

ASHEVILLE POLICE DEPARTMENT POLICY MANUAL

Chapter: 9 - Criminal Investigations

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Introduction

This policy provides specific and consistent guidelines for the response to sexual assault complaints.

Policy Statement

It is the policy of the Asheville Police Department (APD) to provide appropriate assistance to survivors of sexual assaults through a combination of law enforcement and community services and to thoroughly and aggressively investigate all complaints.

Definitions

[Sexual Assault](#): as used in this policy, all felony crimes of sexual violence.

Rules and Procedures

905.1 Initial Response

- A. Survivors of sexual assault must be treated with courtesy, dignity, respect, and compassion by all department employees.
- B. When receiving a report of a rape, felony sexual assault, or attempt of the same, the communications center will notify or dispatch an on-duty patrol supervisor.
- C. Initial responding officers reporting to a scene involving a sexual assault will follow standard incident response procedures. In addition, when interacting with victims, officers will:
 - 1. Recognize that the victim experienced a traumatic incident and may not be willing or able to immediately assist with the criminal investigation.
 - 2. Clearly explain the reporting process, including the roles of the first responder, investigator, and anyone else with whom the victim will likely interact.
 - 3. Explain available resources, such as the Family Justice Center and other local advocacy agencies. Officers should offer to contact a victim advocate or counselor as soon as practicable.
 - 4. Make reasonable efforts to allow the victim to determine the location, time, and date where the initial report is made.
- D. Officers will secure the scene in accordance with [Policy 901 - Crime Scenes and Evidence](#). If the victim is no longer at the crime scene, the officer should attempt to locate and secure the scene.

905.2 Preliminary Investigations

- A. The responsibility for the preliminary investigation of crimes rests with the initial officer and/or supervisor on the scene. Officers should conduct a preliminary investigation as outlined in [Policy 900 - Investigations Administration](#), with the following considerations in mind:
 - 1. The initial interview conducted by a responding officer should be limited to questions that will establish only the basic facts of the assault and provide the information necessary for the immediate needs of the investigation and the safety of the victim. This may include the suspect's identity and elements of the crime when reasonable and practical. Questions should be tailored to the victim's emotional and physical state.

2. Follow guidelines in [Policy 509 - Body-Worn Cameras](#) concerning recording the victim's initial statement or interview.
- B. If the suspect is arrested at or near the scene, they should be removed from the scene as quickly as possible. The suspect should never be returned to the same area as the victim. If eyewitness identification is necessary, the investigator should use the least traumatic method for the victim.
 - C. The investigator and forensics personnel are responsible for ensuring all evidence is collected, processed, packaged, sealed, signed, and secured, as specified in [SOP 3003 - Evidence Collection & Processing](#).
 1. Officers arriving on the scene should understand the importance of preserving all articles such as clothing, bed linens, towels, and other physical evidence relevant to the investigation and encourage the victim not to do anything that could destroy evidence, such as showering or washing.
 - D. Victim assistance will be provided in accordance with [Policy 1800 - Victim-Witness Assistance](#) and in partnership with local non-governmental organizations, where possible.
 - E. Officers will arrange for transportation to the appropriate facility if a forensic medical exam is needed and the victim consents.
 1. Victims may be transported by police or EMS personnel. The victim's medical needs are the first priority and take precedence over a forensic examination.
 2. It is recommended that the officer or detective remain with the victim until relieved by a forensic nurse examiner, crisis counselor, or other appropriate/authorized individuals, with respect to the wishes of the victim.

905.3 Supervisor Responsibilities

- A. Supervisors will obtain information from the investigating officer in reference to the severity and circumstances of an alleged sexual assault. Supervisors should respond to assist officers investigating incidents of sexual assault when possible or if requested by an officer.
- B. Upon determining that a serious sexual assault has occurred or was attempted, the supervisor will contact the on-call Criminal Investigations supervisor and brief them on the facts of the case. A Criminal Investigations supervisor should

always be consulted in cases of domestic violence involving alleged sexual assaults.

- C. The investigations supervisor may, at their discretion, have an investigator respond at the time of the initial report, depending upon the circumstances of the case.
- D. The supervisor will ensure that the investigating officer prepares and submits a thorough and complete police report in accordance with [Policy 503—Incident Reporting](#).
 - 1. Pursuant to [N.C. Gen. Stat 132-4.1](#), investigators will temporarily withhold the name and address of rape victims. Officers taking the report should mark the name of the victim as restricted to protect the victim’s identity.

905.4 Restricted Reporting

- A. A blind report may be obtained [via OurVoice, a rape crisis center](#), or by any member of the department. The purpose of a blind report is to identify suspects and the modus operandi in other sexual assaults. A forensic medical examination may be done in conjunction with a blind report.
- B. The name of the victim on a blind report is not to be recorded. The [detective sergeant who oversees the Special Victims Unit](#) will maintain a file of blind reports. If the victim decides to prosecute, an incident report should be taken, and the original blind report will be included in the case file.

905.5 Juvenile Victims

- A. Officers and supervisors should immediately consult with Criminal Investigations when receiving reports of sexual assaults involving juvenile victims.
- B. Officers responding to reports of sexual assaults involving a juvenile or other special population group should limit their actions to the following:
 - 1. Ensuring that the victim/scene is safe.
 - 2. Safeguarding evidence where appropriate.
 - 3. Collecting any information necessary to identify the suspect.
 - 4. Addressing the immediate medical needs of individuals at the scene.
- C. Officers should not attempt to interview juvenile victims.

- D. In sexual assault cases where the complainant is a juvenile, and the suspect is a parent, caretaker, or other person residing with the victim, the investigating officer will immediately notify the Buncombe County Department of Social Services (DSS).

By order of:

A handwritten signature in black ink that reads "David J. Zack". The signature is written in a cursive style with a large initial "D" and a long horizontal stroke at the end.

David Zack
Chief of Police