




ARLINGTON COUNTY POLICE DEPARTMENT DIRECTIVE MANUAL

Chapter: 5 Procedures	Effective Date: October 6, 2017	Amends/Supersedes: October 6, 2009 March 1, 2005	By Authority of the Chief of Police  Charles A. Penn
Accreditation Standard(s): OPR.02.01, OPR.02.03			

531.03 Sex Crime Investigations

I. Policy

Sex crime victims may suffer extreme psychological as well as physical injury. Investigating officers should be cognizant of this and conduct their investigation with patience and understanding of what the victim has experienced. The officer's investigative technique may influence the victim's cooperation in any subsequent proceedings.

II. Definition – The terms “sex crime” and “sex offense” in this policy refer to felony crimes of sexual assault to include: *Rape - Carnal Knowledge - Animate/Inanimate Object Penetration - Indecent Liberties with a Child - Forcible Sodomy - Any attempt to commit these offenses.*

III. Procedure

A. Initial Response

1. Only primary units assigned to the incident should respond directly to the victim. All other units should begin a search for the suspect.
2. The first officer on the scene shall determine the need for immediate medical attention for the victim, followed by an updated description of the suspect(s), means of escape, direction of travel, and any other relevant information.
3. Responding officers should ensure that the crime scene is secured and potential evidence is not lost, changed, or contaminated. Officers should also evaluate the crime scene for potential witnesses and/or other evidence.
4. Officers should make every effort to contact the Special Victims Unit (SVU) supervisor or an investigator prior to any contact with the suspect (including arrest or detention), in any felony sex offense:
 - a. Where the suspect is an acquaintance of the victim, or
 - b. Which is reported by the victim more than 72 hours after the incident is alleged to have occurred.
5. The primary officer shall complete a police case report and all other officers that responded to the call shall complete a case supplement report.

6. The supervisor in charge will be responsible for notifying the SVU supervisor, his/her designee, or other Criminal Investigations Section (CIS) supervisor:
 - a. For a report of any felony sex offense being made within 5 days of the incident
 - b. For a report of any sex offense in which the victim is 14 or younger
 - c. Whenever an arrest is made for any felony sex offense
 - d. Anytime a search warrant is initiated. Investigators should be consulted in preparing the search warrant affidavit.

B. Victim Interview

1. The interview should be conducted in private and at a location which will prevent interruption.
2. Before beginning the interview, the officer should:
 - a. Establish rapport with the victim.
 - b. Explain the need to ask questions regardless of the fact that they may be embarrassing to the victim.
 - c. Explain future medical, police, and possible court procedures to the victim.
3. The interviewing officer should be patient and allow the victim to tell the story in the victim's own words. Since the victim may not know the meaning of such words as fellatio, cunnilingus, or sodomy, officers should use words and phrases that the victim will be certain to understand.
4. The interviewing officer should establish the elements of the crime (i.e.: force, penetration, consent, sodomy), determine whether the offense occurred in this jurisdiction, identify and preserve physical evidence related to the crime (i.e.: bed covers, clothing, weapons). More detailed questioning should be postponed until such time that a sex crime detective can respond.
5. Whenever possible, the interviewing officer should be the primary officer and should complete a police case report.
6. In cases involving juveniles 14 years of age and younger, a cursory type interview can be conducted to obtain the basic facts of the case. If possible, the officer should wait until a SVU investigator can respond for the interview. The interview in such cases is a very sensitive one and leading type questions can affect the outcome in court.

