# Module 1: Course Introduction

# Introductions

## Instructor and Student Introductions

## Instructor/Course Expectations

## Registration Issues

# Module 2: Legal Aspects

# Introduction

## Instructor Introduction

## Review Segment Goals and Objectives

## Optional Learning Activity

# Adult Sex Abuse Law

## 261(a) (1) Rape

### Act of sexual intercourse

### Non-Spouse

### Against will of Victim

### Accomplished by means of force or violence

### No consent: incapable of consent

## 261(a) (2)

### Act of sexual intercourse

### Against a person’s will

### By means of force, violence, duress, menace or fear

### Results in great bodily injury

## Important Definitions

### Consent = Positive Cooperation

### In act or attitude

### Pursuant to an exercise of free will

### The person must act freely and voluntarily and have knowledge of the nature of the act involved

### Penal code 261.7 – Victim’s request that defendant use a condom alone does not constitute consent

### If victim withdraws consent during an act of sexual intercourse and defendant continues the act defendant has committed the crime of rape

### Force, Violence, Duress, Menace, Fear

### Force – Physical force different from or greater that needed to commit the act

### Duress – Direct of implied threat of force, Retribution

### Menace – Showing an intent to harm another

### Optional Learning Activity

### Seven Ways to Violate Consent

#### Force, Violence, Duress, Menace, Fear

#### Threat of Future Retaliation

#### Use Authority of a Public Office

#### Intoxicated or Anesthetized Victim

#### Unconscious Victim

#### Mentally or Physically Disabled Victim

#### Spousal fraud

### PC 261(a)(3) Rape by Intoxicant

#### Defendant knew or reasonably should have known

#### Victim was intoxicated and could not consent (AKA substance-induced sexual assault)

### PC 261(a)(4) Rape of an Unconscious Person

#### Unconscious or asleep

#### Not aware, knowing, perceiving or cognizant that act occurred

#### Not aware of the essential character of the act due to fraud

#### Not aware of the characteristic of the sexual penetration because defendant said it had a professional purpose

### 7. PC 261(a)(6) Rape by Threat

#### Threat to victim or any other person

#### Reasonable possibility of carrying out

### PC 261(a)(7) Rape by Authority

#### Threat to incarcerate

#### Threat to arrest

#### Threat to deport

### PC 262 Spousal Rape

#### Rape – all the same, just by spouse

#### Videotape Interview

#### High possibility victim will recant

### PC 220 Assault with Intent to Commit Rape

#### A person was assaulted, and

#### Assault was made with the specific intent to commit rape

#### The crime of assault with intent to commit rape is complete if an assault is made and at any moment during the assault the aggressor intends to commit rape upon the person assaulted

#### Don’t have to commit sex act

#### Good to know: PC 2220(b) Assault to commit sex act during residential burglary…life count (means kidnap, falsely imprison, GBI or death)

### PC 243.4 Sexual Battery

#### Intimate part (Felony skin to skin) CalCrim 935

#### Sexual organ, groin, anus, buttocks or breast

#### For sexual arousal, abuse

#### Against victim’s will/ (Felony Restraint)

### PC 286 Sodomy

#### A person participated in an act of sodomy with the victim, and

#### The act was accomplished against the victim’s will by means of force, violence, duress, menace or fear of immediate and unlawful bodily injury on the victim or another

#### “Sodomy” is sexual conduct consisting of contact between the penis of one person and the anus of another person. Any sexual penetration, however slight, is sufficient to complete the crime of sodomy. Proof of ejaculation is not required.

#### “Against the will” means without the consent of the victim

### PC 287 Oral Copulation

#### A person participated in an act of oral copulation with the victim, and

#### The act was accomplished against the victim’s will by means of force, violence, duress, menace or fear of immediate and unlawful bodily injury on the victim or another

#### Any contact, however slight, between mouth and sexual organ or anus of another is sufficient. Penetration of mouth, sexual organ or anus not required.

#### “Oral Copulation” is the act of copulating mouth with sexual organ or anus of another

1. (b)(1) Except as provided in Section 288, any person who participates in an act of oral copulation with another person who is under 18 years of age.

 (b)(2) Except as provided in Section 288, any person over

 21 years of age who participates in an act of oral copulation with another person who is under 16 years of age

### PC 289 Sexual Penetration

#### Sexual penetration of sexual organ, however slight

#### Foreign object or penis

#### PC 289(h): Act of sexual penetration with another under 18

### PC 314 Indecent Exposure

#### A person intentionally exposed his private parts in any place where there were present other persons to be offended or annoyed

#### That person did so with the specific intent to direct public attention to his genitals for the purpose of his own sexual arousal gratification, or that of another, or to annoy or offend others

### PC 289 Sexual Penetration

#### Sexual penetration of sexual organ, however slight

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### In Concert Offenses

#### PC 264.1

##### A person committed the crime of rape

##### That person did so while voluntarily acting in concert with another, and

##### The defendant personally or by aiding and abetting another committed the rape by force or violence and against the will of the victim

##### “Acting in Concert” means two or more persons acting together in a group crime and includes not only those who personally engaged in the rape but also those who aid and abet a person in accomplishing it

