

Developing a Sexual Assault Response Policy

Having a sexual assault response policy is critical because this policy provides guidance and direction to law enforcement personnel about how to effectively respond to sexual assault. The guiding principles of such a policy ensure that all sexual assault reports are responded to with a thorough, objective investigation grounded in a trauma-informed and victim-centered approach. Using these guiding principles demonstrates to the community that solving crimes of sexual violence are a priority and ensures that victims are treated with fairness, dignity, and respect.

All law enforcement agencies that respond to reports of sexual assault should have a written, department-wide sexual assault response policy. The attached documents outline recommended practices to use when developing such a policy. The attached sexual assault response policy is one example for consideration and adoption. Law enforcement agencies are encouraged to tailor the policy to fit their needs while also maintaining the stated recommendations and best practices.

Agency Training

All agency staff members—including dispatchers, first responders, investigators, and supervisors—who have contact with sexual assault victims should receive ongoing training about proper responses to sexual assault.¹ Personnel should receive training in several core areas, including the following:

- ◆ Sexual assault and sexual violence crimes
- ◆ Sexual assault victims
- ◆ Sexual assault suspects
- ◆ Sexual assault investigations
- ◆ Available resources for victims

Addenda

Addendum A is a list of several key questions that jurisdictions can review when creating or assessing their existing sexual assault response policy. These questions help identify strengths and gaps in unit policies to inform policy revisions. Jurisdictions can use these questions to ensure that their policies are based on nationally recommended practices.

Addendum B outlines several key elements to include in job descriptions of supervisors and detectives who are accountable for sexual assault response.

¹ For more detailed information about the training topics, refer to International Association of Chiefs of Police (IACP) Sexual Assault Response Policy and Training Content Guidelines www.bit.ly/april2018_dispatch.

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| [INSERT NAME] Police Department OPERATING PROCEDURE | Number [ENTER NUMBER] |
| Subject Response to Sexual Assault Cases | Effective Date [ENTER DATE] |
| Revised [ENTER DATE] | Page 1 of 5 |

OBJECTIVE

To establish guidelines for [YOUR AGENCY'S NAME] when responding to and investigating reports of sexual assault.

DEFINITION

[ENTER APPROPRIATE STATE CRIMINAL STATUTE].

KEY CONCEPTS

Victim-Centered Approach: A victim-centered approach will be taken when interacting with victims of sexual violence. Victims' needs related to their recovery and involvement with the criminal justice system should be considered at every step of the investigation. Prevention of further trauma for victims is everyone's priority and should be addressed through a collective effort.

Trauma-Informed Approach: Applying a trauma-informed approach to these cases is paramount to obtaining the correct information and regaining victims' trust. Sexual assault victims may experience trauma that can impair their memory. Victims may provide fragmented information and have difficulty recalling chronological details. Additionally, victims may present a range of emotions and behaviors that may appear inconsistent with the reported event. Personnel should be aware of the signs of trauma and interact with victims in a manner that not only minimizes further traumatization but also offers victims support.

Procedures

Following are procedures and related responsibilities by job role.

1. Dispatch/Call-Taker Responsibilities

Dispatchers or call-takers are often victims' first point of contact with the criminal justice system after a sexual assault. Their responses can impact victims' perception of the justice system and willingness to engage in the investigative and prosecution process.

The primary areas of focus for this role are victim well-being and safety, and officer safety. Dispatchers also play a critical role in obtaining and relaying necessary information concerning the victim and offender.

Dispatchers and call-takers have the following responsibilities:

- a. Follow their current established agency operational procedures for handling emergency calls.
- b. Assess victims' medical condition, safety needs, and location.
- c. Attempt to obtain additional details about the assault (e.g., time and location; description of the suspect; mode of travel; and weapon used, if any).
- d. Determine whether the victim has changed clothing, showered, or touched anything in the immediate area since the assault; if not, ask them to avoid doing so in order to preserve evidence for the medical forensic exam.

Note: Even if the victim has showered or bathed after the attack, they should still be encouraged to have a forensic exam because the exam serves many purposes that may support the case and ensures appropriate medical care for the victim.

2. First Responder Duties

First responders' primary concern should be the victim's well-being and safety. If possible, the first responder will initiate investigative procedures to identify and detain suspects. It is critical that first responders interact with the victim in an objective manner while communicating to the victim in a nonjudgmental way. Remember that the victim's behaviors, emotions, and statements in the aftermath of a sexual assault may not appear to align with the reported crime.

