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# Sexual Assault Investigations

## 614.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims

Mandatory notifications requirements are addressed in the Child Abuse and Adult Abuse policies.

### 614.1.1 DEFINITIONS

Definitions related to this policy include:

**Sexual Assault** - Any unwanted sexual contact from an individual, by means of touching the sexual or other intimate parts of a person or causing such person to touch the sexual or other intimate parts of the actor for the purpose of arousing or gratifying the sexual desire of either party or a third party, is considered an offense under Washington State laws. Sexual assault offenses are defined in RCW 9A.44.010 and RCW 9A.64.020. The commission of or attempted commission of a sexual offense chargeable under State laws include rape, indecent liberties, and voyeurism.

**Sexual Assault Response Team (SART)** - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

**Family or Household Relationship:** Spouses, former spouses, persons with a child in common, adult (18+) persons related by blood or marriage, roommates or former roommates (16+), persons in a dating relationship or former dating relationship (16+), parent/child relationship including step-parents, legal guardians and grandparents (RCW 26.50.010).

**Sexual Assault Victim Advocates (SAVA)** - Advocates from a local non-profit organization specializing in serving victims of sexual assault. These individuals respond to police requests through the hospital to stay with a victim through hospital evaluation and care while also providing support and advocacy as needed.

**Sexual Assault Medical Forensic Examination (SAFE)** - 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 Assault Kit (SAK)** – A collection of evidence gathered from the victim by a medical professional, often a specially trained Sexual Assault Nurse Examiner (SANE). The type of evidence collected depends on what occurred during the assault. The contents of a kit generally include swabs, test tubes, microscopic slides and evidence collection envelopes for hairs and fibers. The SANE will also complete a report which will be included with the SAK.

**Victim-Centered Approach** - A victim-centered approach seeks to minimize re-traumatization associated with the criminal justice process by providing the support of victim advocates and service providers, thus empowering survivors throughout the criminal justice process.

## 614.2 POLICY

It is the policy of the Vancouver Police Department that its members, when responding to reports of sexual assault, will use a victim-centered approach in order to minimize the trauma experienced by the victims, and will proactively investigate all sexual assaults, in coordination with SART members in an effort to protect the safety of victims and the public.

## 614.3 QUALIFIED INVESTIGATORS/DETECTIVES

Qualified Investigators/Detectives should be available for assignment of the sexual assault investigations. These investigators should

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- (a) Have a specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations
- (b) Conduct follow-up interviews and investigation.
- (c) Present appropriate cases of alleged sexual assault to the Prosecutor's Office for review.
- (d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.
- (e) Ensure the victim has received sexual assault (SA) and SA victim's rights information.
- (f) Participate in or coordinate with the SART or other multidisciplinary investigative teams as applicable.

#### **614.4 PROCEDURE**

##### **Responding Officer Responsibilities:**

- (a) When a call for service results in an Officer investigation of sexual assault, they will attempt to gather as much initial information as possible regarding what has occurred.
- (b) If emergency medical treatment is required, the responding officer shall request ambulance transport for the victim to the nearest hospital or the hospital of their choice.
- (c) Officers shall ensure they advise victims of the following:
  - 1. If a sexual assault occurred within the past five (5) days, officers shall inform the victim that they have the option to have a forensic medical exam to collect evidence, also known as a sexual assault kit (SAK), for a criminal investigation at no cost to them.
  - 2. If the victim chooses to go to the hospital for an exam, officers shall advise them not to eat or drink, bathe or change clothes prior to the examination, since evidence present on the victim's body and/or clothing may be destroyed or contaminated. Officers shall also confirm, through the hospital, a SAVA was requested to respond to the hospital and with the victim's consent, officers shall conduct an interview with the victim in the presence of the SAVA.
  - 3. For an incident older than five (5) days, a forensic exam is not necessary because DNA evidence deteriorates with time and may no longer be present. Officers shall inform the victim of this but also explain that they can still go to the hospital for a wellness exam.
- (d) Officers shall provide the victim with the Sexual Assault Victim Resource and Rights Guide in accordance with RCW 70.125.
- (e) Officers shall complete the Sexual Assault Report Supplemental form in all cases where the victim is 16+ years of age.
- (f) Officers shall take photos of the victim and the scene whenever possible and appropriate.
- (g) Officers shall determine the location of the clothing worn by the victim during and/or immediately after the sexual assault. If the victim is still wearing the same clothes worn during the assault, recommend the victim bring a complete change of clothing to the hospital due to possible seizure of the clothes. If the victim is not wearing the same clothes worn during the assault, collect and place into evidence the clothes the victim wore during the assault. Officer shall package the clothing items separately, never in plastic, and allow wet clothing to dry prior to submitting it to evidence.
- (h) All evidence shall be collected in accordance with Vancouver Police Department policy.

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- (i) Officers shall forward reports of sexual assault in which the victim (16+ years old) and suspect share a family or household relationship to the Domestic Violence Unit (DVU). The DVU Supervisor may consult with the Major Crimes Unit (MCU) Supervisor to determine if specific cases would be better investigated by MCU.
- (j) Officers shall complete an appropriate police report submitted through their Patrol Sergeant and forward a copy to the appropriate Detective Unit prior to the end of shift. No opinion of whether the case is unfounded should be included in the patrol officer's report.

