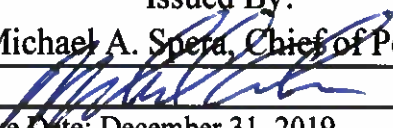


# Old Saybrook Department of Police Services



## General Order - 5.41



Sexual Assault Investigations	Issued By: Michael A. Speta, Chief of Police
Classification: Unclassified	Signed: 
POSTC:	Effective Date: December 31, 2019
CALEA:	

### Policy

It is the policy of the Old Saybrook Department of Police Services to set forth standards and guidelines when responding to and conducting sexual assault investigations. The highest priority when responding to and investigating sexual assault shall be the physical, emotional and psychological welfare of the victim.

### Purpose

Sexual assaults can deeply traumatize a victim physically, emotionally and psychologically. A victim's distress may create an unwillingness or psychological inability to assist in the investigation. Investigating officers play a significant role in both the ability to cope with the emotional and psychological effects of the crime and the victim's willingness to cooperate in the investigation. Therefore, it is especially important that these cases be handled from a nonjudgmental perspective so as not to communicate that the victim is to blame for the crime.

Due to the trauma of a sexual assault, a victim reaching out for assistance may be in crisis. The victim's behaviors may actually be symptomatic of this condition and can range from hysteria, crying and rage to laughter, calmness, and unresponsiveness. There is no one typical reaction, so it is important to refrain from judging or disregarding any victim.

### Procedure

#### A. Protecting Victim Rights

1. Throughout a sexual assault investigation, the confidentiality of the victim's information shall be protected to the maximum extent possible by law and policy.
2. Department personnel should only access records involving a sexual assault investigation on a need-to-know basis only.
3. In addition, investigating officers should inform the victim of the following.
  - a. The rights of crime victim.
  - b. How to contact police if harassed or intimidated by the suspect(s).
  - c. The information regarding the investigation that will be kept confidential.

## **B. Initial Dispatcher Response**

1. When a caller reports a sexual assault, the dispatcher shall follow standard emergency response utilizing the Emergency Police Dispatch Protocols which include but are not limited to the following;
  - a. Evaluate and properly prioritize the call, including asking if a weapons were involved or mentioned.
  - b. Asking if anyone needs medical assistance,
  - c. Inquire about the number of suspect(s), the suspect(s) current location, vehicle, direction of travel, identity and description.
  - d. Determine if anyone is currently in danger.
2. To ensure critical evidence is not lost, the Dispatcher shall;
  - a. Advise the victim not to disturb anything at the scene.
  - b. Advise the victim not to change clothes, bathe or shower, wash their hands, or go to the bathroom.
  - c. Advise the victim not to have anything to eat or drink.
  - d. Advise the victim not to clean the carpet or floor.
  - e. Advise the victim not to handle or wash the bedding.

## **C. Initial Officer Response**

1. As part of the emergency response, officers shall do the following.
  - a. Make contact with the victim as soon as possible to address safety concerns and provide emergency medical assistance as necessary.
  - b. Conduct a protective sweep to evaluate for possible threats and identify any persons, vehicles, or objects that may be of evidentiary value.
  - c. Relay all vital information to responding officers and supervisors, including any possible language barriers.
  - d. Secure the suspect if still on scene.
  - e. Secure the crime scene to ensure that evidence is not lost, altered, or contaminated.
  - f. Begin a search for the suspect where applicable.
2. Support the victim.
  - a. Show understanding, patience, and respect for the victim's dignity and attempt to establish trust and rapport.
  - b. Delayed victim reporting is common in sexual assault cases due to the trauma and fear experienced by victims and should not deter a thorough investigation.
  - c. Inform the victim that an officer of the same sex will be provided if desired and available.
  - d. Contact a victim advocate as soon as possible to provide assistance throughout the reporting and investigative process.
  - e. Supply victims of sexual assault with the phone number for the Rape, Abuse, and Incest National Network (RAINN) Hotline, 1-800-656-HOPE. Operators at this hotline connect the caller with the rape crisis center closest to the victim's location.
  - f. Limit the number of times that the victim is interviewed regarding the assault.

