



<b>WRITTEN DIRECTIVE</b>  Subject:  <b>FELONY SEXUAL ASSAULT RESPONSE</b>	No. PD22-2023	Page: 1 of 5
	Effective Date:	07-25-22
	Supersedes/ Amends:	PD20-2023
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## I. Purpose

The purpose of this directive is to establish guidelines for officers when responding to reports of felonious sexual assaults.

## II. Policy

It is the policy of this department to use a victim-centered approach in the investigation of sexual violence. Officers and detectives play a significant role in both the victim's willingness to cooperate in the investigation and ability to cope with the emotional and psychological after-effects of the crime.

## III. Procedure

### A. FELONY SEXUAL ASSAULT DEFINED

Sexual violence, as used in this directive, refers to felony sexual assault which includes, but is not limited to rape, attempted rape, forcible sodomy, carnal knowledge (statutory rape), aggravated sexual battery, inanimate or animate object sexual penetration, crimes against nature and incest, and indecent liberties with a child.

### B. GENERAL

1. Pursuant to Virginia Code §19.2-9.1, the detective assigned nor any other law enforcement officer, attorney for the Commonwealth, or other government official shall ask or require a victim of an alleged sex offense to submit to a polygraph examination as a condition for proceeding with the investigation of such an offense.
2. 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 that the refusal to submit to such an examination shall not prevent the investigation, charging, or prosecution of the offense.
3. Victims reporting sexual assault shall not be required to participate in the criminal justice system or cooperate with law-enforcement authorities in order to be provided with forensic medical exams.
4. This department 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.

5. Those who are identified as lesbian, gay, bisexual, or transgender may have specific privacy needs depending on whether other persons are or are not aware of their sexual identity. Sensitivity and awareness about the particular obstacles and barriers that LGBTQ victims of sexual assault face in reporting is of critical importance.
6. Victims should be encouraged not to wash or bathe because such acts may result in the destruction of physical evidence. If the victims need to urinate and cannot wait until they get to the hospital, they should be instructed to urinate into a clean container and submit it to a Forensics Unit Detective, the detective assigned, or transported to the hospital with the victim.
7. If the victims have not changed clothes, they should be asked not to do so. If victims have changed clothes, all clothing worn prior to the assault should be secured. Clothing or other evidence located (indoors or outdoors), and not subject to damage by weather or other means, should remain in place until collected by a Forensics Unit Detective.
8. If an arrest is made, the suspect(s) should be transported to the Lynchburg Police Department. The officer should record any observations made and any spontaneous statements given by the suspect(s).
9. Medical fees incurred in the gathering of evidence through a **Physical Evidence Recovery Kit (PERK)** examination conducted on a victim reporting sexual assault under Article 7 (18.2-61 et seq.) of Chapter 4 of Title 18.2 shall be paid by the Commonwealth pursuant to subsection F of 19.2-368.11:1.
10. The PERK and other related evidence will be accepted from a Forensic Nurse and submitted into the PISTOL Records Management Evidence System by completing an evidence voucher.
  - a) The PERK, whether submitted for testing or excluded from testing because of a legislatively mandated exception, shall be stored for a minimum of 10 years.
  - b) Law Enforcement shall notify the survivors of their PERK ID number and PIN for access to the PERK Tracking System.
  - c) Any sworn officer may take custody of the PERK for submittal into the PISTOL Records Management Evidence system.

## C. RESPONSIBILITIES

### 1. LynComm Personnel

- a) When a caller reports a sexual assault, communications personnel should elicit the initial facts of the situation and determine whether the victim or others are in life-threatening danger or in need of emergency medical attention.

- b) If the call is about a crime in progress or a crime that just occurred, the call taker should obtain information from the caller to assist in identifying and apprehending the suspect. Information about the relationship of the suspect with the victim, weapon use, and history of violence should be obtained.
- c) To ensure critical evidence is not lost, communications personnel will follow LynComm protocol and:
  - 1) Advise the victim not to bathe, urinate or make other physical changes until police arrive.
  - 2) Advise the victim to use a clean container to collect urine should the victim have to urinate.
  - 3) Let the victim know that other evidence may still be identified and recovered so the crime should still be reported if the victim has bathed or made other physical changes.

