

Just key considerations for investigations of sexual assault cases

Introduction [00:00:05] Now this is recording, RTI International Center for Forensic Science presents Just Science.

Voiceover [00:00:18] Welcome to Just Science, the podcast for justice professionals and anyone interested in learning more about forensic science, innovative technology, current research and actionable strategies to improve the criminal justice system. In episode four of our Perspectives on At-Home Sexual Assault Kits season, Just Science sat down with Scott Mourtgos, the Deputy Chief of the Salt Lake City Police Department, to provide a law enforcement perspective to our discussion on at home sexual assault kits. Sexual assault cases are some of the most challenging cases to investigate. Forensic evidence associated with these cases play a key role in resolving these cases and supporting victims of sexual assault. Listen along as Deputy Chief Mourtgos, a researcher and veteran police officer with experience investigating sexual assault cases, discusses at home kits and other strategies to respond to sexual violence in this episode of Just Science. This season is funded by the National Institute of Justice's Forensic Technology Center of Excellence. Some content in this podcast may be considered sensitive and may evoke emotional responses or may not be appropriate for younger audiences. Here's your host, Tyler Raible.

Tyler Raible [00:01:19] Hello and welcome to Just Science. I'm your host, Tyler Raible, with the Forensic Technology Center of Excellence, a program of the National Institute of Justice. Today we're continuing our conversation around the at-home sexual assault kits, and to help lead us in this discussion I'm joined by our guest, Scott Mourtgos. Scott is the deputy chief at the Salt Lake City Police Department, a Ph.D. candidate at the University of Utah, and a National Institute of Justice LEADS Scholar. Scott, it's great to see you. Welcome to the show.

Scott Mourtgos [00:01:44] Thanks. It's great to be here. I appreciate the invitation.

Tyler Raible [00:01:46] We're thrilled to have you here. So you've been involved in law enforcement for nearly two decades, and I know that you're also an investigator on sexual assault cases. Can you tell us a little bit about yourself and maybe your career path to get to this point?

Scott Mourtgos [00:02:00] I was one of those people that grew up wanting to be a cop. I don't have any law enforcement in my family. As far as I know none of my kids are going to continue in law enforcement after me. But I grew up wanting to be a cop ever since I was a little kid and ever since I can remember. So that was kind of always the goal, even throughout college as I went and got my undergraduate degree, and I was lucky enough to get hired here at the Salt Lake City Police Department. One of the advantages of working for a larger police department is the ability to have a lot of different opportunities and do a lot of different things. So, you know, whether that was working in patrol like everybody else starts out at and then working undercover in narcotics, working on a bike squad, working in investigations, specifically special victims unit, which is a lot of what we're going to be talking about today. Just a lot of different opportunities to get a broad view of the policing profession and then as you move up the ranks, just kind of going from there, getting to see how everything works together when it comes to the criminal justice system. It's been very beneficial to get a global view of how things do or don't work together sometimes.

Tyler Raible [00:02:56] Yeah, I can see where that kind of holistic approach could be really beneficial, especially in your current role. So I'd love to hear how you ended up in this discipline specifically, you know, working sexual assault investigation.

Scott Mourtgos [00:03:08] I don't remember specifically wanting to work in the special victims unit field when I first became a police officer. You know, the goal was always become a police officer. And then I was there and it was great. I was living my dream. But then as you work through patrol, you know, one of the great things about patrol is you're exposed to a bunch of different variety of situations, and you can kind of get a feel for something you want to have a bigger impact in. And fortunately or unfortunately, depending how you look at it, you know, I had the experience of responding to calls that dealt with child victims. And so that's initially what drove me to wanting to work specifically investigations in the special victims unit area. Some of the, if not the most vulnerable population when it comes to victimization. You know, I had a strong desire to work in that particular field and provide justice to child victims and so that's really kind of what drove me into the special victims unit. But then as I got into that investigative field, the way we do it here, and every agency is different, of course, but the way we do it here in Salt Lake City is, we don't separate out investigators from child crimes and adult crimes. You work both, right? So when it comes to sexual offenses, you'll work sexual offenses against children, you'll also work sexual offenses against adults. And so I naturally began working those crimes as well. My views on how to investigate these crimes certainly have evolved over the years. One of the moments that really stood out to me in my special victims unit career was a sexual assault case, was a young 18 year old female who was raped at gunpoint and working through that entire process, I'd had other sexual assault cases before that I worked, but at least in my experience, most of them got pled out if they were charged. Rarely did I go all the way through the process through a trial, but this particular case went all the way through a trial. And just seeing firsthand the difficulties personally for a victim that has to go through the entire process. Not only from the initial interaction with the patrol officer, but then interactions with me as an investigator. Then the multiple steps throughout the court process, whether it be a preliminary hearing, motion hearings and then finally culminating in a trial where, you know, the defense is going to ask these questions regardless of who the individual is, it's just how our system works, but seeing how difficult and the fortitude that is needed for a victim to go all the way through the process. It was really eye-opening to me, to be quite honest, and it had an impact on me. And in this particular case, the individual was convicted of the crime, and afterwards, you know, I went up to tell her congratulations, and I really admired her for what I saw her do to get to this point, you know, and she just immediately walked up to me and gave me a big hug, thanking me for all the effort I had put into it. It was one of those moments that you don't often get in law enforcement, where you get to see something all the way through and feel some appreciation from the person you were actually able to do something positive for. And it really had kind of an impact on me and how I do these cases and why I feel they're so important to handle correctly and improve upon when we can.