#### PC 287d (1) for Oral Copulation

#### PC 286(d) (1) for Sodomy

#### Defendant does not have to commit a sex act or be present

### Code Sections for Unlawful Sex with a Minor

#### PC 261.5 Unlawful sexual intercourse

##### Not spouse, one party over 18, one under 18

##### Less than 3 years age difference (misdemeanor)

##### More than 3 years (wobbler)

#### PC 286(b) (1) Unlawful sodomy

##### Sodomy with another under 14 by force, fear, duress, menace

##### Sodomy with another over 14 by force, fear, duress, menace

#### PC 288a(b) Unlawful oral copulation

#### PC 289(h)&(i) Unlawful sexual penetration

#### Honest and reasonable mistake of age IS a defense. Consent is NOT a defense

### 6. Sentencing Enhancements

#### PC 667.61

#### Crimes to which it applies

##### 25 to life factors

##### 15 to life factors

##### Life factors (2010 Chelsea’s Law)

##### PC 288.2 Sending Harmful Matter to a Minor

##### PC 288.7 Engaging in Sexual Intercourse or Sodomy with a Child

### Other Crimes to Consider

#### PC 12022.8 Great Bodily Injury-Pregnancy counts as GBI

#### PC 206 Torture

#### PC 203 Mayhem

#### PC 205 Aggravated Mayhem

#### PC 207/209 Kidnapping/Aggravated Kidnapping

#### PC 236 False Imprisonment – with restraint: felony

#### PC 237 (a) False Imprisonment - without restraint: misdemeanor

#### PC 646.9 Stalking

#### PC 601(a) Trespass with threat of GBI: misdemeanor

#### PC 273.5 Spouse/cohabitant/fiancé/former spouse: felony

#### PC 243 (e) 1 - misdemeanor

#### PC 422 Criminal Threats

## Statute of Limitations – *Consult District Attorney in applicable jurisdiction*

|  |  |  |
| --- | --- | --- |
| 799 | NO Statute of Limitations | Life Sentence |
| 800 | SIX years Statute of Limitations\* | State prison, 8 years or more |
| 801 | THREE years Statute of Limitations\* | State prison, less than 8 years |
| 802(a) | ONE year Statute of Limitations\* | Victim under 14 |
| 802(b) | THREE years Statute of Limitations\* | Misdemeanor |
|  | \*For Above Sections Statute of Limitations run from date of incident |
|  | Special Sections for Child Sex Crimes |  |
|  | Stogner Case/Limitations |  |
|  | \*File within one year to California Law Enforcement\* Report by person of any age who alleges victim of felony: 261, 286, 288.5, 288a, 289, 289.5 | Independent Corroboration Must involve substantial sexual conduct |
| 803(f)  | SIX years Statute of Limitations after 1.1.88 | Felony |
| 803(f) | THREE years Statute of Limitations before 1.1.88 | Felony |
| 803(g) | Must be filed within ONE year from suspect’s identity is conclusively established by DNA testing | Stogner Limitations apply\*Before 1/1/01 analysis no later than 1/1/04\*After 1/1/01 analysis within two years\*John Doe Warrant Filings (People v. Robinson) |
|  | Requires timely DNA analysis |
|  |  |
| 801.1(a) | Committed when victim was under 18Commence prosecution before victim’s 40th birthday.Applies to felony 261, 286, 288, 288.5, 288a, 289 | Stogner Limitations apply |
| 801.1(b) | TEN Years Statute of Limitations | Applies to Felony 290 offenses |
| 801.2 | TEN years from date of productionLongest statute of Limitation Applies | Applies to 311.4(b) production of child porn |

### Optional Learning Activity

# Key Evidence Code Sections

## Evidence Code 1103(c)(1) - The victim’s prior or subsequent sexual conduct with others is not admissible to show consent

## Evidence Code 402: Motion to suppress prior sexual acts

## Evidence Code 1101: Common scheme or plan, identification, motive

## Evidence Code 1108

#### To prove propensity and disposition

#### If they did it before they could do it again

#### Enacted to insure trier of fact is aware of prior sexual offenses in order to accurately test the credibility of the victim and defendant

#### Prior or subsequent sex with defendant is admissible to show consent

## Evidence Code 1240 – Spontaneous Statement

#### Witness can testify about statement of another

#### Without deliberation or reflection under emotion of event

#### Must document this in your report

#### Factors

#### Nature of event – how starling, frightening or significant

#### Closeness in time

#### Demeanor/Manner of speaker

#### Physical condition of speaker

#### Questions to speaker

### Basic Case Law

#### Spontaneous statements are BETTER than trial testimony – “an excited utterance is ‘particularly’ likely to be truthful” and “because of its ‘superior’ trustworthiness, is better than is likely to be obtained from the same person on the stand…” People v. Hughey (1987) 194 Cal.App.3d 1383, 1387-1394

#### What is contemporaneous?

##### Rape victim 18 hours after event (People v. Raley, 1992)

##### Child molest – day or two later (In re Emilye A. 1992 San Bernadino)

##### Child accused father of murder two days later (People v. Trimble 2009)

##### 15-20 minutes after stabbing. Court ruled time was not determinative (People v. Poggi 1998)

#### What is questioning?

##### 30-40 minutes after burn, in response to questions, “what happened” (People v. Jones 1998)

##### Stab victim, with intense pain and upset. 15-20 minutes of questioning was spontaneous statement (People v. Poggi 1988)

#### Fresh Complaint Doctrine

#### Defined: Friends, Family, Religious Mentor, Teacher, Med Personnel

##### Complaint supports credibility

1. Circumstantial evidence of lack of consent

People v. Brown: Prior statements may be admissible

Fresh complaint restrictions (limited):

a} Name of victim

b) Name of Perpetrator

c) Dates and times

d) Fact that victim disclosed rape/molest

e) Circumstances of statement

f) Rape Trauma Syndrome

f. Victim’s behavior after sexual assault

1) Sleeplessness

2) Changed grooming habits

3) Act as if nothing happened, e.g. go shopping, go back to party after raped by person at party, go back towork after raped at work, etc.

4) Poor performance in responsibilities

g. Syndrome is an acute stress reaction to a life threatening situation

1) Behavioral

2) Psychological

3) Physical

4) Type(s) of Post-Traumatic Stress Disorder

## Defenses

### Honest and Reasonable Belief that Victim Consented is a defense

### False Report

### Revenge, Retaliation

### Married person having an affair

### Problems at work

### Rejected affection

### No Physical Evidence

#### SART exam by an expert, frequently negative

#### No DNA

#### Insufficient or inept investigation

#### Identification – not me

#### Mistake of age – only for “unlawful sex” crimes

#### Suggestive Interview

#### Optional Learning Activity

## Defenses

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## Courtroom Presentation

### Direct Testimony

### Competent, professional and knowledgeable

### Ensure jury understands all aspects of the case

### Use of tone/voice inflection

### Use of emotion when appropriate

### Make the crime real/hear/see

### Testifying Tips for Investigators

### Obtain Specialized Training – PC 13516 mandates

### Conduct a thorough investigation

### Know the Facts

#### Prepare a thorough report - e.g. if a ruse is used, be specific in report and use bold text.

#### Review your report and all other reports in the case. File after the investigation is complete and review them again before court.

#### Review the physical evidence before testifying

#### Be familiar with the results of lab reports

#### Visit the crime scene before testifying (diagrams helpful)

#### Review transcripts of prior testimony

#### Listen to all audio

#### Review all body-camera videos prior to testimony

#### Meet with the prosecutor before testifying

#### Be persistent in making contact

#### They can anticipate cross exam issues

#### Project a professional demeanor

##### Appropriate dress

##### Project self-confidence

##### Relax

##### Speak in a loud, clear voice

##### Avoid using police jargon

##### Use non-verbal behavior which conveys that you are professional, yet personable

##### As an expert witness, have updated CV with trainings and number of times qualified as an expert witness

#### Use demonstrative evidence

#### Listen carefully to questions - never interrupt or cut off the question

#### Do not volunteer information

##### Do not theorize

##### It’s okay to say “I don’t know”

#### Do not argue or react defensively

##### Be patient

##### Be sensitive and impartial

### Cross Examination

#### Remain professional

#### Don’t volunteer information

#### Admit mistakes

#### Explain why things were not done without being defensive

### Cross Examination key points

#### Lots of small errors add up quickly

#### Do not take this personally

#### Remain calm and do not react

#### Listen carefully to the question

#### Personal v. professional opinion

#### Questions examples:

#### You have no personal knowledge what she told you is true?

#### You aren’t a doctor?

#### You have no advanced degrees?

#### Are you a PHD?

#### Is there physical evidence in this case?

#### How long have you investigated these cases?

## Optional Learning Activity

## Child Exploitation Law

### Definition of Sexual Conduct

### PC 311.4(d) (1)

##### Intercourse

##### Oral copulation

##### Sodomy

##### Sexual penetration

##### Masturbation

##### Bestiality

##### Sadism

##### Masochism

##### An act of Lewd and Lascivious: minor under 14 (288)

##### Exhibition of genitals/rectal area

##### Excretory functions performed in a lewd manner

##### Above acts can be actual or simulated

### 311.11(a) Possession of Child Porn – Felony or Misdemeanor (wobbler); If defendant has prior 290 offense it is a straight felony

