

THE

# YOU HAVE OPTIONS

PROGRAM

PROVIDING VICTIMS OF SEXUAL ASSAULT WITH OPTIONS FOR REPORTING TO LAW ENFORCEMENT.  
PROVIDING LAW ENFORCEMENT WITH INFORMATION TO HOLD SEXUAL OFFENDERS ACCOUNTABLE.



[WWW.REPORTINGOPTIONS.ORG](http://WWW.REPORTINGOPTIONS.ORG)

## Program Overview and Implementation Guide

## **BACKGROUND**

In late 2009 and early 2010, multiple sexual assaults by strangers were reported to the Ashland, Oregon, Police Department. It was rare to receive information about stranger rapes, let alone several within such a short period of time. In investigating these assaults, investigators found that the victims had usually either withheld information that would identify the offender or provided false information about how the assault had occurred; in each of these cases, the investigators still believed that an assault had occurred, just not exactly in the manner that it had been reported.

Ashland, Oregon, has a population of just over 20,000 permanent residents and an additional 7,000 university students. Tourism and retirement services are key economic factors for the city. News of this string of what were initially categorized as stranger assaults shook the sense of safety of the community, and residents responded with vigils and rallies while the city council formed a committee to review law enforcement's response to sexual assault. Taking a hard look at policies and procedures, the Ashland Police Department realized that the lack of accurate information provided by the victims during the investigations was an indication of victims' mistrust of the legal system; in other words, traditional methods of investigating sexual assaults were actually contributing to an environment that kept victims from feeling safe enough to report the details of their victimization as they were able to remember them. Some victims were reporting incomplete or inaccurate information because they were concerned about not being believed or about not being able to remember details of the event.

Clearly, something needed to change. Investigators collaborated with the administration at the Ashland Police Department and looked closely at the most common problem any police department faces when responding to sexual assaults in its community—the astoundingly low rate of reporting. With this in mind, Ashland Police Department's effort to change the investigation of sexual assaults began with identifying the reasons behind low victim report rates and the high rates of inaccurate information provided by those victims that did report the assaults.

Investigators initiated conversations with sexual assault advocates and other experts in the field of sexual assault investigation, response, and prevention. Victims who did report were asked for their assistance in identifying ways the police department could bring positive change to the reporting process and subsequent investigation. This showed the administration that, in order for its efforts to be successful, the focus would need to be on two specific areas: (1) identifying the barriers to reporting faced by victims, and (2) improving the agency's ability to collect and act on information about serial sexual perpetrators within the community.

Any improvements made to the Ashland Police Department's investigation of sexual assaults needed to be beneficial to both law enforcement and the victims; investigators had to find ways to provide both groups with what they needed. Investigators concluded that when a victim is given the ability to control certain aspects of a sexual assault investigation, both law enforcement and the victim will benefit. Law enforcement benefits when victims are allowed to set the pace and parameters of their case because when a victim feels like a true partner in police efforts, he or she will provide more comprehensive information and participate more fully in the investigative and judicial process. Victims benefit because they are provided with the time they need to make a decision that is right for them, independent of the

needs of the criminal justice system. The result of this victim-centered effort is the You Have Options program.<sup>1</sup>

A comprehensive description of the program was featured in a report by the White House Office of the Vice President that highlights promising programs funded by VAWA:

You Have Options is based on the idea that if survivors of sexual assault can control certain aspects of an investigation – like who is contacted and whether an arrest is made – they are more likely to report what happened and participate in a prosecution. And that, in turn, means that offenders are more likely to be caught and held accountable. Formalized in 2012 after several years of research and development, the program is the brainchild of Ashland Police Department Detective Carrie Hull, who saw that concerns unique to sexual assault survivors, like the fear of not being believed or having confidentiality violated, often prompted them either not to report or to find other ways to disengage from the criminal justice system. This dynamic, Hull saw, was compounded by the fact that sex offenders often target vulnerable victims who may appear to lack credibility: abusers know these victims often blame themselves (and hence don't report), or are unlikely to be believed if they do report.

You Have Options gives survivors three reporting avenues: they may give an Information Only Report (which involves no investigation beyond a survivor interview or an inquiry, with her consent, into whether an identified assailant may be a serial perpetrator); they may request a Partial Investigation (which involves some further investigation initiated by law enforcement, and might include the collection of evidence such as a rape kit); or a Complete Investigation (which involves a full inquiry whose goal is a criminal prosecution). Investigators pay particular heed to identifying serial sexual predators via investigative strategies specifically tailored for that purpose.

In addition to the three reporting options, the program requires that officers follow a series of survivor-centered protocols. For example, a survivor need not report in person, but can use an online form or ask an advocate to report for her; survivors may provide as much, or as little, information as they choose, taking time to evaluate their options; officers must help a survivor locate advocacy services; a survivor may be accompanied by an advocate or other support person during all phases of the reporting process and investigation; and officers' interview techniques must be trauma-informed. As a result of this program, the Ashland Police Department has seen a 106% increase in sexual assault reports between January 2009 to December 2013.<sup>2</sup>

## **GOALS OF THE PROGRAM**

The You Have Options Program has three goals:

- 1) Increase sexual assault reporting by eliminating as many barriers to reporting as possible.
- 2) Increase identification and prosecution of sexual offenders.
- 3) Decrease sexual assault victimization.

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<sup>1</sup> Terry Holderness, Susan Moen, and Carrie Hull, "You Have Options: Improving Law Enforcement's Response to Sexual Assault," *The Police Chief* 81 (December 2014): 30–33.

<sup>2</sup> [http://www.whitehouse.gov/sites/default/files/2014\\_vawa\\_report.pdf](http://www.whitehouse.gov/sites/default/files/2014_vawa_report.pdf)

## **PURPOSE**

Agencies participating in the You Have Options Program receive training in law enforcement options for sexual assault reporting and best practice law enforcement strategies to assist in the identification and investigation of sexual offenders. These law enforcement agencies recognize the need for a victim-centered and offender-focused response to sexual violence. The traditional law enforcement response to sexual violence tends to discourage sexual assault victims from seeking assistance through the criminal justice system. As a result, often law enforcement doesn't receive the information necessary to hold sexual offenders accountable, and those offenders go on to victimize additional persons.