Tyler Raible [00:06:07] That's such an incredible story, and Scott, your position is fascinating because you have this experience as an officer and as an investigator, but you also have this academic component. I want to know a little bit about, you know, how did you decide to go down the Ph.D. route? And then can you tell us about what being a LEADS scholar is?

Scott Mourtgos [00:06:25] I actually get asked that question quite a lot. So, growing up, I didn't really enjoy high school all that much. I was a good student, always has been a good student. I've been blessed with that ability. I actually didn't think I needed to go to college

because I wanted to be a police officer. But you know, you can't be a police officer until you're 21 and so I ended up going to college and getting into a criminal justice program at a local university here, and I just fell in love with school. Like, it just finally clicked for me. I enjoyed everything about it. I really enjoyed learning and studying what I specifically wanted to learn more about and study. Once I graduated and became a police officer, I always knew I was going to go on and get a graduate degree. So about 10 years into my career, I started a master's program in forensic psychology, and during that I had a really good advisor and ended up doing a research project that just really kind of turned me on to the research aspect of criminal justice studies. I just really enjoyed it. It's a lot like being a detective. I also really enjoyed the data analysis part of it. And so from there, I just knew like, alright well I'm hooked, I want to go do the Ph.D. route now. But it's been extremely advantageous not only for my career, but I think also for being a positive influence in the profession. Which kind of leads us to the LEADS scholar part of the question. The LEADS scholar program is through the National Institute of Justice where academically minded practitioners working with the National Institute of Justice to further research in policing. There is a history of policing research, but when it comes to the grand scheme of things, we know much less about what does or doesn't work in policing than we do in a lot of other academic fields. The LEADS program is trying to marry together a practitioner focus with a research focus, which I think is a really good idea because one of the things that drew me back into academia was is I would read some of these journal articles and look at and go, well that's a great study, but that's not what I recognize as my reality being in the field, doing this work. And so I think if you can bring a practical viewpoint to the difficulties of law enforcement and how that aligns with different theories and assessments of what works and doesn't work, I think it is only better for everybody involved in that particular field.

Tyler Raible [00:08:33] Yeah, I love that. One of the things that the Forensic Technology Center of Excellence really focuses on is that transition from research to practice. So I assume that being a researcher who is fully immersed in the field of study itself probably gives you a really robust understanding of the gaps. Is that fair to say?

Scott Mourtgos [00:08:50] Yes, I would say that's fair to say. I think often policymakers want to advance a certain policy because they believe that's going to solve problem X, Y or Z. And it's all very well-meaning, but if they're not in the weeds of how a certain process actually works, it's very easy to look over, well, it's not going to work because of this reason, or it's not going to work because of this reason. One of the examples I can give you is, you know, several years ago, locally it was mandated to move to a mandatory sexual assault kit processing policy, whereas before it was left up to the discretion of the detectives. My views on this have evolved over time for reasons we can talk about. I do advocate for mandatory testing policies at this point, but at the time when this was being set up initially, some of the pushback that was given was is well, that's not going to increase arrests because the presence of DNA or the absence of presence of DNA doesn't prove a case one way or the other. It was being pushed forward as a solution to increasing arrests and prosecutions for sexual assaults and in my view, that wasn't the solution. It was a solution to other problems, but it wasn't a solution to increasing arrests or prosecutions and luckily, I had the academic skills to be able to evaluate that policy afterwards, and that's what we found. It didn't really make a change, which is good in and of itself, though, because now we know, OK, well, this is advantageous for other reasons like linking cold cases together, which I think is the primary reason at this point why I strongly advocate for mandatory policies, but if you want to move the needle on additional arrests and bringing justice for victims with sexual assault offenders or increase prosecutions, that in of itself is not going to move the needle. At least it didn't in our experience, as well as other areas that have studied that same policy move.

