

## Tier 1: Neutral/Objective Language

- **Focus:** Describes actions and observations without interpretation or judgment.
  - Direct quotes from victim or suspect (Shuy, 2012, p. 195).
  - Factual descriptions of injuries or physical evidence observed (EVAWI, p. 11).
  - Precise time and location details (Casalan, 2025, p. 4).
  - Statements describing actions: "subject walked away," "victim stated they did not consent" (EVAWI).

## Tier 2: Subjective Language (Potentially Biasing Against Victim)

- **Focus:** Introduces the officer's interpretation, judgment, or focuses on victim behavior.
  - **Implying Culpability/Risk-taking:** Language describing the victim's clothing, level of intoxication (e.g., "victim was heavily intoxicated"), prior relationship with the accused, location, or perceived "promiscuity," framed implicitly or explicitly as contributing factors to the assault. Officers may note behaviors deemed "inappropriate" based on the "ideal victim" myth (O'Neal, 2019, p. 139).
    - Victim has "done this before" (Id.)
  - **Alleging Victim Character Flaws:** Citing characteristics of the victim that do not pertain to the legal elements of rape, but that imply the victim is not an "ideal victim" (O'Neal 140)
    - Victim was "mental" or reference to mental health issues (Id. and O'Neal 140)
    - Victim was regular drug user (Shaw 607)
    - Victim was a sex worker (Id.)
  - **Questioning Demeanor:** Describing the victim's emotional state in ways that contradict the "ideal victim" stereotype, implicitly questioning their credibility (O'Neal, 2019, p. 140); (Shaw et al., 2017, p. 608) .
    - "victim appeared unusually calm"
    - "did not cry"
    - "seemed detached"
    - "Unemotional"
    - "Spoke matter-of-fact"
  - **Noting the Time Gap Between Assault and Report:** Emphasizing time gaps before reporting or minor discrepancies in the victim's statements (Shaw et al., 2017, p. 609); (O'Neal, 2019, p. 141).
    - "She states incident occurred two nights ago and did not report it until now"
    - "Victim stated the incident occurred at 10pm, but later said it was around 1AM."
    - **Using Skeptical Qualifiers:** Framing the victim's account with subjective qualifiers, especially when the accused account is given more directly (Spohn & Tellis, 2019, p. 396); (O'Neal, 2019, p. 142). Words like:

- "alleges"
  - "claims"
  - "states she felt"
  - or using quotation marks excessively around the victim's assertions
- **Including Victim Self-Blame:** Documenting victim statements like "I shouldn't have gone with him" or "I feel responsible" without contextualizing them as common psychological responses to trauma rather than admissions of poor judgment.
- **Officer's Subjective Credibility Assessment:** Explicitly stating doubts about the victim's truthfulness or classifying the report based on perceived credibility rather than evidence (O'Neal, 2019, p. 142).
  - "Based on inconsistencies and victim demeanor, victim's account lacks credibility."
  - "Weak" victim (Shaw 608)
  - Victim has a bad reputation (Shaw 610)
- **Euphemisms for Sexual Acts:** Using neutral or vague terms when describing non-consensual acts, instead of explicit terms like "rape" or "penetration".
  - "intercourse occurred"
  - "sexual relations"
  - "had sex"
  - "the incident"
- **Ambiguity about Incapacitation:** Vagueness about the victim's state if drugs/alcohol were involved, failing to connect it to their ability to consent. "Both parties had been drinking" (without specifying impairment levels). (MPC § 213.1(1)(b-c))

### Tier 3: Language Undermining Direct Legal Elements of MPC

- **Focus:** Uses language (or omissions) that minimize or contradict the legal elements required to establish rape under [MPC § 213](#) (force/threat, incapacitation, lack of consent).
  - **Obscuring force/threat (MPC § 213.1(1)(a)):**
    - Using euphemisms or minimizing language instead of detailing specific actions constituting force or threat. Writing "suspect initiated physical contact" instead of "suspect grabbed victim's arms and pushed her onto the bed."
    - Omitting details about verbal threats, presence of weapons, or physical actions described by the victim that demonstrate compulsion.
    - Focusing solely on the absence of visible injury as evidence against force, ignoring non-physical forms of coercion.
      - "No trauma"
      - "No fear"
  - **Obscuring Incapacitation (MPC § 213.1(1)(b-c)):**

- Using vague descriptions of substance use without connecting it to the victim's ability to appraise or control their conduct.
  - "Both parties had been drinking" fails to specify if the victim was "substantially impaired."
- Failing to document signs of incapacitation observed by officers or reported by the victim.
  - slurred speech
  - Vomiting
  - memory loss
  - being found unconscious.
- Not detailing whether intoxicants were administered "without her knowledge" if applicable.
- **Obscuring lack of Consent (Implicit in Force/Incapacitation):**
  - Using neutral terms for the sexual act
    - "intercourse occurred"
    - "sex happened"
  - instead of non-consensual terms
    - "penetration without consent"
    - "rape"
    - "sexual assault"
  - Failing to document the victim's specific words or actions indicating non-consent
    - "victim said 'no'"
    - "victim told him to stop"
    - "victim tried to push suspect away"
  - Focusing disproportionately on the absence of "fighting back" rather than the presence of non-consent signals.
- **Framing Suggesting Consent:** Using language that implies miscommunication, mutual activity, or later regret rather than non-consensual acts.
  - "The encounter began consensually but victim later expressed regret."