The You Have Options Program focuses on changing two areas in the law enforcement response to sexual violence: Increasing the number of victims who report to law enforcement, and thoroughly investigating identified offenders for serial perpetration. A small percentage of the population commits a large number of sexual assault offenses. Utilizing the victim-centered and offender-focused strategies of the You Have Options Program allows law enforcement to work collaboratively and gather the information necessary to identify and successfully investigate serial sexual predators.

## **COLLABORATION**

Law enforcement agencies participating in the You Have Options Program mutually agree that sharing best practice techniques, strategies and methods in the field of sexual assault reporting and investigation increases the effectiveness of the law enforcement response to sexual violence. This collaborative approach ensures the sharing of knowledge and resources while reducing the duplication of efforts. To aid in this objective the participating agencies have unrestricted access to the law enforcement portal on the You Have Options Program national website [www.ReportingOptions.org](http://www.ReportingOptions.org) for the length of time a signed Memorandum of Understanding remains in effect.

Collaboration between law enforcement and those that are victimized must also occur, both during the reporting process and any subsequent investigation. Participating law enforcement agencies agree that reasonable efforts will be made to address barriers victims face when reporting a sexual assault to law enforcement and when working with law enforcement during an investigation. Each participating agency understands a sexual assault victim's wants and needs may at times be in conflict with the criminal justice process and agree to place the victim's preference first when legally possible to do so.

## **WHAT'S BEING SAID ABOUT THE YOU HAVE OPTIONS PROGRAM**

*"I was given options. I was given validation in telling my story. I said this bad thing happened to me and I was believed. For me that's justice."*

- Sexual assault victim after reporting to a You Have Options Law Enforcement Agency

*"This is truly compassionate police work and it's also really smart police work."*

- City Councilor Pam Marsh

*"I firmly believe that if every police agency in the country adopted the You Have Options Program model, sexual assault investigation AND prosecution would be radically transformed."*

- Dr. David Lisak

*"I wasn't sure in the beginning if I could go to trial but you still put in the effort and now he's in prison. I would never have worked with police without this program. Thank you for changing my mind about cops."*

- Sexual assault victim after her attacker was sentenced

*"If this format would have been available for my loved one, so much suffering would not have happened during the report and investigation. Helping survivors report holds the potential to save so many from this horrible crime and its aftermath."*

- Community Member

*"Four out of five rapes that are reported to the police are never prosecuted. Simply unacceptable. We must provide survivors of campus sexual assault with options for reporting to police that are beneficial to both law enforcement and survivors. This will encourage more survivors to come forward to pursue justice and ultimately leave more cooperative witnesses and better information to send to district attorneys to prosecute. The Ashland Police Department in Ashland, Oregon had developed a model for investigating sexual assault that strives to achieve these goals called the You Have Options Program. The department found that by using trauma-informed investigative techniques and allowing victims to provide as much or little information about the assault as they choose, in a time frame that they feel comfortable, the department can actually increase reporting and collect better evidence."*

- New York Senator Kirsten Gillibrand

*"We know that only a small percentage of sexual assaults are reported to the police. Victims believe they will not be treated fairly or will be re-traumatized throughout the process. As more investigators, both law enforcement and campus judicial investigators, are trained in trauma-informed investigative techniques I believe the way we handle campus sexual assault cases will improve. The You Have Options Program, pioneered in Ashland, Oregon, is a good example of how this training works."*

- Cornell University Police Chief Kathy Zoner

*"The You Have Options Program Introductory Session was exceptional. I would like to share that one our sergeants returned from the training and began using FETI interview techniques right away. Our agency had a case prior to the training in which we were not able to gather much information from the survivor. The sergeant reconnected with the survivor and asked if she would sit down and talk with him again. She agreed and we were able to obtain so much more information. The survivor said she felt "heard" and was very pleased with the process."*

- Lieutenant Ava Snyder, UC Berkeley Police Department

*"I am very very impressed with how your department is handling sex crimes. I know lots of officers that think most reports are false and that the real ones are the ones that don't get reported. This can be so frustrating and counter productive. That attitude helps no one. I was happily surprised to see that Ashland is totally different. It's awesome to see that the entire department, including administration, are being offensive on this issue I truly believe that if officers and detectives handled things differently they would be very successful in clearing this silent problem out of their jurisdictions. I am hopeful that all cities around the country will follow suit with your system once they realize that it works. It is so unique."*

- Sexual Assault Nurse Examiner

## FUNDING

At every available opportunity the You Have Options Program will provide training, curriculum and other program materials at low or no cost to all You Have Options Participating Law Enforcement Agencies. The You Have Options Program is designed to have as little impact as possible on the budgets of those who implement the You Have Options Program.

Participating Law Enforcement Agencies commit to fund the following items associated with implementation of the You Have Options Program:

- Designation, training and staff time for a You Have Options Program Administrator(s)
- Designation, training and staff time for a You Have Options Trainer(s)
- Training of department personnel
- Online report form submissions
- Software for You Have Options Database (database provided)
- Minor fees associated with national website hosting and maintenance

## 20 ELEMENTS OF A VICTIM-CENTERED AND OFFENDER-FOCUSED YOU HAVE OPTIONS PROGRAM LAW ENFORCEMENT RESPONSE

All law enforcement agencies that participate in the You Have Options Program believe in providing victims of sexual assault with as much control over their report and any subsequent criminal investigation as the law allows. Unless legally mandated (e.g., certain instances of domestic violence; when the victim is under 18; when a victim is in continuing physical danger) or in other rare circumstances such as a significant threat to public safety, the following 20 Elements of a Victim-Centered and Offender-Focused You Have Options Law Enforcement Response, at a minimum, shall be offered during every sexual assault report and/or investigation:

- 1. A victim of sexual assault is offered three options for reporting: Information Only, Partial Investigation or Complete Investigation.**
  - a. An Information Only Report includes any report of sexual assault where, at the reporting party's request, no investigative process beyond a victim interview and/or a complete or partial Inquiry into Serial Sexual Assault (ISSA) is completed.
  - b. A Partial Investigation includes any report of sexual assault where some investigative processes beyond the victim interview and a complete or partial Inquiry into Serial Sexual Assault (ISSA), have been initiated by law enforcement. This may include, but is not limited to, interviewing of witnesses and collection of evidence such as a sexual assault forensic examination (SAFE) kit.
  - c. A Complete Investigation includes any report of sexual assault where all investigative procedures necessary to determine if probable cause exists for a criminal sexual assault offense have been initiated and completed.
  - d. A sexual assault victim may change from an Information Only report to a Partial or Complete Investigation at any time.
  - e. A sexual assault victim may initially request a Complete Investigation and change to a Partial Investigation at any time prior to the conclusion of all investigative processes.