Tyler Raible [00:10:35] Scott, correct me if I'm wrong, but I think that Cuyahoga County was one of the regions that saw an increase in kind of making connections with the cold cases. But it sounds like that's not necessarily, as you put it, moving the needle for new cases is that correct?

Scott Mourtgos [00:10:49] It certainly wasn't in our experience and in the other studies I've seen as a prospective tool, they have found the same thing. It just really didn't make a difference one way or the other. If anything, it actually depressed some of the metrics by which we would hope to improve upon, such as arrests or whatnot because once you flood the system with all these additional test kits and cases moving forward in the system, if you don't staff and fund everything else that goes along with that, whether it be crime lab, investigatory resources, policing resources, et cetera, the system quickly becomes overwhelmed and people can't keep up with that particular volume. With the Cuyahoga County experience, Dr. Rachel Lovell is involved heavily in that particular area, and I've had conversations with her about this because they had a different experience than we did and, you know, from our conversations, I think there's specific reasons for that. And we have had success here linking old cases together through this mandatory process, which again, I think is well worth the effort and the resources to make mandatory testing policies a reality. But if we're looking to move the needle on future cases, it takes much more than simply saying we're going to test all sexual assault kits moving forward.

Tyler Raible [00:11:59] Excellent. Thank you. We actually had Dr. Lovell and Mary Weston, both of Cuyahoga County, on the show to talk specifically about their test all approach and it was fascinating to hear, but there's been this increase and there's a lot of talk around this concept of an at-home sexual assault evidence collection kit. It's a publicly available kit, not associated with a hospital or any sort of medical facility. And in this season, we've been calling them at-home sexual assault kits or at-home kits. Before we really dive in, could you share a little bit of your perspective on these at home kits?

Scott Mourtgos [00:12:30] Yeah, from an investigative perspective, I remember when I first heard about it. It really kind of took me back. I really couldn't understand where the idea for these would be coming from. And, you know, I'm looking at it from a particular perspective, and I'm sure there's perspectives in which people see these as being advantageous, but if I'm looking at it simply from an investigative standpoint, I see them as extremely problematic for several reasons. The most significant reason from an investigative standpoint is we simply can't use the results from them in the investigation process. I mean, there's a very defined process for biological evidence being collected, being packaged and stored correctly and being passed through from the SANE nurse that collects it, to the police department that is then receiving it, to the crime lab, who then tests it, to the worker within the crime lab that then ostensibly is going to put it on the CODIS database. Every step has to be accounted for and it has to be done in a particular way in order for it to be used in a court process. If any of those steps along the way aren't meeting the standards for which has been set, we simply can't use it. And so it's giving victims of sexual assault, in my opinion, a sense of false hope where they're thinking, I'm collecting this evidence and it can be used in the process for holding a perpetrator accountable and it simply cannot from an investigative standpoint, and so I do see them as extremely problematic,

Tyler Raible [00:14:00] Scott I definitely appreciate the clarification, and as a point for our listeners, Scott, you and I are going to be using the terms victim and survivor kind of

interchangeably. So from your perspective, then what would you consider to be a major difference between an at home kit and the one that somebody would receive at a hospital?

