



Approved:
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Subject:

520. Sexual Assault Investigations

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520.1: PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notification requirements are addressed in the [Child Abuse: Policy 515](#) and [Adult Abuse: Policy 534](#).

520.1.1: DEFINITIONS

Sexual Assault – Any crime or attempted crime of a sexual nature including, but not limited to, offenses defined in ORS 163.305 et seq.

Sexual Assault Response Team (SART) – A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

520.2: POLICY

It is the policy of the Albany Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

520.3: QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

- a. Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations;

- b. Conduct follow-up interviews and investigation;
- c. Present appropriate cases of alleged sexual assault to the prosecutor for review;
- d. Coordinate with other enforcement agencies, social service agencies, and medical personnel as needed;
- e. Provide referrals to therapy services, victim advocates and support for victims;
- f. Participate in or coordinate with the SART or other multidisciplinary investigative teams as applicable ([ORS 147.401](#)).

520.4: REPORTING

In all reported or suspected cases of sexual assault, a report should be written and reviewed by a Detective Sergeant. This includes incidents in which the allegations appear unfounded or unsubstantiated.

The Detective Sergeant shall serve as the liaison between the Albany Police Department and the Department of State Police regarding contact with victims and providing victims with information concerning sexual assault forensic evidence kits. ([ORS 181A.325\(2\)](#))

520.5: VICTIM INTERVIEWS

- a. The primary considerations in sexual assault investigations, which begin with the initial call to the Communications Center, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.
- b. When practical, a member of the SART should be included in the initial victim interviews.
- c. An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing).
 - 1) The follow-up interview may be delayed to the following day based upon the circumstances.
 - 2) Whenever practical, the follow-up interview should be conducted by a qualified investigator.
- d. No opinion of whether the case is unfounded should be included in a report.
- e. Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

520.5.1: POLYGRAPH EXAMINATIONS OF VICTIMS

Victims and any complaining witness in a case involving the use of force, violence, duress, menace or threat of physical injury in the commission of any sex crime under [ORS 163.305 through ORS 163.575](#), shall not be

required to submit to a polygraph examination as a prerequisite to filing criminal charges ([42 USC § 3796gg-8](#); [ORS 163.705](#)).

520.6: COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

- a. Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.
- b. When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.
- c. If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practical.
- d. Unless the victim has chosen to remain anonymous (refer to Section 520.6.d.1 below), sexual assault kits or biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, shall be submitted for biological testing ([2017 SB 960](#)).
 - 1) Anonymous Sexual Assault Kit is defined as a sexual assault forensic evidence kit collected from a victim who has not participated with a law enforcement agency in the creation of a report of the sexual assault.
- e. Victims who choose not to assist with an investigation, do not desire that the matter be investigated or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

520.6.1: COLLECTION AND TESTING REQUIREMENTS

- a. A sexual assault forensic evidence kit shall be obtained from a medical facility within seven days after the medical facility notifies the Department that the kit has been collected, regardless of whether the victim requests an investigation, or says he or she would like to participate in the creation of a report, or the prosecution of the perpetrator.
- b. The sexual assault forensic evidence kit shall be submitted to the Oregon State Police (OSP) for testing within 14 days after the Department receives the kit from the medical facility and accompanied with information sufficient to allow OSP to prioritize testing.
- c. Sexual assault kits shall not be submitted in cases where the victim has chosen to remain anonymous ([2017 SB 960](#)).
- d. If a victim who did not previously participate with law enforcement in the creation of a report of a sexual assault subsequently participates with law enforcement in the creation of the report of sexual assault, the sexual assault kit shall be reclassified as non-anonymous and submitted to the Oregon State Police within 14 days of the reclassification.

- e. Additional guidance regarding evidence retention and destruction is found in [Property and Evidence: Policy 610](#).

520.6.2: DNA TEST RESULTS

- a. Members investigating sexual assault cases should notify victims of any DNA test results as soon as reasonably practical.
- b. Investigating members should work with the crime victim liaison as provided in the [Victim and Witness Assistance: Policy 536](#).
- c. A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits).
- d. Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

520.7: DISPOSITION OF CASES

- a. If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Detective Unit supervisor.
- b. Classification of a sexual assault case as unfounded requires the Detective Unit supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted their original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

520.8: CASE REVIEW

- a. The Detective Unit supervisor should ensure cases are reviewed on a periodic basis, at least annually. The reviews should include an analysis of:
 - 1) Case dispositions;
 - 2) Decisions to collect biological evidence;
 - 3) Submissions of biological evidence for lab testing.
- b. Summary reports on these reviews should be forwarded through the chain of command to the Chief of Police.

520.9: RELEASE OF INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads.

- a. The Detective Unit supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

520.10: TRAINING

Subject to available resources, training should be provided to:

- a. Members who are first responders. Training should include:
 - 1) Initial response to sexual assaults;
 - 2) Legal issues;
 - 3) Victim advocacy;
 - 4) Victims' response to trauma.
- b. Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:
 - 1) Interviewing sexual assault victims;
 - 2) Sexual Assault Response Team;
 - 3) Medical and legal aspects of sexual assault investigations;
 - 4) Serial crime investigations;
 - 5) Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP);
 - 6) Techniques for communicating with victims to minimize trauma.