to list and describe the two categories of sexual dysfunctions.
  – Paraphilias
  – Pedophilia

Sex Offender Paraphilias

– Paraphilias: a classification of sexual behaviors, some which may be considered aberrant.
  • Exhibitionism – involves the exposure of one's genitals to a stranger.
  • Fetishism – involves the use of non-living objects in sexual activity.
  • Frotteurism – involves touching and rubbing against a non-consenting person.
  • Pedophilia – involves sexual activity with a prepubescent child (generally 13 or younger.)

Sex Offender Paraphilias

• Sexual Masochism – involves the act (not simulated) of being humiliated, beaten, bound, or otherwise made to suffer
• Sexual Sadism – involves the act (not simulated) in which the individual derives sexual excitement from the psychological or physical suffering (including humiliation) of the victim
• Transvestic Fetishism – involves cross-dressing
Sex Offender Paraphilias

- **Voyeurism** – involves the act of observing unsuspecting individuals, usually strangers, who are naked, in the process of disrobing, or engaging in sexual activity
- **Autoeroticism** – involvement in sexual behavior without a partner
- **Erotic Asphyxiation** – usually involves masturbation while restricting the flow of oxygen to the brain
- **Bestiality** – involves sexual activity with animals

Sex Offender Paraphilias

- **Gerontophilia** – involves the use of an elderly person as a sexual object
- **Incest** – involves sexual intercourse between family members
- **Infibulations** – torture of one’s own body
- **Klismaphilia** – sexual arousal linked with being given an enema, either in fantasy
- **Mysophilia** – involves erotic interest in filth
- **Necrophilia** – erotic interest in dead bodies
- **Pygmalionism** – sexual attraction to a statue (agalmatophilia), doll, or mannequin

Sex Offender Paraphilias

- **Scatophilia** – involves sexual pleasure from making obscene phone calls
- **Scoptophilia** – also known as voyeurs
- **Triolism** – erotic stimulation is gained by watching oneself and/or others in sexual scenes
- **Hebephilia** (Lolita Syndrome) – involves the obsession or preference for pubescent children between 11 and 14 years old for females and 11-16 years for males
Sex Offender Paraphilias

○ Hybristophilia – involving being sexually aroused or attracted to people who have committed an outrage or a gruesome crime. In popular culture, this phenomenon is also known as "Bonnie and Clyde Syndrome"

○ Pedophilia - is a pronounced sexual interest in feet. It is the most common form of sexual preference for otherwise non-sexual objects or body parts.

Sex Offender Paraphilias

○ Erotophonophilia – involves sexual arousal or gratification contingent on the death of a human being, which is manifested either by murder during sexual intercourse and/or by mutilating the sexual organs or areas of the victim's body

○ Pyrolagnia (pyromania and incendiarism) – involves sexual arousal and gratification from the association with fire setting behaviors

○ Cyberpredation (technophilia) – involves the use of the computer to engage in meetings for sexual deviance involving children

Sex Offender Pedophilia

– Pedophilia – primary sexual exploiter of children, with sexual behavior that is repetitive and highly predictable.

  * Basic characteristics:
    – Long term and persistent pattern of behavior.
    – Children as preferred sexual objects.
    – Well developed techniques in obtaining victims.
    – Sexual fantasies focusing on children.
### Sex Offender
#### Types of Pedophilia

<table>
<thead>
<tr>
<th>Fixed (Preferential)</th>
<th>Regressed (Situational)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary sexual orientation to children</td>
<td>Primary sexual orientation to age-mates</td>
</tr>
<tr>
<td>Pedophilic interests begin at adolescence</td>
<td>Pedophilic interests emerge in adulthood</td>
</tr>
<tr>
<td>No precipitating stress</td>
<td>Precipitating stress</td>
</tr>
<tr>
<td>Persistent interest-compulsive behavior</td>
<td>Involvements may be more episodic</td>
</tr>
<tr>
<td>Premeditated offenses</td>
<td>Less planning</td>
</tr>
<tr>
<td>Identification with the victim—may adopt a pseudo-parental role to the victim</td>
<td>Replaces conflictual adult and/or relationship with involvement with the child</td>
</tr>
<tr>
<td>Male victims are primary targets</td>
<td>Female victims are primary target</td>
</tr>
<tr>
<td>Little or no sexual contact with age-mates, usually single or in marriage of convenience</td>
<td>Sexual contact with age-mates, usually married</td>
</tr>
</tbody>
</table>