### Defendant knowingly possesses image

### Person depicted is under 18

### Defendant knows or should know age

### Image shows “sexual conduct”

### Number of images

### 311.1(a) Distribution of Child Porn – No commercial purpose, Felony or Misdemeanor (wobbler)

### Import into state for distribution or

### Possess with intent to distribute or

### Possess and offer to distribute or

### Actually distribute and

### Defendant has knowledge it is porn

### No commercial purpose

### 311.2(b) Distribution with Commercial Purpose, Felony

### Import into state for distribution or

### Possess with intent to distribute or

### Possess and offer to distribute or

### Actually distribute and

### Defendant has knowledge it is porn

### Commercial purpose for money or trade

### 311.2(c) Transports child porn for the purpose of gratification, Felony

### 311.4(c) Pose Child for Porn, Felony

### Defendant knows or should know child is under 18

### Promotes, employs, uses, persuades, induces or coerces

### Child poses or models for image or live performance of “sexual conduct”

### 311.4(b) Pose Child for Porn with Commercial purposes, Felony

### Defendant knows or should know child is under 18

### Promotes, employs, uses, persuades, induces or coerces

### Child poses or models for image or live performance of “sexual conduct”

### Commercial purpose for money or trade

### 311.2(d) Import or Possess with Intent to Distribute to Children, Felony

## Building a Robust and Comprehensive Investigation

### Case components

### Evidence of intent

#### Pornography, erotica, cameras, equipment

#### “Intelligence” that corroborates conversation

#### Calendars, contacts and journals

#### Email printouts/photos/diaries

#### Enticement objects/gifts

#### Hotel room reservations, contents in the defendant vehicles upon arrival relating to sexual content of discussions

#### SART – Positive/Negative SART exams?

#### Photographing victim

#### Recording victim

#### Clothing

#### Social Media

#### Interview potential defense witnesses

##### Spouse

##### Friends

#### Are there any other accusations

##### How did the suspect react?

##### How did the suspect explain them?

#### Photograph/diagram the residence or crime scene

#### Ensure that all relevant evidence has been turned over.

### Ethical detractors

#### Inappropriate conduct outside of court (Social media)

#### Inappropriate behavior in court

##### Loud phone calls

##### Disrespectful interactions

##### General demeanor

### Optional Learning Activity

# Module 3: Medical & Forensic Exam

## The Forensic Medical Examination

## State Requirements

#### Legislated protocol

##### Who may conduct an exam

##### Mandated forms

## Local Medical Examinations sites

### SART Centers

#### Hours - all are 24/7

#### Victims

#### Suspects

#### Title 9 & CARE Offices

### Emergency Department Screening Exams

## Initiating local SART Protocol

### Time Limitations for exams (72 hours)

### Joint Interview Process

### Consent Issues (participation in exam regardless of pursuit of legal remedies)

### Complications with Exams in a hospital

#### HIPPA – Health Insurance Portability and Accountability Act

* + - 1. Other Confidentiality Issues
	1. Obtaining Medical Reports
		+ 1. Patient written authorization
			2. Mandated Reporting Crimes (exempted from HIPPA)
			3. Search warrant
			4. Court order
	2. Examination Sequence
		+ 1. Forensic Medical History
			2. Physical examination
			3. Evidence collection- DNA, Trace, Injury
			4. Genital examination
			5. Special Techniques and Equipment
			6. Examiner Conclusions and Summary

## Common Medical Findings in Sexual Assault

### Blunt Force Injury

#### Body surface

#### Ano-genital

### Medical Conditions that interfere with interpretation of findings

### Optional Learning Activity

## Suspect Examinations

#### Purpose

#### Evidence

#### Conclusions and Summary

## Optional Learning Activity

* 1. Examination Forms
		+ 1. CAL OES 2-502 – Domestic Violence Examination (Rev. 2001)
			2. CAL OES 2-900 – Suspected Child Physical Abuse and Neglect Exam (Rev. 2001)
			3. CAL OES 2-920 – Mandated Suspicious Injury Report (Rev. 2001)
			4. CAL OES 2-923 – Acute (<120 Hours) Adult/Adolescent Sexual Assault Examination (Rev. 2018)
			5. CAL OES 2-924 – Abbreviated Adult/Adolescent Sexual Assault exam (Rev. 2013)
			6. Invoice for CAL OES 2-924 (Rev. 2014)
			7. CalEMA 2-925 – Non-Acute (>72 Hours) Child/Adolescent Sexual Abuse Exam (Rev. July 2001)
			8. CalEMA 2-950 – Sexual Assault Suspect Exam (Rev. July 2001)

# Module 4: Victim Dynamics and Advocacy

## Introduction and Overview

# SART Model

## Collaborative Model - Teamwork

## SART Definition – coordinated interdisciplinary intervention model between law enforcement, crime lab, prosecution, medical and advocacy experts to meet the forensic needs of the criminal justice system and the medical and emotional needs of the SA victim

## Members of SART

## Law enforcement

## Advocate – law enforcement & Sexual Assault Victim sponsor

## Forensic examiner

## District attorney

## Primary vs. Secondary members

#### MDIC (minors)

#### CPS

#### College Campuses

#### Social Worker (680.2A) “can have their own advocate”

## Mission of SART: The SART vision is to seek justice, to protect the community, and to work on behalf of victims to restore their dignity, to prevent sexual assault from becoming a life-defining event, and to counter one of the darkest of human experiences with a response of goodness and caring,

