# TOMPKINS COUNTY SHERIFF'S OFFICE GENERAL ORDERS



# **INVESTIGATION AND RESPONSE TO SEXUAL ASSAULT**

✓ new: rescinds: amends:		<b>cross-reference:</b> New York State Penal Law Section 130 & New York State Executive Law
		accreditation standards: NYSLEAP Standard(s): 29.4 & 29.5
effective date:	amend date:	
June, 2020		

#### I. **PURPOSE**

The purpose of this General Order is to provide officers and investigators with guidelines for responding to reports of sexual assault. This includes assisting victims, collaborating with local health and service agencies, conducting interviews with victims, witnesses, and suspects. Because of the special needs involved in sexual assault investigations, this policy is an all-inclusive document that covers first response, investigations, and prosecution.

#### II. POLICY

It is the policy of the Tompkins County Sheriff's Office to understand that a victim's distress may create an unwillingness or psychological inability to assist in the investigation. Officers and investigators 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. Therefore, it is especially important that these cases be handled from a nonjudgmental perspective so as not to communicate in any way to a victim that the victim is to blame for the crime. Members of the office are required to aid crime victims and encourage them to take advantage of assistance as provided by the New York State Crime Victim's Compensation Law.

**Note:** According to NYS Executive Law section 642(b), all police departments shall provide victims of crime defined in Article 130 of the Penal Law with the name, address and telephone number of the nearest Rape Crisis Center in writing. In Tompkins County that would be the Advocacy Center of Tompkins County.

#### III. **DEFINITIONS**

*Consent*: Words or overt actions by a person who is legally and functionally competent to give informed approval, indicating a freely given agreement to engage in sexual acts.

*Forcible Compulsion*: As used in this policy and stated in Article 130 of the New York State Penal Law, forcible compulsion means to compel by the use of physical force or to threaten a person so as to make them believe that they are in danger of immediate death or serious physical injury, or that another person will be kidnapped.

Sexual assault generally constitutes a felony when one of the following conditions exists:

- 1. Force was used or threatened, even if there is no bruise or injury to the victim;
- 2. The victim was afraid, even if this did not lead the victim to physically resist;
- 3. The victim was disabled and could not legally give consent (that is, the victim could not understand the nature or condition of the act due to illness or disability);
- 4. The victim was severely intoxicated or unconscious as a result of drugs or alcohol and was therefore unable to give informed consent at the time of the sexual act;
- 5. The victim was under the age of legal consent at the time of the sexual act.

Sexual Assault: As used in this policy refers to crimes of sexual violence.

*Sexual Assault Medical Forensic Examination*: An examination of a sexual assault patient by a health care provider, ideally one who has specialized education and clinical experience in the collection of forensic evidence and treatment of these patients.

*Sexual Contact*: As used in this policy and stated in Article 130 of the New York State Penal Law, sexual contact means any touching of the sexual or other intimate parts of a person not married to the actor for the purpose of gratifying sexual desire of either party. It includes the touching of the actor by the victim, as well as touching of the victim by the actor, whether directly or through clothing.

*Victim Advocate:* This generic term may apply to a wide range of service providers, rape crisis counselors, social workers, victim witness providers and law enforcement officers. Depending on the primary function of these different advocates, the levels of confidentiality and privilege they have will vary and should, therefore, always be understood by each member of the office and communicated to the victim.

# IV. **PROCEDURES**

#### A. Initial Officer Response

- 1. As part of the emergency response, officers should:
  - Respond immediately to the location of the victim, which may or may not be the crime scene. If needed, summon emergency medical assistance. If the victim is not at the crime scene, determine the location of the crime scene(s);
  - Evaluate the scene for people, vehicles, or objects involved as well as a possible threat;
  - Relay all vital information to responding officers and supervisors, including any possible language barriers;
  - Secure the crime scene to ensure that evidence is not lost, changed, or contaminated;
  - Request assistance from investigators, evidence technicians, crime scene technicians, and the prosecuting attorney when appropriate;
  - Begin a search for the suspect when appropriate.