First responders have the following responsibilities:

- a. Attend to the victim's immediate medical and safety needs.
- b. Follow established Body-Worn Camera Protocols, if the department has those in place.
- c. Identify and secure the crime scene, identify and secure any evidence, and document the condition of the scene to include photographs.
- d. Document their observations about the victim and suspect (if applicable).
- e. Keep the following tasks in mind when obtaining details of the incident:
 - i. Interview the victim in a private location.
 - ii. Allow the victim to describe, without interruption, what happened.
 - iii. Document the basic elements of the crime. (Further detailed interviews may be necessary later.)
 - iv. Limit follow-up questions to clarify basic information (e.g., location and time of the assault, use of a weapon, suspect information [including relationship to the suspect], and witnesses).
 - v. Obtain accurate contact information from the victim (e.g., home address; phone numbers—including home, mobile, and work; email address). Confirm with the victim that the communication methods are safe. (For example, if the offender is known to the victim, ensure that individual does not have access to the victim's home, phone, or email address.)
- f. Request the support of a victim advocate who is trained in sexual assault response, if available, and inform the victim of available support services.
- g. Find out when the assault occurred; if it occurred within 5 days (120 hours), determine if the victim wishes to have a medical forensic exam. If the victim does wish to have a medical forensic exam, provide or set up transportation for them to the designated facility in an unmarked vehicle, if possible, to protect their privacy.
- h. Accompany the victim, with a change of clothing, to the designated exam location and relay pertinent information about the assault to the examination provider.

Note: The victim advocate can provide clothes for the victim if first responders do not have additional clothes for victims.
- i. Ensure photographs are obtained of all physical injuries or other types of evidence, if appropriate.
- j. Include information or evidence related to co-occurring or interconnected crimes (e.g., strangulation, stalking, assault, false imprisonment, theft, threats).
- k. Remain at the designated exam location until family members, an advocate, and/or a detective arrives. This approach will likely help the victim feel safe and allows the detective to learn about the call for service directly from the responding officer.
- l. Provide the victim with the case report number. Ensure that the victim receives information regarding their rights, advocacy resources, orders of protection, and safety planning. If a victim advocate is present, they will provide and discuss this information with the victim.

- m.** Ensure that prior to clearing the call for service, the patrol officer authors a detailed set of notes and submits this information (via hard copy or email) to the assigned detective.

Note: Officers should document a complete, accurate report once clearing the call has been completed. Exceptions may be authorized after a supervisor reviews the totality of the incident and the noncompletion of a report is deemed appropriate.

3. Detective Responsibilities and Case Management

Case management standards for sexual assault investigations include the following requirements:

- a.** Reports of sexual assault shall be assigned to a detective (case agent) for follow-up investigation within 48 hours.
- b.** Case agent is responsible for the case until final disposition.
- c.** Case agent will initiate case follow-up activities within 5 days of being assigned the case. Exceptions to this policy must receive the appropriate supervisor's prior approval. Follow-up tasks should include the following:
 - i.** Review initial police report(s).
 - ii.** Incorporate the medical forensic exam report as part of the case file. Consider impounding the report as evidence.
 - iii.** Identify all physical evidence associated with the case. Ensure that appropriate actions are taken with this information (e.g., submission for crime laboratory testing, proper impounding). (See next section for details.)
 - iv.** Document laboratory results in the report and conduct appropriate follow-up investigation.
 - v.** Identify and conduct interviews with potential witnesses within 30 days of the report.
 - vi.** Follow up with the victim and assess the victim's emotional and physical ability to participate in an in-depth interview. If needed, schedule the interview as soon as appropriate.
 - vii.** Write a supplementary report on the case within 30 days.
 - viii.** Case agent should complete the interview in a trauma-informed manner. Trauma-informed interview practices include the following:
 - 1.** Determine the most appropriate time and place for the interview, keeping in mind that the victim may still be experiencing trauma from the assault.
 - 2.** Extend an offer for victims to have an advocate present during the interview. To ensure a successful and productive interview, the case agent and victim advocate should meet in advance to discuss their roles during the interview.
 - 3.** Begin the interview by explaining the investigative process and the need for asking sensitive questions.
 - 4.** Use open-ended questions (e.g., "What are you able to tell me?") and allow the victim to describe the incident in their own words, without interruption.
 - 5.** Ask follow-up questions at a conversational pace and seek to clarify apparent inconsistencies without appearing to doubt the victim's account of events (e.g., "Can you tell me a little more about that?")
 - 6.** Avoid questions that may come across as victim-blaming (e.g., "What did you think would happen when you went there?")
 - 7.** Ask neutral questions (e.g., "Where did the attack occur?")
 - 8.** Record the interview using a video camera. If one is not available, record the audio of the interview.