### On-going maintenance

### Case management

## Importance of Relationship Building

##

## Dynamics of Sexual Assault

### Common Myths and Facts

### Disclaimer

#### Female vs. Male Victims

#### Female vs. Male Offenders

#### Age

### General Statistics

#### Female Sexual assault victims

#### The Rape Paradox

##### Number of victims vs. Incarcerated perpetrators

##### Sex Offenders: Stranger vs. Acquaintance

### Optional Learning Activity

## IV. Biases in Law Enforcement

### Background

#### Biases and the Average Person

#### Biases and Law Enforcement

### Optional Learning Activity

### Alcohol and Sexual Assault

#### Force or Alcohol

#### Blackout Overview

#### Blackout Behavior

### False Allegations – Provide formal definitions

### Unfounded/Unsubstantiated Cases

#### Baseless

#### False without Deceit

#### Key Point: Doesn’t mean crime didn’t occur, so not a false report

### False Allegation

#### Definition

#### Case Example

### Common “red flags”

#### Assailant is a stranger

##### Victim creates someone who cannot get into trouble

##### Makes it impossible for police to “successfully” resolve case

##### Relieve fear of being contradicted

#### Narrow in construction – other sexual acts reported less frequently

#### Include face saving elements – victim physical resisted or resistance was impossible

### Inadvertently creating a “false” report

### How to recover from a bad first impression

#### Rapport

#### Provide case example

### Other Biases in law enforcement

#### Recantation

#### Inconsistent Statements

#### How inconsistent statements impede relationship with a victim

### Delayed reporting

#### Reasons

#### Preventing interference with case

## The Impact of Sexual Assault

### Unique Factors to Sexual Assault

#### Impact is immediate and profound

#### Changes the victim’s world view

##### World is a safe place

##### People are generally good

##### I can protect myself

#### The Social Context

### Working with sexual assault victims

#### Significant responsibility

#### Requires specialized knowledge

#### Indelible lifetime impact

#### Empathy in the context of an appropriate emotional response

### Empathy as an Investigative Tool

#### Case only as strong as victim

#### Will enhance cooperation

#### Will enhance investigator’s ability to collect information

#### Must be displayed in initial stages to support later cooperation Trauma and Stress Responses

#### Short Term Stress Reactions

##### Physical

##### Emotional

#### Long Term Stress Reactions

#### Triggers

#### Rape Trauma Syndrome

##### Relation to Post Traumatic Syndrome Disorder (PTSD)

##### Controlled Reactions

##### Expressed Reactions

##### Acute Phase

##### Outward Adjustment Phase

##### Integration Phase

##### Drug facilitated sexual assault and Rape Trauma Syndrome

##### Male Victims

### Optional Learning Activity

## Victim Advocacy

### Historical Background and Challenges

#### Historical progression

#### Importance of relationship building BEFORE working with victims

#### Discuss how law enforcement can build relationships with Advocacy

### What is a Victim Advocate?

#### Victim Advocacy versus Victim Witness

##### Similarities

##### Differences

#### Training and Certification Standards

##### Training as required by PC 13837 (minimum 40 hours)

##### Minimum 40 hour training

##### Agency training certified by OES/CalEMA

##### Minimum of eight in-service trainings annually

##### Victim-counselor privilege established by EC 1035.2

### Optional Learning Activity

### What law enforcement must know about advocacy

### Privileged Communications

#### What is protected? All information transmitted between the victim and the sexual assault counselor in the course of their relationship

#### Third Party Disclosures: Privilege is not destroyed by communication to third persons if:

##### Presence is to further the interests of victim

##### Disclosure reasonably necessary for the transmission of information

##### Accomplishes the purpose for which the sexual assault counselor is consulted

#### False Allegations/Victims - No Privilege

## Special Populations

## Optional Learning Activity

## Additional Considerations

## Additional resources

## Additional resources for Investigators

#### SA/DV Resource cards

#### Victim Compensation/Mary’s Card

#### Victim Confidentiality Form (PC 293)

#### DNA Bill of Rights

#### VineLink

1. **Victim Interview Practicum**

Case Scenarios

* + - 1. Based on real cases
			2. Include practicums in the Evidence and Suspect Dynamics and Interviewing modules

