



INVESTIGATING SEXUAL CRIMES

This is resource note 7.3 of the [CTI practical Police Resource Toolkit](#) for professional, human rights-compliant policing.

BACKGROUND

Sexual offending, against adults or children, occurs in every community around the world, and it is endemic across cultures and countries at alarmingly high rates. Approximately one in five girls and one in twelve boys will experience sexual abuse in childhood.¹ One in five women and one in twenty men will experience rape or sexual assault as adults.²

Sexual offending is a highly gendered crime, mostly perpetrated by men against women and children. There is evidence that offending against men, and offending by women, is underreported, but nevertheless approximately 90-95% of offences are committed by males. Adolescents, again usually male, also account for up to 20% of all sexual offences, and it is thought that at least a third of all offences against children are committed by other children and young people (defined here as anyone under the age of eighteen).³

Sexual offending is a relationship-based crime and most sexual offences occur in the context of pre-existing relationships. The most common locations of offences are the home of the victim or perpetrator, or premises known to both parties. When offending occurs in public space, most commonly, it also involves people who are known to each other in some way. Rape and sexual assault by strangers make up a small, but significant, minority of sexual offences.

Sexual offenders target or create vulnerability in those they intend to offend against. This may include isolation from potential help, emotional and psychological manipulation, coercion, use of drugs to facilitate assault, threats, and physical violence. People who are further away from dominant cultural norms or groups are at greater risk, and vulnerabilities are increased by structural and intersectional inequalities and disadvantage. Individuals from groups outside the dominant norms can face increased pressures relating to

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- ¹ K. M. Gorey and D. R. Leslie, 'The prevalence of child sexual abuse: Integrative review adjustment for potential response and measurement biases', *Child Abuse & Neglect*, no. 21 (1997), pp. 391-8; doi:10.1016/S0145-2134(96)00180-9, available at: <https://pubmed.ncbi.nlm.nih.gov/9134267/>; N. Pereda, G. Guilera, M. Forns and J. Gómez-Benito, 'The prevalence of child sexual abuse in community and student samples: A meta-analysis', *Clinical Psychology Review*, no. 29 (2008), pp. 328-38; doi: 10.1016/j.cpr.2009.02.007, available at: <https://pubmed.ncbi.nlm.nih.gov/19371992/>.
 - ² UK Office for National Statistics (ONS) (2013); Australian Bureau of Statistics, *Personal Safety Survey* (1996); Australian Bureau of Statistics, *Personal Safety Survey* (2012).
 - ³ S. Hackett, *Children and young people with harmful sexual behaviours* (NSPCC, 2014), available at: <https://bit.ly/40C6vvZ>; B. L. Bonner, M. Chafin and K. Pierce, *Adolescent Sex Offenders: Common misconceptions vs. current evidence*, *US National Center on the Sexual Behavior of Youth*, no. 3 (July 2003), available at: <https://bit.ly/3U5Tcl9>; FBI, *Crime in the United States: Uniform crime report 1998* (US DoJ, 1999); National Sex Offender Public Website NSOPW – Facts and Figures 2018.

reporting crimes, have greater trouble accessing justice systems, be less likely to have their cases heard, and risk poorer court outcomes. This can affect individuals based on, among others, their age, minority status, sexual orientation and gender identity, indigenous status, migrant status, level of financial resources, state of their mental health, whether they have drug use disorders, whether they are sex workers, as well as those subject to criminal justice orders or in prison. Effective investigations can play a crucial role in improving these inequalities.

Most offences are perpetrated in private. There are often no witnesses to the offending acts themselves, even though sexual offending may be organised and collective. This is particularly so against children but may also be perpetrated against adults, particularly in conflict zones or other situations where the State has lost control over the territory (for instance to organised crime groups). In recent decades, sexual offending has increasingly occurred online. This may include organised activity by child abuse groups, organised pay-per-view exploitation of children and adults, the making and usage of child exploitation and non-consensual sexual imagery, and trafficking.

Public understandings of sexual crime are also impacted by a considerable number of myths and misconceptions, particularly misunderstandings of victim behaviour. The belief in, and impact of, myths and misconceptions vary across the world, often related to the cultural context and norms around gender, role, and sexuality. Community myths and misconceptions contribute to negative investigator attitudes to complainants and high rates of attrition during investigations. Such negative attitudes are typically about victim behaviour and must be addressed if cases are successfully to be prosecuted. Myths and misconceptions can be countered by a *suspect focused investigation* and *tactful exploration of complainant narratives* during interviews. Key myths and misconceptions include beliefs in high rates of false reporting (*which represent only about 5% of complaints*), delays in reporting and continued relationships with perpetrators (*commonly explained by most offences occurring in existing relationships*), lack of injuries (*explained by offender grooming tactics*), and gaps and inconsistencies of memory (*explained by the impact of trauma*).

UNDERSTANDING OFFENDER BEHAVIOUR

Sexual offenders have now been the subject of extensive research for over forty years. Whilst new areas are always open for understanding, the core of offender behaviour, psychology, and tactics used against victims, is now well understood.

There are two areas that stand out and are a **must** for all sexual crime investigators to understand:

1. Patterns of thinking

Sexual offenders, whilst all different, have predictable ways of viewing themselves, relationships, and their behaviour. They tend to have trouble navigating adult relationships, feel a sense of entitlement to gratify their urges and desires, are unlikely to take responsibility for their behaviour, and will use fantasy and pornography to justify their sexualisation of children or interest in non-consensual sex against adults. They will be adept at persuading themselves that their behaviour is either not harmful or is justified by the behaviour of their victim/s.⁴ Offenders who target adult victims are likely to have an attraction to aggressive models of masculine behaviour and an interest in impersonal sexual interactions.⁵ The ways offenders explain and justify their behaviour will have impacted on their victims through the process commonly known as ‘grooming’.