- f. It is the recommendation of the You Have Options Program to not list a person as a “suspect” unless all investigative processes have been completed (Complete Investigation), or in the case of a Partial Investigation the investigative processes completed have shown probable cause to believe the crime reported occurred. However, each individual agency may determine how it chooses to list a reported perpetrator in its report writing system (ie Person, Suspect, Involved). A reported perpetrator’s known biographical information, such as a name and birth date, shall be included in the report to aid in identifying serial perpetration.
    - g. Victims of sexual assault are encouraged to report even if they never intend to pursue criminal charges against the person who assaulted them.
- 2. A victim or other reporting party may remain anonymous and still have the information they provide documented by a You Have Options Program Law Enforcement Agency.**
  - a. Sexual assault information received from any of the reporting options shall be documented in written form and retained in a way that best preserves a victim’s options and supports retrieval at a later date to aid in identifying serial sexual perpetration. If legally permissible, no report of sexual assault shall be purged or deleted from a law enforcement agency’s records system.
  - b. All information received on a reported sexual assault shall be documented regardless of the apparent credibility of the reporter or apparent veracity of the information being provided. Failure to document all available information inhibits the ability of investigators to identify serial sexual perpetration.
  - c. Investigating officers shall respect the decision of the reporter and not initiate in-person contact.
- 3. A victim or other reporting party may have questions answered regarding their options for reporting and/or a criminal investigation prior to providing any identifying or incident information to law enforcement.**
- 4. A clear explanation of the reporting process and/or investigative procedures will be provided by a law enforcement officer if requested by the victim.**
  - a. This is facilitated by the website [www.ReportingOptions.org](http://www.ReportingOptions.org) and additional victim information sheets provided by the You Have Options Program.
- 5. When making a report there is no requirement to meet in person with a law enforcement officer. For example, a victim or other reporting party may report using an online form or a victim may choose to have a sexual assault advocate report on their behalf.**
  - a. Victims who choose to report through a third-party, such as a sexual assault advocate, maintain their chosen level of confidentiality while still providing to law enforcement important information on serial sexual perpetration. With a victim’s permission, law enforcement has the ability to contact the victim through the third-party.
- 6. Reasonable efforts will be made to allow the victim or other reporting party control over the location, time and date where their initial report is made to law enforcement.**

- a. If accommodations are unable to be made as requested by a victim or reporting party, a clear explanation as to why shall be provided by the law enforcement officer.
- 7. A victim or other reporting party may provide as much, or as little, information as they choose with no time limitations or restrictions on when the information is given to law enforcement.**
  - a. Information obtained on an incident outside the current statute of limitations shall be documented to assist in identifying serial sexual perpetration and/or in other investigations.
- 8. Law enforcement officers will offer assistance in locating sexual assault advocacy services to every person reporting.**
  - a. The physical and mental health and welfare of every victim of sexual assault shall be the priority at all times.
  - b. Not all victims of sexual assault request or want the services of a sexual assault advocate, and care should be taken to respect each victim's individual decision.
  - c. Additional confidentiality and victim safety concerns should be considered when contacting sexual assault advocacy, particularly in rural communities and/or in communities where the victim may personally know the advocate.
- 9. A victim may be accompanied by a sexual assault advocate or other appropriate support person during all phases of the reporting process and criminal investigation.**
  - a. If necessary, a clear explanation will be provided to a victim if his/her selected support person is not appropriate, such as a person who was a witness to the assault.
- 10. A victim, or other reporting party, may end an interview with law enforcement at any time without having to provide a reason.**
- 11. After making a report, a victim or other reporting party will not be pressured to participate in a criminal investigation.**
- 12. Reasonable efforts will be made to meet the needs of the victim and address any barriers the victim faces in providing information to law enforcement during the reporting process.**
  - a. Each victim reporting a sexual assault will have unique needs and circumstances that influence the decision to report. Often law enforcement has means of addressing the reasons why a victim may be hesitant to report. Working in coordination with the sexual assault victim, and his/her advocate if applicable, to identify and address these barriers is a core component of the You Have Options Program.
  - b. Understanding that each victim's individual situation is unique, investigating officers shall attempt to view the reporting process from the victim's perspective and not assume what barriers a victim faces when reporting sexual assault.
  - c. Many barriers such as fear of reporting to a certain gender, lack of transportation to the interview location or hesitancy to enter a law enforcement facility may be readily remedied by law enforcement if known.



- d. By addressing the barriers victims face when reporting sexual assault, and thereby increasing the number of sexual assault reports, investigators receive information they would otherwise never have had access to.

**13. Law enforcement officers will conduct victim interviews in a trauma-informed manner.**

- a. Reasonable efforts shall be made to limit the number of times a victim is interviewed regarding the assault.
- b. The victim's safety, cognitive impairment and mental health shall be taken into consideration prior to any interview.
- c. Victim statements shall be documented in a manner best allowing for an accurate record of the victim's exact statements, not a synopsis of the interviewer's perception of what was said. Paraphrasing can impart a different meaning. It is strongly recommended that, with a victim's consent, all victim interviews be audio and/or video recorded. This method of documentation allows the written record to most accurately reflect the actual words spoken by a victim or reporting party, and removes the chance for inconsistencies between the victim's and interviewer's recall of the interview.