Scott Mourtgos [00:14:20] Well, as far as the specific differences between - I know home kit and one that's used at a hospital as far as the actual collection aspect of that, a SANE nurse would probably be able to speak to that more thoroughly than I can, but I can tell you the difference between those two from my perspective on the receiving end as an investigator from that. It's not simply about obtaining some swabs for DNA evidence or other sort of biological evidence that we could use in an investigation. There's much more to us receiving one of those kits in the investigative process than what we use them for. It's not just about obtaining biological evidence, and as I stated before, even if we were to obtain that biological evidence from an at-home kit, we wouldn't be able to use it in an investigative capacity anyways. But beyond that, SANE nurses will speak with the victim in the case, right? Those statements that we get during that medical interview helps inform our investigation moving forward. It's not we just get a box and then send it off to a crime lab. We actually get an actual report which details events leading up to the assault, what occurred during the assault, what occurred after the assault, and that very much informs our investigation as we put it together moving forward and what we need to follow up on. It also documents injuries well beyond biological evidence. Injuries such as bruises, lacerations, contusions, what have you on extremities, but it also can include injuries to the genital area that can't be seen unless a medical exam by a medical professional is actually done. And you know, case in point, the case that I told you about at the beginning of this podcast about my experience going all the way through with this victim through a trial, I very much credit the SANE nurse that testified in that trial as really sealing the conviction there because of how they were able to speak to injuries to that genital area that we never would have known about or even been qualified to discuss, quite honestly, because I'm not a medical professional. It was extremely powerful testimony, which is another reason to have a SANE nurse doing this collection process rather than simply an at-home kit, because then they can come in and testify to the medical aspect of what they're finding and then passing on to us in the investigative process.

Tyler Raible [00:16:34] To me, it definitely seems like a properly collected kit is of paramount importance in the investigative process. And you mentioned that it does allow the SANE, the sexual assault nurse examiner, to provide some expert medical testimony. What other roles does the kit play in the investigation of a sexual assault?

Scott Mourtgos [00:16:53] So it's not only just about evidence collection. Now certainly that's a primary concern of mine as an investigator, but I also recognize there are other aspects that are important well outside of the actual investigation itself. There's health care provided during these examinations. There are concerns often from victims about obtaining a sexually transmitted disease, possibly getting pregnant from the assault, depending on how it occurred, and then at least locally, I would assume it's similar in other parts of the country that I can only speak for here locally, when a sexual assault kit examination is done in the hospital with a SANE nurse, there is also a rape recovery victim advocate provided at the same time to assist the victim during this, you know, obviously traumatic period and providing additional follow up resources for counseling or what other help they might need to start moving through this process and dealing with the trauma that's come along with this particular incident.

Tyler Raible [00:17:50] Yeah, it really echoes a lot of the sentiments that we've had from other guests where this network of trust and having supportive people around you really, really helps with the healing process and with victim engagement and law enforcement. So

if a person were to have an at-home kit done, what complications might this cause for the investigation itself?

Scott Mourtgos [00:18:11] It's hard state the amount of complications that it would cause. I mean, certainly there wouldn't be any blame conveyed. I mean, we would certainly take that kit and book it into evidence. But unfortunately, that's probably where it would stay. The crime lab has very strict policies about the evidence it can and can't collect, and if it's not coming from a certified individual that is qualified to collect biological evidence in a manner that is forensically sound and not introducing contamination, whether on purpose or inadvertently, they're not able to accept it because the chain of evidence has been broken at that point. We cannot account for every step from collection to crime lab. We cannot account for that evidence during that entire period. So not only would the crime lab not be able to accept it, it certainly would not be qualified for being entered into the CODIS system to look for possible DNA matches, which is very strictly regulated. So again, while we would take it and certainly be understanding of how that occurred, it really, from an investigative standpoint would not be useful to us. And one of the problems that arises with these sorts of issues is that the evidence collected during a sexual assault kit examination, it's transitory in nature. We can't go back and get that evidence again just because of the realities of how bodies heal, and biological evidence operates. So locally here, typically, what we tell victims is as long as you report to a hospital within five days of the sexual assault, there's exceptions to this obviously, given certain circumstances, then we can still conduct a sexual assault kit examination. But once it's passed that five days, unfortunately, we can't go back and redo it. We can't go back and get that evidence that could be the driver behind us being able to move forward, holding somebody accountable for the assault.

Tyler Raible [00:19:59] There are a couple of things that you mentioned that I want to dive into a little bit further, if that's OK. You mentioned chain of custody. What is chain of custody and why is it so valuable?

Scott Mourtgos [00:20:08] I mean, in its simplest form, the chain of custody is just this idea that in order to be able to introduce something in court, we have to be able to account for it from the collection point along the entire way and be able to attest to the fact that no one has somehow contaminated that evidence, whatever that evidence is, whether it be biological evidence or otherwise. And so that's the idea behind chain of custody. From the point of obtaining the evidence, which again, it's not just obtaining it, it needs to be obtained in a certain forensically sound manner to reduce contamination at the collection point, which again, why it's so important to have a sexual assault nurse examiner do this rather than the at home test kit, but from that point of collection all the way to it being introduced in court, whether that be an investigator taking it out of evidence and taking it to the crime lab, the crime lab opening up the kit and doing what they need to do as far as testing procedures go and then resealing it. If we can't account for that every step of the way, we can't say that we know this is uncontaminated evidence. And if that's the case, the court will not allow it being introduced as evidence.