### Types of Child Molesters

- **Situational**
  - Poor coping skills
  - User of people
  - Sexual experimentation
  - Social misfit
  - Why not?
  - Boredom
  - Insecurity & curiosity
  - New & different
  - Non threatening
  - Exploit size advantage

- **Preferential**
  - Morally indiscriminate
  - Sexually indiscriminate
  - Inadequate
  - Coercion
  - Lure, force or manipulation
  - Involve in existing activity
  - Exploit size advantage

---

**Notes:**
- Pedophilia:
  - Fixated (Preferential)
  - Regressed (Situational)
- **Pedophilic interests:**
  - Begin at adolescence
  - Emerge in adulthood
- **Identification with the victim:**
  - May adopt a pseudo-parental role
  - Replaces conflictual adult relationship
- **Victim:**
  - Male victims are primary targets
  - Little or no sexual contact
  - Usually single or in marriage of convenience
- **Method of operation:**
  - Coercion
  - Lure, force or manipulation
  - Exploit size advantage
<table>
<thead>
<tr>
<th>Preferential</th>
<th>Seduction</th>
<th>Introverted</th>
<th>Sadistic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Common Characteristics</td>
<td>Sexual preference of children, collects child pornography or erotica</td>
<td>Sexual preference of children, collects child pornography or erotica</td>
<td>Sexual preference of children, collects child pornography or erotica</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Motivation</th>
<th>Identification</th>
<th>Fear of communication</th>
<th>Need to inflict pain</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Victim Criteria</th>
<th>Age and gender preferences</th>
<th>Strangers or very young</th>
<th>Age and gender preferences</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Method of Operation</th>
<th>Seduction process</th>
<th>Non-verbal sexual contact</th>
<th>Lure or force</th>
</tr>
</thead>
</table>

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**Sex Offender Characteristic Behavior**

- **Learning Objective 4.6:** The student will be able to describe some of the characteristic behavior of a sex offender.
  - Sex offenders come from all walks of life, all educational levels and from every trade and profession. They have certain characteristics (shared by many non-offenders) that, when found in combination, can be utilized in their early identification.

---

**Sex Offender Characteristic Behavior**

- Loners
- Non-violent
- Manipulators and groomers
- Employed
- Responsible
- Extreme Denial
- Self-Indulgent
- Arrogant and self-centered
- People pleasures
- Planners and/or schemers
- Religious
- Rationalizes, intellectualizes and justifiers
- Boundary makers
- Sexual and objectifies of women
- Users of various kinds of pornography
- Usually have good hygiene and good manners
- Charitable

---
Sex Offender Characteristic Behavior

To a lesser extent than those listed above, a significant majority of sex offenders have the additional characteristics set forth below:

- Use threats of violence against their family and victims to accomplish any need
- Abuse alcohol and/or drugs
- Abuse their wife and other family members
- Change jobs frequently
- See themselves as “victims of the system”

Sex Offender Characteristic Behavior

- Use anger to cover their sexual deviancy
- Have prior convictions for non-sexual crimes
- Display a clearly observable anger problem
- Seek personal employment where contact with children is part of the job
- Have low self-esteem

Sex Offender Interviewing Victims

- Learning Objective 4.7: The student will be able to list information needed when interviewing sexual assault victims.
  - Method of approach – surprise, con, etc.
  - Offender’s control – presence, verbal threat, display of weapon
  - Verbal activity of victim – What the victim was made to say
  - Sudden change in the offender’s attitude during assault – What preceded the change?
Sex Offender
Interviewing Victims