### **Investigator Responsibilities:**

In the event detective contact is needed, responding officer(s) shall inform their supervisor. The supervisor shall make contact with the appropriate investigations unit supervisor who shall determine the appropriate response. The patrol supervisor may contact an investigative supervisor under any circumstances they deem appropriate. The circumstances outlined below require investigative unit notification.

When practical, a supervisor will assign a Sexual Assault Investigator to respond to the initial report and conduct the initial victim interview.

Barring circumstances in which there is a significant delay in the arrival of the SANE, an in-depth follow-up interview should not be conducted until after the medical and forensic examination are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

### **Circumstances requiring Investigative Unit notification:**

- (a) The victim is able to articulate a crime has been committed or the member is able to determine a crime was committed, and
- (b) The crime is no more than 24 hours old, and
- (c) The victim is willing to cooperate with an investigation, and
- (d) The nature or complexity of the crime requires a detective response.
- (e) A detective sergeant or shift sergeant may determine a detective response is necessary when circumstances do not fall within the above criteria.

### **Investigative Unit Responsibilities:**

- (a) A Major Crime Unit (MCU) Detective may be requested and assigned when the victim(s) are 16 years old and older and the perpetrator is a non-family member.
- (b) Cases in which an individual 18 years old or older decides to report an offense that occurred when they were juvenile shall be referred to the CJC detectives.
- (c) A Children's Justice Center (CJC) Detective may be requested and assigned when the victim(s) are less than 16 years old.
- (d) A Domestic Violence Unit (DVU) Detective may be requested when the victim is over 16 years old and the perpetrator and victim share an intimate partner or family-household relationship.

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- (e) The Investigations Lieutenant shall determine which unit will investigate cases that involve both sexual assault and DV, if unit supervisors are unable to make the determination.
- (f) The Detective Division shall investigate further and coordinate with the Prosecuting Attorney's Office.

### **614.5 POLYGRAPH EXAMINATION OF VICTIM**

Victims of sex offenses shall not be asked or required to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of the offense.

### **614.6 VICTIM PERSONAL REPRESENTATIVE**

A victim may choose a personal representative to accompany him/her to the hospital or other health care facility and to any proceeding concerning the alleged sexual assault, including interviews. A personal representative includes a friend, relative, attorney, employee or volunteer from a community sexual assault program or specialized treatment service provider (RCW 70.125.030; RCW 70.125.060).

### **614.7 RELEASING INFORMATION TO THE PUBLIC**

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Investigations supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

### **614.8 SEXUAL ASSAULT KIT (SAK) COLLECTION**

- (a) Upon receiving notification from a medical facility that a SAK has been collected, a PST or sworn officer shall retrieve the SAK and accompanying SANE report within seven days.
- (b) Officers shall take a courtesy report and collect SAKs at the request of outside agencies when a victim is reporting within Vancouver Police jurisdiction. Officers should notify the agency in which the assault occurred prior to taking the report.
- (c) Once in possession of a SAK from the medical facility, officers involved in investigating sexual assaults shall ensure evidence is appropriately packaged, enter the SAK into evidence and complete the required lab forms. Blood and urine collected with a SAK shall be submitted for lab testing when drug and/or alcohol facilitated sexual assault is suspected
- (d) Sexual assault examination kits shall be submitted to an approved lab within 30 days with a request for testing prioritization when an adult victim has consented to the submission or the victim is an un-emancipated person 18 years of age or younger (RCW 70.125.090). Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

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#### **614.8.1 EVIDENCE AND PROPERTY RESPONSIBILITY**

The Evidence Unit shall ensure that that sexual assault kits are submitted to the Washington State Patrol Crime Laboratory in accordance with RCW 70.125 and tracked appropriately in the statewide sexual assault kit tracking system (RCW 35.21.195; RCW 36.28.200). The Evidence Unit shall retain DNA evidence in accordance with RCWs 5.70.010 and 10.73.170.

#### **614.8 TRAINING**

Subject to available resources, periodic training should be provided to officers who are first responders. Training should include:

- (a) Initial response to sexual assaults.
- (b) Legal issues.
- (c) Victim advocacy.
- (d) Victim's response to trauma.
- (e) DNA collection procedures.

Qualified investigators should receive advanced training on additional topics. Advanced training should include:

- (a) Interviewing sexual assault victims.
- (b) SART.
- (c) Medical and legal aspects of sexual assault investigations.
- (d) Serial crimes investigations.
- (e) Techniques for communicating with victims to minimize trauma.
- (f) The course provided by the Washington State Criminal Justice Training Commission on investigating and prosecuting sexual assault cases developed pursuant to RCW 43.101.270.
- (g) Proper protocol for the use of the statewide sexual assault kit tracking system (RCW 35.21.195; RCW 36.28.200).

#### **614.10 DISPOSITION OF CASES**

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the assigned Investigations Sergeant.

Classification of a sexual assault case as unfounded requires the assigned Investigations Sergeant to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.