

EV07 - Sexual Assault
Session 01 - Sex Crimes
LD10 - Sex Crimes

Date Revised: 10/07/2019

Course Goal: To teach recruit officers the laws involving sex crimes and sex offender registration.

Learning Objective:

- Recognize the crime elements to arrest for:
 - Rape [\[10.1.A.1\]](#)
 - Indecent exposure [\[10.1.A.3\]](#)
 - Oral copulation [\[10.1.A.4\]](#)
 - Penetration with a foreign object [\[10.1.A.5\]](#)
 - Sodomy [\[10.1.A.6\]](#)
 - Sexual battery [\[10.1.A.7\]](#)
 - Assault with intent to commit rape and other crimes specified in Penal Code section 220 [\[10.1.A.2\]](#)
- Recognize the crime classification as misdemeanor or felony [\[10.1.B\]](#)

Session Time: 2 Hours

Resources:

- Classroom with tables
- Overhead projector
- Computer with multimedia software and Microsoft PowerPoint

Module Summary: The instructor will lead a facilitated discussion accompanied with learning activities with the whole class.

Outline	Instructor's Notes
<p>I. Identifying and Classifying Sex Crimes</p> <p>A. Issue of Consent</p> <ol style="list-style-type: none">1. Consent means positive cooperation in act or attitude pursuant to an exercise of free will.<ol style="list-style-type: none">a. Person cannot consent to an act when that person does not understand the nature of the act.b. Under the age of 18 is not considered capable of giving consent under the law2. Victim's compliance with a sexual act does not mean consent3. Circumstances Defining Lack of Consent	<p>Run Learning Activity # 1 in conjunction with PowerPoint Slides # 2 – 4.</p> <p>Note: See last page for learning activity # 1</p>

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- a. Vict cannot give consent under the law
 - 1) Mental disorder, or developmental or physical disability, PC 261(a)(1)
 - 2) Minor below 18, PC 261.5
- b. Vict can normally give consent but considered not to have done so
 - 1) Unconscious, asleep, unaware, PC 261(a)(4)
 - 2) Prevented from resisting from intoxication, drugs, etc, PC 261(a)(3)
- 4. Circumstances insufficient to constitute consent
 - a. Current or previous marriage or dating relationships is not sufficient to constitute consent
 - b. Victim's request that suspect use condom does not constitute consent
- B. Rape, PC 261
 - 1. Elements [\[10.1.A.1\]](#)
 - a. An act of penile/vaginal intercourse which is committed
 - b. With a person, not the spouse of the perpetrator, and
 - c. Without consent of the person
 - 2. Felony
- C. Indecent Exposure, PC 314
 - 1. Elements [\[10.1.A.3\]](#)
 - a. Every person who
 - b. Willfully and lewdly,
 - c. Expose their private parts
 - d. Where there are others present to be offended
 - 2. Misdemeanor but is a felony if
 - a. Prior conviction for:
 - 1) Lewd acts with a child (PC 288(a))
 - 2) Indecent exposure (PC 314)
 - b. When the suspect enters an inhabited dwelling house, trailer coach, or inhabited portion of any building and entry was made without consent

Run Learning Activity # 2 in conjunction with PowerPoint Slides # 5 – 14.

Note: See last page for learning activity # 2

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- D. Oral Copulation, PC 288a
 - 1. Elements [\[10.1.A.4\]](#)
 - a. The act of copulating the mouth of one person
 - b. With the sex organ or anus of another person,
 - c. Without consent of the victim
 - 2. Felony
- E. Penetration with a Foreign Object, PC 289
 - 1. Elements [\[10.1.A.5\]](#)
 - a. The use of a foreign or unknown object for purposes of sexual arousal, gratification, or abuse
 - b. To penetrate, however slight,
 - c. The genital or anal openings
 - d. Against the person's will or causes another person to penetrate
 - e. Under the conditions outlined in the chart at the end of chapter in LD
 - 2. Felony
 - 3. Related terms
 - a. Foreign object is any instrument, substance, device, or part of the body, except a sexual organ
 - b. Unknown object includes any foreign object, substance, instrument, device, or any part of the body, including a penis, (if it is not known what object penetrated the opening)
- F. Sodomy, PC 286
 - 1. Elements [\[10.1.A.6\]](#)
 - a. Sexual conduct consisting of
 - b. Contact between
 - c. The penis of one person and
 - d. The anus of another person
 - 2. Felony
- G. Sexual Battery, PC 243.4(a)
 - 1. Elements [\[10.1.A.7\]](#)
 - a. The victim's or person's intimate part is touched

