



Words used in sexual assault police reports can help or hurt cases

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Mary Bounds, left, and Megan O' Bryan of the independent Oversight Committee on Missing Persons and Sex Crimes explain some of the group's findings on Wednesday.

CLEVELAND, Ohio -- The unknown attacker drove his victim to a secluded parking lot. He pulled a knife, pressed the blade to her throat, dragged her into the back of his minivan and unzipped his pants.

Then, according to the initial police report taken by a Cleveland patrol officer, the victim "gave" her attacker oral sex.

The word choice might seem arbitrary -- a verb, scrubbed clean of the violence behind it, selected perhaps to avoid offending the senses.

But law enforcement experts and victim advocates say the words an officer uses to document an attack could mean the difference between a sexual predator behind bars and one free to offend again.

Words such as "give," "perform" or "engage," when referring to rape, imply that sex is consensual instead of forced, experts say.

Starting next year Cleveland police officers and investigators will get new training in how to more effectively write reports about sexual assaults, according to a report released last week by a city-appointed committee. The six-person panel is monitoring city as it strives to improve its response in sexual assault and missing persons cases.

The additional training -- which will be repeated every three years -- could be vital in an era when, according to a Plain Dealer analysis, **more than 70 percent of sexual assault cases never make it to court.**

Poorly written reports -- sometimes laden with implications of disbelief or skepticism -- can contaminate a jury's perception of a victim's credibility or cripple a case altogether, experts say.

"Just imagine a prosecutor reading a police report where the officer states that he or she doesn't believe the victim," said Kim Lonsway, research director for the non-profit **End Violence Against Women International**. "Or perhaps the officer even offers a motivation for why the victim might be lying. Is that case likely to go to trial? Absolutely not."

An effective report should thoroughly document the victim's account -- including emotions and the victim's state of mind during the sexual assault, Lonsway said.

A report that paints a realistic picture of the terror of sexual violence is much more likely to be investigated meticulously and lead to successful prosecution than one that uses sanitized language or is infused with doubt, she said.

A Plain Dealer review of several hundred initial rape reports logged between 2004 and 2009 revealed that generic word choices -- as well as other language suggesting that officers hear victims' stories with skepticism -- are common to police vernacular in Cleveland.

A three-person **special commission** that reviewed Cleveland's handling of sexual assault and missing-persons cases identified, among the police's deficiencies, report-taking and a perceived lack of sensitivity toward victims.

The commission was created after the decomposing bodies of 11 women were discovered at the Imperial Avenue home of **Anthony Sowell**, residents complained that police had discouraged reports of missing women and hadn't thoroughly investigated reported attacks.

Sowell, 50, faces nearly 100 charges related to the murder, rape and assault of at least 15 women. He has pleaded not guilty.

One woman, who said Sowell assaulted her in 2008, was deemed not credible by city prosecutors.

The initial police report, made after the bleeding woman flagged down a patrol car is an unbiased account, with a thorough documentation of the woman's account. But the detective's follow-up report seems steeped in doubt and disbelief.

The city did not to prosecute that case. And in the year that followed, six of the women found in Sowell's home disappeared.

Jackson vowed to adopt all 26 of the **commission's recommendations** for improvement, including training officers every three years on report writing -- starting with the responding officer's first interaction with a

victim.

Less experienced patrol officers, when interviewing sexual assault victims, should limit their questions to gathering only vital information, such as a suspect's identity, the location of the assault, possible evidence and the victim's immediate medical needs, the panel suggested.

And in-depth interviews should be left to Sex Crimes Unit detectives, who must be specially trained in gathering details while helping victims feel more comfortable sharing them.

This practice, along with the inclusion of victim advocates in every case, could yield more solid, compelling evidence and encourage victims to cooperate in the investigation.

The commission examined police procedures and practices of major cities across the country and found sensitivity and concern for the victim's well-being built into several departments' policies on writing reports.

In Cleveland, police policy requires only that a victim be interviewed by an officer with crisis intervention training -- when an officer with such training is "reasonably available."

The department currently requires no regular training on taking initial reports beyond what an officer receives at the police academy.

That absence of training is reflected in dozens of reports reviewed by The Plain Dealer.

One report states that, under the threat of a large silver revolver, a woman "engaged" in sex with her rapist and then was forced to "perform" oral sex.

When another woman told police she was raped in the parking lot of a beverage store, on the ground beside the attacker's van, the responding officer noted that "unexplainably the couple ended up ... in a lighted parking lot in plain view of the bp station."

And the report concludes that due to increased break-ins in the area, extra zone cars were patrolling at the time in question and "observed no red van, rape, or the victim walking."

In another case, an officer explained that a reported gang rape would be labeled "alleged" because the victim changed details of her story multiple times -- a common symptom of disorientation after experiencing trauma, experts say.

"It was at this time after asking vict #1 for clarification she began to cry w/no tears," the officer wrote. "Due to vict #1's conflicting statements & several versions, report titled to read alleged."

EVAW International's curriculum used to train police departments across the country flag numerous examples of poor report-writing techniques similar to those that pervade stacks of initial rape reports in

Cleveland.

For example, officers in Cleveland often sanitize the description of sexual attacks.

In one case, the mentally-impaired victim told police that she tried to fight off an attacker, a friend's boyfriend. She even sent a text message to another friend pleading for help. But the part of the report in which the officer describes the rape overlooks the element of force, stating only that the attacker "...began having intercourse."

Experts say officers should directly quote the victim whenever possible to convey his or her state of mind during the attack, the nonconsensual nature and the use of force or violence.

In many reports, Cleveland officers call attention to the time span between the victim's report and the date the assault occurred, questioning the victim about the reason for the "delay."

However, experts say it is common for victims, out of fear or shame, to wait days or even months before contacting police. Reports should state, without judgment, when the incident happened and when it was reported.

Examples of reports that follow the guidelines can be found among Cleveland's investigations. For example, an officer responding to a sexual attack of a woman forced into a vehicle while walking on Detroit Road, used the victim's own words to document the violence of the crime.

The report depicted the terror and violence the woman endured, as well as her struggle for release.

"In response to (victim's) last pleas for freedom, offender again punched her in the side of the head," the report says. "Offender then pulled his own pants down, grabbed (victim) by the hair and forced her face down into his lap." The word "alleged" never appears in the text.

The importance of clear and compelling report-writing cannot be underestimated, the EAW manual cautions. If a sexual assault case eventually makes it to court, defense attorneys will seize upon two factors: the victim's credibility and the police investigation.

"Although there are many reasons that sexual assault cases often do not result in formal charges or guilty verdicts," the manual reads, "One factor is that police reports are all too often poorly written."

Cleveland defense attorney Ian Friedman said an officer's first impression of a victim's credibility carries great weight with a jury. And investigative reports often serve as a defense lawyer's starting point in building a client's defense.

"It's imperative to scrutinize police reports with a fine tooth comb, again and again," Friedman said. "Does the accuser's story remain consistent? Or is it implausible and exculpatory? Anything that an officer

highlights as questionable is something I would want to explore and raise before a jury."

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