- d. Conduct a safety assessment to ensure the safety of both the victim and the community is being considered.
- e. Consider conducting a pre-texted or controlled phone call if the suspect is known to the victim. Consult with a trained victim advocate to ensure the victim is emotionally prepared for this request and has adequate support.
- f. Interview the suspect, when appropriate, to give them an opportunity to provide a statement.
- g. Keep the victim informed of investigative and prosecutorial activities that will likely require their involvement and participation.
- h. Communicate with the prosecutor's office, when appropriate, to develop the case and ensure all legal requirements and timelines with which prosecutors must comply are met.
- i. Process of closing investigations will include the following steps:
 - i. Case agent will follow the FBI Uniform Crime Report/National Incident-Based Reporting System (NIBRS) definitions for clearing and closing a case.
 - ii. Case agent will meet with their supervisor to review the case file.
 - iii. Supervisor will determine when to close a case and provide final approval on proper case closure.

Note: For all cases in which the case agent recommends an unfounded case closure, the report must be approved by the supervisor and the reason for the conclusion must be clearly documented.

4. Evidence in Sexual Assault Cases

Sexual assault cases involve various types of evidence; it is critical that investigators adhere to their department policies specific to evidence collection, impounding, and analysis procedures to ensure the integrity of the evidence. Following are procedures specific to preserving sexual assault kit (SAK) evidence:

- a. Case agents should complete the following tasks when a SAK is collected:
 - i. Take photographs of the victim's injuries, both visible and nonvisible, with the assistance of alternative light sources as part of the sexual assault medical forensic exam.

Note: If requested by the victim, have a same-sex officer (if available) take the photographs.
 - ii. Determine whether to collect urine and blood samples for toxicology based on the length of time since the assault. (This applies only to situations in which drugs and/or alcohol are suspected to have been used to facilitate the rape.)
 - iii. Take possession of the SAK within 3 days [OR INSERT STATE LAW OR PROTOCOL] of the exam. Follow all appropriate impound policies.
 - iv. Ensure proper storage of the SAK. (Refer to National Best Practices for Sexual Assault Kits, <https://www.ncjrs.gov/pdffiles1/nij/250384.pdf>)
 - v. Submit the SAK to the crime laboratory for testing within 7 days [OR INSERT STATE LAW OR PROTOCOL] of evidence collection.

Note: The SAK may be stored at room temperature after laboratory analysis is complete.
 - vi. Preserve SAKs for 50 years or the length of the statute of limitations, whichever is greater, regardless of the laboratory testing results. SAKs from cases in which allegations are unfounded may be considered for destruction. (Refer to Section III, Detective Responsibilities and Case Management.)
- b. Case agents should complete the following tasks if additional forensic evidence exists:
 - i. Ensure that the chain of custody is followed by properly marking, packaging, and labeling all collected evidence.
 - ii. Preserve the audio recording and printed details of 911 call(s) made by the victim and outcry witnesses as evidence.

- iii. Assess the crime scene for evidence that may support the suspicion of drug- and/or alcohol-facilitated sexual assault.
- iv. Ensure the crime scene remains secure and photographs of the crime scene are preserved.
- v. Collect and examine sources of digital forensics, including security cameras and systems, computers, cameras, cell phones, social media sites, and computer spyware programs.
- vi. Consider collecting forensic evidence from the suspect (e.g., injuries, body swabs, blood) if the individual is apprehended within 5 days (120 hours) of the incident.

Note: Ensure that all legal requirements are followed when identifying crime scenes and contacting suspects.

