

Recommendation xx: MPD should comprehensively follow a victim-centered, trauma-informed approach for sexual assault response. MPD should review the Police Executive Research Forum “Executive Guidebook: Practical Approaches for Strengthening Law Enforcement's Response to Sexual Assault,” and modify its sexual assault response policies, procedures and training where necessary to concord with the Guidebook recommendations. We also offer the following specific recommendations:

1. MPD's sexual assault response policies should explicitly communicate leadership messages and priorities about maintaining a victim-centered, trauma-informed approach (so that they are analogous to model policies in the Executive Guidebook). When developing sexual assault policies, MPD should enlist the help of experts or victim advocates.

2. All MPD officers should be well trained on trauma response and the neurobiology of trauma to ensure they are familiar with the range of potential reactions to sexual assault and to provide victims with the best possible services. It is important that responding officers and investigators understand that a victim's self-protective measures in the wake of a sexual assault might not comport with other people's expectations or the objectives of the justice system.

3. MPD should do more department-wide scenario based training for sexual assault response. Scenario based training should be provided on a regular basis to all department members.

4. MPD should partner with local advocacy organizations to use experienced victim advocates as actors for scenario-based sexual assault response training.

5. Sexual assault cases that MPD has mishandled (or handled suboptimally) in the past should be included in the training scenarios. Such cases should be dissected, looking for where mistakes were made. It is crucial that MPD own its mistakes, maintaining an open-minded, non-defensive perspective, if it is to improve.

6. Officers should be educated about common biases, stereotypes, and myths surrounding sexual assault (for example, common misunderstandings about rates of false allegations), and how to counteract these myths to ensure accurate and unbiased investigations. Training and policy should explicitly emphasize that sexual assault cases be investigated in an unbiased manner, free of assumptions and stereotypes about victims. Cases in which this may be important include, among others, same sex couples, male victims, victims with disabilities, and victims with mental illness (mentally ill individuals may often be more vulnerable to sexual assault than the unaffected population, but may be discriminated against in the criminal justice system).

7. When interviewing a sexual assault victim, officers should work to build rapport with the victim, use trauma-informed and victim-centered practices, avoid harsh or neutral tones, and accept and document the victim's statement without hesitation. The victim should be treated respectfully and with dignity.

Officers should remember that an interview of a sexual assault victim is not an interrogation and should be careful about asking questions that may come across as judgmental or victim-blaming. Detectives should ask the victim for a full account of what happened using open-ended questions, allowing them to speak uninterrupted.

8. Supervisors and department leaders should recognize officers for displaying competencies in the area of victim sensitivity in investigations and interactions with victims.

9. Policies and procedures should adequately incorporate considerations for specific underserved/marginalized populations or communities. Cultural competency and cultural awareness within the department are crucial to providing the best care to victims. Officers should receive training to assist them in their response to non-English speaking victims, victims from diverse racial, religious or ethnic groups or cultures, victims with disabilities, elderly victims, immigrant victims, victims who identify as lesbian, gay, bisexual, transgender or queer (LGBTQ), and victims who are involved in trafficking and commercial sex exploitation. Detectives should be trained to understand how cultural issues may impact victim response, to avoid misinterpreting culturally-based behavior. Practices should be improved with regards to use of interpreter services. That a victim knows some minimal English should not result in interviews being conducted in English when that is not the victim's primary language. Children or other family members should not be used to interpret.

10. MPD should maintain open lines of communication with victim advocates and solicit feedback on its performance, utilizing this feedback to improve performance. In responding to sexual assaults, officers should adequately take into account the experience of victim advocates present and have an understanding of victim advocates' privilege.

11. Whenever possible, reports should include transcripts of key interviews and, when summarizing key interviews, investigators should use the victim's own words (in quotation marks).

12. A case should be classified as "unfounded" only after a thorough investigation demonstrates that the report was false or baseless, and this classification should be avoided except for rare circumstances.

13. When cases are charged, MPD should fully inform victims, both orally and in writing, about available services, including the District Attorney's Victim Witness Unit program, with sufficient follow up procedures/assistance.