- Offender's sexual dysfunction – erectile insufficiency, premature ejaculation etc
- Verbal activity of the offender – threats, orders, obscene names and racial epitaphs, inquiries about victim's sexual enjoyment, etc
- Missing Items – valuables, personal, evidentiary

Sex Offender

- Learning Objective 4.8: The student will be able to describe the difference between an offense that is sexually sadistic or that is a lust murder.
  - Sexual Sadistic defined:
    - Refers to sexual gratification in the infliction of pain or suffering upon another person
    - Inflicting pain is the means to create suffering and to elicit the desired responses of obedience, submission, humiliation, fear and terror
    - Derived from the name of Marquis de Sade, a prolific French philosopher-writer of sexually violent novels and plays.

Sex Offender

- Lust Murder defined:
  - A homicide in which the offender searches for erotic satisfaction by taking away the victim's life. Commonly this type of crime is manifested either by murder during sexual intercourse or by mutilating the sexual organs or areas of the victim's body.
  - The term also refers to an individual who gains sexual arousal from the act of committing murder, or has persistent sexual fantasies of committing murder, even if the murder itself does not involve genital mutilation.
  - Jeffery Dahmer, Wayne Gacy, Jack the Ripper
Sexual Sadistic Lust Murder

<table>
<thead>
<tr>
<th></th>
<th>Disorganized</th>
<th>Organized</th>
</tr>
</thead>
<tbody>
<tr>
<td>Careful planning of the offense</td>
<td>Spontaneous event</td>
<td>Planned offense</td>
</tr>
<tr>
<td>Victim is a stranger</td>
<td>Victim known</td>
<td>Targeted stranger</td>
</tr>
<tr>
<td>Victim in captivity for 24 hours or more</td>
<td>Depersonalizes victim</td>
<td>Personalizes victim</td>
</tr>
<tr>
<td>Victim taken to a predetermined location</td>
<td>Chaotic crime scene</td>
<td>Controlled crime scene</td>
</tr>
<tr>
<td>Use of blindfold and or gag</td>
<td>No restraints</td>
<td>Restraint used</td>
</tr>
<tr>
<td>Sexual bondage</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Anal assault and a variety of sexual acts with victim</td>
<td>Sex after death</td>
<td>Aggressive acts</td>
</tr>
<tr>
<td>Forced fellatio – oral stimulation (sucking) of the penis</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unemotional during the commission</td>
<td>Minimal conversation</td>
<td>Controlled conversation</td>
</tr>
<tr>
<td>Victim beaten using blunt force trauma</td>
<td>Sudden violence</td>
<td>Submissive victim</td>
</tr>
</tbody>
</table>

Sex Offender Psychological Profiling

- **Learning Objective 4.9:** The student will be able to describe psychological profiling.
  - Psychological Profiling defined:
    - Involves investigating an offender’s behavior, motives and background in an attempt to further guide an investigation of an individual who committed a certain crime
    - Based on characteristic patterns or factors that distinguish certain individuals from the general population

- A useful tool that must not alter, suspend or replace prescribed investigative procedures because it may hamper an investigation sending the officer in the wrong direction.
  - Sex Offender crimes suitable for profiling:
    - Sadistic torture in sexual assaults
    - Eviscerations
    - Postmortem cases of slashing and cutting
Sex Offender
Psychological Profiling

• Lust and mutilation murders
• Rapes
• Child sexual abuse including pedophilia
• Obscene and terrorist letter writing

Material necessary for profiling:
• Investigative reports
• Autopsy protocols
• Detailed photographs of the body
• Detail photographs of the scene
• Detail photographs of the surrounding area
• Any known information pertaining to victim and activities

Learning Objective 4.10: The student will be able to list and describe current legislative updates passed during the 81st Legislature that is relevant to sex offenders.