# Module 5: Computer Forensics

# Introduction/Overview

# Technology as it relates to sexual assaults

## Categories of digital evidence

## Fruits of the crime

### Instrumentality of the crime

### Evidence repository

### Importance of corroboration/attribution

## Case examples

# Contemporary/Evolving areas of digital evidence

# Evidence as it relates to sexual assaults

## Tor

## Dark Web

## Child pornography

## Human trafficking

## Sexual slavery

#### Cryptocurrency

### Phishing/Smishing/Malware

#### Online sexual extortions

#### Stalking

### Cloud Computing (Includes social networking sites)

### Internet of Things (IOT)

## IP addresses

## IPV4 vs. IPV6

## MAC addresses

## Metadata

### Exif data

## Geolocation

### Geofence warrants

#### Social media sites

#### Google

#### Facebook

#### Snapchat

#### Instagram/Twitter/et al

#### Open Source tools

#### Layar

#### Cree.py

# Best practices in search/seizure of physical digital evidence

# Legal authority

# Search warrant

# Legal Requirements and Return Time Frame for Search Warrants 1524 PC

# Probation with PC 1546 clause

# Parole / PRCS

### Consent

### Cal-ECPA compliance

### Special Master situations

## Desktop computers

### Avoid manipulating/viewing in a non-forensically sound manner

#### If absolutely necessary, document steps taken

#### Forensic examiners work off images, not original evidence

### Document / Photograph state of device and cables/connections

### Consider capturing RAM (Random Access Memory)

#### May contain passwords for running programs

##### Passwords can be later used for forensic attacks on locked/encrypted programs

##### Archives running programs / data at time of seizure

##### RAM is volatile. Once power is severed, data is non-recoverable

### Recognize active encryption programs

#### Situation may call for a forensic image of the live system

### Best practices shutdown method

#### Sever power by pulling cord

#### DO NOT use keyboard shutdown method (will cause manipulations to data)

## Laptop computers

### Same takedown procedure as desktop

### Remove battery in addition to cable

## Gaming systems

### Same takedown procedure as desktop

## Cellular/Mobile Devices

### If off, leave off

### If on, leave on

#### Disconnect device from the network

##### Faraday bag

##### Airplane mode

##### Allowing the phone to remain connected allows for the potential of remote wipe/lock

### If device is locked, other potential solutions exist

### JTAG

### Chip-off

### Cellular device forensic companies with unlock solutions

### Collect all cables

## Other storage devices

### Flash drives, SD cards, micro SD cards, etc.

### If you are unsure what a device does, do a quick online search to determine whether to seize

## Modem/ wireless routers

##  May contain evidence of devices seen on network

### Some contain hard drives for storage

## IOT devices/wearables

### Determine if device contains onboard storage

### Determine serial numbers or identifiers that may lead to connected cloud account

## Business servers / systems

## Consider enlisting the aid of IT employees

## Avoid disrupting/corrupting their system

## Collect any and all passcodes

### People are creatures of habit and tend to use same password or variations thereof for multiple devices

## USSS (United States Secret Service) Best practices for seizing electronic devices

### https://www.cwagweb.org/wp-content/uploads/2018/05/BestPracticesforSeizingElectronicEvidence.pdf

# Forensic examinations of physical devices

# Provide examiner with facts surrounding the case

# Assists in efficiency/speed of the exam

# Avoid the “Find evidence” request

# Potential evidence

# Images

# Videos

# Internet history

# Communications

# Documents

# Linked evidence/items

# Links to cloud accounts

# Links to other devices

Remember evidence beyond viewable content e.g. Metadata

# Search / Seizure of cloud evidence items

# Search warrants to service providers

# CLOUD Act

# Proper language to request specific evidence

#### Specific content

#### Metadata to include exif data

#### IP address login sessions

### Geofence warrants

#### Social media sites

#### Open Source tools

#### Layar

#### Cree.py

### No requirement for service providers to maintain any data

#### Encrypted communications are becoming more prevalent

#### Only mandated to report online child exploitation files

#### Online child exploitation is a link to

###### Sextortion

###### Contact offenses

###### Human trafficking

#### Resources for ICAC investigations

##### NCMEC (National Center for Missing and Exploited Children)

##### ICAC (Internet Crimes Against Children) Task Forces

##### RCFL (Regional Criminal Forensics Lab)

### Internet Service Providers outside of US

#### MLAT (Mutual Legal Assistance Treaty)

### Cryptocurrency

#### What is available

#### Obtaining account information from exchanges

## Consent

### Download archive options exist for social networking sites

## Preservation orders

## Cal-ECPA compliance

## Forensic tools

## Cellebrite Cloud Analyzer

## XRY Cloud/X-1 Social Discovery/Hunch.ly

## Case Examples

## Search warrants on cars (Tesla)/Vehicle forensics (Berla)

# Online Investigative Techniques

## Undercover accounts

## Liabilities

#### Proper avatar/profile pic

#### Do not use someone’s profile without permission

### Best practices

### Avoid cross-contamination of unrelated accounts

### Potential IP address / device ID issues

##### Proper internet browser set-up

##### Email

##### Consider using email accounts which don’t aggressively aggregate data (ie: gmail)

###### Lesser known services

Sudomail

Protonmail

#### Obfuscation

##### Virtual private network

##### Virtual machines / emulators

## Open source and paid tools / resources

### Investigative add-ons / extensions for Chrome/Firefox

#### Youtube downloader

#### Videodownloadhelper

#### Internet Archive (Wayback Machine)

#### FireShot

### Archiving tools

#### Hunch.ly

#### Snag-it/Camtasia

#### Snipit tool

### SEARCH Investigative Toolbar

### Inteltechniques.com

### Internet terminology

#### Netlingo.com

#### Urbandictionary.com

### Kipp Loving yahoo site

### CDAA e-crimes community

### California’s (5) Hi Tech Crimes Task Forces

### California’s ICAC Task Forces

# Module 6: Sexual Offender Typology & Interrogation Techniques

## Introduction

## Offenders

## Stereotypes of Sexual Offenders

## Offender Motivations

#### Power

#### Esteem

#### Revenge

#### Fantasy

### Profiling Sexual Offenders

#### What is profiling?

#### Uses for profiling

#### Major cases

#### Serial cases

#### Unsolved cases

#### Interrogation themes, tactics

## Rapist Typology

### Power Reassurances/Pseudo-Unselfish

#### Core Personality

#### Social Behavior

#### Criminal Behavior

#### Sexual Behavior

#### Offense

##### Cognitive Distortions

##### M.O.

##### Victim Criteria

##### Approach

##### Verbal Communication

##### Reaction to Victim Resistance

#### Post Offense Behavior

#### Interview & Interrogation strategies

### Power Assertive/Selfish

#### Core Personality

#### Social Behavior

#### Criminal Behavior

#### Sexual Behavior

#### Offense

##### Cognitive Distortions

##### MO

##### Victim Criteria

##### Approach

##### Verbal Communication

##### Reaction to Victim Resistance

#### Post Offense Behavior

#### Progression of Power Assertive Rapist

#### Interview & Interrogation strategies

### Pseudo-Assertive/Pseudo-Unselfish/Selfish

#### Core Personality

#### Social Behavior

#### Criminal Behavior

#### Sexual Behavior

#### Cognitive Distortions

#### Fantasy Life

#### Victim Criteria

#### Stressors

#### Offense

##### M.O.

##### Verbal Communication

##### Reaction to Victim Resistance

#### Post Offense Behavior

#### Interview & Interrogation strategies

### Anger Retaliatory/Selfish/Opportunistic

#### Core Personality

#### Social Behavior

#### Criminal Behavior

#### Sexual Behavior

#### Offense

##### Cognitive Distortions

##### M.O.

##### Victim Criteria

##### Approach

##### Verbal Communication

##### Reaction to Victim Resistance

#### Post-offense Behavior

#### Interview & Interrogation strategies

### Anger Excitation/Selfish

#### Core Personality

#### Social Behavior

#### Criminal Behavior

#### Sexual Behavior

#### Offense

##### Cognitive Distortions

##### M.O.

##### Victim Criteria

##### Approach

##### Verbal Communication

##### Reaction to Victim Resistance

#### Post-offense Behavior

#### Interview & Interrogation strategies

## Multiple Offender/Gang Rape

### Optional Learning Activity

### Definition

### Parties to a crime

#### Accessories

#### Principles

### Active vs. Passive participants – recognizing potential suspects

### Obstacles

#### Barriers to victim disclosure

#### Unknown crime

#### Unknown suspect(s)

#### Drug/Alcohol intoxication

#### Known offenders

##### Same social group

##### Consensual activity previously

## Preparation for Interrogation Practical

### Overview

### Recommendations

## Interrogation Practical

# Module 7: Investigator Wellness

# Introduction

# Role of the Investigator

### Personal Impacts

### The Challenge

### Defense Mechanisms

#### Isolation

#### Displacement

#### Repression

#### Rationalization

#### Projection

### *Optional* Learning Activity

## Stress and Burnout

## Definitions

#### Stress

#### Stress Continuum

#### Burnout

#### Burnout Process

#### Burnout Syndrome

### Managing Stress

### Components

### Sabotage

### Disruption of Family Activities

### Shift Work

### Schedule Changes

### On Call Status

### Emergency Hours

## Overprotection

### Hypervigilance

### Restrictiveness

### Suspiciousness

### Family Safety Issues

### *Optional* Learning Activity

## Strategies for Healthy Coping

### Current Techniques used to manage stress

#### Physical self-care

#### Psychological self-care

#### Emotional self-care

#### Spiritual self-care

#### Workplace or Professional self-care

#### Balance

### New stress management techniques

### Other Resources

### *Optional* Learning Activity

# Module 8: Evidence and Crime Scene Activity

# Introduction

## Key Components

## Physical Evidence in Sex Crimes

### Forensic Thinking

### Recognition, collection documentation and preservation of evidence by the by the first responder

#### Understanding evidence recovered from the scene

##### What do we need to show?

###### Recognition of the value of evidence, physical, biological

##### What do we need to prove?

###### What can the evidence analysis tell us?

### Proper evidence recognition, collection, preservation and analysis

#### Can withstand time

#### Can make the “cold” investigation workable again

## Physical Evidence - General

### Establish link between victim, suspect and scene

### Establish sexual contact

### Support or Prove lack of consent

### Awareness and evidence potential

## Building the investigation using all available evidence

### Evidence with Individual Characteristics

### Evidence with Class Characteristics

### Utilizing all potential links

## What physical evidence can provide

### Prove/disprove investigative theories

### Establish sexual contact

### Legal proof in court

### Assist in identification of victim, witness or suspect at the scene (forensic databases)

### Provide a foundation for reconstruction

### Identify/exclude

## Prioritizing evidence for submission to lab

### Case circumstances

### Starting point - Most “intimate” evidence

## Crime Lab Services

### Analysis offered by full service crime lab

#### DNA

#### Trace Evidence

#### Computer Forensics

#### Questions Documents

#### Firearms and Tool marks

#### Fingerprints

#### Crime Scene Response

#### Controlled Substances

#### Toxicology

### Limitations

## *Optional* Learning Activity

## Evidentiary Considerations with respect to the Victim, Suspect and Crime Scene

### Locard Exchange Principle - Exchange of material/evidence when two surfaces/individuals come into contact

### Importance of understanding transfer

### Victim Sexual assault evidence collection kit

### Role of kit

### Associate victim and suspect

### Establish sexual contact occurred

### Lab Screening Tests

#### Semen – AP (presumptive test), p30 and Micro exam (confirmatory)

#### Saliva

#### Blood

#### Y-Screening and why it’s done?

### DNA Testing

#### Making sense of a DNA Report

#### Match

#### Inclusion (DNA statistics in inclusion - RMP, LR etc.)

#### Exclusion

#### Inconclusive

#### Importance of DNA reference samples from all individuals associated with case in interpreting DNA evidence and CODIS entry