⁴ T. Ward and T. R. Keenan, ‘Child Molesters’ Implicit Theories’, *Journal of Interpersonal Violence*, no. 14 (8) (1999), pp. 821–38; doi: 10.1177/088626099014008003, available at: <https://bit.ly/40HWIEY>.

⁵ N. M. Malamuth, C. L. Heavey and D. Linz, ‘The Confluence Model of Sexual Aggression: Combining Hostile Masculinity and Impersonal Sex’, *Journal of Offender Rehabilitation*, vol. 23, 1996 – issues 3–4, pp. 13–37, available at: <https://bit.ly/42UudW1>.

2. Grooming

Grooming is the process whereby offenders manipulate their victims into both compliance and silence. It occurs in all sexual offending, whether against children or adults, offline or online. It may be short-term or long-term, typically involving the use of violence and threats, or manipulations of 'love' and 'trust', or both.

Grooming can usefully be divided into distinct phases:

1. **Grooming (1)** is the phase where offenders attempt to exercise power, control and/or authority over their intended victim. It can take place over short periods of time and be characterised by acts of violence, but more typically takes place over time and involves a variety of strategies. These behaviours will take place before, during, and even after the offending, intended to silence victims and minimise reporting. This phase of offender behaviour is vital to catalogue in complainant interviews, as it is often audible and/or visible to others, whether they are aware of the offender's intent or not. The grooming 1 phase will contain *significant relevant evidence* for investigators to elicit.
2. **Grooming (2)** is the phase where offenders move the abusive relationship to a sexualised frame. Again, it may involve acts of violence and coercion, but more typically involves persuading victims that all behaviours are consensual, or even trying to persuade victims that they are 'initiating' the acts.

The offences themselves also include elements of grooming, as during and after the act/s offenders will attempt to persuade victims of their consent, cooperation, and even desire for the sexual acts, hoping to generate feelings of responsibility and self-blame in victims. These tactics are predominantly designed to minimise the possibility of victims disclosing or reporting.

Victim reactions to offender behaviour must be seen in the light of offender grooming tactics. Fight/flight, for example, is only activated in circumstances where grooming is minimal, and victims have no time to think. More typical reactions, of freezing, submission, or negotiating with offenders, comes about because of offenders' power/control/authority strategies, over time. Fear and trauma explain a wide range of victim reactions to offender behaviour. Whether in the context of a long-term intimate relationship, or in other situations, offender tactics of power and control have similar impacts.

It is important to note that there are strong correlations between grooming behaviour in sexual offending, and coercive control behaviour in domestic abuse/intimate partner violence. A key difference is that, in sexual offending, grooming is a means to an end, and to maintain the sexually abusive behaviours. Coercive control, on the other hand, is an end in and of itself, where sexually abusive behaviour is often used to maintain power and control. In both relationship-based crimes, however, it is vital to understand the offender tactics in order both to understand victim reactions, but also to elicit all available relevant evidence.

TRAUMA-INFORMED INTERACTIONS WITH VICTIMS

In recent decades, significant gains have been made in understanding the impact of sexual crime on victims which can best be understood within a trauma framework. Trauma impacts people in a range of ways that are relevant to the investigation of sexual crime. So much so, failure to adopt trauma-informed practices in the investigation and prosecution of these crimes, can seriously undermine the validity of the outcomes.

Trauma is typically caused by a major stressful or life-threatening event, such as a car accident, natural disaster, or sexual assault. It can also be caused by ongoing, chronic stressors, such as experiencing

discrimination or experiencing physical or emotional abuse. In general, trauma occurs when an individual experiences or witnesses an event that overwhelms their ability to cope. This can lead to feelings of fear, helplessness, and loss of control. These feelings, including physiological responses, can be present when disclosing abuse, undergoing forensic medical examination, being interviewed, and all the other stressful elements of interacting with investigators and justice systems. For police to interact effectively with victims of sexual trauma, understanding the implications of trauma, including the common responses, both during and following the trauma is essential.

During the trauma

For example, during a trauma (which is an overwhelming sense of threat), the brain triggers a series of responses designed to maximise the likelihood of survival. The brain's primary response options to threat are **Fight, Flight, or Freeze**. *Fight or Flight* are implemented when the threat is identifiable and escape is perceived as viable (Fight, typically, is used to break free once caught to enable *Flight*). *Freeze* is implemented when the threat is less identifiable or ambiguous and/or when *Flight and Fight* are not perceived as viable.

Sexual assault perpetrators use grooming to create confusion in the victim's mind, making the threat ambiguous. They also use grooming to ensure the victims do not recognise the threat until *Flight* or *Fight* become unviable options. In this way, perpetrators work to gain an initial *Freeze* response from the victim followed by an extended *Freeze* response, which is sometimes called, *Surrender, Appease or Fawn*. This response is characterised by lack of resistance and even compliance from the victim to minimise aggression and violence by the perpetrator, as *victims' primary goal is to survive the assault*.

In addition to affecting the behaviour of the victim during the assault, mechanisms in the brain that respond to threat *alter the way the brain processes information*. Brain resources are directed away from non-critical functions and towards critical ones. One significant implication of this for the police investigation is that *perception and memory functions are altered*.

