



# Blind Reporting of Sexual Violence

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Imagine a woman having car trouble. She accepts a ride with a man, and he rapes her. Afterward, she feels foolish, hurt, ashamed, vulnerable, and frightened. She questions her judgment. Perhaps the rapist threatened to hurt her if she told anyone; perhaps she fears the reaction of her friends or family if they find out about it. Perhaps she has followed enough rape cases in the media to know that victims often are revictimized by the legal and judicial processes.

What if she never tells anyone about the assault? What if the assailant rapes again? Indeed, up to 84 percent of all sexual assaults go unreported,<sup>1</sup> leaving victims with unresolved trauma, assailants unaccountable for their crimes, and law enforcement officials uninformed about the complete picture of sexual violence in their communities.

Now imagine that she has an option that allows her to share critical information with law enforcement without requiring her to

sacrifice the confidentiality she deserves. In fact, an anonymous reporting system enables law enforcement investigators to gain information about crimes of sexual violence that likely otherwise will go unreported, while it allows victims an opportunity to gather legal information from law enforcement without having to commit immediately to an investigation. Victims have a chance to find out what the process is like, what chance they have of filing successful charges,

and what it will be like to work with the investigator. In the long run, victims, investigators, and the community all benefit from blind reporting.

### **Benefiting from a Blind Reporting System**

According to the FBI, only 16 percent of sexual violence victims report the crime to law enforcement.<sup>2</sup> Victims of stranger rape remain more likely to report the crime than victims who get raped by people they know. Even victims who report the crime often choose not to report the circumstances of the assault, the identity of the assailant, or the nature of the violence. As a result, when law enforcement officers review the reported incidents within the community, the numbers reflect only a fraction of the violence that actually occurs. Law enforcement may not have the most important information about local offenders' patterns of behaviors or the characteristics of emerging high-risk situations or locations. Therefore, law enforcement benefits from accepting blind reports because investigators have a clearer picture of sexual violence in their communities. Moreover, when investigators can pinpoint dangerous scenarios, they can better educate the public, thus improving community relations and possibly garnering information on other neighborhood crime problems.

Blind reporting also provides other benefits. In the immediate aftermath of a trauma, a victim simply may not have the emotional or physical capacity to make a commitment to a full investigation and a court trial. The victim may equate



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talking to an investigator with losing control again, a repeat of what happened during the sexual assault. Having evidence collected, risking a breach of confidentiality, being disbelieved or criticized by others, or enduring a cross-examination by a hostile defense attorney all may blend together as one potential threat to the victim. Yet, if the process feels safe to victims, they will be more likely to cooperate with a formal investigation. Blind reporting lets victims take the investigative process one step at a time, allowing time to build trust between the investigator and the victim and making the whole process feel more manageable.

Describing the assault to a law enforcement professional gives the victim an opportunity to affirm that the assailant did, in fact, commit a crime, which helps in the personal process of healing from the trauma and can help build the victim's confidence in filing charges against the rapist. At the same time, the

investigator gains the opportunity to provide the appropriate community services of sharing information, answering questions, and making referrals for services to such agencies as health clinics or rape crisis centers.

In some states, victims who file blind reports can receive rape victim's assistance, which provides compensation for the costs associated with an emergency rape examination or other related expenses.<sup>3</sup> Some victims may be reluctant to have medical evidence collected because they cannot afford the \$600–850 expense for the emergency room or because they do not want the treatment to show up on insurance and billing records.

Even victims who decide not to pursue legal charges alone may come forward willingly to support other victims of the same assailant. Victims who initially hesitate to file a formal report at the time of the assault may change their minds when given the option of supporting

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or being supported by other victims of the same assailant. The testimony of a prior victim can help the investigator build the case and the district attorney prove it by establishing a pattern of behavior by the accused.

### **Establishing a Blind Reporting System**

A blind report requires the same sensitivity and patience from officers that a formal police report does. Investigators achieve successful reporting by granting victims the respect and dignity given to any crime victim and, in this case, anonymity, as well. To develop a successful blind reporting system, law enforcement agencies should

1) *establish a policy of confidentiality.* The key to a successful blind reporting system is building trust between the rape victim and the investigator, who must understand that the assailant betrayed the victim's trust in people. The law enforcement agency must define clearly and uphold unconditionally its policy of confidentiality.