- 2. Special Considerations Minors and Cognitively Impaired Adults
  - Advocacy Center of Tompkins County shall be notified as soon as reasonably possible when reports of potential sexual assaults of minors and cognitively impaired adults are received.
  - Officers responding to reports of sexual assaults involving these sensitive population groups shall limit their actions to the following:
    - Ensuring the scene is safe;
    - Safeguarding evidence where appropriate;
    - Collecting any information necessary to identity the suspect;
    - Addressing the immediate medical needs of the individuals at the scene.
  - Officers should not attempt to interview the victim in these situations, but should instead await the arrival of individuals with specialized training and experience.

Note: CPS should be contacted for a joint interview.

- > Officers should be cognizant of indicators of sexual abuse, which can include:
  - Symptoms of sexually transmitted diseases;
  - Injury to genital area;
  - Difficulty and/or pain when sitting or walking;
  - Sexually suggestive, inappropriate, or promiscuous behavior or verbalization;
  - Expressing age-inappropriate knowledge of sexual relations; and/or
  - Sexual victimization of other children.
- In the event that an officer has reasonable cause to suspect sexual abuse by a parent or caretaker the officer shall report their concerns by telephone to the New York Statewide Central Register of Child Abuse and Maltreatment (SCR) at 1 (800) 635-1522. Oral reports to the SCR must be followed within 48 hours by a written report to the local department of social services' CPS unit on form LDSS-221A.

# B. Assisting the Victim

- 1. Officers should be especially sensitive to the needs of victims who have been subjected to a sex offense or incest. Therefore, it is the policy of the Tompkins County Sheriff's Office to treat victims of sex offenses and/or incest in accordance with provisions of subdivision 2-A of Section 642 of the Executive Law.
- 2. Show understanding, patience, and respect for the victim's dignity and attempt to establish trust and rapport.
- 3. Inform the victim that an officer of the same sex will be provided if desired and available.

- 4. Advocacy Center of Tompkins County should be contacted as soon as possible to provide assistance throughout the reporting and investigative process.
- 5. Supply victims of sexual assault with the phone number for the Rape, Abuse, and Incest National Network (RAINN) Hotline, 1-800-656-HOPE and/or supply the local Advocacy Center of Tompkins County Hotline, 1-607-277-5000. Assistance is provided 24 hours a day, 7 days a week. Services offered include law enforcement accompaniment, SANE hospital accompaniment, safe house shelter for domestic violence victims and their children. Also, provide an Office of Victims Services Card.
- 6. Request a response from the investigator and limit the preliminary interview, so that the victim is not then asked the same questions by the investigator again. Note: Sexual assault victims must be interviewed in a private, secure area away from the general public or general police operations while at the station. The office of the Criminal Investigations Division will be used to conduct all interviews. Interviews of child and adolescent victims should be conducted at the child interview room, which is accessed by calling the CAC Lead Advocate at the Advocacy Center of Tompkins County. *See Attachment A.*
- 7. Be aware that a victim of sexual assault may bond with the first responding officer. It is important to explain the role of the different members of the sexual assault response team and help with transitions through introductions.
- 8. Record observations of the crime scene, including the demeanor of the suspect and victim and document any injuries or disheveled clothing.

# C. Evidence Collection Issues

- 1. Officers shall request assistance or direction from crime scene technicians and/or evidence custodians.
- 2. Responding officers shall protect the integrity of the evidence and guard the chain of custody by properly marking, packaging, and labeling all evidence collected, including:
  - Clothing worn at the time of the assault and immediately afterward, especially the clothing worn closest to the genitals (such as undergarments, pants, and shorts);
  - Photographs of the victim's injuries (if any), the suspect's injuries (if any), and the crime scene prior to processing.

# 3. **Remember:**

- When photographing a victim, be sensitive to the location of the injuries on the victim's body;
- Summon an officer of the same sex as the victim;
- Photograph victims using drapes and other techniques that help to maintain the victim's dignity;
- > Instruct medical personnel to take photographs of the genitalia when needed.