- g. Be aware that a victim of sexual assault may bond with the first responding officer. It is important to explain the role of the different police personnel involved in the case and help with transitions through introductions.
- h. Record observations of the crime scene, including the demeanor of the suspect and victim and document any injuries or disheveled clothing.

3. Preservation of Evidence.

- a. Responding officers shall protect the integrity of the evidence and guard the chain of custody by properly identifying items of evidentiary value and securing the crime scene.
- b. When an investigating officer suspects that a sexual assault may have been facilitated with drugs and/or alcohol, the officer should determine the time of the incident as soon as possible in order to make decisions regarding the collection of urine and blood samples from the victim.
- c. Officers shall introduce the need for medical examination to the victim explaining the importance to investigative and apprehension efforts as well as for the victim's well-being. Officers shall not coerce victims to go to the hospital or to provide samples for drug screenings.

4. Identify and Locate Witnesses and Suspects.

- a. Based on the victim's emotional and physical state, questions of the victim concerning the assault, description, and location of the suspect shall be limited.
- b. Responding officers must identify and interview any potential witnesses, bearing in mind that there may be multiple crime scenes.
- c. It is especially important that the first person the victim told about the sexual assault be identified and interviewed.

5. Documentation.

- a. Any officer, who interviews a witness or suspect, identifies evidence, or processes a crime scene shall write his or her own report detailing the actions the victim took.

**D. Role of the Supervisor**

- 1. Supervisors shall demonstrate a detailed understanding of victim related issues and proper response by subordinates. Supervisors shall;
  - a. Respond to assist officers investigating sexual assaults.
  - b. Ensure scene integrity and evaluate the need for a search warrant.
  - c. Contact the Chief of Police or his designee to authorize additional investigative resources.
  - d. Coordinate investigative resources.
  - e. Contact the State's Attorney Office as directed by the Chief of Police.
  - f. Exhibit sensitivity to victims and ensure that victims are dealt with properly by clarifying their expectations of line officers.
  - g. Provide investigative oversight and direction.

**E. Role of the Investigating Officers**

- 1. Scene preservation and evidence collection.

- a. Properly locating, marking, packaging (paper), and labeling all evidence collected, including the following.
    - 1) Clothing worn at the time of the assault and immediately afterward, especially the clothing worn closest to the genitals, such as undergarments, pants, and shorts.
  - b. Photographs and videotape of the victim's injuries (if any), the suspect's injuries (if any), and the crime scene prior to processing.
    - 1) An officer of the same sex as the victim should photograph the victim.
    - 2) Photograph victims using drapes and other techniques that help to maintain the victim's dignity.
    - 3) Instruct medical personnel to take photographs of the genitalia when needed.
  - c. Diagram of the crime scene.
2. DNA evidence plays a crucial role in the sexual assault investigation. In addition to the victim's and suspect's bodies and clothing, there are many other potential sources such as condoms, sheets, blankets, pillows, and bottles that may contain biological evidence such as blood, semen, vaginal fluids, sweat, tissue, saliva, hair, and urine. To properly collect DNA evidence, officers shall do the following.
- a. Use sterile gloves, mask and change as needed
  - b. Use sterile swabs, papers, solutions, and tools.
  - c. Package evidence in individual envelope.
  - d. Avoid touching area where potential DNA evidence may exist.
  - e. Avoid talking, sneezing, and coughing over evidence.
  - f. Air-dry evidence before packaging.
  - g. Put evidence into new paper bags or envelope, not plastic.
3. The State of Connecticut Sexual Assault Evidence Kit shall be accepted from the medical staff after it has been properly sealed and labeled.
- a. The kit will contain whole blood that requires that the kit be placed and logged into an evidence refrigerator as soon as possible. The kit may also contain a urine sample for toxicology testing. If it does, the urine sample shall also be refrigerated.
  - b. The kit shall not be allowed to freeze or be exposed to heat such as being near a car's interior heater.
4. An officer trained in investigating sexual assaults should lead the investigation and conduct all interviews with the victim.
5. Sexual assault investigations typically include both a preliminary and subsequent in-depth interviews with the victim. The preliminary interview is intended to establish whether a crime has occurred. In the initial response, the officer shall first establish the elements of the crime(s) and identify any and all witnesses, suspect(s), evidence, and crime scene(s). The investigator must understand and the report shall indicate that the preliminary interview is not intended to be a comprehensive or final interview. Additional interviews will be needed as the investigation develops.
- a. Involve a Victim Advocate.
    - 1) Every effort shall be made by the investigating officer to contact a victim advocate as soon as possible. If the victim declines assistance

from an advocate, the investigator shall provide the victim with written referrals for community resources specifically designed to help victims of sexual assault.

b. Victim Interview Protocol.

