

## Module 5: Procedures in Common Advocacy Situations

### Time Required

2 hours, 45 minutes

### Purpose

This module provides a more detailed look at procedures in common advocacy situations. It also examines drug-facilitated sexual assault.

### Lessons

- Responding to a Crisis Call Reporting Recent Sexual Assault (15 minutes).
- Medical-Evidentiary Exam Accompaniment (1 hour).
- Law Enforcement Statement Accompaniment (15 minutes).
- Courtroom Accompaniment (35 minutes).
- Drug-Facilitated Sexual Assault (40 minutes).

### Learning Objectives

By the end of this module, participants will be able to

- Respond appropriately to a caller on a crisis line who is reporting a recent sexual assault.
- Identify correct procedures during a medical-evidentiary exam.
- Create a list of “do’s and taboos” for accompanying victims when they make law enforcement statements and appear in the courtroom.
- Differentiate the roles of advocates, Sexual Assault Nurse Examiners (SANEs), and other members of the Sexual Assault Response Team (SART).
- Identify special procedures and red flags for dealing with drug-facilitated sexual assault.



## Equipment and Materials

- Laptop PC (with PowerPoint), LCD projector and screen (or blank wall space for projection), PowerPoint presentation, and vignette 3.
- Participant's materials.
- Flip chart and easel.
- Multicolored, thick markers (dark colors only) for use with flip chart.
- Red paper or index cards (see "Preparation" below).
- Masking tape.

## Preparation

- Carefully review the medical-evidentiary exam case study described in this module and vignette 3, which is found on the SAACT Web site available at [www.ovcttac.org](http://www.ovcttac.org). The case study can be followed exactly as written, but you may also wish to tailor it to reflect any particular processes or procedures in your area. For example, you might want to use the names of a specific emergency department in your area. Another good idea might be to have participants provide referrals to appropriate agencies in your area during the role playing exercise. This will help participants become familiar with the services of local agencies. If you decide to tailor the case study, the vignette will not be applicable.
- You should be aware of whether a systems-based advocacy program exists in your local police department or prosecutor's office. If it does, you should also be aware of how this affects the role of the advocates in your training, particularly during accompaniment to make law enforcement statements and appear in the courtroom. These roles should be clear to everyone involved to best serve the needs of the victim.
- The red paper or index cards will be used in the exercise described on page V-9 of the trainer's materials. If you are using red paper, cut it into small pieces (approximately 3" x 4") in preparation for the activity.

## Responding to a Crisis Call Reporting Recent Sexual Assault [15 minutes]

**Show visuals 1 and 2.** Review the module's purpose and objectives.



**Show visual 3.**



One of the most common situations to which an advocate will need to respond is a crisis call reporting recent sexual assault. Many victims call rape crisis lines before they seek medical attention or involve law enforcement. Although specific procedures vary by center, the following should be generally addressed with any crisis caller:

- **Identify immediate concerns.** Assess the reason for the call.
- **Establish safety.** Advocates will need to ask where the perpetrator is and where the victim is. Take appropriate steps to establish safety.
- **Explain services.** Explain the medical, support, and legal services available to the caller. Explain the importance of a medical-evidentiary exam and the option of reporting the assault to law enforcement.
- **Arrange transportation.** If the caller wants to have a medical-evidentiary exam, discuss transportation. The caller may arrange her own transportation or she can be transported in an ambulance or by law enforcement. Explain her options.
- **Discuss evidence.** Explain that the victim should not shower, bathe, douche, change her clothes, or brush her teeth.
- **Address practical issues.** Discuss any practical issues the victim needs to address, such as her children or other responsibilities.
- **Arrange a time to meet.** If an advocate will be meeting the victim at the emergency department, it is best to arrange a specific time to meet. If possible, the advocate should be there first. Discuss how to identify each other.



- **Activate other first responders.** Depending on the needs and wishes of the caller, as well as the procedures in their area, advocates may need to activate other first responders.

Ask participants for any questions about these issues.

Tell participants that advocates often have to deal with abusive or crank calls while answering rape crisis lines. Most sexual assault agencies have clear policies on how to handle inappropriate calls, and advocates should follow their own agency's policies when dealing with these callers. Generally, however, advocates can tell callers that they will not continue to talk with them if they are abusive or are using the call for sexual gratification. If the abuse continues, advocates should tell callers they will hang up and then should do so.