- 4. Processing the crime scene(s):
  - Officers shall introduce the need for a medical examination to the victim explaining the importance to investigative and apprehension efforts as well as for the victim's well-being. Officers shall not coerce victims to go to the hospital or to provide samples from drug screening. Victim advocates can assist in explaining the procedures of the hospital exam.
  - DNA evidence plays a crucial role in the sexual assault investigation. In addition to the victim's and suspect's bodies and clothing, there are many other potential sources such as condoms, sheets, blankets, pillows, and bottles that may contain biological evidence such as blood, sweat, tissue, saliva, hair, and urine. To properly collect DNA evidence, officer shall:
    - Use sterile gloves and change as needed;
    - Use sterile swabs, papers, solutions, and tools;
    - Package evidence in individual envelopes;
    - Avoid touching the area where potential DNA evidence may exist;
    - Avoid talking, sneezing, and coughing over evidence;
    - Air dry evidence before packaging;
    - Put evidence into new paper bags or envelopes, not plastic.
- 5. The sexual assault evidence kit shall be accepted from the medical staff after it has been properly sealed and labeled. Also,
  - The kit will contain whole blood that requires that the kit be placed and logged into an evidence refrigerator as soon as possible. The kit may also contain a urine sample for toxicology testing. If it does, the urine sample shall also be refrigerated.
  - The kit shall not be allowed to freeze or be exposed to heat such as being near a car's interior heater.

#### D. Stranger vs. Non-Stranger Assaults

- 1. Non-Stranger Assault: The majority of non-stranger sexual assaults result in a consent defense. Thus, evidence of particular importance includes:
  - Evidence of physical or verbal resistance on the part of the victim;
  - Evidence of genital or non-genital injury;
  - > Detailed account of the victim's thoughts and feelings during the assault;
  - > Information regarding the suspect's size and strength in comparison to the victim's;
  - Information regarding the environment in which the assault took place (such as isolation, soundproofing, etc.)
  - Information regarding the victim's behavior after the assault, including posttraumatic stress.
- 2. Stranger Assault: Evidence in stranger sexual assaults often center on a question of identification pending the processing of DNA evidence. Therefore, investigative strategies must remain flexible. An identity defense will typically include latent fingerprints, lineups, DNA, and trace evidence.

#### E. Identify and Locate Witnesses and Suspects

- 1. Based on the victim's emotional and physical state, questions of the victim concerning the assault and description and location of the suspect shall be limited. Responding officers must identify and interview any potential witnesses, bearing in mind that there may be multiple crime scenes. It is especially important that the first person the victim told about the sexual assault be identified and interviewed.
- 2. Any officer who interviews a witness or a suspect, identifies evidence, or processes a crime scene shall write his or her own report detailing the actions he or she took. The investigator assigned for the follow-up investigation regardless of whether an arrest is made shall compile these supplemental reports.

# F. Preliminary Victim Interview

- 1. Sexual assault investigations typically include both a preliminary and subsequent indepth interview with the victim. The preliminary interview is intended to establish whether a crime has occurred. In the initial response, the officer shall first establish the elements of the crime(s) and identify any and all witnesses, suspect(s), evidence, and crime scene(s). The officer must understand, and the report indicate, that the preliminary interview is not intended to be a comprehensive or final interview. Additional interviews will be needed as the investigation develops. The initial responding officer shall complete the <u>Sexual Assault Preliminary Report</u> form. *See Attachment B*.
- 2. Every effort shall be made by the investigating officer to contact a victim advocate as soon as possible. If the victim declines assistance from an advocate, the officer shall provide the victim with written referrals for community resources specifically designed to help victims of sexual assault. Take responsibility for excluding a support person when appropriate and offer the victim and support person an explanation.
- 3. Respect the victim's immediate priorities. Attend to the victim's immediate health and safety concerns and questions about reporting and the criminal justice process before beginning the interview. Based on the length of time between the assault and report of the crime and the individual's personal history, the victim may be in crisis and experiencing posttraumatic stress disorder or rape trauma syndrome and exhibiting a range of behaviors that will likely change over time.
- 4. The victim's response to trauma of a sexual assault shall not be used in any way to measure credibility. People react differently to trauma. Lack of emotion or the presence of emotion is not an indicator of the legitimacy of the assault, and either is common.
- 5. When drugs or alcohol are involved, the victim may have limited recollection or be unable to give a complete account of the crime. Not knowing the details of what happened may exacerbate the trauma experienced by the victim. Assure the victim that they will not be judged and that the information reported is being taken seriously.