During individual or repeated trauma/s victim's perceptions may become **very narrow** and **focussed on the experiential features** of the assault e.g., focussing on the smell of the offender, or the feeling of not being able to breathe because of the weight of the offender, rather than on the types of perception a calm person may have, such as the physical characteristics of the offender, dates, times etc. The way the human memory system functions are altered during a trauma, can affect memory in several ways. It can interfere with the encoding, consolidation, and retrieval of memories, leading to gaps or discrepancies in an individual's recollection of events. For example, individuals who have experienced trauma may have difficulty recalling details of the event, such as the time, location, or sequence of events. They may also experience flashbacks or intrusive memories, in which they relive the traumatic event in vivid detail. Additionally, trauma can affect an individual's **ability to contextualize** or **make sense** of their memories. They may have difficulty organizing their thoughts or recalling information in a logical order and may experience confusion or disorientation when asked to recount their experiences.

When you combine these two impacts, a victim may have very vivid memories of certain aspects of the traumatic event but gaps or inconsistencies in their recollection of other parts. As a result, the memories of a traumatic event may be more sensory-based and disjointed than the more narrative-based memories of everyday experiences. These features may cause investigators to dismiss victims' accounts as unreliable or untruthful. It may also lead victims to feel confused and insecure about their ability to recall and report what has happened to them. This can impede their willingness and ability to participate in a police report/investigation. Investigators need to work actively, to support victims through the process of 'telling', without pressure to move to 'reporting' or involvement in any investigation, as this may create additional trauma.

After the trauma

Following the trauma, the victim may be affected in a variety of ways that are relevant to police investigations. These include changes to their perspective of themselves and their relationship to their environment. They are likely to have a **reduced sense of safety and trust** (in self and others) and an **increased perception of danger**. They may also experience on-going impacts from the trauma on their memory of the event. This affects police investigations *at every step*.

Initial contact

A reduced sense of safety affects victims' perception of the safety and trustworthiness of others, including police. It also includes a reduction in the sense of trust the victim has in their own judgement of the safety of others. This means the usual strategies for building trust that police employ may not work, as victim's distrust in their own judgement may render those strategies less effective. It is also important investigators understand that, even though victims may be in an environment that is physically safe (i.e., away from the perpetrator), they may not *feel* a sense of safety, and investigators' interactions need to take this into account.

All investigators and first responders who have contact with victims of sexual crimes need to be trained in **trauma-informed responses**, so they can communicate in ways that build trust. Good communication skills, rapport-building, and an ability to empathically guide victims through any forensic processes, particularly the demands of forensic interviews.

Investigative interviews with victims

Investigators need to be trained in conducting **trauma-informed interviews** to build sufficient trust with victims that they can report information that is likely to be distressing, emotional, and difficult to recall. They must also understand that it is important for victims to regain their sense of agency. This should include any decisions about being interviewed or participating in ongoing investigations. Investigators also need to understand how trauma affects memory so that they can adjust their interviewing technique and strategy to accommodate for the impacts of trauma on the victim's memory.

At an appropriate point during the victim interview, investigators should consider (preferably with an observing colleague) what elements of the narrative may be hard for fact finders/jurors to understand. They should then, with care, ask victims if they can help by clarifying their thinking and actions. For example, when there has been a delay between offence and complaint, can they explain what was going through their mind during that time, in deciding whether to come forward. If left unaddressed, it may later be suggested that the delay is suspicious, or fact finders may have doubts as to what the delay means.

Preventing secondary traumatization/victimization: victim-centred approaches during the investigation

When a person experiences trauma, it is important for the investigating investigators to be sensitive to their needs and to manage the case in a way that does not further traumatize the victim (secondary traumatization or victimisation). This requires specialized training and a victim-centred and trauma-sensitive approach to the investigation, to maintain the victim's trust and participation in the process. The goal of this approach is to support the victim's healing and to prevent the trauma from being exacerbated by the investigation or prosecution. It is important for the police to consider the victim's needs and to conduct the investigation in a way that is sensitive to the impacts of the trauma.

Finally, consideration must be given to the needs of victim/survivors when disclosing and/or reporting sexual abuses. Investigative processes should acknowledge that offending affects all genders, and that all genders

should be represented amongst investigators. Wherever possible, opportunity should be given for victim/survivors to choose the gender of their interviewer. Assessment should also be made of victim/survivors' cognitive abilities, with appropriate assistance made available. There must also be an acknowledgement that children require special consideration when they disclose and/or report abuse. These considerations should include the gender of interviewers, interviewing techniques appropriate to their age and cognitive ability, assistance from support persons and intermediaries, and safe environments in which to give evidence.

THE ROLE OF THE INVESTIGATOR

Sexual crime investigations are not simply procedural but are particularly impacted by investigator attitudes and beliefs. Effective sexual crime investigators require a combination of appropriate **knowledge, attitudes, and skills**. The core knowledge acquisition concerns offender behaviour and its impact on victims, the need for attitudes towards investigations to be victim-centric and suspect-focused, and the ability to adopt effective communication and interviewing skills, particularly with victims. Whilst the role of the investigator is primarily to pursue appropriate avenues of enquiry and gather evidence, there is an inevitable therapeutic component, as investigators are often the first person to hear victims' stories.