## Medical-Evidentiary Exam Accompaniment

[1 hour]



### Show visual 4.

Explain that rape victims should receive a medical-evidentiary exam within 72 hours. The exam should be conducted earlier, if possible, as most evidence is gone after 36 hours. This timeframe is also important in terms of receiving prophylaxis for pregnancy and some sexually transmitted infections (STIs). In some situations, a medical-evidentiary exam is appropriate more than 72 hours after the assault:

- **Hostage situations.** If a victim has been held hostage, she is more likely to have injuries or forensic evidence on her body. This evidence can be collected and used for prosecution.
- **Force resulting in injury.** These injuries should be treated and could be used as evidence.
- **Ejaculation without cleanup.** A medical-evidentiary exam is also appropriate after 72 hours if there is ejaculation without cleanup. Again, the ejaculate can be collected and used as evidence.

Show visual 5.



***Medical-Evidentiary Exam: Yes or No?***

***Ask participants to read the descriptions below (and on visual 5) and determine whether a medical-evidentiary exam should be done:***



- ***Sharon reported an assault that occurred 12 hours ago; there was no penetration or apparent injury.***
- ***Jane reported an oral sexual assault that occurred 24 hours ago.***
- ***Thomas reported a rape and robbery that occurred 5 hours ago.***
- ***Maria reported a rape by two strangers that occurred 2 weeks ago.***

***Medical-Evidentiary Exam Case Study***

***Divide participants into groups of four or five. Tell the participants they will be working in small groups to study some detailed procedures related to medical-evidentiary exams, and they will then answer some questions based on a case study of a typical exam.***



***The groups should spend 10 to 15 minutes reading, discussing, and clarifying the information about procedures during a medical-evidentiary exam on pages V-3 through V-9 of their participant's materials.***

Show vignette 3, which is based on the case study on page V-9 of the participant's materials.



***Ask the groups to brainstorm for an additional 10 to 15 minutes to answer the questions on pages V-10 and V-11 that are related to the case study depicted in the vignette.***

***Ask each group to report in turn. For example, ask group 1 to provide a response to the first question, group 2 to provide a response to the second question, and so on. Fill in anything the groups missed. Correct the groups' responses as necessary.***

Review the following information, which reinforces the appropriate roles of advocates and other SART members during the medical-evidentiary exam.





**Show visual 6.**

Remind participants that the advocate and a SANE should be called to the emergency department automatically; the victim should not be asked if she wants them to be called.



**Show visual 7.**

Clarify that the SANE and the advocate might do some of the same things, but this does not diminish their roles. A SANE is a specially trained nurse who will provide crisis intervention and support, just as an advocate will. They should reinforce each other, remembering that having the support of two people in the emergency department can be invaluable for the victim. However, a SANE should not be described as an advocate, and an advocate must be very aware of what a SANE does and why she does it.



**Show visual 8.**

Remind participants that an advocate must *never* be involved in evidence collection.



**Show visual 9.**

Remind participants that, even when there is a SANE program present, the victim may need to wait up to an hour in the emergency department. If there is no SANE program in the area, the wait can be even longer. If the victim is waiting for a SANE to arrive, it may be helpful to explain the SANE's role. If there are consistent delays and no reason is given, the advocate should report this to her supervisor, who can speak to the emergency department or the SANE.



**Show visual 10.**

The advocate should never try to fix any issues with the SART herself. Advocates should report any problems to their supervisors and allow them to address any issues.



## Law Enforcement Statement Accompaniment [15 minutes]

### Show visual 11.



Explain that in addition to being present during the initial police report, the advocate usually offers to accompany the rape victim to the investigator's office at a later time when she gives her official statement. There, the advocate provides support and encouragement during what may be an intimidating experience and helps the victim understand why certain questions are asked. Advocates function formally as members of the response team, whether officially a SART or a community response team, or informally as members of separate community agencies. The team includes the law enforcement officer or investigator; *advocates are not advocating for the victim against the police.*

Tell participants it is essential for advocates to have good working relationships with their police departments and sex crimes investigative units. Advocates should call the officer who will be taking the victim's statement to check the time and place and let him or her know that she will be accompanying the victim. The advocate should ask if there is anything in particular she can do to prepare the victim. It is important that the victim tell the complete truth about what happened, even if it is embarrassing, she was doing something she was told not to do, or she was engaged in an illegal activity such as smoking marijuana. She needs to know that this information is likely to come out anyway. If she lies about any part of the assault history, her credibility will be questioned, which could jeopardize the entire legal case.