Tyler Raible [00:21:13] You did mention that CODIS eligibility does kind of come into play. Is the chain of custody kind of part of the determinant of CODIS eligibility? Or is it the quality of the sample collection? What's the kind of driving factor here?

Scott Mourtgos [00:21:27] So I'm not going to be able to give you every single point as far as the actual eligibility factors, because there's practical considerations, which we're talking about the chain of evidence and then there's also markers within the sample itself

that determine whether or not the crime lab will actually place it into the CODIS database. But one of the practical considerations that's made when determining whether a sample can be placed on CODIS or not is whether the DNA profile that we're entering into CODIS is from a known sample and the way that we're able to determine it's from a known sample, is it being collected by a qualified person to do it in a forensically sound manner, and then being able to track the chain of evidence all the way to the point where it's submitted to the crime lab and then put up on to CODIS.

Tyler Raible [00:22:07] Excellent. Thank you for the clarification. I was hoping you could tell us a little bit more about the investigation process kind of top down, start to finish how it looks.

Scott Mourtgos [00:22:15] Sure, I'd be happy to. You know, obviously there's idiosyncrasies to every investigation, but I'll give you the broad general outline here and also recognizing police departments are different based on size, right? Like I work for a fairly large organization of around 600 officers, so we're very specialized as far as what we do, whereas in a rural police department, maybe five officers, that officer is going to do all of what I'm talking about here and not specialize it out to detective units or whatnot. But the way we handle it here locally is that typically when somebody calls and makes a sexual assault report, their first interaction is going to be with a patrol officer. The patrol officer is the one that gets dispatched to the original call, and they'll go speak with the sexual assault victim and just get a very preliminary statement. Like what we've trained our officers to do is not dive into the well, what about this? And what about that? And what about that? Because of problems with memory recall following a traumatic incident like that and what they're going through at the time, we don't want victims to feel like they're being pressured to answer every minute detail. So we've trained our officers to just get a very general outline of the allegation and then also focus on what we call the three S's: the scene, suspect and safety. Is there a scene we can go to, to collect evidence beyond the sexual assault kit that will be collected by the nurse examiner? Is there a suspect that we can go get hands on right now? Not always, but typically speaking, the sooner we can get hands on a suspect, the better chances we have of resolving this case, which is the case in most investigations in my experience. And then also we want to make sure they're safe returning back to wherever they came from. Do they live with the suspect or is an acquaintance where we're not worried about having the victim go home? So that's what the patrol response is. Then they'll write up the report. Sexual assault kit examinations can take up to five hours sometimes, and so typically the SANE nurse will call back to our police department when it's completed and either the same officer if they're still on or a completely different officer if shifts have changed, will go get the sexual assault kit and book it into evidence. When the initial officer writes up the report, it then gets forwarded to our special victims unit. So a detective will be assigned from our special victims unit, which will then do two things, they'll read the police report and they'll also read the report from the sexual assault kit examination and at that point, they'll also reach out to the victim to come in for a much more thorough, in-depth interview after they've had some time to kind of work through some of the processing of what had occurred. Based on what that interview brings out, there'll be other interviews done regarding how many other witnesses there are, also interrogations if we can grab a suspect and have an interview in that manner. The kit will also be submitted to the crime lab for serology as well as DNA analysis and then, depending on what evidence comes back from all of these things going on, there might be additional follow up, there might not, but when it's all done, then the detective will sit down with the prosecutor at our local district attorney's office, review the case with them, and then the prosecutor will make the determination of whether they're filing charges or not. That's the basic outline from start to finish.

Tyler Raible [00:25:07] From your experience and your perspective, is there anything that law enforcement agencies can do or should be doing to engage with sexual assault survivors or even the public in general about any options they might have if they used an at home kit? Or do you have any advice that you would offer someone who's used an at home kit and doesn't really know what to do now?

