

	POLICY & PROCEDURE	SERIES # 706	PAGE 1 OF 6
	INVESTIGATIONS OF SEXUAL ASSAULT		EFFECTIVE DATE 02/28/17
			OVERSIGHT Investigations
	DISTRIBUTION ALL MANUALS	AMENDS/SUPERSEDES/CANCELS P&P # 706 dated 08/05/11.	

I. PURPOSE:

The purpose of this policy is to provide guidelines for the investigation of sexual assaults. The Division recognizes the fact that sexual assaults (rape, forcible sodomy, sexual battery, object penetration, and attempts thereof) are personal violent crimes that have great psychological and physical effects on the victims.

II. POLICY:

It is the policy of the Hampton Police Division to assist sexual assault victims in a supportive manner, using appropriate crisis intervention skills. The thorough, complete and accurate collection of evidence is a vital and often key requirement for successful investigation(s) and prosecution of sexual assaults.

III. PROCEDURE:

A. General responsibilities

1. The Virginia State Code defines sexual assault as those offenses involving sexual penetration or sexual contact with any person by force or threat of force, fear, intimidation, ruse, or through the use of a person's mental incapacity or physical helplessness, or any other attempts to force sexual penetration/contact on any person.
2. Division personnel shall be aware of community services available to victims of sexual assault. ***[Sexual Assault Response Team "SART", forensic nurse programs, and a victim assistance program.]***
3. Division personnel shall be trained and knowledgeable about sexual assault investigation and its impact on victims.
4. Division personnel shall use appropriate communication skills when interacting with sexual assault victims.

APPROVED:
CHIEF OF POLICE



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C. Investigator responsibilities

1. The investigator shall obtain a complete report from the patrol officer assigned to the case.
2. The initial contact with the victim may happen in different ways:
 - a. Crime scene: The patrol officer shall protect the crime scene and the investigator shall establish a rapport with the victim, transport the victim to the hospital, and begin the preliminary investigation.
 - b. Hospital: Arrange for the collection of evidence needed for prosecution. Explain sexual assault exam procedures to the victim and establish a rapport for further interviews. The investigator shall **not** be in the room during the sexual assault exam.

- c. Interview: Before interviewing, review the patrol officer's report and establish a rapport with the victim by allowing her or him to ask preliminary questions or voice initial concerns. All efforts will be made to have juvenile victims (with limited communication skills) forensically interviewed by personnel at the Children's Hospital of the King's Daughters Child Abuse Program.
3. The investigator shall be trained in sexual assault procedures.
 - a. If the victim desires, a sexual assault crisis center advocate may be in the room. Establishing a rapport and good working relationships with the crisis center advocates as collaborating partners in advance of actually working an incident will promote more effective interactions with a victim when a crime does occur.
 - b. Prepare the victim for each phase of the investigation. By explaining what must be done and the reasons why. The investigator will encourage the victim's cooperation.
 - c. The earliest possible PERK exam must be done in the interests of victim health and safety, evidence collection and substance/drug identification. **All** victims should be encouraged to obtain this exam prior to interviews if possible, and regardless of their current willingness to prosecute or cooperate with the police investigation.
4. Follow-up interviews by the investigator.
 - a. Privacy is a necessity for follow-up interviews. Choose a quiet room free of distractions and interruptions at the division or go to the victim's home. A support person to aid the victim may be helpful to the investigation. Advise this person of his or her role and ask the person not to interfere with questioning.
 - (1) It is **not** appropriate to submit a victim to a polygraph exam. The investigator should anticipate some confusion, memory suppression or reluctance to discuss fear-inducing or humiliating details of the incident. This information should be obtained by patient, supportive rapport building, not by questioning a victim's veracity or motives. **No law-enforcement officer or other government official shall ask or require a victim of an alleged sex offense to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an offense. If a victim is requested to submit to a polygraph examination during the course of a criminal**

investigation, such victim shall be informed in writing [per Virginia Code § 19.2-9.1 written notice required for complaining witness].

(2) A false report charge should never be brought against a victim on grounds that the victim is hesitant or fearful to cooperate with the investigation.