- 6. Research shows that most victims of sexual assault never make a report to law enforcement. Of the victims who report, the majority do so after some delay. A delay in reporting should never deter a thorough investigation.
- 7. Help victims gain back a sense of control by involving them, as much as reasonable in the decision of when and where to hold the interview.
- 8. Guidelines for Interviewers & Investigators:
  - Remember that victims may struggle with gaps in memory;
  - Avoid leading questions while conducting the interview;
  - Use simple terminology appropriate to the victim's age, cognition and development level;
  - > Remain patient and maintain an open mind while listening to the victim's account;
  - > Avoid using jargon or police, medical, or legal terms.
  - Secure a private location for the interview that is free from distractions.
  - > Express sympathy to the victim and an interest in the victim's wellbeing;
- 9. During the interview the officer shall:
  - > Obtain contact information for the victim, including temporary accommodations;
  - Explain the nature of the preliminary interview and the need for follow-up contacts;
  - Limit the initial interview to questions that will establish only the basic facts of the assault and provide information necessary for the immediate needs of the investigation and safety of the victim, such as the suspect identity and elements of the crime.
  - Ask about and document signs and symptoms of injury, to include strangulation.
  - Revisit the possibility of a support person for the victims who initially declined the offer;
  - Explain that other professionals such as forensic examiners, investigators, evidence technicians, and prosecutors will have additional questions.
- 10. At the conclusion of the initial interview the officer shall:
  - ➢ Give the victim the Criminal Investigations Division contact information;
  - Encourage the victim to contact C.I.D. with any additional information or evidence.
  - Remind the victim that visible evidence of injury may appear later, and to contact the investigators for additional photographs or other documentation;
  - > Ensure that request for victim protection orders are made where indicated;
  - Provide written referrals for victim service organizations;
  - Provide transportation when reasonably possible;
  - > Inform the victim about next steps in the investigation.
- G. Protecting Victim Rights
  - 1. Throughout the investigation of the case, officers shall explain to victims the limitations of confidentiality, as well as the office's dedication to protecting the confidentiality of the victim's information to the maximum extent possible by law and policy.

- 2. In addition, victims should be provided information on:
  - ➤ The rights of a crime victim;
  - ▶ How to contact police if harassed or intimidated by the suspect(s) or a third party;
  - > The definitions of information that is part of the public record and confidential;
  - The possibility of media coverage and information the media has access to regarding sexual assault crimes. The media does not publish victim names.
- 3. Every victim shall be given an Office of Victim Services ("OVS") card and related information associated with the card. In addition, an Advocacy Center of Tompkins County Services card will also be given. *See G.O. Victim and Witness Services*.

# H. Arrest and Decision Making

- 1. Do not pressure the victim to make any decisions regarding the participation in the investigation or prosecution during the initial interview or initial stages of the investigation. Officers shall not introduce any forms for a victim to sign to decline an investigation.
- 2. Delayed victim reporting is common in sexual assault cases due to the trauma and fear experienced by victims and should not deter a thorough investigation. Officers shall inquire about and document the reasons for a delayed report, while avoiding questions that could be perceived as judgmental or accusatory.
- 3. A victim's right to change their mind regarding moving forward with the investigation and prosecution should only be constrained by the statute of limitations. Even then, the victim may serve as a witness in another case involving the same suspect, so an interview and investigation should always be conducted.

