

THE RALEIGH POLICE DEPARTMENT

1110-03

SEXUAL ASSAULT

PURPOSE

The purpose of this procedure is to establish guidelines to be followed in the investigation of sexual assault cases.

VALUES REFLECTED

This directive reflects our values of *Service, Integrity, and Compassion*. In our response to victims of sexual assault, we will act with the utmost compassion and professionalism.

UNITS AFFECTED

All Divisions/Sworn Officers

REFERENCES/FORMS

DOI 1106-01 "Confidentiality and Release of Information"

May be Released to the Public

Effective Date: 06-27-2024
Prepared By: Estella D. Patterson
Chief of Police

Supersedes: 06-08-2023
Approved By: M. Adams-David
City Manager

GENERAL POLICIES

The physical well being of sexual assault victims is our first priority. The primary concern of the initial responding officer is to seek medical attention for the victim. Officers will remain sensitive to the victim's emotional trauma and will conduct the investigation in a manner that encourages cooperation and trust. The victim of a sexual assault has the right to report the crime through the process known as Anonymous Reporting without making a statement to law enforcement.

The initial investigation of sex offenses can be difficult due to the emotional state of the victim. Officers should avoid interviewing the victim alone or taking other actions which might place them in a compromising situation. At no time will the victim be asked questions beyond the scope of proving sexual assault.

Victims sometimes conceal information concerning sex offenses and will occasionally deny that any offense occurred. Officers should reassure the victim of the confidentiality of the investigation.

INITIAL RESPONSE

Sex offenses frequently occur at one location and are later reported by the victim at a different location. Establishing a crime scene, as quickly as possible, is important to prevent the destruction of evidence.

Sex offenses frequently involve a sequence of events involving several geographically separate locations. Investigations should be conducted in a manner to connect that sequence of events. For crime scenes involving fields or other open areas, the supervisor may request the assistance of the Canine Unit to discover evidence or the path used by the perpetrator.

Approaching the Victim

The victim's emotional state may range from calm to hysterical. Whenever possible, the officer should have another officer, friend, or relative present when they first approach the victim. The officer should proceed as follows:

- If necessary, summon medical assistance for the victim.
- Determine, as rapidly as possible, the location of the crime and the suspect's description.
- Offer to contact a friend, relative, or a support agency.
- Record the victim's emotional state and appearance.

Physical Evidence from the Victim

The victim's fingernails may contain skin scrapings. Do not allow victims to wash their hands, bathe, or change clothes. If the victim has already changed clothes, gather and package each article of clothing separately.

Encourage the victim to go to the Solace Center at Interact (1012 Oberlin Road, Suite 100, Raleigh NC 27605) if the sexual assault occurred within five days and the victim is at least 18 years of age. Victims who are less than 18 years of age must go to a medical facility or the Wake-Med Children's Emergency Department.

Victims with injuries should always be taken to the Emergency Department first. If the victim is transported to the hospital via an ambulance, be sure to retain the stretcher sheets as evidence.

Absent specific articulable facts that establish a safety hazard for the officer or the victim, officers shall not handcuff victims who are not in custody during transport. The transporting officer may ask the victim to consent to a frisk of their person for weapons prior to transport. If the individual declines to be frisked, the transport should not be conducted and the officer should attempt to make other arrangements. Bags, purses, and personal belongings should either be searched with consent or transported out of the reach of the individual.

The assigned Wake County Bureau of Forensic Services (WCBFS) Field Agent is responsible for receiving the rape kit from the hospital and for obtaining whatever photographs, of the victim, that might be necessary. When WCBFS is not requested for photographs, the officer assigned to the victim is responsible for receiving the rape kit from the hospital or the Solace Center. The officer accompanying the victim will still be responsible for obtaining a description of the victim's injuries.

Transporting the Victim

If the victim is transported to the hospital via ambulance, be sure to retain the stretcher sheets as evidence. If no medical treatment is needed for injuries sustained by the victim, the officer should transport the victim to the Solace Center for examination, interview, and evidence collection. When possible, a female officer should transport female victims. If a female officer is unavailable, a friend, relative, rape counselor, or second officer shall accompany the officer and the victim to the hospital. Arrangements should be made to bring a change of clothing, to the hospital, for the victim. Absent specific articulable facts that establish a safety hazard for the officer or the victim, officers shall not handcuff victims who are not in custody during transport.