- c. At the conclusion of the interview, the investigator shall ask about any additional assistance needed by the victim. Counseling services are always recommended. **[Refer the victim to the local sexual assault crisis center advocate 757-599-9848 or 1-800-838-8238 and victim assistance program].**
- d. Inform the victim that it is common to remember additional details later. Encourage the victim to call if that happens or to ask questions. Provide your telephone number to the victim.
- e. As soon as practicable, alert the victim/witness assistance advocate that a sexual assault has occurred. Provide the necessary information for staff to contact the victim.

D. Evidence Collection - Sexual Assaults

1. The first and most important step in the investigation should be to have a PERK administered by a **Forensic Nurse Examiner (FNE)**. This will be accomplished by transporting the victim to Sentara Careplex (juvenile victims will be transported to Riverside Hospital) where a Forensic Nurse Examiner will be requested to perform the forensic exam. Whenever possible, the FNE will be notified prior to the victim's arrival at the hospital. The FNE will need the name of the investigator (if assigned). This will help the FNE in forwarding the PERK results to the Investigator. All of this information will be included in the Incident Report.
2. The completed PERK will be placed in a bag provided with the kit for that purpose, sealed and initialed by the physician. The PERK will then be kept under refrigeration until it is hand-carried, at the earliest possible time, by the Forensic Specialist, to the Tidewater Regional Laboratory in Norfolk.

E. Anonymous/Blind Reporting

1. The Violence Against Women and Department of Justice Reauthorization Act of 2005 ("VAWA2005"), 42 U.S.C. §379gg-4(d) provides that States may not "require a victim of sexual assault to participate in the criminal justice system or cooperate with law

enforcement in order to be provided with a forensic medical examination, reimbursed for charges incurred on account of such an exam, or both.”

2. House bill 956 and Senate Bill 312 clarifies that all sexual assault forensic examinations conducted are to be paid by the Commonwealth regardless of the victim’s cooperation. Authorization by law enforcement is no longer required in order for a victim to obtain a PERK examination.
3. Some victims are unable or unready to decide whether they want to cooperate with law enforcement in the immediate aftermath of the assault. Because evidence is lost as time progresses, such victim’s should be encouraged to have the evidence collected immediately and decide about reporting the crime at a later date. Victim’s not wishing to participate in criminal investigations may have a PERK collected by a Forensic Nurse Examiner (FNE). **** Blind Reporting applies only to adult victims****

HAMPTON POLICE OFFICERS MUST **NOT** ACCEPT ANONYMOUS/BLIND PERKS! THE “FNE” MUST SEND THE ANONYMOUS/BLIND PERKS FROM THE HOSPITAL TO DCLS (DIVISION OF CONSOLIDATED LABORATORY SERVICES).

Redaction Log

Total Number of Redactions in Document: 8

Redaction Reasons by Page

Page	Reason	Description	Occurrences
2			2
2	TACTICAL PLANS	Records of law-enforcement agencies, to the extent that such records contain specific tactical plans, the disclosure of which would jeopardize the safety or security of law-enforcement personnel or the general public has been redacted pursuant to Va. Code §2.2-3706(B)(5).	1
2	INVEST TECHNIQUES	The identity of a victim witness or undercover officer and/or investigative techniques and procedures has been redacted pursuant to Va. Code §2.2-3706(B)(10).	2
3	INVEST TECHNIQUES	The identity of a victim witness or undercover officer and/or investigative techniques and procedures has been redacted pursuant to Va. Code §2.2-3706(B)(10).	3

Redaction Log

Redaction Reasons by Exemption

Reason	Description	Pages (Count)
		2(2)
INVEST TECHNIQUES	The identity of a victim witness or undercover officer and/or investigative techniques and procedures has been redacted pursuant to Va. Code §2.2-3706(B)(10).	2(2) 3(3)
TACTICAL PLANS	Records of law-enforcement agencies, to the extent that such records contain specific tactical plans, the disclosure of which would jeopardize the safety or security of law-enforcement personnel or the general public has been redacted pursuant to Va. Code §2.2-3706(B)(5).	2(1)