#### I. Forensic Examinations for Victims of Sexual Assault

**Note**: Under the provision of the VAWA Reauthorization Act of 2005, states must ensure that victims of sexual assault have access to a forensic medical exam, free of charge or with full reimbursement, even if the victim chooses not to report the crime to the police or otherwise participate with law enforcement authorities or the criminal justice system.

- 1. Victim-centered care is paramount to the success of the forensic examination of victims of sexual assault. A timely, professional forensic examination increases the likelihood that injuries will be documented and evidence collected to aid in the investigation and prosecution of sex offenders. Evidence may normally be collected up to 92 hours after the assault, but evidence can be gathered and injuries documented beyond that time, especially if the victim is injured, bleeding or experiencing pain.
- 2. Investigating Officer Actions:
  - Explain the purpose of the forensic examination and its importance to the investigation and provide the victim with information on the procedure. The victim

advocate can assist in explaining the forensic medical exam to the victim and will accompany the victim to the hospital;

- > Inquire whether the victim will consent to a forensic examination;
- Inform the victim of the right to decline any or all parts of the examination;
- Should a victim initially decline a forensic medical examination, provide information as to where the victim may obtain an exam at a later time.
- Ask the victim whether there is any support person who they would like to be called or notified, and facilitate this contact;
- Notify a victim advocate to offer the victim support when a forensic examination is to be conducted;
- Address any special needs of the victim, such as communication or mobility, and notify the victim advocate of the special needs;
- Advise the victim that the forensic examiner will collect any clothing that was worn during or immediately after the sexual assault;
- Assist in arranging for clothing the victim may need after the examination. Some basic clothing is available at CMC;
- > Seek permission from the victim to collect a urine sample for drug screening;
- Obtain a signed release from the victim for access to medical records;
- Encourage a victim who declines to undergo a forensic exam to get medical attention including testing for pregnancy and sexually transmitted diseases.
- 3. Coordination with Forensic Examiner will be as follows:
  - Responding officers shall coordinate with other professionals such as forensic examiners to determine whether a forensic examination is indicated;
  - When a forensic examination is indicated, the investigating officer shall brief the examining nurse or physician about the details of the sexual assault, as they are known at the time;
  - Officers should not normally be present in the examining room as the forensic examiner will testify about collection of evidence and the chain of custody;
  - The nurse or physician shall brief the investigating officer at the conclusion of the examination;
  - The police report shall contain a copy of the forensic exam, if available, and a summary of the findings that note significant information or injury. After the examination, all the evidence shall be transferred to the office for storage.
- 4. When it is determined that a forensic examination will be conducted, a victim advocate or a support person of the victim's choosing shall be allowed to be present in the room and during the interview, unless it would be harmful to the investigation. The officer shall take responsibility for excluding a support person, when appropriate, and providing an explanation to the victim and the support person.

# J. Drug-Facilitated Sexual Assault Considerations

1. If a drug-facilitated sexual assault is suspected, it is critical to obtain urine sample from the victim as soon as possible. If it has been less than 24 hours since the time of the assault, also obtain a blood sample in a grey-top tube. Hospital personnel can assist with the technical aspects of those procedures as they are trained and familiar, especially those in emergency care units.

- 2. Protocols for responding to illegal substance abuse by victims (including underage drinking) shall be followed and never used to discredit or discourage the victim from reporting the assault. The office priority is to conduct a thorough investigation of a sexual assault rather than prosecute victims for misdemeanor violations.
- 3. Because of the delay in reporting most sexual assaults, laboratories capable of testing urine and blood samples at very low levels for those drugs commonly used to facilitate sexual assault are essential.