- 1) Based on the length of time between the assault and report of the crime and the individual's personal history, the victim may be in crisis and experiencing post-traumatic stress disorder or rape trauma syndrome and exhibiting a range of behaviors that will likely change over time.
- 2) The victim's response to the trauma of a sexual assault shall not be used in any way to measure credibility. When drugs or alcohol are involved, the victim may have limited recollection or be unable to give a complete account of the crime. Not knowing the details of what happened may exacerbate the trauma experienced by the victim.
- 3) If the victim is a juvenile, the Connecticut Department of Children and Families Hotline shall be contacted and assistance should be requested to coordinate a joint interview and additional resources to support juvenile victims.

6. Interviews shall be conducted promptly if the victim is coherent and consensual.
7. Proceeding with or conducting a thorough investigation shall not be contingent upon laboratory findings. Investigating officers shall do the following.
  - a. Remain patient and maintain an open mind while listening to the victim's account.
  - b. Remember that victims may struggle with gaps in memory.
  - c. Avoid leading questions while conducting the interview.
  - d. Use simple terminology appropriate to the victim's age, sophistication, and intelligence.
  - e. Use the victim's words or terminology for their intimate body parts.
  - f. Avoid using police jargon, medical, or legal terms.
8. Prior to initiating the interview, the investigating officers shall do the following.
  - a. Interview any witness who might have seen or spoken with the victim before, during, or after the assault.
  - b. Accommodate the victim's request for a rape crisis advocate or support person whenever possible.
  - c. Take responsibility for excluding a support person when appropriate and offer the victim and support person an explanation.
  - d. Secure a private location for the interview that is free from distractions and equipped with the statutorily required video and audio recording components.
    - 1) This may include a body worn camera if the victim is reluctant to be interviewed at police headquarters.
  - e. Express sympathy to the victim as well as interest in the victim's well-being.
  - f. Inform the victim of the need and importance of full disclosure of any and all recent drug and/or alcohol use.
9. During the interview, the investigating officers shall do the following.
  - a. Obtain contact information for the victim, including temporary accommodations.

- b. Explain the nature of the preliminary interview and the need for follow-up contacts.
- c. Ask the victim to explain what they remember and how they felt.
- d. Revisit the possibility of a support person for victims who initially declined the offer.
- e. Explain that other professionals such as forensic examiners, evidence technicians, and prosecutors may have additional questions.
- f. At the conclusion of the initial interview, the investigating officers shall do the following.
  - 1) Give the victim contact information for all investigating officers.
  - 2) Encourage the victim to contact any of the investigating officers with any additional information or evidence.
  - 3) Remind the victim that visible evidence of injury may appear later, and to contact investigating officers for additional photographs or other documentation.
  - 4) Ensure that requests for victim protection orders are made where indicated.
  - 5) Provide written referrals for victim service organizations.
  - 6) Provide transportation when reasonably possible.
  - 7) Inform the victim about next steps in the investigation.