**14. Reasonable efforts will be made to meet the needs of the victim and address any barriers the victim faces when participating in a sexual assault investigation.**

- a. Each victim of sexual assault will have unique needs and circumstance that influence the decision whether to continue with a criminal investigation. Often law enforcement has means of addressing the reasons why a victim may be hesitant to pursue charges against the person who assaulted them. Working in coordination with the sexual assault victim to identify and address these barriers is a core component of the You Have Options Program.
- b. Understanding that each victim's individual situation is unique, investigating officers shall attempt to view the investigative process from the victim's perspective and not assume what barriers a victim faces when participating in a sexual assault investigation.

**15. A victim's right to keep the assault confidential shall be respected. When legally permissible, no person (outside of a law enforcement agency) shall be notified that the victim has reported without the victim's consent. This includes the interviewing of identified witnesses and perpetrators.**

- a. Investigators shall make reasonable efforts to only initiate processes that will maintain the victim's requested level of confidentiality.
- b. Participating law enforcement agencies who do not have personnel designated as Title IX responsible persons, 20 U.S.C. § 1681(a), (most often non-campus law enforcement agencies) shall be careful to restrict information-sharing with any institution with Title IX mandated reporting requirements for sexual assault, unless the victim consents to the information dissemination after being informed of how the institution's Title IX policy may limit the victim's ability to remain confidential.
- c. Participating law enforcement agencies who do have personnel designated as responsible persons in relation to Title IX (most often campus law enforcement agencies) shall make reasonable efforts to inform persons considering reporting about Title IX requirements that may limit their ability to remain confidential within the

campus administrative process. Title IX does not impact a sexual assault victim's ability to remain confidential in the criminal justice process and campus sworn law enforcement shall, when legally able to do so, only initiate processes that maintain the victim's requested level of confidentiality during the criminal process.

- d. Participating law enforcement agencies shall take reasonable steps to inform sexual assault victims prior to a report being made when their requested level of confidentiality may not be legally permissible. For example, listing on the participating agency's "report" page on [www.reportingoptions.org](http://www.reportingoptions.org) common situations (ie domestic violence, child abuse investigations, Title IX requirements) when the participating law enforcement agency may not be able to keep a report confidential.
- e. Non-campus law enforcement agencies are encouraged to share information with appropriate campus personnel regarding reported sexual violence related to that campus when the sharing of that information does not impact the victim's requested level of confidentiality.

**16. Investigators will utilize strategies to identify and document serial sexual perpetration, such as the Inquiry into Serial Sexual Assault (ISSA).**

- a. Serial perpetration strategies include, but are not limited to: focusing on how a suspect made the victim vulnerable, accessible and appear to lack credibility and identifying those who can corroborate that behavior; identifying witnesses to the victim's and suspect's behavior prior to and after the assault; and identifying opportunities for corroborative intelligence that can reveal motive, premeditation and/or information that may lead an investigator to additional victims.
- b. If reasonably possible, investigative strategies conducted by the investigating officer shall be discussed with the victim prior to their execution.
- c. Investigators shall make reasonable efforts to only initiate processes that will maintain the victim's requested level of confidentiality.

**17. Investigators will collaborate with victims during the investigative process and respect a victim's right to request certain investigative steps not be conducted. Criminal investigations will be conducted at a pace set by the victim, not the law enforcement officer.**

- a. At a victim's request, reasonable efforts will be made to collect and store evidence regardless of the victim's decision on whether to proceed with charges or participate in a Complete Investigation.
- b. Investigating officers will keep victims of sexual assault informed regarding the status of the investigation.
- c. Victims will be informed that no case can proceed to arrest or referral to an office of prosecution until the investigative process is complete.

**18. A victim may disengage from a criminal investigation at any time prior to an arrest being made or the case being referred to an office of prosecution. There is no requirement that an explanation be given by the victim to law enforcement.**

**19. If legally permissible and probable cause exists for a crime, no arrest or referral to an office of prosecution will occur without the consent of the victim. All You Have Options Law**

**Enforcement Agencies respect the choice of every victim who reports a sexual assault, and understand that justice is not the same for every person who is victimized.**

- a. Investigating officers shall offer options and not advice or directives. For example, it is never appropriate for any officer to tell a victim that they should cooperate with an investigation in order to prevent the sexual offender from assaulting others. The responsibility to not harm is the offender's, not the victim's.

**20. Criminal investigations that do not result in arrest or referral to an office of prosecution will be classified as "inactive", or the individual agency's equivalent, unless found baseless or false, allowing for the investigation to be re-opened in the future at a victim's request and/or if additional information is discovered.**

In addition to the 20 Elements of a Victim-Centered and Offender-Focused You Have Options Law Enforcement Response all You Have Options Participating Law Enforcement Agencies commit to:

- Prioritize medical and advocacy resources for every victim who reports a sexual assault, regardless of their decision to prosecute the offender and/or choice to assist law enforcement with an investigation.
- Provide non victim-blaming education to community members within the agency's jurisdiction on the importance of sexual assault reporting and the reality of sexual assault perpetration, to include education on why an increase in the number of sexual assault reports should be viewed as a reflection of a more accurate picture of victimization.
  - Focus shall be on how sexual offenders target victims who are vulnerable, accessible and appear to lack credibility because often such victims are unlikely to report to law enforcement, and if they do report they may not be believed. Identification and documentation of serial sexual offending is a way to combat this manipulation by the offender of both the victim and the traditional criminal justice system.
  - Caution shall be used when providing any community education regarding risk reduction strategies, to avoid shifting the focus from the offender's responsibility to not commit a sexual assault. For example, risk reduction strategies should be framed by how the perpetrator targets victims (i.e. intoxicated and/or isolated persons) instead of how a victim's behavior allowed an assault to occur (i.e. a victim consumed alcohol and therefore made herself/himself available to a perpetrator).
- Train and hold accountable every member of the participating agency, sworn and non-sworn, for the same victim-centered and offender focused response as outlined in the Memorandum of Understanding.
  - Investigating officers are expected to view the sexual assault incident and any additional relating factors from the victim's perspective and circumstances instead of their own.
  - Investigating officers are expected to maintain a level of understanding in regards to: Collaboration with advocacy, barriers to reporting, using the language of non-consensual sex in reporting writing, increased barriers faced by marginalized populations, reasons victims provide false information, the reality of false reporting, trauma-informed victim interviewing, the impact of Title IX on victim confidentiality, investigative strategies, sexual assault dynamics and serial perpetration. The You Have Options Program will provide no-cost curriculums on these training areas and/or

provide resource information for endorsed instructors and organizations that can offer advanced instruction on these areas to agency personnel.