Trauma-informed policing is an approach to investigating sexual crimes that recognizes the psychological impact of trauma on victim/survivors. This approach prioritizes the needs and rights of victims and aims to minimize further harm or trauma during the investigation process. In a trauma-informed approach, investigators are trained to understand the effects of trauma on victims, including difficulty with memory and recall, emotional distress, and avoidance behaviours. They are also trained in trauma-sensitive interviewing techniques, which prioritize the emotional well-being of the victim and aim to minimize re-traumatization whilst also supporting a trauma affected victim to provide the most complete and accurate account of their experience.

Additionally, trauma-informed policing emphasizes the importance of collaboration and coordination with other agencies and organizations that provide support and services to victims, such as victim advocacy groups, sexual assault crisis centres, forensic physicians, and mental health professionals. This ensures that victims have access to comprehensive assistance, support, and services throughout the investigation process. It is also important to note that trauma-informed approaches are also necessary, and effective, with suspects.

Effective investigators understand sexual offence dynamics, which begins with an awareness of offender thinking and behaviour. The core skill of sexual crime investigation is investigative interviewing, of both victims/survivors and suspects. Effective interviewing of complainants is also centred on an awareness of offender behaviour. Interviewers should use free narrative, information-gathering, rapport-building processes to elicit evidence from victims/survivors.⁶ In countries where no specialized training on sexual crime investigations is provided for police and law enforcement and/or no specialized services are offered to victims, implementing *investigative interviewing* as a non-coercive, rapport-building method for questioning suspects, witnesses and victims of sexual crimes is an important starting point to changing police attitudes and interviewing methods, and supports the gathering of reliable and actionable evidence that can be effectively used to build and progress in sexual crime investigations.

⁶ For further information, see CTI's Training Tool on Investigative Interviewing for Criminal Cases, available at: <https://cti2024.org/resource/cti-training-tool-1-2017-investigative-interviewing-for-criminal-cases/>. See also UNODC's Global e-Learning course on investigative interviewing, here: <https://elearningunodc.org/login/index.php>.

It is important for supervisors to be aware that sexual crime investigators can be affected by secondary, or vicarious, trauma. This is typically due to the personal and traumatic nature of the cases, as well as the empathic processes required to be effective in their roles. Measures must be put in place to help prevent and respond to these pressures. For example, understanding of the impact of the work, and avenues for assistance, should be a core element of ongoing investigator learning and development. Investigators should also have access to support and assistance outside of any line management structures.

SPECIALIST SEXUAL ASSAULT INVESTIGATIONS

In addition to the needs of sexual assault investigators to be trained in trauma-informed responses, the characteristics of this crime type and the myths and misconceptions surrounding it, mean that investigators require specialist crime-theme training.

As mentioned above, commonly held beliefs and understandings regarding sexual crimes are inaccurate. These inaccurate understandings encompass all aspects of sexual crime, most commonly about victim and offender behaviour, and they lead to miscarriages of justice. They further operate to discredit victims and their accounts and can be weaponised against victims at every stage of the criminal justice process and can lead investigators to miss collecting valuable evidence from victims at the commencement of the investigation.

For example, a common misconception is that when a woman who goes back to a male date's residence, it implies they are willing to have sex. Investigators who hold this belief may not look beyond the fact that she went to his residence. In fact, many perpetrators employ a variety of strategies to 'trick' women into going to their residence, as it provides a controlled and isolated environment that enables them to manipulate the victim's fear response into a freeze/surrender response. Investigators who understand perpetrator strategies and victim reactions would elicit details of the entire evening from the victim to uncover details of all the perpetrator manipulations that resulted in the victim freeze/surrender response. It is important to stress here that even if no manipulation happens, and the woman freely goes to the residence of the man, this does not convey consent, and that even if consent has been given at some stage, it can be withdrawn at any moment.

It is important to note that victims may also hold the same myths and misconceptions as everyone else. This may mean that victims are confused and disappointed in their own responses before, during, and after the assault, focusing on what they feel they 'should' have done, leading to feelings of self-blame. This can impact on their willingness and ability to report all the details to investigators and interviewers should be sensitive to this phenomenon. They may also be unaware of how they were manipulated, so do not know to report these to police. Investigator understanding of offender behaviour is critical here, so all relevant interactions may be explored in interviews.

SUSPECT-FOCUSED INVESTIGATIONS

Effective strategies for investigating and prosecuting sexual crimes require focus on the actions of, and tactics used by suspects, particularly grooming. Traditionally, police forces and investigators, throughout the world, have been accused of focusing on victim behaviour and credibility rather than focusing on suspects. Victim behaviour, often misunderstood, was routinely seen as a barrier to effective investigation and prosecution, leading to victim blaming attitudes and outcomes. Whilst judicial systems and community attitudes have played a part in this, the highest rates of case attrition have been, and still are, in the initial stages of police investigations.



Traditional misunderstandings of sexual crime, particularly of victim behaviour, can be overcome if investigators focus their efforts on suspects' behaviour throughout the alleged abusive relationship.

It is critical that investigators, with an open mind, and without judgment, gather complainants' narratives and investigate them without fear or favour.

1. Preparation and victim engagement

Investigators of sexual crimes must focus on two key elements: a) acts of offending must be particularised but, just as importantly, b) evidence must be gathered from the entirety of the offending 'relationship,' as relevant contextual evidence of what has taken place. This is vital in sexual crime investigations, as victims are typically the only witness to the offending acts themselves. There is often considerable relevant evidence, particularly of grooming behaviours before, during, and after the offence/s.