#### Cases involving criminal paternity

#### Limitations of DNA

#### Y-STR

#### mtDNA

### Additional types of evidence

#### Toxicology – Blood / Urine Samples

#### Clothing - biological / trace evidence /rips or tears

#### Trauma – genital area, suction injuries

#### Bindings / restraints

#### Lubricant

#### Condoms

#### Photos of physical abuse

###### Bite marks with evidence scale and without

Overall and Midrange

Close-up - Comparison quality photographs

##### DNA collection: How to document and swab a bite mark

##### Bindings, Bruising, Pattern Transfer – with evidence scale and without

### Scene

#### Standard protocols for establishing, documenting and processing a crime scene

#### Evidence considerations for the scene

##### Evidence potential – validate or negate statements, investigative leads, corroboration of facts,

#### Proper evidence packaging, preservation and storage

#### History of the location

#### Resources available and specialized techniques

##### Crime lab

##### Alternate light source

##### Field presumptive testing for semen and blood

##### Forensic odonatologist

#### Types of Evidence

##### Footwear impressions near points of entry/exit

##### Fingerprints and barefoot prints

##### Trace evidence (hairs, fibers, paint, soil, vegetation, etc.)

##### Bindings

##### Lubricant

##### Bedding

##### Carpets

##### Any foreign objects (i.e.: toys)

##### Drugs that may have been used to incapacitate victim

##### Any beverages in which drugs may have been added

##### Clothing worn – victim, suspect

##### Biological evidence – blood, semen, saliva

#### Documentation

##### Photography to include comparison quality photographs

##### Aerial Photographs to provide an aerial perspective of scene, pathways, roadways

###### Helicopter, Drone

###### Google Earth

##### Diagramming to establish spatial relationships of evidence

##### Link crime scenes together

##### Can you recreate this scene in ten years?

##### Treat it like a cold case

### Suspect

#### Kit Contents

##### Penile / Scrotal Swabs

##### Foreign Debris Collection – fingernail scrapings

##### DNA reference Buccal swab

##### Hair samples

##### Documentation of Tattoos/Scarring

##### Information that can be useful to case and crime lab analysis

###### Hygiene – ex: last time showered/washed

###### Vasectomy

##### Overall photographs – full body, hands, face

#### Different Reference Buccal DNA samples

##### Buccal swab for lab comparison

##### Consent, Search Warrant, Court Order

##### Prop 69 Arrestee sample – Not for Investigative use

##### Clothing – hairs, fibers and DNA

##### Drugs that may have been utilized to facilitate a sexual assault

##### Lubricant

##### Condoms

##### Photos of injuries

###### With scales and without

###### Absence of injuries are just as important

###### Follow up photos, next day, next week, to help show severity of injuries and attack

## Drug Facilitated Sexual Assaults

## Commonly used drugs (street names)

#### Alcohol

#### GHB

#### Roofies

#### Ketamine

#### MDMA

### Effects of commonly used drugs

#### Onset

#### Plateau

#### Coming down

### Collection of Samples for Lab and Detection Time Frames of Drugs

#### Urine – 1st urination (void) best chance

##### GHB – approximately 8-12 hours

##### Benzodiazepines (e.g. Rohypnol)- approximately 72 hours difficult after 48 hours

##### Ketamine – approximately 36-48 hours

#### Blood

##### GHB- approximately 4-8 hours

##### Rohypnol- approximately 12 hours

##### Ketamine- approximately 4-6 hours

### Crime Scene and Suspect Considerations for “Date Rape Drug” Investigations Evidence

#### Drug packages

#### Drugs at the visible at the scene

##### Collect, Book and give to Toxicology Unit

##### Toxicology Unit can do a Basic Screening without any info

###### With additional info they can screen further

#### Drinking glasses / soda can / bottles (Drug residues inside)

##### Forensic Evidence of Suspect and Victim on item

###### Suspect Prints/DNA

###### Victim Prints/DNA

#### Prints and DNA in one collection

##### “Single” use Fingerprint Brush

##### “Single” use Fingerprint Powder

##### Allows for DNA analysis and Fingerprint analysis

##### Vomit

##### Video/camera equip. /DVDs or videotapes/photos of victim

#####  Internet info on common drugs and using these in commission of SA

##### Standard sexual assault crime scene evidence

# Collection and Packaging of Physical Evidence

# General Considerations

#### Contamination safeguards

#### Changing gloves frequently after collecting any items of evidence, an evidence swab collection, search for evidence

#### Using a mask – prevent Investigator transfer contamination

#### Other precautionary safeguards

### Drying evidence before packaging

### Package each item individually

### Do not pack biological evidence in anything air tight

### Dried biological stains should be frozen

### Evidence needs to appropriately fit in the packaging

### Evidence seals – no staples, proper tape-seal for biological evidence

### Don’t forget controls where appropriate

### Trace evidence rule- package within a package for those single trace Items and tape-lifts and vacuuming techniques

### Toxicology considerations

## Fingerprints vs. Contact “Touch” DNA

### Potential for contamination using “routine” brush and powder

### Single use powder and single use brush

### Considerations for which method to use

##### Type of item

##### Surface - Likelihood that lab will get a useable profile for comparison or CODIS entry

## Evidence Stains

#### Order of Collection – Entire item vs. swabbing vs. scraping

#### Steps in successfully swabbing an item at a scene and collecting appropriate controls

## Alternate Light Source (ALS): Light as an evidence search tool (biological fluids/fingerprints)

#### Advantages

#### Recommendations for use

#### Limitations

#### Available ALSs on the market

#### Questions in court

## UV Lights for evidence searches

#### UV light wave destroys DNA

#### Optional Learning Activity

# Combined DNA Index System (CODIS) / Genetic Genealogy

### Structure of the Database and profiles maintained in each

#### Local Level/ LDIS (Local DNA Index System) / In-house Database

##### a. Potentially any profiles generated that the lab decides are appropriate

##### b. Reference DNA profiles and evidence profiles, etc.

#### State Level/ SDIS (State DNA Index System) / CAL – DOJ

##### Convicted offenders

##### Other CA lab profiles

##### Felony arrestees

#### National Level / NDIS (National DNA Index System) / FBI

##### Evidence profiles & offender profiles from other 49 states

##### Puerto Rico, US Army Lab, FBI Lab are also uploaded here

### Requirements for what profiles can and cannot be entered into CODIS

#### Profiles that can be searched

##### Forensic unknown evidence profiles

##### Semen stains, Cigarette butt, etc.

#### Profiles that cannot be searched

##### Reference buccal samples from victims, consensual partners, witnesses

##### Suspect buccal reference samples – unless accompanied by completed form stating they are an active suspects Removed 297PC