2) *accept the amount of information offered.* Investigators must allow victims to disclose as little or as much information as they desire. By asking victims to clarify particular points, investigators let them choose to do so. In contrast, putting pressure on victims to convey more information than they want may cause a breakdown. Any amount of information given, even if less than the

investigator prefers, represents more than would otherwise be available and may prove useful in building other cases.

3) *accept the information whenever the victim might offer it.* A delay in disclosure is not an indicator of the validity of the statement. Rather, feelings of self-blame, shame, isolation, fear, or denial may motivate victims to remain silent about their assaults. Yet, when victims have support from people who validate that the assault was, in fact, a crime, they become more likely to choose

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to report the assault immediately. Otherwise, victims may wait until they begin to heal or until they gather the personal strength necessary to trust law enforcement with their disclosures. Other victims may come forward only when they hear of a similar crime occurring or of the same assailant hurting someone else.

4) *accept information from third parties.* Some victims

may be so afraid of losing confidentiality that they will disclose information only through a third party, such as a rape crisis center or battered women's shelter. This option allows the victim to maintain a comfortable distance from the law enforcement process while still conveying information to the appropriate officials.

5) *clarify options for future contact.* Victims may prefer to be contacted again under specific conditions or not at all. For example, if the offender later is charged with another assault, would the victim want to be notified to consider filing a formal report? Would the victim offer additional clarification if doing so became critical for another case? On the blind report, investigators should document where, how, and under what circumstances the victim may be contacted. The report should specify clearly whether officers can leave messages on answering machines or with other people who may answer the phone.

6) *maintain blind reports in separate files.* The blind report is not an official police report. Keeping it in a separate file within the investigative division or with a designated sexual assault investigator avoids inappropriate use of the information it contains and maintains the confidentiality promised the victim. The blind

report should not become available to the records division until the victim chooses to file a formal report. Until that time, only officers assigned specifically to sexual assault cases should have access to the blind report.

7) *categorize the information contained within the blind report.* Analyzing the information in the report helps the investigator identify specific case and offender characteristics—such as names of perpetrators, locations and times of assaults, types of lures, traits of offenders, and processes of victim selection—and categorize this information in a way that eases retrieval and helps match case aspects to other investigations.

### **Overcoming Resistance to Blind Reporting**

Law enforcement agencies initially may feel inclined to dismiss the benefits of establishing a blind reporting system solely because of the time investment it requires. Yet, the 1 hour or so that it takes to talk to a victim and complete a 2-page report pales in comparison to the potential benefits. Sex offenders tend to be repeat offenders. Depending on the typology of the offender, behavior may escalate in intensity and frequency over time. Building a case against an assailant becomes much easier when officers have information about three incidents instead of one or if officers recognize that the actions of a nameless stranger seem similar to those described by another

### **The Benefits of Blind Reporting—**

- builds trust between officers and victims, who may decide to proceed with a full investigation;
- provides information about the patterns of behavior of repeat offenders, which can be used to identify assailants or build cases for court;
- presents a better view of the degree of sexual violence in the community by providing more information on more assaults;
- may help prevent crime by educating the public about high-risk scenarios or locations gleaned from both blind and full reports; and
- garners trust in the community, possibly allowing officers to gain vital information on other cases.

victim who provides identifying information.

The following real-life example demonstrates how a blind report may aid an investigation of this type. Law enforcement became aware of a series of rapes in town. The assailant selected his victims carefully. He preferred white, blond college students in their 20s. Climbing through windows in their homes, he assaulted the women while they slept. After overpowering the victims and raping them, he wiped away his seminal fluid with any towel available, then ordered the victims to shower, keeping their faces directed away from him, while he supervised the process. The victims identified him as a man in his late 20s to mid-30s.

The time of the assaults (5 to 7 a.m.) suggested that the rapist did shift work. His careful actions to remove bodily fluids and hair indicated that he had knowledge of evidence-collection techniques, suggesting a background in a medical field. The personal mannerisms and

verbal expressions he used indicated he had spent time in the military or law enforcement.