2. Reviewing complainant evidence and establishing lines of enquiry (investigation management and establishing the points of proof)

Once complainant narratives have been comprehensively gathered, investigators must determine all relevant avenues of enquiry e.g., what was the alleged pattern of behaviour during the extent of the abusive 'relationship,' who are the witnesses and what may they have seen of grooming 1 and 2, or the offences themselves?

They should also consider what evidence may be available via third party materials, or through forensic examination results. All relevant avenues must be followed whether they lead towards or away from the suspect/s.

3. Early advice

Wherever possible, once investigators have established the breadth and depth of available evidence, they should seek early advice from prosecutors/investigating judges, as to what are the relative strengths and challenges in the case. This should assist further evidence gathering, covering of gaps in narratives, minimising the future impact of myths and misconceptions, as well as assisting prosecutors to establish a case strategy.

4. Preparation and engagement with suspects

In optimal practice, suspects should be interviewed once all relevant particularised and relationship evidence has been gathered. A suspect interview plan should be completed. This will involve, at a minimum, detailing what evidence is available and how it should be put to the suspect.

Sexual offending carries significant stigma and punishments in most communities, so suspects are likely to be under considerable psychological pressure and/or distress. Interviewers should follow information gathering, rapport-building strategies, as more aggressive tactics will be counter-productive.

5. Preparing a brief of evidence - case concept/strategy

Once all evidence has been gathered and all interviews conducted, the evidence should be compiled in such a way as to assist prosecutors in developing a case strategy. At a minimum, investigators should, if the case is not to proceed, clearly outline why they have decided to take no further action and explain their decisions to complainants directly, in person, in a compassionate manner. Prosecution and justice systems should also establish processes of case appeal and review.

CONCLUSIONS

Sexual crime investigators require knowledge, attitudes, and skills, which are appropriate to relationship-based crime investigation. The essential tool kit includes an understanding of offender behaviour and its impact on victims, the ability to conduct suspect-focused investigations and establish relevant lines of enquiry from the entirety of the alleged abusive relationship. Investigators must also understand victim-centric and trauma-informed practice and have well-developed communication and interviewing skills. Once investigations are complete, investigators must assist prosecutors by assembling all available evidence to aid development of prosecutorial case strategies.

Sexual crimes affect one in five girls and one in twelve boys worldwide. One in five women and one in twenty men will experience rape or sexual assault and sexual harassment is endemic on every continent.

Sexual crime investigators play a vital role, both forensic and therapeutic, in our efforts to end sexual violence.

COUNTRY EXAMPLES - PROMISING PRACTICES BY THEMATIC AREA

Specialisation

There has been a recognition, in recent times, that relationship-based crimes, including sexual offending, provide challenges that may require investigative and judicial systems to create specialist resources. There are several countries who are utilising specialisms, including Australia.



Australia: Specialist sexual offence and child abuse units/specialist training

States across Australia, notably Victoria Police, Queensland Police, New South Wales Police, and the Australian Capital Territory (ACT)/Australian Federal Police have introduced a variety of reforms and practice improvements.

- Victoria's reforms include: a) Establishing specialist sexual offence and child abuse units, including investigators who undertake specialist training in investigating sexual crimes; b) Forensic interviewers trained in victim-centric and trauma-informed practices, including specialism in interviewing children and people with cognitive impairments; c) Trained intermediaries, assisting evidence gathering and interviews with children and other vulnerable persons; and d) Prosecutors specialising in sexual crime, or investigators attached to prosecutorial departments.
- Queensland's reforms include: a) Providing specialist training for investigators in both adult rape and sexual assault, and child abuse investigation teams; and b) Creating the Taskforce Argos, a branch of the Queensland Police Service tackling online child exploitation.
- New South Wales reforms include: a) Initiating the use of intermediaries in Australia; and b) Providing compulsory training in understanding sexual offending for all investigators.
- ACT/AFP reforms include: a) Providing Australia-wide training in interviewing vulnerable witnesses and specialist sexual crime investigation; and b) Specialist sexual offence investigation training.

Several countries follow some or all of these reforms, including South Africa and the United Kingdom, for example. It is also important to recognise that, where specialisation is not possible, for geographical or economic reasons, some countries who have tried to increase the ability of their general investigators, such as Iceland.

Suspect-focused investigations

The issue of suspect-focused investigation is intrinsically linked to community laws and attitudes towards victims, myths and misconceptions, and victim-blaming. 15 European countries,⁷ out of 31 analysed by Amnesty International, have laws that define rape as sex without consent.

⁷ Belgium, Croatia, Cyprus, Denmark, Finland, Germany, Greece, Iceland, Ireland, Luxembourg, Malta, Spain, Slovenia, Sweden, and the UK.



Sweden: Specialist investigative policing teams

Sweden has introduced specialist investigative teams in policing, so they would be a clear link between specialisation, legislative change, and suspect-focused investigations. It is apparent, from early analysis, that all these changes, including specialisation, have made considerable improvements to victim experience and court outcomes.

The new affirmative consent laws were introduced in 2018 and was followed by police training in investigating rape and sexual assault, which training had not been done before. Between 2019 and 2020, convictions in rape cases rose 75%.⁸



United Kingdom: Controls on third-party materials

The United Kingdom has recently placed controls on what third-party materials investigators can take from complainants, as well as putting in clear policies on how to maintain victim engagement through the process. These are significant improvements and have come about because of specialist focus on sexual crime investigation. This focus has been created, in part, by matters highlighted in critical reports of police behaviour and practice⁹ but also considerable research and practice change, leading to a new National Operating Model (NOM), emanating from the UK's Operation Soteria/Bluestone. The NOM will set national standards of victim-centric and trauma-informed practice for all UK forces (there are 43) to follow, creating standards by which they can be assessed.

