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Course Description

Although penal code definitions of criminal sex offenses vary, most are conceptually similar and can be understood by analyzing their elements. This type of analysis is represented in the charts provided with this module. By following the charts and making a series of decisions, law enforcement investigators can determine not only which specific crime was committed but also frame the entire investigative strategy based on the defense that is most likely to be raised. Criminal sex offenses will thus be discussed conceptually in this module; this discussion must be supplemented with information from relevant penal code sections in your own jurisdiction.

Estimated time for completion: 5 hours

OVW Grant Funding

The OLTI was created and continues to be supported with funding from the Office on Violence Against Women, U.S. Department of Justice. However, the opinions, findings, conclusions, and recommendations expressed are those of the authors and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.

Expert Contributions

OLTI training content is created and updated with input from professionals in a variety of disciplines, including law enforcement, prosecution, health care, victim advocacy, and related fields. Please see the acknowledgements page of each module, for a list of the individuals who served as contributing authors or expert reviewers.
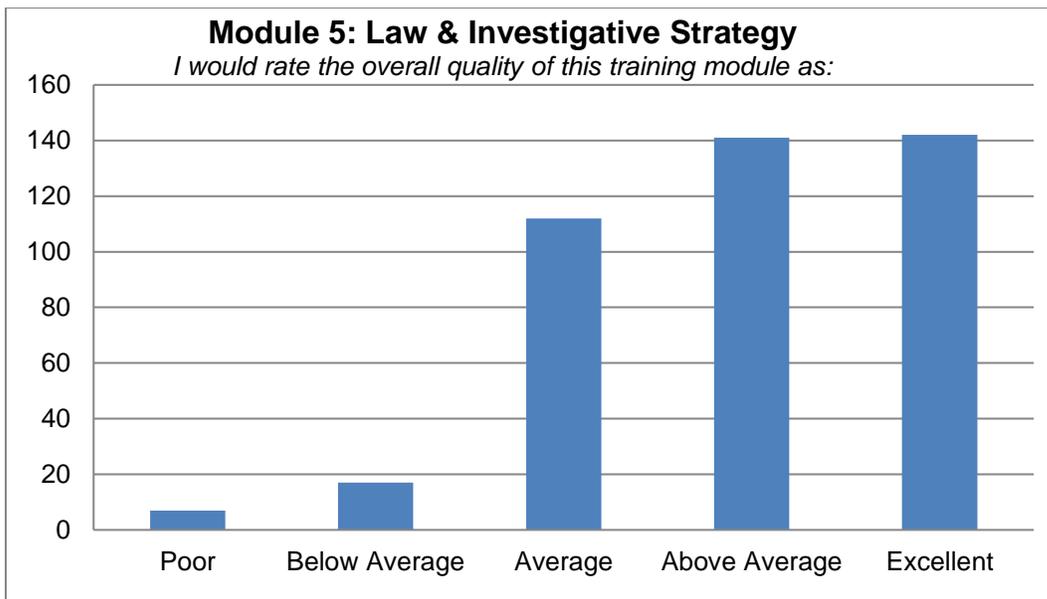
Course Evaluations

