

# Successfully Investigating IPSV: Considerations for Law Enforcement

## National Center for Women & Policing

This article was originally published under the heading of *Special Considerations – Domestic Violence Victims* in the document **Successfully Investigating Acquaintance Sexual Assault: A National Training Manual for Law Enforcement**. The manual was developed by the National Center for Women & Policing, and their permission to reprint this excerpt is most appreciated. The complete manual is available on the National Center for Women & Policing website ([www.womenandpolicing.org](http://www.womenandpolicing.org)).

**S**exual assault is common in relationships where there is domestic violence. In fact, according to *Rape In America: A Report to the Nation*, a research report conducted by the National Victim Center and the Crime Victims Research and Treatment Center (1992), 9% of rape victims were assaulted by their husbands.

Despite the pervasiveness of these crimes, the criminal justice system and society often find marital sexual assault a difficult issue to address because of misperception and biases.

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## Considerations

Because of the intimate and often dependent relationship between these perpetrators and victims, concerns unrelated to the sexual assault may affect the response by both the victim and criminal justice system. For example, many victims who have been sexually assaulted by an intimate partner refuse to cooperate with the investigator due to the following concerns:

- The victim may perceive the criminal justice system as unable to protect her from similar future assaults.
- When the husband or partner is the economic provider for the family and/or the father of the children, the decision to confront the perpetrator and report the crime means risking loss of income and economic stability. In addition, the victim may fear not having an appropriate living arrangement for herself and her family after she has reported the crime to law enforcement.
- Victims also fear the well-being of the victim's children will not be addressed sufficiently if they try to leave their spouse or partner.
- Finally, many victims of spousal and partner sexual assault do not report the crime immediately after the assault because they believe the societal misconception that rape cannot occur within the sanctity of marriage or an intimate relationship. Religious and social beliefs may also function to keep women in a relationship where they are being sexually assaulted. [The complete manual *Successfully Investigating Acquaintance Sexual Assault* includes a more detailed discussion on other significant cultural issues in the sections titled *Women of Color*, *Foreign-Born*, and *Non-English Speaking*.]



## Suggestions

- The victim's needs for safety must be assessed and her wishes respected by the investigator at all times. These victims have often been physically and sexually assaulted over a long period of time and may fear severe retaliation by the perpetrator for reporting the crime. In order to complete a comprehensive investigation, the victim must therefore be referred to support services that provide a protective environment and allow the victim to feel safe in divulging all the details of the crime.
  - Law enforcement must recognize that sexual assault does not distinguish among victims; spouses, partners and lovers may be either victims or perpetrators of sexual assault. In addition, simply because one may have given consent in the past for sexual intimacy does not mean that the consent is irrevocable.
  - In addition, domestic violence and sexual assault are not crimes exclusive to heterosexual relationships. Same-gender partnerships also experience domestic violence and sexual assault. It is important for the investigator to sort through his/her feelings about "same sex" relationships so that he/she can treat all victims with dignity, respect, and compassion.
  - Victims who are sexually assaulted by spouses or partners often blame themselves for the crime. It is therefore important during the interview process to reassure the victim that the responsibility for the sexual assault lies solely with the perpetrator.
  - Law enforcement officers should be familiar with services in their area that address the specific needs of victims who have been assaulted by a spouse or partner, including, temporary shelter, temporary care of children, crisis counseling, and protection from retaliation by the partner for reporting the sexual assault.
- Investigators should also be aware of the fact that sexual assault is common in relationships where there is domestic violence and make a point to include questions about sexual assault in all domestic violence investigations. For example, the investigator should ask the victim; "Have you ever been forced to have sex when you didn't want to?"
  - Investigators must be aware that the statutes that apply to domestic violence crimes also apply in cases of sexual assault by a family or household member of the victim.
  - This type of crime is often the most difficult to investigate because the victim may "recant" out of fear or economic necessity. The investigator may be able to facilitate the cooperation of the victim by building trust with the victim and providing her with all of her options for protection and support services. 

## Reference

National Victim Center & Crime Victims Research and Treatment Center (1992). *Rape in America: A report to the nation*. Retrieved July 10, 2009 from [http://academicdepartments.musc.edu/ncvc/resources\\_prof/rape\\_in\\_america.pdf](http://academicdepartments.musc.edu/ncvc/resources_prof/rape_in_america.pdf)