# K. Follow-Up Victim Interview

- 1. Prior to a follow-up interview, the investigating officer shall consult with office personnel who responded to the scene, retrieve communications tapes and printouts, and review all reports, including the Sexual Assault Preliminary Report form. The officer should coordinate with relevant agencies, assistance organizations, service providers, and/or sexual assault response professionals to address the needs of the victim and to discuss the best means for keeping the victim informed.
- 2. In preparing for the interview, the investigator shall develop an investigative strategy based on the nature of the assault and the possible defenses available to the suspect (such as denial, mistaken identity, or consent). This strategy shall guide the questions and other evidence collection efforts. Critical evidence collection efforts include evaluating whether a pretext phone call is appropriate and re-photographing injuries to document changes in visible injuries.
- 3. Follow-Up Interview Protocol
  - An in-depth follow-up interview shall be conducted after the victim has been medically examined and treated, and personal needs have been met.
  - In the event that the victim is still under the influence of drugs or alcohol, has been injured, or as a result of the assault has not slept, and barring exigent circumstances requiring an arrest or identification, the interview shall be delayed.
  - The interview shall be conducted in a location that is convenient, accessible, and comfortable for the victim. Help victims gain back a sense of control by involving them in the decision of when and where to hold the interview. The investigator shall provide or arrange for transportation for the victim when needed.

**Note:** Interviews of child and adolescent victims should be conducted at the child interview room, which is accessed by calling the CAC Lead Advocate at the Advocacy Center of Tompkins County. *See Attachment A.* 

- 4. At the start of the follow-up interview the investigator shall:
  - > Discuss the purpose and scope of the interview;
  - Review contact information for both the victim and investigator that may need to be updated;
  - Explain the victim's rights, including confidentiality;

- Address questions regarding participation in the investigation or prosecution including an explanation of the status of the case.
- 5. While conducting the follow-up interview the investigator shall:
  - ➢ First allow the victim to describe what occurred without interruption;
  - Relay what you heard for accuracy, identify new information or developments, and ask questions;
  - If the suspect was known by the victim, determine how long the victim knew the suspect, the circumstances of their meeting and the extent of their previous or current relationship.
  - > What was the victim experiencing before, during, and after the sexual assault?
  - > What did the victim see, smell, taste, hear or touch during the incident?
  - Fully document fear by recording all flight, fight, or freeze reactions the victim exhibited. For example, the victim may describe feeling unable to move.
  - Silence is not consent. "No" or resistance is communicated though more than just words. Detail and corporate what "No" looked or felt like for the individual victim in your report (i.e. looking away, closing eyes, positioning or moving body).
  - Capture details necessary to establish any premeditation or grooming behavior by the perpetrator.
  - Create a timeline to show trauma/post-assault behavior of the victim in context of previous behaviors. For example, document dramatic physical changes such as weight loss/gain or reported changes in daily routine and/or work performance.
  - Document all information given by the victim, even if it does not cast them in the best light.
  - Use the victim's exact words and place those words in quotations. Do not sanitize or "clean-up" the language used by the victim.
  - It is normal for a victim to not know or remember complete details; do not try and fill in the gaps for them.
  - Clarify any inconsistencies with earlier accounts of the sexual assault in a nonthreatening manner;
  - If the facts obtained from the investigation indicate use of force by the perpetrator document using language that reflects this.
  - If at some point a consensual encounter turned nonconsensual, ask the victim to describe details about how and when the perpetrator's behavior changed.
  - Documentation should reflect a lack of consent. Avoid wording that implies consent. For instance, "he forced his penis into her vagina" denotes lack of consent while "he had sex with her" implies consensual intercourse.
  - In documenting force, be specific. "He threatened me" is vague. List the specific threats that were made, tones used, gestures and/or looks given.
  - Inquire about any circumstance that may indicate the use of a drug to facilitate the sexual assault (such as whether the victim experienced any loss of memory, disorientation, severe illness, or hallucinations);
  - If the victim was incapacitated as a result of voluntary alcohol or drug use, show why this is an issue of increased vulnerability rather than culpability.
  - Assist the victim in developing a safety plan, in the event safety concerns exist, and encourage the victim to call police if the suspect violates any existing criminal or court orders or if the suspect contacts the victim in any way.