## 2. Assigned Officer

- a) The assigned officer should make contact with the victim as soon as possible and request emergency medical assistance if needed.
  - 1) In cases where treatment for physical injury is declined or unnecessary, the victim can remain at the scene to assist in identifying the crime scene, evidence, witnesses, and/or the suspect until the detective arrives at the scene.
  - 2) Upon the request of the assigned detective, the victim should be taken to the Lynchburg General Hospital Emergency Department where specially trained staff and equipment for forensic examinations are available.
  - 3) The assigned officer should follow the victim to the hospital. If the crime scene needs to be secured, a second officer should be requested to respond and preserve the crime scene pending crime scene processing.
  - 4) The assigned officer should remain at the hospital with the victim until relieved by the responding detective.
- b) Officers will evaluate the scene for people, vehicles, or objects involved as well as possible threats and relay all vital information to responding officers and supervisors.
- c) Responding officers should secure the crime scene to ensure that evidence is not lost or contaminated.
- d) The assigned officer should obtain basic information from the victim to include the location, time, date, and elements of the offense, and any suspect information. The assigned patrol officer should not conduct an extensive interview of the victim or suspect.

- e) The assigned officer should record observations of the crime scene that should include the demeanor of the suspect and the victim as well as any injuries or disheveled clothing.
- f) The assigned officer should complete an incident report documenting the known facts of the incident.
- g) Investigating patrol officers should not Mirandize or question the suspect about the offense unless instructed to do so by the assigned detective.

### 3. Supervisors

- a) Patrol supervisors should respond to assist officers investigating suspected felony sexual assaults and notify the Criminal Investigations Division (CID) supervisor as soon as a felony sex offense is suspected and jurisdiction of the offense is established.
- b) Responding supervisors will ensure that assigned officer(s) complete a report that documents the known facts and their actions at the crime scene.
- c) When needed, Forensics Unit personnel will be contacted to respond and process the crime scene.

### 4. Assigned Detective

- a) Depending on the circumstances, a detective may respond to handle a sexual assault investigation on being made aware of the offense.
- b) A detective will be assigned to all felony sexual assault cases.
- c) As soon as a detective arrives on the scene, he/she will assume control of the crime scene and the investigation.
- d) Information on legal and community resources available to alleged victims of sexual assault will be provided by the assigned officer or detective. This may be accomplished by giving the victim a victim/witness form.
- e) If necessary, preserve the recording of the initial telephone call to LynComm for the investigation and/or prosecution.

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## D. JUVENILE VICTIMS

1. Because the agency has personnel specially trained in the interview of juvenile sexual assault victims, patrol officers should not extensively interview juvenile victims under the age of 18 unless instructed to do so by a CID supervisor.
  - a) The assigned officer will document in an IBR only basic information obtained from adult source(s) other than the victim.
  - b) All additional information and interview details will be documented by the assigned detective(s).

2. Detectives will investigate juvenile sexual assault cases.
  - a) A CID supervisor should be notified immediately upon receipt of a complaint of a sexual assault involving a juvenile victim.
  - b) The assigned detective should determine whether an immediate medical examination is necessary. Immediate medical examinations of juveniles alleged to have been sexually assaulted will be conducted at the Lynchburg General Hospital Emergency Department by a Forensic Nurse.
  - c) The assigned detective may accompany the juvenile to the hospital and provide information about the alleged offense to the Forensic Nurse to assist them in determining the appropriate nature of the examination.
  - d) If the alleged assault occurred more than seventy-two (72) hours prior to the complaint, an immediate examination may not be appropriate. The assigned detective and Forensic Nurse should confer to make this determination.
3. Child Protective Services (CPS) may be notified in cases involving juvenile victims.
  - a) CPS will be notified by the assigned CID detective or supervisor if needed.
  - b) If CID personnel are not involved in the investigation, CPS will be notified by the patrol supervisor if services are necessary.

*Original Signed*

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Ryan M. Zuidema  
Chief of Police

July 25, 2022

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Date