Notifying the Solace Center and the S.A.N.E. Nurse

Officers should notify the Emergency Communications Center to contact the Solace Center and the on-call S.A.N.E. (Sexual Assault Nurse Examiner). The Solace Center can be contacted at (919)-828-3067. A return number should be provided to the Solace Center's answering service. Upon their call back, provide the name and age of the victim, date and time of the assault, along with the officer's name and Department.

Notifying the Detective Division

The Watch Commander should notify the Detective Division when a rape, sexual assault, or child molestation is reported.

Interviewing the Victim

Interviews should be conducted in a private area. A female officer or a trained rape counselor should be present to assist while interviewing female victims.

- Certain questions that are pertinent to the investigation may invoke a feeling of renewed attack and should be postponed to a later time.
- Questions regarding lifestyle patterns or habits should not be asked.

- The interview should include questions concerning what the victim was doing prior to the offense, where the victim was coming from, and who the victim was with.

SEXUAL ASSAULT VICTIMS

The Special Victims Unit will assume preliminary responsibility for all rapes and sexual assaults.

Consent to Examination.

An attempt to obtain consent from a parent or guardian should be made by medical personnel or the Department of Social Services (DSS). When a parent or guardian is unavailable, consent is implied. When a parent or guardian is present, but refuses consent, the examination will not be performed unless the parent is a suspect or DSS has custody of the juvenile. The officer's report should document how consent was obtained or refused and if the examination was conducted and by whom.

CONFIDENTIALITY

Only that information necessary to protect the public and to assist in identifying the perpetrator will be released during sex offense investigations. Names, ages, sex or addresses of sex offense victims will not be listed on the top portion of case reports or in the Watch Commander's Log or Case Updates. All arrest warrants obtained in sexual assault cases shall only identify the victim by initials and date of birth, unless directed otherwise by a judicial official or the District Attorney's Office. If the investigating officer/detective is directed to include additional identifying information about the victim, he/she shall note that in the report. This information will not be released to anyone other than law enforcement officers and the District Attorney's Office without approval of the Chief of Police.

ANONYMOUS REPORTING GUIDELINES

In some instances the victim of a sexual assault may not want law enforcement to conduct an investigation. Such victims can still report the crime but may do so anonymously. If the victim does not want to report a sexual assault, but still requests a sexual assault evidence collection kit, one will be completed. Completed anonymous sexual assault evidence collection kits should be mailed by the completing entity to Law Enforcement Support Services (LESS) at 3040 Hammond Business Place Suite 111 Raleigh NC, 27603.

If requested by LESS to assist in collection and storage of anonymous sexual assault evidence collection kits the dispatched officer should first contact LESS at (919)324-6461 to make arrangements to meet at their off-site storage facility.

The anonymous sexual assault evidence kits will be in a box specially designed by the SBI. Under no circumstances should a sexual assault evidence collection kit that is collected anonymously be placed in Raleigh Police Evidence. Anyone collecting the sexual assault evidence collection kit, for an anonymously reported sexual assault, shall not complete a report, and should code the call "N" if on a call.

If the victim reports the crime through "Anonymous Reporting", he/she will not have access to funds from the N.C. Crime Victim Compensation Program to help cover medical expenses and lost wages.

A victim who reports a sexual assault anonymously has one year, from the date of the assault, to contact law enforcement and request their assistance. If the victim contacts law enforcement within one year, officers will retrieve the rape kit from "LESS" and conduct an investigation.

According to North Carolina law, if the victim does not want to report the sexual assault but requests a rape kit to be done, **and** suffers from extensive injuries (doctor treats a person for injuries involving such items as guns, knives, poison, etc.) the doctor is mandated to report it to law enforcement. At this point, the option to report the sexual assault is not decided by the victim. The victim will have the rape kit paid for by the Rape Victims Assistance Program and may have medical expenses and lost wages paid for by the N.C. Crime Victim Compensation Program. Officers should complete a case report and initiate an investigation.