Scott Mourtgos [00:25:27] I would say this, as far as someone who's used an at home kit or if one was used, still make the report to us as soon as possible. If too much time hasn't gone by, we still might be able to have an official sexual assault kit performed. Obviously, circumstances are going to dictate that, but I would still say the sooner you can contact law enforcement, the better chances we have of collecting the evidence we need to be able to move forward in the investigation. And then I think it's also important because I think one of the ideas behind a stay at-home kit is that some victims don't want to speak to law enforcement, which I understand. You know, I fortunately, have never been in that circumstance myself. I can imagine a world in which I would not want to talk to law enforcement after that happened to me, either. So like, I get that and our agency gets that and Utah actually has the ability for a no report sexual assault kit to be obtained from a SANE nurse. So a victim, if they don't want to speak to a law enforcement officer for whatever reason, they can still go get a sexual assault kit done. They can go to the hospital, a SANE nurse will come out, collect the evidence, they'll still call the police department and turn the kit over to us because we need that for the chain of evidence and then, let's say one month, two months down the road, the victim decides, you know what? I do want to move forward with this case, then they can call us at that point, but we have the evidence to move forward. Whereas two months down the road, if they didn't go get that done, we can't go back and obtain that evidence. So again, time is of the essence when it comes to sexual assault kit collections. So regarding what law enforcement agencies can do, you know, several years ago where this really became a topic here locally, and this is when the move to a mandatory sexual assault kit testing policy was enacted here, it did make our agency take a real hard look at what are we doing? What could we be doing better? You know, I think often blame is laid at law enforcement's feet for some things, and rightly so in some circumstances, but I do also think that, you know, there are other parts of the criminal justice system that need to be tweaked in order for better success in these cases to occur. In my personal view, specifically, that's at the prosecution level. But that's another conversation. But in that review, we did recognize that you know what? There's one specific area where we really could be doing better. And what we noticed is when you're working sexual assault cases, one of the biggest problems that we have in being able to move forward with the case is after that initial patrol interview, we have a high turnover rate in victims engaging with the process. They either tell the detective that they don't want to move forward with the case, or they simply just won't answer the telephone calls or knocks on the door. And there's a whole host of reasons for that. You know, there's no blame being placed here. I can understand why that might be the case. But as we started looking at our own agency and why that might be occurring, because we were seeing a lot of turnover in victim engagement at that - directly following that initial interaction with a patrol officer, we realized some of the reason that was occurring is because of the type of interactions that were occurring at that initial level. Patrol officers, if they respond on a robbery call or a burglary call, or any other sort of call, like they want to know about every specific detail about what happened and when questions are asked in a very direct manner, it can really come across as accusatorial sometimes, especially to a sexual assault victim who just went through this horrific ordeal. Their mind isn't quite right at that moment in time and so they're just giving the officers their best response in that moment, which might not be a direct representation of reality of what happened during the

assault, which, you know again, is not their fault, but then that comes off as well, that doesn't make sense to the patrol officer, so they keep diving into it more and more and more, and it just becomes very accusatorial and we saw that over and over again. So myself, along with a colleague, put together a training program, and we trained our entire police department across four months, saying, this is what we want from our initial patrol response. When you make contact with the victim, express empathy, right? I'm sorry this happened to you. And then just to ask them simply open-ended questions. Tell me what happened and then just let them tell you what comes to their mind about what happened. We don't need to get into the minute details that will come out during the investigatory process with a follow up interview a week or so down the road with a detective that's specifically trained on trauma informed interviewing practices. And then again, the three S's: the scene suspect and safety. That's it. That's all we want you to do when you're having this initial interaction. And our hope was that this would lead to better interactions where a victim didn't feel like they were being accused of doing something wrong or maybe being dishonest and I think importantly, if an agency decides to do this, you use specific examples from your own agency, which is what we did. We combed through police reports and took excerpts out of questions that were asked of victims by our patrol officers and when you put it up on a big screen and say, this is what was asked. It's really kind of an aha moment for officers as you start talking to them about it and they get it where in the moment where they're just doing what they've always done, it might not register with them. And so we were able to train our whole department. We ran an evaluation, which has now been published in journal Criminal Justice and we saw a 32% increase in victim staying engaged in the process following that initial interaction with patrol officers. Now, obviously, turnover is still higher than we would like, and so we're always looking for ways to do things better but, you know, a 32% increase just based off a simple intervention, a four-hour training of this is how we want you to talk to victims of sexual assault, it was really substantial for us here.