- Promote an environment within their agency in which victims of sexual assault are not judged or blamed for their assault and instead are treated with dignity, sensitivity and courtesy.
- Not polygraph victims reporting a sexual assault. A polygraph examination of a victim shall not be requested, required, or conducted as a condition for proceeding with the investigation of the crime.
- Not arrest any person for filing a false report of sexual assault without evidence beyond a recantation to support the false report charge. Additionally, Participating Law Enforcement Agencies agree that if corroboration does exist, careful consideration will be given prior to initiating an arrest for false report. The Participating Agency understands that often evidence-supported false reports are the result of emotional problems and false report arrests deter other victims of sexual assault from reporting. Consideration of these factors should be made in cases where no reported perpetrator was named and/or impacted by the false report.
- Identifying alternative options other than an immediate arrest of a victim for criminal activity he/she engaged in related to the assault.
- Not require any victim of sexual assault to sign a waiver stating they do not want to participate in an investigation.
- Not list any victim who chooses to disengage from the reporting and/or investigative process as “uncooperative.”
- Gather data on each report and/or investigation of sexual assault reported to the Participating Agency utilizing the database provided by the You Have Options Program, or an equivalent database already in use by the Participating Agency. Database requirements will be clearly outlined by the You Have Options Program.
- Provide four (4) quarterly reports of requested data to the You Have Options Program Manager from the database provided by the You Have Options Program. The You Have Options Program will not release any information from the data provided by the Participating Agency that will identify the Participating Agency in relation to the data without the express permission of the Participating Agency.
- Participate in a local Sexual Assault Response Team (SART) if available.

### **RECOMMENDED BEST PRACTICES**

The following are recommended best practices, and while not required for program participation, should be carefully considered by all You Have Options Program Participating Agencies:

- **Working with Community-Based Advocacy**

While there is no requirement for You Have Options Participating Law Enforcement Agencies to coordinate their responses to sexual violence with advocacy agencies within their jurisdiction, doing so is strongly recommended. The availability of a community-based advocate who is not associated with the criminal justice process (i.e. advocates within an office of prosecution or law enforcement agency) for sexual assault victims cannot be overstated. Participating Agencies that work on strengthening their relationship with community-based advocacy, and other available advocacy resources, will benefit as victims often test the law enforcement reporting process by first seeking out information via advocacy. Advocates who are familiar with the You Have Options reporting and investigative process will be better equipped to provide accurate options to sexual assault victims. Training as a team of law enforcement and advocacy together is encouraged as a way to facilitate the building of this important professional relationship between law enforcement and advocacy.

- **Soft Interview Room**

Participating Agencies are encouraged to provide a room specifically designed to facilitate comfort during the victim interview and any additional investigative meetings. Standard interview rooms may reinforce a victim's belief they are the one being investigated or that the interview is more of an interrogation. Participating Agencies are encouraged to provide photographs of their "soft" interview rooms for placement on the Participating Agencies page on [www.ReportingOptions.org](http://www.ReportingOptions.org) as an additional way to show victims the steps the Participating Agency is taking to facilitate their comfort during the reporting and investigative process.

- **Forensic Experiential Trauma Interview (FETI)**

Participating Agencies are encouraged to train their personnel in the Forensic Experiential Trauma Interview for use in victim interviewing. Developed by Russell Strand, a retired U.S. Army CID special agent and the current chief of the Family Advocacy Law Enforcement Training Division at the U.S. Army Military Police School, this interviewing technique reduces the inaccuracy of information obtained during the interview process and enhances the understanding of the victim's experience, taking into account how stress and trauma impact memory. The You Have Options Program will assist all Participating Agencies in locating opportunities for their personnel to receive training on this method of interviewing.

- **Retention of Sexual Assault Evidence**

Participating Agencies are encouraged to adopt a policy for collecting, processing and storing forensic sexual assault evidence that focuses on the retention of evidence to preserve victim and investigative options and assist in the identification of serial sexual offenders. The You Have Options Program will provide policy examples at the request of any Participating Agency.

- **Outside of Jurisdiction Reports**

Participating Agencies are strongly encouraged to never turn away a victim who initiates a sexual assault report when it is determined the incident they are reporting occurred in another jurisdiction. In these instances, best practice is to either initiate a "courtesy report" or directly assist the victim with their report to the jurisdiction of incident. Participating Agencies are expected to understand victims often do not understand law enforcement venue requirements and when told they need to report to another agency, may conclude instead that law enforcement does not want their information. Too often these victims never report to the agency they were referred to. By taking a "courtesy report" or assisting the victim with the report to the jurisdiction of incident, the law enforcement agency is affirming for the victim that

his/her information is important; this may keep the victim engaged in the criminal justice process.

## **IMPLEMENTATION OF THE YOU HAVE OPTIONS PROGRAM**

A law enforcement agency is designated as a certified You Have Options Program Participating Agency only after demonstrating a discernible and meaningful commitment to the elements of the program. Certification as a You Have Options Program Participating Law Enforcement Agency does not occur until the steps in a Implementation Action have been successfully completed and confirmed by the You Have Options Program Manager or their designee. The Implementation Action is a process undertaken directly by a law enforcement agency's Program Administrator and the You Have Options Program Manager.

The implementation process begins with a law enforcement agency signing the You Have Options Program Memorandum of Understanding which demonstrates their intent to participate in the program. At the successful conclusion of the implementation process a designee of the You Have Options Program will sign the same Memorandum of Understanding thereby designating the agency as a Certified You Have Options Program Participating Law enforcement Agency.