14. MPD should partner with local organizations working in this field to do more public education on sexual assault, including on how common sexual assault is, the prevalence of drug/alcohol facilitated sexual assault (particularly on campus), human trafficking, and the hurdles victims face.

15. MPD should take additional steps to maintain the wellbeing of officers who work on sexual assault crimes, given the potential for vicarious trauma and other negative impacts. This should include Mindfulness Based Resiliency Training and implementing a Special Victims Unit wellness program.

16. Note that many of these recommendations are also applicable, and should be followed, in cases of domestic violence, human trafficking, or commercial sexual exploitation. This includes the importance of a victim-centered, trauma informed approach. Moreover, note that domestic violence and sexual assault can intersect.

[Taylor 44]

This recommendation grew out of a submission to the Ad Hoc Committee by Representative Chris Taylor, who represents Madison's Isthmus and surrounding neighborhoods in the State Legislature:

I would recommend that the committee look at MPD's "Sexual Assault Investigation" Standard Operating Procedure. The Police Executive Forum published an Executive Guidebook in May 2018 titled "Practical Approaches for Strengthening Law Enforcement's Response to Sexual Assault." I believe MPD's current SOP on this topic could be strengthened so that the public, and especially sexual assault victims, has a better idea of what to expect out of sexual assault investigations. For example, a more robust policy might outline victim rights, interviewing victims, evidence collection, working with victim advocates, providing information on resources, and considerations for specific underserved populations or communities.

Recent years have brought increasing societal awareness of sexual assault crimes, particularly with the rise of the "Me Too" movement. For too long, such crimes were often discounted, and police responses to sexual assault crimes have often been suboptimal. In Madison, this was typified by the infamous 1997 "Patty" case, as detailed in journalist Bill Lueders' book "Cry Rape: The True Story of One Woman's Harrowing Quest for Justice." "Patty," a visually-impaired rape victim, was disbelieved by police, humiliated and pressured to recant, then charged with falsely reporting a crime after she complained about police mistreatment, before the truth finally emerged that she had indeed been raped.

The Police Executive Research Forum (PERF) developed the "Executive Guidebook: Practical Approaches for Strengthening Law Enforcement's Response to Sexual Assault" to aid law enforcement agencies in improving their handling of sexual assault cases. PERF collaborated with the Women's Law Project of Philadelphia to produce this guidebook, with funding from the federal Office of Violence Against Women Technical Assistance Program. A key goal was to identify best practices that all law enforcement agencies could adopt. As PERF notes, the "guidebook presents recommendations for law enforcement agency policies and procedures, accountability mechanisms, training, collaboration, report-writing and file maintenance, crime coding, case management, and public education. Each section includes promising practices that are informed by research and the extensive experience of practitioners, including police officials, prosecutors, advocates, and social service providers, as well as PERF's experience working with agencies across the country." At its core, much of the Guidebook is motivated by a victim-centered, trauma-informed perspective.

The Ad Hoc Committee hosted a presentation by Lieutenant Kathleen Riley of the MPD Special Victim's Unit and performed a careful review of the PERF Guidebook in conjunction with existing MPD policies and practices. Many of the specific numbered subrecommendations presented here are drawn in full (subrecommendations 1, 2, 6, 7, 8, 11, 12) or in part (subrecommendations 3, 9, 10, 14, 15) from the PERF Guidebook. See the Guidebook for a more detailed understanding of the rationale for each of these. Other recommendations originated from suggestions by Lieutenant Kathleen Riley (subrecommendations 3, 14, 15) or from proposals by Ad Hoc Committee members, sexual assault victims, or victim advocates. For example, in the context of discussion of the "Patty" case, Ad Hoc Committee member and former MPD Assistant Chief Luis Yudice suggested subrecommendation 5 (that sexual assault cases that MPD has mishandled in the past should be included in training scenarios, to learn from mistakes) and the value of the concept was immediately apparent to all. Specific subrecommendations were articulated where there was evidence that existing MPD policies or practices could be improved or further optimized.