At the end of each module participants are asked a number of questions, including the overall quality of the module, as well as its difficulty. They are also asked to indicate how likely they are to apply the information they learned on the job. Their responses are summarized in the following charts, and illustrated with the quotes.
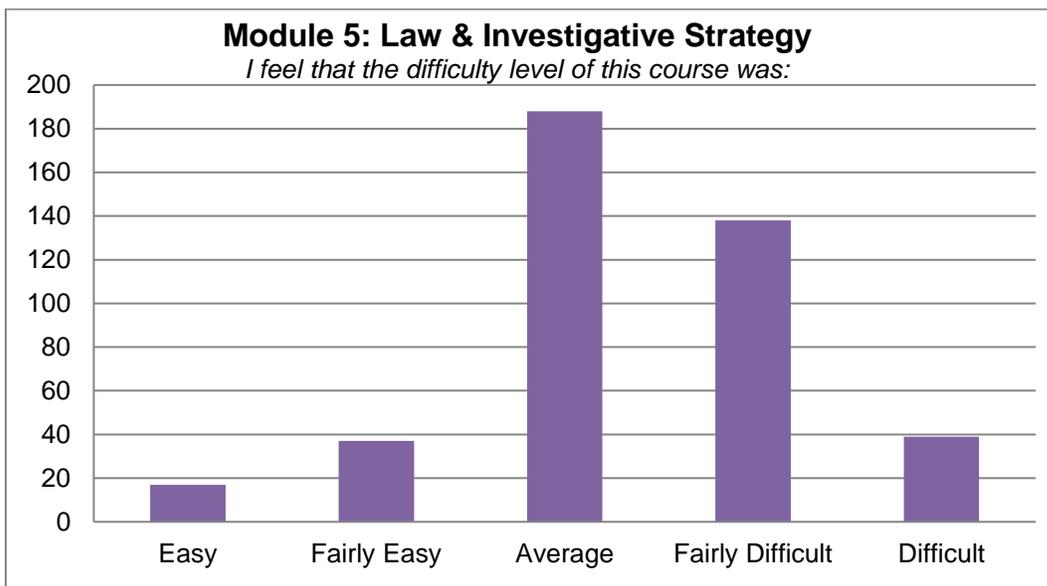
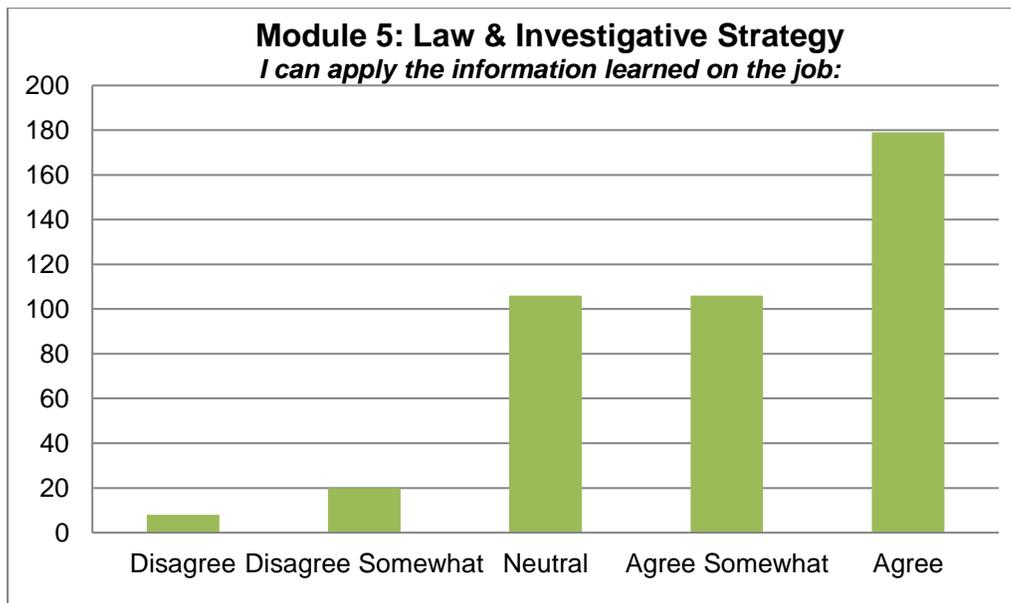> ### *What did you find most helpful in this module?*
>
> The scenarios gave me an idea on what type of offenses they fall under. This is very valuable information.
>
> The aspects of the module that were the most valuable to me was the questions at the end of the module where you applied what you learned to "real world" scenarios.

Module 5: Law & Investigative Strategy
I would rate the overall quality of this training module as:

Rating	Value
Poor	7
Below Average	17
Average	112
Above Average	141
Excellent	142

68% rated the module "excellent" or "above average."

Module 5: Law & Investigative Strategy
I feel that the difficulty level of this course was:

Rating	Value
Easy	17
Fairly Easy	37
Average	188
Fairly Difficult	138
Difficult	39

Module 5: Law & Investigative Strategy
I can apply the information learned on the job:

(bar chart)

Value	Category
~8	Disagree
~20	Disagree Somewhat
~106	Neutral
~106	Agree Somewhat
~179	Agree

68% "agree" and "somewhat agree" that they can apply what they learned on the job.

Course Objectives

At the end of this training module, the learner will be able to:

1. Determine the category of sexual assault case being handled.
2. Given the category of sexual case being handled, predict the defense most likely to be raised.
3. Given the category of sexual assault case being handled and the defense most likely to be raised, develop an investigative strategy designed to overcome a particular defense.
4. Recognize the purposes of associative and reconstructive/corroborative evidence.
5. Apply a conceptual analysis of the legal elements of a sexual assault offense to individual state law.

Course Outline

I. Sexual penetration vs. sexual contact
   a. Determine whether sexual penetration or sexual contact has been committed by the suspect
   b. Investigative strategy: overcoming a denial defense
II. Force, threat, or fear
   a. Determine whether any reported sexual acts (whether penetration or contact) were committed using force, threat or fear – or whether the situation was one in which no force is required for sexual acts to constitute a criminal offense

   b. Victim non-consent issues
   c. Investigative strategy: consent versus identity defense
     i. Identity defense: "you've got the wrong guy"
     ii. Consent defense: "she wanted it"

III. No force required
   a. Unconscious victim
   b. Incapacitated victim
   c. Victims with a disability affecting cognition
   d. Sexual assault based on age and/or position of the suspect
   e. Other situations in which no force is required

IV. Other Types of Evidence
   a. Associative evidence
   b. Reconstructive/corroborative evidence

V. A note regarding repeat offenses