Tackling online offending

There have been significant improvements in investigations into online sexual offending, notably Taskforce Argos, in Australia, alongside several multi-agency initiatives, in Europe, the United States, and in Southeast Asia. Such initiatives, encouraging cooperation, requiring States to take steps to protect children, and measuring progress are positive steps, particularly in countering online and cross border offending.¹⁰



ASEAN: Development of a regional action plan against child online exploitation and abuse

The Association of the Southeast Asian Nations (ASEAN) developed a [Regional Plan of Action for the Protection of Children from All Forms of Online Exploitation and Abuse in ASEAN](#) for the period 2021-2025 (with an option to extend from 2026-2030) with the goal of eliminating child online exploitation and abuse through the implementation of the [Declaration on the Protection of Children from All Forms of Online Abuse and Exploitation in ASEAN](#). The Regional Plan provides guidance on the implementation of the seven commitments included in the Declaration and contains recommendations and indicators to support ASEAN Member States in strengthening their legislative and policy frameworks, protection measures and services, and in developing or strengthening national action plans that specifically address online exploitation and abuse of children.

⁸ International Planned Parenthood Federation – European Network, “Anything less than yes is rape: the campaign for a consent-based rape law in Sweden”, 24 November 2022, available at: <https://bit.ly/496mSod>.

⁹ See: <https://www.angiolini.independent-inquiry.uk/>.

¹⁰ See, Norwegian Centre for Human Rights, “Investigative Interviewing”, at: <https://bit.ly/49c1HkB>.

KEY RESOURCES: STANDARDS AND GUIDELINES

UN and international standards and recommendations:

- [Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power](#) (General Assembly resolution 40/34, annex, adopted on 29 November 1985).
- [Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime](#) (Economic and Social Council resolution 2005/20, annex, of 22 July 2005).
- [United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice](#) (General Assembly Resolution 69/194, annex, of 18 December 2014, A/RES/69/194).
- United Nations General Assembly, [Updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice](#) (A/RES/65/228, annex), 2010.
- Office of the High Commissioner for Human Rights, [Istanbul Protocol: Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment](#), 29 June 2002, particularly IV. General considerations for interviews, 3. Disclosure of sexual torture or ill-treatment.

Regional standards and recommendations:

- Association of Southeast Asian Nations (ASEAN), [Declaration on the Protection of Children from all Forms of Online Exploitation and Abuse in ASEAN](#), adopted on 2 November 2019.
- ASEAN, [Regional Plan of Action for the Protection of Children from All Forms of Online Exploitation and Abuse in ASEAN](#), 2021.

Key resources: Practical tools and manuals

- UN Women, [“Accelerating efforts to tackle online and technology facilitated violence against women and girls \(VAWG\)”](#), 2022.
- UN Women, UNFPA, WHO, UNDP and UNODC, [Module 3 Justice and Policing, Essential Services Package for Women and Girls Subject to Violence Core Elements and Quality Guidelines](#).
- UN Women, UNFPA, WHO, UNDP and UNODC, [Module 2 Health, Essential Services Package for Women and Girls Subject to Violence Core Elements and Quality Guidelines](#).
- Convention against Torture Initiative (CTI), [Training Tool 1/2017: Investigative Interviewing for Criminal Cases](#), 2017.
- United Nations Office on Drugs and Crime (UNODC), [Global E-learning course on investigative interviewing](#).
- UN Women and UNODC, [“The Handbook on Gender-responsive Police Services for Women and Girls Subject to Violence”](#), 2021.
- UNODC and WHO, [Toolkit on Strengthening the Medico-Legal Response to Sexual Violence](#), 2015.

- UNODC, [Guidelines for the Forensic Analysis of Drugs Facilitating Sexual Assault and Other Criminal Acts](#), 2011.
- UNODC and UNICEF, [Handbook for Professionals and Policymakers on Justice in Matters involving Child Victims and Witnesses of Crime](#).
- UNODC and UNICEF, [Training Programme on the Treatment of Child Victims and Child Witnesses of Crime - for Law Enforcement Officials](#).
- UNODC, [Handbook on Effective Prosecution Responses to Violence against Women and Girls](#), (p. 30ff).
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Additional guidance

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ANNEX – CASE EXAMPLES

Case example (No.1):

Specialist Sexual Assault Investigative Victim Interviews

Investigators must elicit a detailed account from the victim, using their specialist knowledge to identify any behaviours/grooming used by the alleged perpetrator, to establish a suspect-focused investigation. This will include eliciting from the victim the effect of the suspect's behaviour (without leading them) so that their account dispels the common myths and misconceptions for fact finders. In so doing, investigators will also uncover useful lines of enquiry, to cover with the suspect.

For example:

A woman reports to police that she was raped by her husband, from whom she is now legally separated.

The rape occurred 2 weeks ago. She states that the pair separated 6 months prior to the rape, due to escalating conflict that had occurred over several years. She further states that on the previous Friday night, when she returned home from work, he was standing in the kitchen, drinking wine he had taken from the fridge.

She confronted him about this, as their agreement was that he had moved out, and was not to come round without getting her agreement. He said that he missed her and just wanted to see her, before trying to kiss her. She moved away from him, but he followed. She protested, but he said that it was his house, that she was his wife, and that he loved her. He then pushed her up against the kitchen bench and forcibly kissed her. She tried to push him away but couldn't. She told him she didn't want to do this. He said, 'that's not what you said last week'. She said that was a mistake, and that she wanted him to leave, and that it was over. The man continued to kiss her and rub his hands over her body.