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| <ul style="list-style-type: none">b. Without consent of the victim, andc. With specific intent to achieve sexual arousal, sexual gratification, or sexual abuse.2. Misdemeanor but3. Felony if the victim is unlawfully restrained and an intimate/private part (either victim or person) is touched4. Wobblers<ul style="list-style-type: none">a. Touching private part while restrained for sexual arousal/gratification/abuseb. Touching private part of medically disabled against willc. Touching private part for sexual gratification from professionald. Touching private part of medically disabled against will while restrainedH. Assault with intent to commit rape and other related crimes, PC 220<ul style="list-style-type: none">1. Elements [10.1.A.2]<ul style="list-style-type: none">a. Assaultb. With specific intentc. To commit mayhem, rape, sodomy, oral copulation, rape in concert, lewd acts with a child, or penetration with a foreign object2. Felony3. Other attempt crimes are covered under 664 | |
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Learning Activity # 1 - Intro to Sex Crimes

Purpose: To introduce the recruits to sex crimes and its relation to search and seizure.

Description:

1. Divide the class into learning teams of 6 - 8 recruits
2. Provide the following case study to the class:

At approximately 1900 hours, a woman (victim), who lived in a condominium complex, came home from work when a man (suspect) grabbed the victim from behind and forced his way into her home. The suspect shut the door and forcibly had sexual intercourse with the victim.

The victim managed to get away from the suspect and armed herself with a small caliber pistol which was located in a bedroom dresser drawer. When the suspect attempted to regain control over the victim, the victim shot the suspect once in the torso area. The suspect fled the location and the victim called the police.

A few days later, detectives tracked down the suspect and arrested him. Prior to trial, the prosecution applied for a search warrant to seize the bullet that was in the suspect's torso. The prosecution was going to conduct a ballistic match of the bullet with the gun of the victim as further proof that the suspect was the person who sexually assaulted the victim.

3. Utilizing CAPRA, have the learning teams discuss the case and determine an investigative course of action based on search and seizure law.
 - a. Should the courts grant the warrant? Why or why not?
 - b. Suggested CAPRA
 - 1) Clients: Victim, community
 - a) Understand the behavioral, emotional or physical reaction of the victim [10.6.A.3]
 - b) Discuss comprehensive interview with victim and community [10.6.A.5]
 - 2) Acquire/Analyze: Elements of crime, evidence obtained from scene, victim, suspect
 - a) What laws are related to the sex crime? [10.6.A.1]
 - b) Maintain an objective attitude toward the investigation [10.6.A.2]
 - c) What tasks need to be prioritized for the investigation [10.6.A.4]
 - d) Interrogate suspect and obtain confession [10.6.A.6]
 - e) What evidence to be collected if suspect in custody [10.6.A.7]
 - 3) Partners: Victim advocate, on site security, witnesses, DA
 - 4) Response: Arrest, Present to DA, warrant
 - a) Discuss suspect interrogation

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- 5) Assessment: Achieved expected results? Was there a better approach to the investigation?
- c. Conduct a facilitated discussion covering:
 - 1) Authority to seize evidence from a subject's body:
 - a) With a warrant
 - b) Without a warrant
 - c) Review probable cause plus [LD 16 infused]

Resources needed:

- Classroom
- Projector
- PowerPoint Presentation

Handouts:

- SPICE & PePPER Chart

Time required: 45 minutes

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Learning Activity # 2 - Sex Crimes

Purpose: To provide the students with basic skills necessary to complete a sexual assault investigation in a manner consistent with law, department policy, and tactically sound principles.

Description:

1. Divide the class into learning teams of 6 - 8 recruits
2. Assign each learning team one of the following topics:
 - a. Rape
 - b. Indecent exposure
 - c. Oral copulation
 - d. Penetration with a foreign object
 - e. Sodomy
 - f. Sexual battery
 - g. Assault with the intent to commit rape and other sexual assaults
3. Allow the learning teams to review their crime utilizing their LD and or penal code books, and develop the following:
 - a. A basic synopsis of the crime
 - b. Questions to test the class' understanding of their crime
4. Have the learning teams present their crimes, conduct a facilitated discussion, and ensure to cover TTS' 10.1.A.1 - 10.1.A.7 as well as the crime classifications.

Resources needed:

- Classroom
- Projector
- PowerPoint Presentation

Handouts:

- None

Time required: 1 Hour