Tyler Raible [00:30:51] Yeah, Scott, you're right. That 32% is a - that's a huge number. And I was reading through the article this morning and I thought it was fascinating how it was kind of a direct application of applying trauma informed interaction, you know, based on the initial contact. I was a little curious, could you tell us a little bit more about the training program that you developed? So what kind of coursework did you include? What did you - I mean, you mentioned that you were showing, you know, some interactions on a big screen, but what else were you going over? What kind of topics were included in the training?

Scott Mourtgos [00:31:20] Yeah, so one of the things that we really wanted to hit home on is, is everybody needs to get out of this mindset of the stereotypical sexual assault. The stereotypical rape where a woman is thrown down in some back alley somewhere and raped by a complete stranger. Does that occur? Yes, it occurs, but that is by far the minority of what sexual assaults are. But I think, you know, in general, that's what people have in their minds when it comes to a stereotypical sexual assault. So, you know, we open up the training with a case review of an incident from our own department that, just based on the initial statement, most cops are going to look at and go, no, no way. And then we walk them through the investigation step by step by step and show how every single concern that they had based off of that initial statement because of a poor interaction between an officer and the victim, was explained and was explained correctly throughout the investigation process and like yeah, this happened, and we have incriminating statements now from the suspect and was eventually charged and prosecuted and convicted of this crime. And so we try to set up this environment of you cannot make an accurate assessment of whether this occurred or didn't occur based off of

that initial interview. So just get that out of your mind. And again, I think it's important that we're using circumstances specifically from your own department because it makes it much easier to buy in and see what we're doing here locally. And then we go through what are perceived as paradoxical responses from victims in these cases time and time again, which it took me a good year of being a sexual assault investigator to start recognizing myself like, this happens all the time. If this is happening all the time, is it really paradoxical or is this the norm, right? But if nobody's ever explained that to somebody, they're not going to know that. And then we also try to find a way in which we can explain why you would be seeing these responses in a way that makes sense to officers. And so we compare the responses you see from victims of sexual assault to the responses in the cognitive and behavioral reactions that officers experience during deadly force encounters and how they're extremely similar. And that puts it in a context that makes sense to officers. At least it did here when we did our training program. And then we walk through why it's important to use open ended responses and why you don't want to start coming across in an accusatorial manner and this is the way we want you to conduct yourself during this initial interview and then walk through that entire process. You know, we didn't shy away from the fact that, you know, we had some pretty startling interactions with our own department to go over with them. Which again, you take 10 steps back and look at it two years down the road, you're hard pressed to find an officer, including the officer that had that interaction, which we all reached out to them before to make sure they're OK with us sharing it, can't really justify two years after the fact being removed from the moment of it. And so those are all the topics that we really tried to hit on. And again, it was successful.

Tyler Raible [00:34:09] For those of you listening at home, the article is "Improving victim engagement and officer response and rape investigations: A longitudinal assessment of a brief training." It's in the Journal of Criminal Justice. I highly recommend to go out and read it. It is fascinating just to really see the impact that this trauma informed training had. And I know that part of our listenership includes a significant amount of law enforcement professionals. So, Scott, do you have any suggestions for other investigators or law enforcement personnel on how to implement trauma informed practices when engaging with survivors?

Scott Mourtgos [00:34:41] I think first off, there needs to be an honest self-assessment. Now, to be fair, we were forced into an honest self-assessment of what was occurring, which is frequently the case. Hindsight is 20/20. Ideally, we would have done that ourselves before we were dealing with the issues that we were dealing with. And I think just being open minded to new information and new education. Policing is an ever-evolving field. I've been doing policing for about two decades now and I look back to how I policed even as a patrol officer 20 years ago, to how policing as a patrol officer now has changed in just a short amount of time I've been doing this profession. It's constantly evolving, and we have to be willing to accept that as time goes on, we learn more about how to do things better and being open to that. Like, if we're having these negative experiences, nobody's doing it maliciously. I mean, at least hopefully, right? Nobody's doing this maliciously. Just recognizing that we could be doing this better is not a criticism. It's just making sure you're providing the best service and the best chance at justice for a very vulnerable set of victims who very rarely get justice. So if we can improve that even by a few percentage points, we're doing something good, we're doing something worthwhile and we should be looking to continue to do that. And I think the other take home is, is that education works, right? I mean, you have to have that self-assessment. I do think it's important that the education component, the training component comes from a trusted person within the department. I do think that's something we had going for us. It wasn't some outside company coming in, and I'm not saying that that's a bad thing, but I do think there's a