#### Partial profile requirements for state and federal levels

#### Timelines for entry, upload and hit notification

#### Weekly entry and uploads

#### Special cases, “key board searches”

### CODIS Hits / Requirement for Investigator following a Hit to an Offender

#### Department of Justice Match Report “Hard Copy”

#### Cold Hit Outcome Project (CHOP)

#### Investigator’s unsolved case hits to an unsolved case in database

### Special Considerations

#### John Doe Warrants

#### Other state DNA database laws

#### International capabilities

#### Familial Searching

#### Rapid DNA

### Genetic Genealogy

#### Intro

#### Successes (Golden State Killer and local success examples)

#### Comparison to Forensic DNA typing/CODIS

#### Lab(s) that perform this analysis (i.e. Parabon)

#### Requirements/Cost/etc.

### Optional Learning

## Biological Evidence Retention

### NIJ Biological Evidence Preservation Handbook

#### https://www.nist.gov

## Biological Evidence Retention

## NIJ Biological Evidence Preservation Handbook

## Evidence Conclusion

## Optional Crime Scene Learning Activity

#### Consistency in crime scene investigations

## Sexual assault crimes are predatory crimes

### Linking crimes thru Forensic links and M.O. links

# Module 9: Investigative Techniques

## Investigator Qualifications

### Attributes

### Dedicated

### Patient

### Empathetic

### Ability to deal with difficult victims

### Ability to deal effectively with suspect

### Other qualifications

# Ethical behavior in Investigations

# A. Optional Learning Activity

### Communication with Victims

### Generational Differences

### Cultural Differences

### Communication with Suspects

### Generational Differences

### Cultural Differences

### Report Writing

### Power over Case Outcome

### Objectivity in Investigation Tactics

### Other Ethical Issues

### Relationships with Victim

### Professional Separation

### Accountability

## Classroom Discussion

### Procedural Justice

### Voice

### Respect

### Neutrality

### Judgement Free

### Trustworthiness

### Implicit Bias – Cultural Differences

### Fairness & Impartiality

## Investigative Steps

### Involved Parties

#### Victim

##### Locating & Contacting Victim

###### Documented address/ contact info

1. Information listed on crime report
2. Computer queries
3. Past reports

###### Through family members/ work

1. Maintaining confidentiality

###### Through Social Media

##### Location of Interview

###### Convenient

###### Comfortable

1. No distractions/ confidentiality
2. Ability to audio/video record
3. Availability for an interview
4. Work/ School hours
5. Child care issues