Tell participants that if the advocate has developed a trusting relationship with the investigator, she should be able to stay in the room while the victim is interviewed. If that is not possible, she should wait outside. In smaller communities, the investigator conducting the interview may be the same police officer who took her initial statement; however, in larger municipalities, it will be someone from a separate department. The investigator usually will ask the victim to go through her statement verbally and in specific detail, with the investigator asking additional questions for clarification. Recording varies

from area to area; the entire process may be video- or audio-recorded or, once she is comfortable, her complete statement will then be recorded. Her statement usually will be transcribed, and she will review and sign the transcript. This becomes her official account of the sexual assault.



**Show visual 12.**

Tell participants they should not participate in the interview nor interfere in any way. Even if they do not understand the rationale behind a line of questioning, they must not inquire about it during the statement. Once the statement has been completed, the advocate can talk with the investigator in private and ask about areas of concern. This will help the advocate to better explain the process to the victim. For example, if the investigator asked why she was walking through a downtown area alone at 1 a.m., and the tone of his voice sounded accusatory, the advocate can explain to the victim that such was not his intent; he likely needed to know why she was in a particular area. (Perhaps she was near a local drug house; he would need to know if drugs were involved in the assault.) If the advocate still feels uncomfortable after talking with the investigator, she should report the situation to her supervisor the next day.

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**Courtroom Accompaniment** [35 minutes]

**Show visual 13.**

Tell participants the advocate typically offers to accompany the victim to any attorney appointments as well as to the courtroom. In some areas, a separate, specialized advocacy program may be available that can accomplish this. Whatever the scenario, the goal is to familiarize the victim with the process and the courtroom, including where she will sit and what she will be asked to do. If possible, have her visit an empty courtroom or watch a criminal case at trial.

Explain that, if her case is plea bargained, it also is important to work with her so she can express her opinions. In a plea bargain or plea agreement, the assailant usually agrees to plead guilty to a lesser charge in return for a lighter sentence. While the ultimate decision rests with the prosecutor, many prosecutors

will discuss their options with the victim before making the final decision. The advantages to the victim of a plea bargain are that she does not have to testify in court and she is certain of a conviction. In most areas, many more plea agreements occur than cases that go to trial. Most of these arrangements are accepted at the last minute, often the day the trial is scheduled to begin.

**Show visual 14.**

Explain that if the prosecutor decides not to charge her case, offering to go with the victim to the prosecutor's office to discuss the reasons why may be as important as accompanying her to trial. If her assailant is found guilty by trial, she may want the advocate, as well as her family and friends, to go with her to the sentencing and provide support when she reads her victim impact statement, if she has decided to do so. The statement is her chance to make prepared remarks to the judge indicating how the sexual assault has affected her life. The judge considers this impact when determining the sentence. Victims often express a sense of empowerment after having made such a statement.



**Show visual 15.**

***“Do’s and Don’ts” Demonstrations***

***Divide participants into groups of four or five. Refer them to pages V-12 through V-14 in their participant’s materials. Each group should spend no more than 5 minutes designing a 1-minute demonstration that illustrates one or more “do’s or don’ts” related to accompaniment procedures. Encourage participants to use sheets of flip chart paper, markers, and masking tape as needed to plan and prepare their presentations. Make sure that each issue described in the sections on law enforcement statement and courtroom accompaniment is addressed by at least one group. After the groups conduct their demonstrations, correct or augment, as needed, the information they present.***



## Drug-Facilitated Sexual Assault

[40 minutes]



Show visual 16.