The implementation process a law enforcement agency undergoes prior to becoming a certified You Have Options Program Participating Agency provides assurance to victims of sexual assault that those law enforcement agencies listed within the You Have Options Program are all equally committed to providing options for both sexual assault reports and investigations within their agencies. Additionally, this process seeks to ensure that all participating agencies are in fact implementing or already offering the elements of the program. Law enforcement agencies that claim to be participants of the program without adhering to the program elements decrease the benefits to those participating agencies that have committed to a more positive and effective law enforcement response for victims of sexual assault. For this reason, law enforcement agencies that do not demonstrate actual participation with the program will not be accepted in the You Have Options Program.

To remain certified as a You Have Options Participating Law Enforcement Agency each agency is obligated to offer sexual assault victims the program elements as allowed by law. As such, participating agencies should move through the implementation process at a pace that truly allows their department personnel to understand and consistently offer the program elements to sexual assault victims. In order to provide the most effective program to all participating agencies, those that willfully disregard the purpose of the You Have Options Program will be removed from the national website and lose their certification.

The following checklists are provided to aid in implementation of the You Have Options Program and assist agency administrators and trainers with determining if their agency is ready to be listed on ReportingOptions.org as a Certified You Have Options Program Participating Law Enforcement Agency. It is suggested to only mark the box next to each item when it is actually true for your agency or the task is completed. There are no time limitations on implementing the You Have Options Program and agencies are encouraged to move through the process in a manner that works best for their individual jurisdiction.

### **PARTICIPATING AGENCY WEBSITE PAGE:**

- Picture of law enforcement agency for use at top of page
- Message from the participating agency's department head
- Online Report Form
- Description of how to report by phone
- Description of how to report in person
- Pictures depicting location of the participating agency
- Pictures depicting room victim is likely to be interviewed in
- Community-based advocacy resources
- Systems-based advocacy resources (police/office of prosecution/courts)
- Sexual Assault Forensic Examination resources
- Description of when information may not be kept confidential or private
- Link to law enforcement agency's website
- Listing of YHOP Administrators and Trainers
- Comment form

### **DATABASE**

- Data will be gathered from each report/investigation of a sexual assault.
- Enter minimum of 10 test reports prior to entering reportable data.
- Train personnel who will be completing hard copy forms.
- Train personnel who will be entering form information into database.
- Provide four quarterly reports of data each year.

### **AGENCY KNOWLEDGE OF THE PROGRAM, 20 ELEMENTS and MOU:**

To provide the most uniform response participating agencies are strongly encouraged to provide training to the following agency personnel prior to being listed on ReportingOptions.org.

- Patrol Officers
- Supervisors
- Training Officers (FTO/PTO)
- Agency-Based Advocacy
- Administration
- Evidence Technicians
- Non-sworn personnel who may come in contact with sexual assault victims (front office/records/etc)
- Dispatch
- Reserve Officers
- Volunteers
- Cadets

### **SUGGESTED COMMUNITY LOCATIONS TO EXTEND KNOWLEDGE OF THE PROGRAM:**

The following is a list of suggested locations to provide information on the You Have Options Program. Participating agencies are not expected to have provided education to those below prior to being listed

on ReportingOptions.org and are instead encouraged to engage continually with these community partners as time allows. This list is not exhaustive of all community partners and is intended to generate ideas for outreach.

- City Council / Government
- Fire Department (paramedics may be first contact with an acute victim)
- College / Campus Environment
- Community-Based Advocacy
- Offices of Prosecution
- Sexual Assault Nurse Examiners
- Prosecution-Based Advocacy
- Court-Based Advocacy
- Secondary Education Facilities
- Law Enforcement Agencies Sharing Jurisdictional Borders
- Media
- Urgent Care Facilities
- Hospitals
- Health Centers / Planned Parenthood
- Mental Health Facilities / Therapy Centers

**Information provided to sexual assault victims both on ReportingOptions.org and by participating agencies within their community shall be consistent and true for all participating agencies. To assist in that objective confirm the following is true for your agency:**

**ONLINE REPORT FORMS:**

- Online reports can be made by someone other than the victim.
- Online reports require no identifying information of the person completing the form.
- Online reports do not require any fields on the form to be completed.
- Online report content is consistent with other participating agency online report forms.
- Level of contact requested by the person submitting an online form shall be respected by the participating agency if allowed by law.
- If online report is submitted by someone other than the identified victim reasonable attempts to contact that victim prior to initiating any criminal investigation shall occur. If contact is made that victim's request regarding investigative procedures shall be respected if allowed by law.

**WORKING WITH ADVOCACY:**

- An advocate may report on a victim's behalf and still have all shared information documented with a case number.
- Agency personnel who are likely to come in contact with sexual assault victims are able to provide information on available sexual assault advocacy services and sexual assault forensic examinations.
- Law enforcement officers will offer assistance in locating sexual assault advocacy services to every person reporting.
- Each victim's individual decision regarding advocacy services will be respected.



- Additional confidentiality and victim safety concerns will be considered when contacting sexual assault advocacy, particularly in rural communities and/or in communities where the victim may personally know the advocate.
- When possible community-based and systems-based advocacy will be encouraged to attend department training related to the You Have Options Program.

## **CONFIDENTIALITY**

- A victim's right to keep the assault confidential will be respected. When legally permissible, no person (outside of a law enforcement agency) will be notified that the victim has reported without the victim's consent. This includes the interviewing of identified witnesses and perpetrators.
- If a person calls and states they would only like to speak with an officer to learn about options for reporting and does not want their identifying information documented in a report that request shall be respected if allowed by law.
- Investigators will make reasonable efforts to only initiate processes that will maintain the victim's requested level of confidentiality.
- Care will be taken to restrict information-sharing with any institution with Title IX mandated reporting requirements for sexual assault, unless the victim consents to the information dissemination after being informed of how the institution's Title IX policy may limit the victim's ability to remain confidential.
- When known, reasonable steps will be taken to inform sexual assault victims prior to a report being made when their requested level of confidentiality may not be legally permissible.
- Information with appropriate campus personnel regarding reported sexual violence related to that campus will be shared when that information does not impact the victim's requested level of confidentiality.
- Investigators shall make reasonable efforts to only initiate processes that will maintain the victim's requested level of confidentiality.