## **F. Forensic Examinations for Victims of Sexual Assault**

1. Victim-centered care is paramount to success of the forensic examination of sexual assault victims. A timely, professional forensic examination increases the likelihood that injuries will be documented and evidence collected to aid in the investigation and prosecution of sex offenders. Evidence may normally be collected up to 92 hours after the assault, but evidence can be gathered and injuries documented beyond that time, especially if the victim is injured, bleeding, or experiencing pain.
2. Investigating officers responsibilities
  - a. Ask the victim whether there is anyone who should be called or notified, and facilitate this contact.
  - b. Address any special needs of the victim, such as communication or mobility, and notify the victim advocate of the special need.
  - c. Explain the purpose of the forensic examination and its importance to the investigation and provide the victim with information on the procedure.
  - d. Inquire whether the victim will consent to a forensic examination.
  - e. Inform the victim of the right to decline any or all parts of the examination.
  - f. Explain to the victim the potential consequences if any part of the examination is refused.
  - g. Inform the victim that parental consent is not required if the sexual assault victim is a juvenile.
  - h. Notify a victim advocate to offer the victim support when a forensic examination is to be conducted.
  - i. Transport the victim to the designated medical facility if a forensic examination is warranted and the victim consents.

- j. Advise the victim that the forensic examiner will collect any clothing that was worn during or immediately after the sexual assault.
- k. Assist in arranging for clothing the victim may need after the examination.
- l. Seek permission from the victim to collect a urine sample for drug screening.
- m. Obtain a signed release from the victim for access to their medical records.
- n. Encourage a victim who is unwilling to submit to a forensic exam to get medical attention including testing for pregnancy and sexually transmitted diseases.

## **G. Coordination with Forensic Examiner**

1. The investigating officers shall coordinate with other professionals such as forensic examiners to determine whether a forensic examination is indicated.
  - a. When a forensic examination is indicated, the investigating officer shall brief the examining nurse or physician about the details of the sexual assault, as they are known at that time.
  - b. Officers should not normally be present in the examining room, as the forensic examiner will testify about collection of evidence and the chain of custody.
  - c. The nurse or physician shall brief the investigating officer at the conclusion of the examination.
  - d. The police report shall contain a copy of the forensic exam, if available, and a summary of the findings that note significant information or injury. After the examination, all the evidence shall be transferred to the Department for storage.
2. Presence of a Victim Advocate.
  - a. When it is determined that a forensic examination will be conducted, a victim advocate or a support person of the victim's choosing shall be allowed to be present in the room and during the interview, unless it would be harmful to the investigation. The investigating officers shall take responsibility for excluding a support person, when appropriate, and providing an explanation to the victim and the support person.
3. Drug-Facilitated Sexual Assault Considerations.
  - a. If a drug-facilitated sexual assault is suspected, it is critical to obtain a urine sample from the victim as soon as possible. If possible, also obtain a blood sample.
  - b. Protocols for responding to illegal substance abuse by victims (including underage drinking) shall be followed and never used to discredit or discourage the victim from reporting the assault. The Department priority is to conduct a thorough investigation of a sexual assault rather than prosecute victims for misdemeanor violations.
  - c. Even where there is a delay in reporting, the State of Connecticut Forensic Lab is capable of testing urine and blood samples at very low levels for those drugs commonly used to facilitate sexual assault.

## **H. Follow-Up Victim Interview**

1. An in-depth follow-up interview shall be conducted after the victim has been medically examined and treated, and personal needs have been met.
2. Prior to a follow-up interview, the investigating officers shall consult with agency personnel who responded to the scene, retrieve communications tapes and printouts, and review all reports.
3. The investigating officers should coordinate with relevant agencies, assistance organizations, service providers, or sexual assault response professionals to address the needs of the victim and to discuss the best means for keeping the victim informed.
4. The follow-up interview includes critical evidence collection efforts include evaluating whether re-photographing injuries to document changes in visible injuries. In the event that the victim is still under the influence of alcohol and/or drugs, has been injured, or as a result of the assault has not slept, and barring exigent circumstances requiring an arrest or identification, the interview shall be delayed.
5. Arrange for equipment to video and audio record the interview so the officer can focus on listening.
6. The interview shall be conducted in a location that is convenient, accessible, and comfortable for the victim. The investigator shall provide or arrange for transportation for the victim when needed.
7. At the start of the follow-up interview, the officer shall do the following.
  - a. Discuss the purpose and scope of the interview.
  - b. Review contact information for both the victim and investigator that may need to be updated.
  - c. Explain the victim's rights, including confidentiality.
  - d. Address arrest decisions including an explanation of the status of the case.
8. While conducting the follow-up interview, the officer shall do the following.
  - a. First allow the victim to describe what occurred without interruption.
  - b. Relay what the victim heard for accuracy, identify new information or developments, and ask questions.
  - c. Clarify any inconsistencies with earlier accounts of sexual assault in a non-threatening manner.
  - d. Document the victim's actions in response to the attack, the victim's state of mind during the attack, specific statements made by the perpetrator, and the nature of any relationship with the suspect and explain the importance of these questions from a prosecutorial standpoint.
  - e. Inquire about any circumstances that may indicate the use of a drug to facilitate the sexual assault (such as whether the victim experienced any loss of memory, disorientation, severe illness, or hallucinations.)
  - f. Assist the victim in developing a safety plan, in the event safety concerns exist, and encourage the victim to call police if the suspect violates any existing criminal or court orders or if the suspect contacts the victim in any way.