She managed to free herself and went into the bedroom, with the intention of locking herself in the adjacent bathroom. He caught hold of her in the bedroom, and they fell onto the bed. He got on top of her and started to take her clothes off. When she tried to stop him, he slapped her hand away roughly, which she found very painful. He then raped her. When he was dressing after the rape, he told her he loved her, and missed her, and was glad she wasn't giving up on them. Then he left.

A specially trained police investigator understands that the following myths and misconceptions, commonly held in many communities, may lead to the victim's account being dismissed, or viewed as untruthful: she didn't cry out or scream, and her physical resistance was minimal.; she did not have any injuries; she didn't report until 2 weeks later; they had consensual sex one week before the rape.

A specialist trained police investigator would explore victims accounts further, eliciting more detail that may help answer some of the challenges raised by community myths and misconceptions.

For example, in this case, they may have elicited the following:

During the marriage, prior to their separation, the husband would sometimes demand sex. If she refused, he would become forceful and aggressive. While he never caused significant physical injury, he would overpower her and force her to have sex. She learned that if he was in 'that mood' it was over quicker and with less violence, so she 'just gave in and let it happen'. She says this is what she was thinking when he hit her hand away.

She says that the couple did have sex the week before the rape. They had met to discuss the situation and he had brought a bottle of wine. They had drunk the bottle and he had agreed that the marriage was over, apologising for the way he had been treating her over the past few years. They reminisced about the past and talked nostalgically about what it had been like when they first got together. She said that the alcohol, the nostalgia, and the feelings bought on by his apologising, overwhelmed her. They not only had sex, but he had

man stayed the night. In the morning, she felt regretful and told him it was a mistake. He became angry, called her names, yelling that she'd regret it, and stormed out. Later he texted her an apology.

The woman further states that, after the rape, she changed the locks on the house and had contacted a lawyer, officially to start divorce proceedings.

She tells the investigator that she is only reporting the rape now because he is starting to do scary things: When asked what that means, she says he frequently 'shows up' unexpectedly, outside the house and where she goes to for lunch with work colleagues. He was also standing across the road from her work when she left yesterday afternoon and regularly drives past her house. She also saw his car behind her when she was out running, even though she'd changed her usual running time and location.

The specialist investigator would then, sensitively, explore the victim's account for further details regarding aspects of the narrative that may cause problem for the prosecution at Court. For example, to limit what defence may say about her actions when she arrived home (not running), the investigator may ask the victim, "Tell me what was running through your mind when you got home and found him in the kitchen."

At first, I was really annoyed. I was tired, and hungry, and just wanted to relax and have dinner. He wasn't supposed to just let himself in. He wasn't even supposed to have the keys, he'd given them back to me weeks ago. Then, when he started saying he missed me, and loved me, I felt frustrated. Why couldn't he just accept that it was over? I'd told him often enough. I was thinking about how I was going to have to let him down easy again and try and get him out of the house as soon as possible. I didn't think he would do what he did... not at that point, anyway.

The specialist investigator then, sensitively, explores the victims account for further details regarding another aspect of the narrative that will potentially cause issues at Court (not running/lack of resistance) For example, the investigator asks the victim "Tell me what was running through your mind when the man first pinned you against the bench and started to caress your body with his hands" The victim replies,

When he first pushed me up against the bench, and started kissing me, I felt shocked and surprised. He moved so quickly and with no warning. Then when I tried to push him away and he kept kissing me and touching me I just thought 'he doesn't get it'. I thought if I could just get away from him and into the bathroom and lock the door then he'll understand that I really don't want this.

The specialist investigator then sensitively explores the victims account for further details regarding another aspect of the narrative that will potentially cause issues at Court (Lack of resistance, lack of injury etc.) For example, the investigator asks the victim "Tell me what was running through your mind when he was on top of you on the bed. The victim replies,

When he started trying to remove my clothing, I tried to stop him, but then when he hit my hand away very hard, and I suddenly got really frightened. The violence of it... he's never been that scary before. If he hit my face that hard, he'd do some real damage. And he was grunting at me in a weird way, which freaked me out. I didn't know what to do anymore.

In this way, relying on the specialist knowledge and training they have received, and using an approach that uses curiosity instead of challenge, the investigator elicits from the victim a narrative that allows the fact finders to use accurate information to make their decision, rather than assumptions and preconceptions. The investigator is also eliciting information that allows for a more comprehensive and effective suspect interview. For example, instead of focussing only on what happened during the sexual component of the story, the perpetrator can be asked about, for example:

- The extra set of keys he has when he had already handed his back.
- Bringing the wine to the previous meeting.
- The conversations and texts about the relationship being over.

- Her telling him that the previous sexual encounter being ‘a mistake’.
- Him being outside her work, visiting her lunch place, driving past the house, following her when running.
- The comment “that’s not what you said last week” etc.

All these things can be used to maintain a suspect-focused investigation, balancing a focus on her actions with investigation of his mindset and actions, particularly grooming strategies to deny and overwhelm her resistance.

Case example No.2:

Specialist Sexual Assault Investigative Victim Interviews

Investigators must elicit a detailed account from the victim, using their specialist knowledge to identify any behaviours/grooming used by the alleged perpetrator, to establish a suspect-focused investigation. This will include eliciting from the victim the effect of the suspect’s behaviour (without leading them) so that their account dispels the common myths and misconceptions for fact finders. In so doing, investigators will also uncover useful lines of enquiry, to cover with the suspect.