## **DOCUMENTATION:**

- Sexual assault information received from any of the reporting options shall be documented in written form and retained in a way that best preserves a victim's options and supports retrieval at a later date to aid in identifying serial sexual perpetration.
- If legally permissible, no report of sexual assault shall be purged or deleted from the agency's records system.
- All information received on a reported sexual assault shall be documented regardless of the apparent credibility of the reporter or apparent veracity of the information being provided.
- All online reports received, regardless of their veracity, are documented with a case number and include all details shared by the person completing the form.
- A person who reports a sexual assault outside the participating agency's jurisdiction shall still have the information provided documented in a "assist agency" report that is forwarded appropriately.
- Information obtained on an incident outside the current statute of limitations will be documented to assist in identifying serial sexual perpetration and/or in other investigations.

- A person who reports in-person but declines to provide identifying information shall still have the information they provided documented with a case number and a report to include all details provided.
- Persons reported as sexual assault perpetrators will not be listed as a “suspect” unless all investigative processes have been completed or where investigative processes completed have shown probable cause to believe the crime reported occurred.
- A reported perpetrator’s known biographical information, such as a name and birth date, shall be included in a report (with assigned case number) to aid in identifying serial perpetration.
- A report of sexual assault without an identified victim (ie anonymous online report, anonymous in-person report, third-party report with no victim contact) will not be classified as a sexual assault report for purposes of UCR data.
- A report of sexual assault with an identified victim or a report of sexual assault with an unidentified victim and evidence collection or other corroborative information (anonymous SAFE kit, witness statement) shall be documented as a sexual assault report for purposes of UCR data regardless of the apparent veracity of the report.
- Victim statements will be documented in a manner best allowing for an accurate record of the victim’s exact statements, not a synopsis of the interviewer’s perception of what was said. With a victim’s consent, all victim interviews will be audio and/or video recorded.
- Criminal investigations that do not result in arrest or referral to an office of prosecution will be classified as “inactive”, or the individual agency’s equivalent, unless found baseless or false, allowing for the investigation to be re-opened in the future at a victim’s request and/or if additional information is discovered.
- No victim will be listed as “uncooperative” if they choose to disengage from the reporting/investigative process.

## **VICTIM INTERACTION**

- Priority will be given to medical and advocacy resources for every victim who reports a sexual assault, regardless of their decision to prosecute the offender and/or choice to assist law enforcement with an investigation.
- A victim may be accompanied by a sexual assault advocate or other appropriate support person during all phases of the reporting process and criminal investigation.
- A clear explanation will be provided to a victim if his/her selected support person is not appropriate, such as a person who was a witness to the assault.
- Investigating officers shall respect the decision of the reporter and not initiate in-person contact unless requested.
- Any person may speak with a police officer and ask questions about their options for reporting a sexual assault without being required to provide identifying or incident information.
- A clear explanation of the reporting process and/or investigative procedures will be provided by a law enforcement officer if requested by the victim.
- When making a report there is no requirement to meet in person with a law enforcement officer.
- A victim may choose to have a sexual assault advocate report on their behalf.
- Reasonable efforts will be made to allow the victim or other reporting party control over the location, time and date where their initial report is made to law enforcement.
- If accommodations are unable to be made as requested by a victim or reporting party, a clear explanation as to why will be provided by the law enforcement officer.

- A victim or other reporting party may provide as much, or as little, information as they choose with no time limitations or restrictions on when the information is given to law enforcement.
- A victim, or other reporting party, may end an interview with law enforcement at any time without having to provide a reason.
- After making a report, a victim or other reporting party will not be pressured to participate in a criminal investigation.
- Reasonable efforts will be made to meet the needs of the victim and address any barriers the victim faces in providing information to law enforcement during the reporting process.
- Agency personnel are encouraged to work with community partners to address barriers victims may face when reporting and participating in an investigation. (financial / medical / mental health, etc)
- Officers will attempt to view the reporting process from the victim's perspective and not assume what barriers a victim faces when reporting sexual assault.
- A sexual assault victim may change from a Information Only report to a Partial or Complete Investigation at any time.
- A sexual assault victim may initially request a Complete Investigation and change to a Partial Investigation at any time prior to the conclusion of all investigative processes.
- Victims of sexual assault are encouraged to report even if they never intend to pursue criminal charges against the person who assaulted them.
- Law enforcement officers will conduct victim interviews in a trauma-informed manner, specifically utilizing the techniques of the Forensic Experiential Trauma Interview.
- A victim's safety, cognitive impairment and mental health will be taken into consideration prior to any interview.
- Reasonable efforts will be made to limit the number of times a victim is interviewed regarding the assault.
- When reasonably possible, investigative strategies conducted by the investigating officer shall be discussed with the victim prior to their execution.
- Investigators will collaborate with victims during the investigative process and respect a victim's right to request certain investigative steps not be conducted.
- Investigating officers will keep victims of sexual assault informed regarding the status of the investigation.
- Investigating officers shall offer options and not advice or directives.
- Officers will not tell a victim that they should cooperate with an investigation in order to prevent the sexual offender from assaulting others.
- An environment in which victims of sexual assault are not judged or blamed for their assault and instead are treated with dignity, sensitivity and courtesy will be promoted within the agency.
- A victim reporting an incident outside of the agency's jurisdiction will be directly assisted with reporting to the appropriate agency and not just told they need to go somewhere else to report.

#### **INVESTIGATIONS / INQUIRY INTO SERIAL SEXUAL ASSAULT (ISSA)**

- Every reported perpetrator will have a CCH completed on them if enough identifying information is available.
- Reasonable attempts will be made to identify serial sexual perpetration for each reported perpetrator including, but not limited to, initiating an offline NCIC search with available identifying information and requesting records from law enforcement agencies revealed to have contact with the reported perpetrator.