## **I. Suspect Interview**

1. In preparing for the interview, the investigating officers shall develop an investigative strategy based on the nature of the assault and the possible defenses available to the suspect (such as denial, mistaken identity, or consent). This strategy shall guide the interview.
2. The interviewing officers shall follow Department procedures on identifying suspects, conducting suspect interviews, and collecting evidence.
3. Involvement of a victim in a pretext phone call to the suspect should take into consideration the victim's emotional and physical state. A victim advocate should be present whenever possible to offer support.

## **J. Sexual Assault Forensic Examination for the Suspect(s)**

1. Immediately after the preliminary suspect interview, the investigating officers shall determine whether a forensic sexual assault examination should be obtained for the suspect.
2. Absent an informed waiver of consent, a search warrant shall be required to collect any evidence from the body of the suspect and to seize the suspects clothing. If the suspect consents to such evidence collection procedures, documentation of voluntary consent in writing shall be provided in the police report.
3. The investigating officers shall clearly document the suspect's freedom to decline any part of the examination and leave at any time.
4. Investigating officers trained to collect buccal swabs from the suspect's cheek for DNA profiling shall obtain buccal swabs from the suspect. Buccal swabs or other DNA collectors shall be readily available to investigating officers.
5. Evidence Collection.
  - a. The hospital assigned forensic examiner shall document the suspect's medical history, document all injuries that are observed, and collect biological and trace evidence from the suspect's body.
  - b. If in custody, the suspect shall be given a Miranda Warning before being asked medical history questions by the forensic examiner or investigating officers.
  - c. If the suspect invokes his right to remain silent, the examiner shall bypass the medical history portion of the examination and continue documenting any visible injury and collecting the appropriate specimens.
  - d. Both the examiner and investigating officers shall be prepared to document any spontaneous statements made by the suspect regardless of whether or not the suspect is in custody and whether or not the suspect was provided with a Miranda Warning.

## **K. Complete Follow-Up Investigation**

1. Evaluate impounded evidence and determine which items might have probative value based on the statements and other information.
2. Submit a lab service request such as DNA, biology, trace, or toxicology based on the assessment of the evidence.
3. Present the complete case file including forensic results as soon as available to the State's Attorney's office for review and work with that office to assist with prosecution of the case.
4. Continue to apprise the victim of future investigative activities that will or may require involvement.

#### **L. Arrest and Prosecution Decisions**

1. In the immediate aftermath of a sexual assault, a victim shall not be expected or encouraged to make decisions regarding the investigation or charges related to the offense.
2. This Department shall respect a victim's inability or decision not to be involved in criminal justice proceedings and shall always be willing to offer continued assistance, referrals, and victim support.

#### **M. Professional Development**

1. This Department shall continue to provide ongoing professional development opportunities and legal updates to all sworn members including but not limited to the following;
  - a. Encouraging problem-solving partnerships to enhance cooperation between the Department and community organizations such as rape crisis centers and forensic examination programs using a victim-centered approach.
  - b. Include victim services information regularly at Roll Call.
  - c. Create opportunities for ongoing training to improve the skills needed to properly investigate sexual assault incidents.
  - d. Incorporate victim services issues into the evaluation of officers and Detectives.
  - e. Recognize personnel for rendering effective victim services.

#### **Revision History:**

First Issue: December 31, 2019