#### Investigative considerations

##### Is there a need for follow up photographs of injury?

##### Composite Drawing of Suspect

##### Willingness to participate

### Behavioral observations

#### Rape Trauma Syndrome

#### Post-Traumatic Stress Syndrome

### Corroborating victim’s account of events

#### Corroboration

#### Search for idiosyncratic detail

#### Sexual knowledge of suspect with no prior relationship

#### False Reports

### Witnesses

#### Location of Interview

##### Convenient

##### Comfortable

##### No distractions/ confidentiality

##### Ability to audio/video record

##### Availability for an interview

##### Work/ School hours

##### Child care issues

##### Additional considerations

###### Willingness to participate

###### Composite Drawing of Suspect

### Suspect(s)

#### Known/ unknown suspect identified

#### Establish timeline for his availability to have committed the crime

#### Timing for arrest

#### Strategize suspect interview

##### Timing

##### Theme

##### Anticipated Suspect Defenses

###### False Report

###### Identification

###### “It didn’t happen that way”

###### Victim and/or witness lying

###### Lack of Intent

###### Mistake (age, person, conduct, etc.)

###### Diminished Capacity

###### Alibi

###### Sexsomnia

#### Proving and disproving suspect’s account of events

##### Verify alibi

##### Signature trait(s)

##### Evidence of consciousness of guilt

##### Evidence of conscious course of conduct

##### Evidence of sexual intent

#### Evidence

##### Identify time sensitive evidence

###### Surveillance video

###### Consensual Partner DNA swab exemplar

##### Request evidence analysis

###### Biological

###### Toxicology

###### Latent Prints

###### Trace Evidence

#### Additional Resources

##### 911 Call

##### Medical records

###### Confidential medical record waivers

###### Basic HIPPA information.

###### Hospital, Doctor’s Office, County Health

##### Related reports

###### Identify additional victims

###### Identify additional witnesses

#### Crime scene photos

### Computer Runs

#### Victim

##### RAP

##### Prior reports

### Social Media

#### Witnesses

##### RAP

##### Social Media

#### Suspect(s)

##### RAP

##### Pull prior reports

#### Crime Analysis Work up

##### Crimes in same area/Similar M.O. and Signature Crimes

##### Contacting adjacent agencies for similar

##### Locate possible additional victims

### Coordinating Follow up Logistics

#### In-office investigative steps

#### Computer runs

#### Phone Calls/ emails

#### Witnesses

#### Requests/Review case documents

### Outside Office Investigative Steps

#### Interviews

##### Multiple parties in same vicinity

##### Managing other case steps in same area

#### Video canvass

#### Revisiting crime scene

#### Neighborhood/area canvass

#### Follow up on any clues

## Documentation

### Documenting Investigation

#### Chronological record

#### Report writing techniques

##### Use of appropriate terminology

##### Use victim’s language

##### Use suspect’s language

###### Clarify unknown terms

###### Explain street vernacular

##### Investigator’s handwritten notes

### Organize and Prepare Discovery for Prosecution

#### Documenting what was given to DA

##### Bate stamp

##### Log

##### Handwritten notes

#### Redacting Reports

##### Remove identifying information of the victim from all report pages

##### Any protected witness whose identification could lead to the identification of the victim

## Sexual Assault Issues

### *Optional* Learning activity

### Unique Difficulties of Sexual Assault Investigations, e.g.:

#### Relationship between victim and suspect

#### Family and/or Friend pressure

#### Establishing “consent”

#### Mental Development of Victim

#### Fear by victims/ Stigma

#### Delayed Reporting

#### Lack of physical evidence or witnesses

#### False Reports

#### Credibility of suspect and/or Victim

#### Cultural differences

#### Rarely witnessed

#### Can’t use normal investigative/intervention techniques

#### Perception of the victim, witness and suspect as to what is act

## Additional Investigative Consideration

### Pre-filing Considerations

#### Victim’s ability and willingness to testify

##### Consultation with the prosecuting attorney

##### Protective/Restraining Orders

### Timing of arrest

#### Consequences/benefits of premature arrest

#### Priorities - protection victim/public, destruction of evidence, flight

#### Time for filing complaint

#### Loss of evidence by announcing investigation prematurely

#### 5836 PC vs. Ramey, Complaint Request

#### What’s missing?

##### Telephone and cell phone records

##### 911 calls, if available

##### Burglar alarms

##### Business/employment records

##### Credit/Debit records

##### Social media/Internet social groups/communications

## Lineups

### *Optional* Learning Activity

### Types of Line-ups

#### Photo

#### Live

#### Voice

### Tools/Weapons

### Tattoos

### Vehicles

## Considerations

### Double Blind

### Sequential

### Audio/ Video Recording

## Sexual Assault Search Warrants

### Brief review of search warrant basics

#### Seizure of evidence

##### Used as a means

##### Instrumentalities of crime

##### Shows a felony has been committed

##### Corroboration of Victim and/or witness statements

#### Resources and Case Law Updates

##### Robert Phillips www.legalupdateonline.com

##### California District Attorney Association (CDAA) Search

##### Warrant Manual

### POST Search Warrant Writing Tool

### Sealing all or portions of the search warrant

#### Concealing investigative tools (e.g. pretext)

#### High profile cases

#### Prevents access to media, other parties

#### Permanent and short-term sealing

### Specific to Sexual Assaults

#### Crime Scene

##### Victim’s Residence

##### Suspect Residence

##### Hotel/ Air B&B

##### Public Places

#### Victim Sexual Assault Exam

##### Victim conscious/unconscious

###### Intoxication

###### Due to injuries

##### Victim Age

###### Age of Consent to Exam – 12 years old

#### Suspect Sexual Assault Exam

## Pretext Phone Calls

### Introduction to Pretext Calls

#### Purpose

#### Benefits

#### Challenges

### Penal Code

#### Penal Code (632; 633; 633.5)

#### Case Law (People V. Riskin)

#### Constitutional restrictions

### Optional Learning Activity

### Investigator Preparation

#### Case familiarity

#### Appropriate

### Victim Preparation

#### Call planning

##### Story line

##### Crime elements

##### Backup plan

#### Rehearsal - As real life as possible

### Equipment

#### Landline

#### Cellular

#### Computer (offsite recording)

### The call and after

#### Monitoring, note taking, etc.

#### Debrief

### Pretext Call Examples

#### Example of a poorly planned and/or executed pretext call

##### Equipment Failure

##### No Admission

#### Examples of Successful Pretext Calls

##### Pretext Example

##### Suspect Interrogation w/pretext

# Module 10: Computer Forensics

1. **Introduction**
2. **Digital Evidence**
3. Recognizing potential digital evidence
4. Case examples
5. Where items have likely been overlooked by investigators
6. Where cases may contain corroborating evidence or the key to the case
	* + 1. Fruit of the Crime
			2. Instrumentalities
			3. Repositories of crime
			4. Corroborating Evidence
	1. Search and Seizure of digital evidence
		1. 4th amendment, Cyberspace, and Digital evidence
		2. Review of search and seizure concepts and their application to cyberspace, which expands to possible jurisdiction(s) worldwide
			1. Search authorities: Search warrant, Probable cause, Probation or Parole, Exigency, and Consent
			2. Other scenarios
	2. Identify international issues and remedies
		1. Brief Case Examples
		2. Challenges in international issues/cases
		3. Legal attachés
7. FBI
8. Secret Service
9. Interpol
	1. Seizing and securing evidence
		1. Encryption and Steganography programs, operating systems with encryption, or other cryptography

Suspect may have program running on computer

* + - * 1. Access at site
				2. Once computer is seized, no one may have access to information
				3. Can lose encrypted or temporary documents forever if mishandled

### Different Encryption Programs

# Recognizing programs or icons

* 1. Bitlocker
		1. How to prevent loss
1. Old school

Pull plug

Potential Issues

Check with local Computer Forensics

New Techniques

* + - 1. Random Access Memory (RAM)

Collect RAM before shutting down

Check with local Computer Forensics

* + - 1. Live/running computers
			2. Evidence preparation, processing, and chain of custody

Be careful with static items or magnet

Don’t let the suspect have access to it or log you into computer

Collection Keys: bag, tag, label, labeling connections, pictures of how computer was set up with wires, etc.

### Privacy protection act and privileged information

# Identify and explain how to deal with protected content information

# Use of Special master

# Area sensitivity in case investigations

# Liability issues

# Case example

##### Working with business technology to access records without interfering with company’s business

# Cyber-child Exploitation: Computer forensic response and child rescue

## Introduction to sexual predators in the digital world

## Profile of the computer sexual offender

### Predator types and profiles (reinforce that this will be covered in more depth during typology section of course)

### Progression from fantasy into reality

## Varying offenses related to sexual predators in the digital world

### Introduction to child sexual abuse media

### Link to molestation, abduction, and murder

### Case studies linking child sexual abuse media possession to contact offenses

### Lewd child modeling vs. child sex abuse media – DOST standards for prosecution

## Computer Forensic Analysis Procedures to recover artifacts

## Media recovery

## Images

## Videos

## Other recovery techniques

## Link/Recent files

## File history

## Internet history

## Other

## Programs utilized

## Limewire

## Frostwire

## Data Hiding/Deletion/Wiping Programs

## Social Media (covered in more depth during lab portion)

### Forensic indicia artifact analysis t

### What are these artifacts?

### May prove who was using the computer – put suspect behind the screen

### Info may aid in the interview of suspect

### Access to other witnesses/victims

### Leads and props for interviews/interrogation

## Rescuing children from on-going contact offenses

## Child victim identification and recovery

## *Operation Hamlet* case example

## Image scanning techniques

## *Optional* Learning Activity

### National Center for Missing & Exploited Children Child Victim Identification Project

# Methods of having images analyzed

# NCMEC – CVIP evidence submittal procedures

# Working with Staff Analysts and report for court and sentencing

## Project Safe Childhood introduction – Federal DOJ initiative currently supported by all U.S. Attorney Offices

## Project initiated with support of George W. Bush and the United States Attorney’s Office and currently refreshed initiative

## Summary - Networking federal, state, and local law enforcement, educators, parents, etc. towards the awareness, investigation, and prosecution of child exploitation crimes

## Prosecution routes

### Federal prosecution elements and sentencing abilities

### Jessica’s Law and state prosecution routes and sentencing abilities

### Sexual Predators Online

## Local case example(s)

### Handling computer sex crimes to prevent denial

### Major case preparation

## Internet terminology review

### Standard internet terms and references

### Emoticons

### Chat abbreviations

## Internet service connections and capabilities

### Dial up

### Broadband/High Speed DSL/Fiber Optic

### 802.11 protocols

### CDPD, GPRS, EDGE, HSDPA, 3G, 4G connections (cellular high speed wireless)

### Local network/business networks

## Optional Learning Activity

## Tracking Online Sexual Predators

### What info you can and cannot get

### Acquiring suspect information through Patriot Act compliance/ECPA

#### Federal compliance laws

#### Search warrants versus court orders

#### PC 1524.2 in California

## Internet resources and methods used by offenders to target, stalk, attack and/or murder victims

### Case examples

#### Local examples

#### Amy Boyer Case

### Public information databases

#### Information databases free

#### Pay for personal information

### Web databases

#### Information databases readily available online to research people

#### Ego-surfing

#### Protecting yourself from being researched online

### Social networking sites

#### Facebook

#### Twitter/Instagram/Myspace

#### MMORPGs - Mass Multi Online Role Playing Games (ex. Everquest)

#### SNS - Social Networking Video

# Audio and video feeds

# Direct client to client capabilities

# Xbox and PS3

# Online environment

# Networking & chat capabilities

#### Other Programs

#### Types of information garnered from social networking sites

#### Victim disposition

#### Case credibility

#### Suspect Information

#### Leads to witnesses/other victims

#### Other

#### Seizure of social networking sites

## Networking with other law enforcement

### Local task force involvement

### Associations

#### HTCIA - High Tech Crimes Investigation Association, www.htcia.org

#### HTCC - High Tech Crime Cops, www.hightechcrimecops.org

#### IACIS, www.cops.org

#### HTCN – High Tech Crime Network, www.htcn.org

#### HTCAC - High Tech Crime Advisor committee

### List Serves – email support and nearly instant sharing with thousands of experts worldwide

### Additional Training

#### California Department of Justice Advanced Training Center (DOJ ATC)

#### Certifications available