5. Supervisor Responsibilities

Supervisors have the following responsibilities:

- a. Review all suspected sexual crimes.
- b. Assign all reports for follow-up within 3 days, or as soon as practical.
- c. Ensure that the first responder/investigator has completed all steps outlined in this policy and has followed other department procedures.
- d. Ensure that the case agent
 - i. completes appropriate case follow-up, which includes confirming the victim is contacted according to the established case management requirements.
 - ii. conducts appropriate follow-up. (Supervisor should monitor case agent's case activity monthly.)
- e. Review all case closures and changes in case dispositions to ensure compliance with investigative standards.
- f. Confirm that the case is referred to a prosecutor and meet with the prosecutor, as required. (Applies only to situations in which the investigation determines probable cause.)
- g. Make sure any follow-up requests from the prosecutor are completed.
- h. Conduct monthly reviews of investigators' caseloads to ensure no one has a disproportionate number of unfounded cases or cases in which the investigator indicates the victim is "no longer participating."
 - i. Have a plan to address investigator performance concerns.
- i. Provide ongoing and in-service training opportunities to ensure patrol officers and detectives are familiar with policies, understand victim response, and comply with statutory requirements. Training shall include the following topic areas:
 - i. Impacts of trauma
 - ii. Victim interviewing
 - iii. Evidence management
 - iv. Offender characteristics and suspect interviewing
- j. Implement a standardized process for communicating with the prosecutor's office on a regular basis.

Sexual Assault Unit Policy Assessment Questions

Addendum A

Assessment Questions

Updated/Accurate Information

1. Does the policy...

- a. fall within your agency's mission and resource capabilities?
- b. incorporate recommended and current practices for responding to sexual assault?
- c. reflect the current-state statutes/law regarding sexual assault crimes?

2. Has the policy been reviewed and updated within the last 3 years?

Personnel Standards and Responsibilities

3. Does the policy...

- a. address a comprehensive approach to sexual assault investigations that includes guidance for dispatchers, first responders, investigators, and supervisors?
- b. offer guidance about crime scene investigation and handling evidence in sexual assaults, including the transfer and laboratory submission of sexual assault kits?
- c. provide case management standards for investigators that outline how and when cases will be assigned, when follow-up will be completed, and how cases will be documented and supplemented?
- d. establish standards for investigators who are assigned to an investigative unit?
- e. specify review and oversight guidelines for all supervisors?
- f. outline specific roles and responsibilities of agency personnel who respond to or investigate reports of sexual assault?
- g. present straightforward guidance about the clearing and closing of investigations—to include definitions of unfounded, exceptionally cleared, and the inactivation of cases?

Trauma-Informed, Victim-Centered Sexual Assault Response

4. Does the policy...

- a. offer information about understanding victimization to include trauma-informed interviewing and victim-centered approaches?
- b. address a victim advocate's role throughout the response and investigation processes?
- c. provide standards for comprehensive training and continuing education in sexual assault response?

Supervisor and Detective Job Descriptions

Addendum B

Supervisor Job Description

The supervisor plays a critical role in sexual assault cases; these cases often involve specialized investigative and interview methods that require additional guidance and supervision. Following are several key requirements for this position:

- ◆ Has a minimum of 5 years' experience supervising a violent crime or major case investigative detail, ideally one involving sex crime cases.
- ◆ Demonstrates strong interpersonal, investigative, organizational, and administrative skills.
- ◆ Displays a thorough understanding of DNA analysis and how it applies to sexual assault case crime scene investigation and interpretation.
- ◆ Maintains a well-established and productive working relationship with the prosecuting attorney and all multidisciplinary team members.
- ◆ Shows the ability and aptitude to work with outside agencies in coordinating investigative efforts.
- ◆ Has demonstrated experience and success identifying, securing, and managing grant funding.
- ◆ Possesses knowledge and practice in the dynamics of sexual violence to include a clear understanding of victim trauma.

Detective Job Description

Sexual assault investigations require specialized skills, knowledge, and training. An assignment to the sexual assault unit should be voluntary. Following are several key requirements for this position:

- ◆ Has a minimum of 3–5 years' experience investigating major felonies (e.g., homicides, sexual assaults, child molestation/abuse, and aggravated assaults). These investigations should have involved cases that required demonstrated experience in technical crime scene analysis, interviewing suspects and witnesses, comprehensive computer/database searches, and DNA evidence.
- ◆ Exhibits strong communication, investigative analysis, and written documentation skills.
- ◆ Shows the ability and aptitude to work closely with internal and external partners. This includes other detective units, prosecutors, crime laboratory personnel, and victim service providers.
- ◆ Maintains a thorough understanding of constitutional statutes and laws pertaining to search and seizure issues.
- ◆ Demonstrates proficiency with electronic and other resources available for locating victims, witnesses, and suspects, as well as the departmental procedure for arranging travel and interviewing such individuals. These resources include various cold case databases, internet sites, and search engines.