For example:

A woman reports to police that she and a man went out for a meal at a restaurant on a first date. They then agreed to go somewhere else for a coffee. They arrived by taxi at the man’s residence and the woman accompanied him inside. While sitting on a sofa drinking coffee they begin kissing. The man then initiates sex, but the woman moves away, saying that it’s late and she should leave. He continues to kiss her, pulling her back towards him. He moves on top of her and starts to take off her clothes. She stays silent. The following day she reports to police that she was raped.

A specially trained police investigator understands that the following commonly held myths and misconceptions held by the community may lead to the victims account being dismissed or viewed as untruthful:

1. it was a date, and she went back to his place.
2. she didn’t cry out or physically resist.
3. that she didn’t report until the following day

A specially trained police investigator explores their victims account for more detail and elicits the following:

At the conclusion of the meal at the restaurant when the waiter asked if they wanted to have coffee the man said that he knew a place where they could have coffee in more relaxed surroundings. The woman agreed to accompany him to what she believed was going to be a late-night coffee bar.

The man ordered an Uber and when it arrived, they got in. During the drive man and woman had an in-depth conversation. The woman reports being so involved in the conversation that she did not pay attention to where they were going. When they arrived, they exited the car and it drove off. It was at this point that the woman realised they were standing in a suburban street and there was not a cafe in sight. The woman asked the man what was going on and he said he made the best coffee in town, and he had the most comfortable sofa in town. The man invited the woman inside. The woman tells police she felt a bit uncomfortable going inside but didn’t believe she was in immediate danger. She decided to humour him have a coffee and order a cab while she was drinking it.

Once inside the man made a coffee, from an expensive looking coffee machine, before they sat on the couch to drink it. He sat close and within a short time leaned over to kiss her. She liked the man and kissed him back. The man then started to touch her body with his hands. The woman did not want to have sex with this man, so she pushed his hands away. They continued kissing and when he tried again to touch her body, she pushed his hand

away and told him that it was late, and she would go. She then got up and called a cab company, but he came over to her, took the phone out of her hand, and dragged her back down onto the sofa.

The specialist investigator then sensitively explores the victims account for further details regarding any aspects of the narrative that may require fuller explanation. For example, the investigator asks the victim “tell me what was running through your mind when you found yourself standing outside his residence and the cab had driven off”.

At first, I was confused, and I looked around thinking there might be a cafe that I couldn't see straight away. Then, when he said that his place was the best coffee place in town, and that he had the most comfortable sofa, I felt annoyed, and my heart sank a bit. Up to this point I quite liked him, but it felt presumptuous for him to take me to his place on the pretence of taking me to a café. The cab was gone. It was dark, and I didn't even know where I was, so when he invited me inside, I thought I would just go in, have a coffee, and then order a cab. At the time I was a bit unsure, but I didn't feel in any danger.

The specialist investigator then sensitively explores the victims account for further details regarding other aspects of the narrative that fact finders may not readily understand. For example, the investigator asks the victim “Tell me what was running through your mind when the man first started to touch your body with his hands” The victim replies,

When he first started kissing me, I kissed him back and I felt good, excited. Then he placed his hand on my breast over my clothing and started to squeeze and I was not comfortable with that. I did not want to have sex or indeed take it any further than kissing. I used my hand to push his hand away hoping he'd get the hint that I didn't want to go any further than kissing. At first, he seemed OK, but then he placed his hand on my breast again and that's when I thought I needed to leave. I told him it was late and that I wanted to go. I thought he would understand that meant I wanted to stop. I pushed his hand away again and got up to call a cab and that's when he took the phone, pushed me down, and lay on top of me. At that point I thought he's not going to take no for an answer, but I couldn't say anything as he put his hand over my mouth and put his full weight on me. That's when I got really frightened. He was so much bigger, heavier, and stronger than me I didn't know what to do. I wanted to escape but he had me pinned.

In this way, relying on the specialist knowledge and training they have received, and using an approach that uses curiosity instead of challenge, the investigator elicits from the victim a narrative that allows fact finders to use accurate information to make their decision, rather than assumptions and preconceptions. The investigator is also eliciting information that allows for a more comprehensive and effective suspect interview.

Police and other law enforcement actors in all societies play an incredibly important role so that ordinary citizens can go about their daily lives without fear. Professionalism and integrity are fundamental for them to be able to perform their functions safely and effectively. Police and other law enforcement officials contribute to building a fairer administration of justice by maintaining law and order, preventing, and responding to crime and keeping communities safe, while respecting and protecting the rights of suspects, victims and witnesses who come into contact with the criminal justice system. Their work is also central to the fight against torture and other cruel, inhuman, or degrading treatment or punishment (ill-treatment).

Despite a large volume of international, regional and national handbooks, guidelines and other tools on best police practices, awareness, accessibility and training on these standards by policymakers and police practitioners are still a challenge. The resource notes included in this practical resource toolkit for professional, human rights-compliant policing compile existing international law, standards, practices, guides and examples on best ways to improve performance and the protection of human rights. These resource notes can inform police reforms, improve efficiency, fairness and transparency in policing and law enforcement, and reduce risks and incentives to use torture and other forms of coercion.

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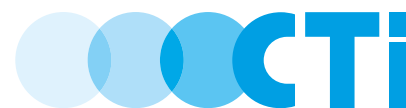
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