### *Information Search and “Red Flag” Activity*



*Divide participants into small groups of four or five. Refer participants to pages V-14 through V-18 in their materials; ask participants to read the information about drug-facilitated sexual assault to answer the questions on page V-19. Allow about 20 minutes for participants to review the material and answer the questions. Review the answers as a group.*

*Distribute three pieces of red paper or three red index cards to each group. Tell participants they are going to come up with their own “red flags” that might indicate a sexual assault was drug facilitated. Ask the groups to write one issue on each of the three red flags they received. Allow about 5 minutes. Review the answers and red flags as a class. Augment or clarify the information as required.*



Show visual 17. Ask for final questions about anything discussed in this module.

## Module 5: Procedures in Common Advocacy Situations

### *Purpose*

This module provides a more detailed look at procedures in common advocacy situations. It also examines drug-facilitated sexual assault.

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## Module 5 Objectives

By the end of this module, you will be able to

- Respond appropriately to a caller on a crisis line who is reporting a recent sexual assault.
- Identify correct procedures during a medical-evidentiary exam.
- Create a list of "do's and don'ts" for law enforcement statement and courtroom accompaniment.
- Differentiate between the roles of advocates, SANEs, and other SART members.
- Identify special procedures and red flags for dealing with drug-facilitated sexual assault.

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## Responding to a Crisis Call

- Identify immediate concerns.
- Establish safety.
- Explain services.
- Arrange transportation.
- Discuss evidence.
- Address practical issues.
- Arrange a time to meet.
- Activate other first responders.

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## Medical-Evidentiary Exam

- Within 72 hours.
- Exceptions:
  - Hostage situations.
  - Force resulting in injury.
  - Ejaculation without cleanup.

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## Medical-Evidentiary Exam: Yes or No?

- Sharon reported an assault that occurred 12 hours ago; there was no penetration or apparent injury.
- Jane reported an oral sexual assault that occurred 24 hours ago.
- Thomas reported a rape and robbery that occurred 5 hours ago.
- Maria reported a rape by two strangers that occurred 2 weeks ago.

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## Accessing Support

The advocate and, if available, the SANE should be called to the emergency department automatically, not at the victim's request.

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## Advocates and SANEs

- May do some of the same things during crisis intervention.
- Reinforce each other; the victim hears the same things from two people, helping to normalize her reaction.
- Despite some overlap, the roles are very distinct.

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## Advocate Role in Evidence Chain-of-Custody

- Before the SANE/medical professional arrives?
- If the SANE/medical professional needs to leave the room?
- If the SANE/medical professional is finished and law enforcement has not arrived?
- Transporting sealed evidence?
- Advocate should never be involved in evidence collection.

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## Dealing With Emergency Department Delays

- Up to 1 hour delay is common, even when a SANE program exists.
- Explain to the victim what will happen next (during the exam or if she reports to the police).
- Talk with the victim.
- Let her go to sleep.
- Talk with her friends and family.

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## Dealing With Conflicts or Problems on the SART

Report any problems to the advocate supervisor.

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## Law Enforcement Statement Accompaniment

- Law enforcement is part of your team.
- You may stay in the room or wait outside.
- The investigator usually asks the victim to go through her statement verbally and in detail.
- The investigator will ask questions for clarification.
- Recording varies by area.
- The statement usually will be transcribed.
- The victim reviews and signs; this becomes her official account of the sexual assault.

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## If You Have Concerns During the Statement

- Never interfere with the statement.
- Hold all comments or questions until after the statement is complete.
- Talk with the officer privately.
- Talk with the victim, allowing her to voice her feelings about the statement.

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## Courtroom Accompaniment

- You may accompany the victim to attorney appointments as well as the courtroom.
- The goal is to familiarize her with the process and the courtroom.
- If her case is plea bargained, work with the victim so she can express her opinion.
  - Many prosecutors will discuss options with victims.

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## Support During a Case

- If the prosecutor decides not to charge her case:
  - Go with the victim to the prosecutor's office to discuss the reasons why.
- If her assailant is found guilty by trial:
  - She may want you to go with her to the sentencing and provide support.

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## "Do's and Don'ts" Demonstrations

Participant's materials,  
pages V-12 through V-14

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 **OVC**  
Office of Violence Against Women  
Department of Justice

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**DFSA Information Search  
and Red Flags**

Participant's materials,  
pages V-14 through V-18

 **TRAC**

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 **OVC**  
Office of Violence Against Women  
Department of Justice

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**Module 5**

Questions or comments?

 **TRAC**

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