- 6. Once a thorough follow-up investigation has been completed the investigator shall:
  - Evaluate impounded evidence and determine which items might have probative value based on statements and other information;
  - Submit lab service request such as DNA, biology, trace, or toxicology based on the assessment of the evidence;
  - Present the complete case file including forensic results as soon as available to the prosecuting attorney for review and work with the prosecutor's office to develop the case;
  - Encourage the victim's continued support in the investigation, apprising the victim of future investigative and prosecutorial activities that will or may require involvement. Victim follow-up builds trust with victims and sends a message to the community about the seriousness with which the office handles sexual assault crimes.

#### L. When Lacking the Victim Involvement

1. The Sheriff's Office shall respect a victim's inability, or decision not, to be involved in criminal justice proceedings and always be willing to offer continued assistance and referrals.

#### M. Contacting and Interview the Suspect

1. The investigating officer(s) shall follow office procedures on identifying the suspect, conducting the suspect interview, and collecting evidence in a sexual assault investigation. *See GO Suspect Interview and Statement Procedures (In Progress).* 

**Note:** Consider conducting a pretext or confrontational call or messaging. Pretext phone calls/messaging are strong tools to be considered when the victim and suspect know each other. The transcripts can provide useful evidence as facts are corroborated and the suspect makes admissions or gives improbable statements. Involvement of a victim should be based on strong consideration of the victim's emotional and physical state. The victim advocate can provide support before and after pretext calls/messaging.

#### N. Sexual Assault Forensic Examination for the Suspect

- 1. The Sheriff's Office will work with other agencies and the Office of the District Attorney regarding where the forensic examination of the suspect will take place, who will pay for it, and what steps will be involved. It is essential that the victim and suspect examinations must take place in different locations or times.
- 2. Protocol for Suspect Examination shall be:
  - Immediately after the preliminary suspect interview, the investigating officer shall determine whether a forensic sexual assault examination should be obtained for the suspect;
  - A search warrant may be needed to collect any evidence from the body of the suspect or even to collect clothing. If the suspect consents to such evidence collection procedures, documentation of voluntary consent shall be provided in the police report;

- The investigator shall clearly document the suspect's freedom to decline any part of the examination and to leave at any time.
- 3. Evidence Collection
  - If in custody, the suspect shall be given a Miranda warning before being asked medical history questions by the forensic examiner or investigator;
  - If the suspect invokes his right to remain silent, the examiner shall bypass the medical history portion of the examination and continue documenting any visible injury and collecting the appropriate specimens;
  - Both the examiner and attending officer shall be prepared to document any spontaneous statements made by the suspect regardless of whether or not the suspect is in custody and whether or not the suspect was provided with a Miranda warning.

#### O. <u>Role of the Supervisor</u>

- 1. Supervisors shall demonstrate a detailed understanding of victim issues and proper response by subordinates. Supervisors shall:
  - Respond to assist officers investigating sexual assaults;
  - Exhibit sensitivity to victims and ensure that victims are dealt with properly by clarifying their expectations of line officers;
  - > Assist in locating resources to effectively investigate sexual assaults;
  - Encourage problem-solving partnerships to enhance cooperation between the office and community groups using a victim-centered approach;
  - Include victim services information regularly at shift briefing;
  - Work to increase interagency communication between law enforcement and prosecutors to ease the transition for victims moving from the investigation phase to prosecution.

# IV. TRAINING

A. Periodic training will be provided to all personnel, to include victim advocates, who have contact with sexual assault victims. This training will specifically address the provisions of this policy, as well as the realities, dynamics, and investigations of these crimes and legal or scientific developments pertaining to sexual assault.

Attachments:

A. <u>Child Advocacy Center Lead Advocate Information Form</u> B. Samuel Assault Bushimingan, Benerit Form

B. <u>Sexual Assault Preliminary Report Form</u>

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Derek Osborne Sheriff