- Focus will be on how a suspect made the victim vulnerable, accessible and appear to lack credibility and identifying those who can corroborate that behavior.
- Reasonable attempts will be made to identify witnesses to the victim's and suspect's behavior prior to and after the assault.
- Criminal investigations will be conducted at a pace set by the victim, not the law enforcement officer.
- At a victim's request, reasonable efforts will be made to collect and store evidence regardless of the victim's decision on whether to proceed with charges or participate in a Complete Investigation.
- A victim may disengage from a criminal investigation at any time prior to an arrest being made or the case being referred to an office of prosecution. There is no requirement that an explanation be given by the victim to law enforcement.
- If legally permissible and probable cause exists for a crime, no arrest or referral to an office of prosecution will occur without the consent of the victim.
- Investigating officers will view the sexual assault incident and any additional relating factors from the victim's perspective and circumstances instead of their own.
- Officers tasked with investigating sexual assault offenses have an understanding of barriers to reporting.
- Officers tasked with investigating sexual assault offenses have an understanding of using the language of non-consensual sex in report writing.
- Officers tasked with investigating sexual assault offenses have an understanding of increased barriers faced by marginalized populations.
- Officers tasked with investigating sexual assault offenses have an understanding of the reasons victims provide false information.
- Officers tasked with investigating sexual assault offenses have an understanding of the reality of false reporting.
- Officers tasked with investigating sexual assault offenses have an understanding of trauma-informed victim interviewing, specifically the Forensic Experiential Trauma Interview.
- Officers tasked with investigating sexual assault offenses have an understanding of the impact of Title IX on victim confidentiality.
- Officers tasked with investigating sexual assault offenses have an understanding of sexual assault investigative strategies.
- Officers tasked with investigating sexual assault offenses have an understanding of sexual assault dynamics.
- Officers tasked with investigating sexual assault offenses have an understanding of serial sexual assault perpetration.
- Sexual assault victims will not be asked or required to undergo a polygraph examination as a condition for proceeding with the investigation of the crime.
- No victim will be arrested for filing a false report without evidence beyond a recantation to support the false report charge.
- No victim will be required to sign a waiver stating they do not want to participate in an investigation.

**IMPLEMENTATION QUESTIONS TO CONSIDER FOR YOUR AGENCY:**

The following questions are intended to assist your agency's YHOP Administrator(s) and Trainer(s) with anticipating potential questions and concerns that arise when implementing the You Have Options Program. Being prepared for and knowing the answer to these questions will aid with successful

implementation of the program, concerns that emerge within the agency and questions posed to the agency by the media and community. Suggested responses and advice related to the question can be found on [www.ReportingOptions.org](http://www.ReportingOptions.org) or by contacting the Program Manager.

- What are the barriers to implementing YHOP in your agency?
- What are barriers to your agency increasing sexual assault reporting?
- What are barriers to your agency increasing the identification of serial sexual offenders?
- What concerns does your agency have regarding funding the program?
- Currently, how does your agency respond to a victim under the age of 18 who reports a sexual assault?
- If someone reported being sexually assaulted by their current or former intimate partner how would that affect the YHOP program elements being offered in your department?
- What would be an example of a significant threat to public safety that would affect the YHOP program elements being offered in your department?
- What will the response be to a victim who requests to speak to a female officer/detective?
- What will the response be to a victim who does not want to be interviewed at the police department?
- What will be your agency personnel's response if a victim reported a police officer as a suspect but did not want to participate in a complete investigation?
- Does your agency receive reports of sexual assault via a dispatch center in a way that could trigger a Title IX investigation at an agency other than your own? (campus law enforcement on the same frequency)
- Does your agency share information with a military organization that would impact a victim's requested level of confidentiality?
- Would community-based advocacy agencies providing services to victims within your jurisdiction feel comfortable referring victims to your agency?
- Would your agency's personnel be able to explain the terms victim-centered and offender-focused in connection with the You Have Options Program?
- Would your agency's personnel be able to explain common myths and misconceptions regarding sexual assault?
- Would your agency's personnel be able to explain common myths and misconceptions regarding sexual assault perpetrators?
- Would your agency's personnel be able to explain the difference between a Information Only Report, Partial Investigation and Complete Investigation?
- What community education will your agency provide regarding the importance of sexual assault reporting and the reality of sexual assault perpetration?
- How will your agency educate the community on why an increase in the number of sexual assault reports should be viewed as a reflection of a more accurate picture of victimization?
- Do the agency personnel providing community education know how to speak about risk reduction strategies in a way that focuses on the offender's responsibility instead of the victim's behavior?
- What would your agency personnel do if corroboration/probable cause existed that a person had false reported a sexual assault but not provided any information about a perpetrator?

- What would your agency personnel do if corroboration/probable cause existed that a person had false reported a sexual assault and had provided information about a real person they identified (falsely) as the perpetrator?
- What would your agency personnel do if a victim was engaged in criminal activity when they were assaulted/related to the assault?
- Who from your agency will participate in the local Sexual Assault Response Team (SART)?
- How will you list persons identified in a reported sexual assault as the perpetrator in a Information Only report?
- How will your agency list persons identified in a reported sexual assault as the perpetrator in a Partial Investigation?
- How will a reported perpetrator's known biographical information be documented within your agency?
- How do other law enforcement agencies access documented reports of sexual assault by your agency?
- What would happen at your agency if a person wanted to make a report of sexual assault, provide the offenders name and then request that nothing else be done?
- When are reports of sexual assault purged in your agency?
- What happens to the physical evidence from a sexual assault case when the victim does not want to proceed with a complete investigation?
- What happens to the physical evidence from a sexual assault case when a case is past the statute of limitations?
- What happens to the digital evidence from a sexual assault case when the victim does not want to proceed with a complete investigation?
- What happens to the digital evidence from a sexual assault case when a case is past the statute of limitations?
- What kind of room does a victim reporting to your agency have the option to be interviewed in?
- What have advocates told you about how victims feel when they are interviewed in that room?

**CONTRIBUTE TO THE IMPROVEMENT OF YHOP:**

- Submit sexual assault search warrant boilerplate / templates .
- Submit materials that have assisted your agency with sexual assault investigations so they may be shared with other participating agencies.
- Submit requests for information and/or materials that would assist your agency.