difference, especially when you're training police officers who can be a difficult population to train for any police trainer, they will tell you the same thing, and that's not in a pejorative sense, it's just police officers are skeptical in general, and I think topics are more well received by trusted individuals within the agency that know what the culture there currently is and the difficulties of these cases because they've done it themselves. But again, the fact remains that the education works. You know, we're lucky to have Dr. Brad Campbell of the University of Louisville. He's currently in the process of trying to replicate there the success we had here, and we'll see if that holds up. But I think, you know, the two primary lessons to take away, at least what I would suggest from an organizational level is one, be open minded to actually critiquing yourselves and when you find that something could be improved upon, don't take it as an affront. Take it as an opportunity to improve and provide more justice to individuals who historically have not been able to get a lot of justice in these particular cases.

Tyler Raible [00:37:07] I really appreciate the nod towards the kind of ever evolving discipline and as a former educator, I really appreciate hearing that education works. Unfortunately, Scott, we are nearing the end of our time together. So what's next for you?

Scott Mourtgos [00:37:21] So one of the things I'm really excited about to see where it goes here locally, if I remember correctly, don't hold me to this date, but I think it was 2015 where we made the switch over to a mandatory sexual assault kit testing policy. As part of that policy movement, we had a decent amount of old cases that hadn't been tested over the years. And so part of that policy change was to go back and test all of those old cases as well, which we have been getting those results back now over the past year to two years at this point, and we're getting hundreds, hundreds of DNA matches. And I was lucky enough when I was promoted to lieutenant to be able to have an opportunity to go back and run the investigations division here and have a chance to change some things that I wish would have been changed back when I was a detective actually doing the work. And one of the things that I did at that time was, within our special victims unit, set up a cold case unit for these sexual assault cases because we have to do something with these hundreds and hundreds of cases. We owe it to the victims to do something with those cases if we have evidence now that can be followed up upon. And so those cases are now just starting to make their way through the justice system. So I'm excited to see where that goes. And then just also, I would be remiss if I did not mention the hard and dedicated work that all the detectives, not only in my agency, but I know everywhere put into these investigations. I will always and forever advocate for investigators that do the work investigating sexual assault crimes, whether it be against children or adults. It takes a special individual to be able to work in that environment. Day in, day out, hundreds and hundreds of cases every single year. And I think it's important that we recognize that. I think it's important that we support them. And I think it's important that we give them the resources that they need to be able to give the best chance at justice to these victims that they're trying to help. Rather than laying the blame at individual officers' feet, what are we doing as a system to make sure that they can be successful? Are we staffing special victims units appropriately? Are we funding our crime labs appropriately? Are we working with our prosecuting agencies to make sure that prosecutions are occurring when cases are turned over to them? All of those things are essential components driving whether or not an individual is held accountable for one of these actions. Not an individual detective who is often overwhelmed and trying to tread water. So I think it's important, at least for me, to acknowledge the hard work and dedication of all of those women and men, and at least hearing it from me if they actually listen to this podcast that I appreciate their work and everybody else should as well.

Tyler Raible [00:39:47] Scott, I think that's a great note to end on. I'm constantly impressed with the people that we have on the show and all of the just incredible work that's being done out in this arena. So thank you so much for being here and for taking the time out of your day to have this very important conversation with us.

Scott Mourtgos [00:40:03] Well, thank you very much for the opportunity. I really appreciate it. As I've heard other guests talk about on your show, you know, it's a multi-disciplinary approach. And if law enforcement isn't being included in these conversations, we're missing a critical component. So the opportunity to come and speak with you as far as from an investigative standpoint, I very much appreciate it. And again, thank you for having me.

Tyler Raible [00:40:22] Absolutely, it was a pleasure. For those of you listening at home, on your drive, if you enjoyed today's conversation, be sure to like and follow Just Science on your platform of choice. For more information on today's topic and resources in the forensic field, remember to visit ForensicCOE.org. I'm Tyler Raible and this has been another episode of Just Science.

Voiceover [00:40:40] Next week Just Science sits down with Jay Henry to provide a laboratory viewpoint on at home kits. Opinions or points of views expressed in this podcast represent a consensus of the authors and do not necessarily represent the official position or policies of its funding.