



B34 Premarital Sex, Schizophrenia, and Other Rape Victim Hazards

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After attending this presentation, attendees will recognize scenarios that may be preventing the submission of physical evidence in rape and assault cases

This presentation will impact the forensic community by demonstrating how to recognize investigative practices that may be limiting effective sexual assault investigations, the value of utilizing forensic biology evidence to identify cases needing further investigation, and educating forensic biologists on the important role they can play in these potentially compromised investigations

Given the nature of the crime, rape is often seen as difficult to investigate and prosecute. Typically, rape victims fall into one of two categories – stranger assault victims or acquaintance assault victims. Society seems to sympathize with victims of stranger rape more. Indeed, once the perpetrator has been identified there is typically little, if any, reluctance to prosecute these cases. Acquaintance assault cases can be a bit more problematic – as can stranger assault cases with “compromised” victims. Victims who have affected their personal safety often put off investigators, prosecutors, and jurors, as do victims who are perceived to be problematic. It is not uncommon to hear that a case won’t be prosecuted because the victim is a prostitute, mentally ill, used drugs, etc. Nor is it uncommon to hear that a defendant was found not guilty because a victim “left the bar willingly with him” or “should not have been drinking so much.”

It is specifically because of these sorts of issues that all forensic biologists need to understand, at the very least, the dynamics of rape. Without foundational knowledge regarding the nature of sex crimes, the somewhat negative environment that is associated with rape can adversely affect forensic biologists. If the forensic scientist is to remain impartial, he or she must be able to understand the context within which these comments are made. While it should be possible for forensic biologists to be insulated from some of these issues, the reality is that sexual assault investigators and attorneys often look to forensic biologists for guidance with regard to what evidence should or should not be examined. Examiners with a lack of understanding as to what rape is can potentially be confused as to what evidence needs to be processed. In the worst case scenario, they may advise that evidence they perceive to be non-probative should not be processed.

Given the premise that some women are more easily victimized (such as prostitutes, mentally ill persons, etc.), it stands to reason that certain types of rapists will hone in on them. Typically, these women are less likely to report the crime, or if they report it, they are less likely to be believed. When these victims are discounted by the system, we are making it easier for these sorts of crime to continue. It is not only possible, but is highly probable, that these women are included amongst many serial rapists’ victims. This issue has become relevant to the unsolved case DNA backlog reduction project.

With the advent of DNA testing, there has been a push to test backlogged rape evidence. In cases where this evidence has been examined and data bank hits have been obtained, there can be a failure of cases with “compromised” victims to move forward in the criminal justice system. In some cases, decisions are being made to not even conduct testing on cases with “compromised” victims. This presentation will address the need for educated forensic biologists to actively participate in defining what cases should be processed. In addition, some discussion will center on working with investigators and attorneys to encourage them to fully consider these difficult cases, and the value of prosecuting these crimes.

Rape, Sexual Assault Investigation, Victims