C. Medical Examination Procedure

1. If the victim has sustained serious or possible life-threatening injuries, the victim shall be transported by medic unit to a hospital emergency room. An officer should follow the victim and medic unit to the hospital.
2. In non-emergency cases, the primary officer should transport the victim to a medical facility that specializes in the forensic examination and medical treatment of sexual assault victims. The Sexual Assault Nurse Examiner (SANE) program at Fairfax Hospital should be utilized. A detective, supervisor, or officer authorized by a supervisor should contact the SANE staff prior to arriving at the hospital. The primary officer should make certain that the victim has a change of clothing for the return trip.
3. The victim should have a physical examination, to include a Physical Evidence Recovery Kit (PERK), at the time the report is made, in cases of suspected rape, sodomy, or other sexual offenses in which the possibility of the transfer of physical evidence (i.e. hairs, fibers, or body fluids) exists, and the report is made within 5 days of the incident.
4. It shall be the responsibility of the assigned investigator to determine the need for a physical examination of the victim in cases of suspected rape, sodomy, or other sexual offenses, in which the report is being made after 5 days of the incident. If such an examination is warranted, the investigator will make the necessary arrangements with the medical personnel.
5. All medical fees expended for the collection of evidence and the PERK shall be paid by the Commonwealth of Virginia ([§19.2-368.11:1](#)).
6. The primary officer must identify the medical personnel who conducted the physical examination to ensure chain of custody of the evidence for purposes of determining who to subpoena.
7. The interviewing officer should make arrangements for the victim's transportation home unless the victim makes other arrangements.
8. A victim/witness rights form shall be given to the victim.

D. Physical Evidence Recovery Kit

1. Victim PERK
 - a. Only the medical staff is authorized to administer the victim PERK examination.
 - b. In accordance with the Department's evidence handling policy and procedures, the victim's PERK should be secured in a locker as soon as possible.
 - c. Whenever the victim's PERK box is marked as "perishable" and/or "in need of refrigeration", the kit shall be stored in the refrigerator of evidence Room 33. The investigator assigned to the case is responsible for transporting the PERK to the Northern Virginia Forensic Laboratory. If the PERK includes item(s) containing

preservatives, the investigator assigned to the case should submit the kit to the lab within 7 days.

2. Suspect PERK

a. All persons arrested for rape, sodomy, and incest should be given the suspect PERK. Two kits may be used: one is used within 24 hours of the assault; the other is used after 24 hours. These kits include complete instructions and are stored in the P-2 room. All suspect PERK must be submitted to the Division of Forensic Science Crime Laboratory within 7 days. The investigator assigned to the case will be responsible for transporting the PERK to the lab.

b. Administering the PERK over Suspect's Objection

(1) Within 24 hours of the alleged assault

(a) If the suspect objects to the PERK and there is no danger of losing evidence, obtain a search warrant. (Notify the SVU if a search warrant is initiated).

(b) If the suspect objects to the PERK and there is a danger of losing evidence, reasonable force may be used to obtain the evidence without securing a search warrant.

(2) After 24 hours

(a) In this case, time may not be a factor; therefore, the officer should contact the SVU for advice.

E. Evidence Handling

1. The primary officer shall be responsible for handling all evidence collected at the medical facility. This should include the victim's clothing and the victim PERK. If the victim changed clothes prior to reporting the incident, it shall be the responsibility of the primary officer to ensure the clothing is located and collected as possible evidence.

2. The police corporal(s) and/or Master Police Officer of the CIS Crime Scene Unit assigned to the case shall be responsible for collecting evidence at each crime scene, and will assist the officer at the medical facility if needed.

3. Special attention should be given to the collection of blood, body secretions, hairs, and fibers. Other possible items of evidence may include latent fingerprints, shoe impressions, and soil samples.

4. Corporals will be responsible for photographing the crime scene and related evidence. Corporals may also be responsible for photographing any injuries sustained by the victim. Injuries to the torso or pelvic area may necessitate a photographer of the same gender as the victim.

5. Corporals will be responsible for drawing a sketch of the crime scene whenever one is desired to enhance the investigation. Sketches should

include the location of evidence collected.

F. Follow-up Investigation

1. All reports of felony sex offenses shall be assigned to an investigator in the SVU.
2. A SVU investigator will assume control of the investigation upon arrival to the crime scene, medical facility, or interview location.
3. The investigation of the case will be handled in accordance with the policy and procedures of the Criminal Investigation Section and the Standard Operating Procedures for the SVU.
4. Pursuant to [§19.2-9.1 of the Code of Virginia](#), the assigned investigator or any other law enforcement official is prohibited from requiring an alleged victim of a sex offense to submit to a polygraph examination or other truth-telling device. Any request for a victim to submit to a polygraph exam during an investigation shall be made in writing. Any refusal to submit to such an exam shall not prevent an investigation or prosecution of the case.