About the same time, the victim of an acquaintance rape came in to make a blind report. She was afraid to prosecute, primarily out of fear of retaliation from the assailant, but also because she did not want her family to learn that she had used drugs with the assailant. She made the blind report, providing identifying information on the suspect, including his name and where he worked.

He did shift work in the medical field, his background included a stint in the military, and his age fell within the range suggested by the serial rape victims. He had no criminal record. Police officers did not have a photograph of the subject, so they took one of the serial rape victims to the suspect's place of employment, and she picked him out in the parking lot during a shift change. Police then brought the suspect in for questioning. He denied committing the rapes.

Unfortunately, insufficient DNA existed to confirm or deny a match and not enough other evidence was available to support prosecution. Interestingly, the rapes stopped after this confrontation, despite the lack of confirmation that he was, indeed, the assailant. Although this suspect got away, the blind reporting process can help capture others in a similar manner.

### Conclusion

Sexual violence cases require special handling. Victims may be hypersensitive to real or perceived threats to their safety or their confidentiality. At the same time, investigation and prosecution invite threats to confidentiality and the physical and emotional safety of the victim, and victims who disclose their experience open themselves up for additional violations. As a result, many victims choose to focus on their own healing rather than on trying to achieve justice in systems that historically have not been supportive of victims of sexual violence. To overcome the threat that reporting represents to victims, officers have to work harder to make the reporting process feel safe.

In addition, ensuring the safety of the community represents the primary goal of law enforcement. Law enforcement agencies that remain ill-informed about the true crime picture in their communities are ill-equipped to provide appropriate services. In order for the legal system to hold criminals accountable for their actions, it first must discover the crimes that they have committed. Blind reporting can give victims of sexual violence, and other sensitive crimes, a safe haven

to file a report at the same time that it removes that refuge from their assailants.

All officers want to close out their cases, both for their own satisfaction and to meet the department's need to document its workload. Investigators who work in an environment in which effectiveness is measured only by immediate quantifiable gain may be reluctant to institute a blind reporting system. In reality, they will spend time taking blind reports that will not result in anything more than witnessing the victims' accounts of their assaults. Not only is it of no immediate benefit to them, but the experience may disturb them as much as it does the victim.

However, some blind reports become full reports and lead to investigations and successful prosecutions. Others provide useful information for investigation in other cases. All of them help officers build relationships and gain a true picture of sexually violent crimes committed in the community.

Officers who accept the potential for delayed gratification may become the most ardent supporters of blind reporting systems. The payoff for the effort eventually will be demonstrated through improved community relations and, over time, more effective investigations and prosecutions. ♦

### Endnotes

<sup>1</sup> U.S. Department of Justice, *National Crime Statistics* (Washington, DC: 1993).

<sup>2</sup> In J. Timberlake, "Profile, Congresswomen, and the New Bills," *Women's Self-Defense*, May 1994, 48.

<sup>3</sup> North Carolina Assistance Program for Victims of Rape and Sex Offenses, 1981.

**Teaching Criminal Justice Ethics: Strategic Issues**, edited by John Kleinig and Margaret Leland Smith, published by Anderson Publishing Co., Cincinnati, Ohio, 1997.

The results of a recent International Association of Chiefs of Police needs assessment regarding the perceived justification for and effectiveness of ethics training for law enforcement officers indicated that significant interest exists in the topic. Yet, some critics of ethics training express the belief that "tigers can't change their stripes," or they wonder why law enforcement agencies hire supposedly ethical individuals then presume to teach them ethics.

The editors of *Teaching Criminal Justice Ethics: Strategic Issues* address these and related questions and concerns using relevant research and academic analysis. Many of the questions addressed and answered—often from both sides of the issue so that readers may choose—remain important for law enforcement practitioners, academy trainers, and executive managers alike. Some of the questions addressed include: why teach ethics to individuals hired to police ranks because, among other reasons, background investigations show them to have reputations for ethical behavior? Does a sufficient distinction exist between basic morality and law enforcement ethics to justify expenditures of time, money, and effort by already-burdened agencies toward an understanding and genuine practice of the latter? Will such emphasis make a difference? Once adapted within curricula, how should law enforcement ethics be structured, what should be pre-supposed and emphasized, and to what end?

Admittedly, *Teaching Criminal Justice Ethics* analyzes most of these



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