

## **LAW ENFORCEMENT PROTOCOLS FOR INVESTIGATING SEXUAL ASSAULT CASES**

The purpose of this document is to establish guidelines for members of law enforcement in Albany County to use during the investigation of sexual assaults. Law enforcement in Albany County will conduct offender based investigations and the guidelines establish general protocols for assisting victims, collaborating with local health and advocacy agencies, and interviewing victims, witnesses, and suspects. Because of the variables encountered in sexual assault investigations, these protocols should not be viewed as an all-inclusive document that covers the initial response, investigation, and prosecution, but rather a guide to consider as an investigation is initiated and then as it progresses.

### **General Sexual Assault Information**

Sexual assault cases generally can be categorized into two types; a case in which the offender is known or a case in which the offender is unknown. In either case the key issues to uncover are the identity of the offender, the element of force and the issue of consent.

A victim's distress may make them unwilling or create a psychological inability to initially assist in the investigation. Responding officers or investigators play a significant role in both the victim's willingness to cooperate in the investigation and their ability to cope with the emotional and psychological after-effects of the crime. Therefore, it is critically important that these cases be handled from a nonjudgmental perspective so as not to communicate in any way to a victim that they are to blame for the crime.

### **Calltaker Response**

Due to the trauma of a sexual assault, a victim reaching out for assistance may be in crisis. The victim's behaviors may actually be symptomatic of this condition and can range from crying, rage, to laughter, calmness, or unresponsiveness. There is no typical reaction so it is important to refrain from judging or disregarding any victim.

Calltakers should:

1. Determine if suspect is still in the area or if the victim is safe
2. Determine if medical attention is required
3. Determine relationship of suspect to victim, if weapons were used, and if the victim is still at the scene of the incident or not.
4. Ask if the victim has bathed, urinated, or made other physical changes and if not, advise against doing so. If the victim needs to urinate, ask that they use a clean jar to collect a sample. Explain that the reason for this is to preserve evidence.
5. Explain that these questions will not delay an officer's response to the caller's location.

## **Primary Responsibilities of Initial Responding Officer**

1. Determine who the victim(s) is.
2. Attend to victim in a nonjudgmental manner, recognizing the overwhelming trauma of victimization.
3. Take initial statement from adult victim or consider conducting a forensic interview on a juvenile to determine basic elements of the crime.
  - a. For adult victims, this interview may (depending on circumstances) be limited to determining if a suspect is known, if a community safety issue exists, and to establish a positive relationship with the victim. It should also be reinforced that the victim did nothing wrong and that every consideration will be provided to them, as needed, during the investigation. *If circumstances dictate, an in-depth interview may have to be conducted in order to establish facts sufficiently to then interview potential suspect(s).*
  - b. For assaults that are reported shortly after the crime, consideration should be given to conducting an in-depth interview after the victim has had 2 to 3 sleep cycles.
4. Explain to the victim that our standard procedure is to contact a SAFE Project advocate and that unless they do not want an advocate, one will in route to be with them during all stages of the investigation. If victim is open to having SAFE respond, contact them and have them respond.
5. Preserve evidence of victim (i.e. not taking a shower, not drinking, not brushing teeth, or removing any clothes, etc.)
6. Suggest a SANE exam for victim and, as needed, arrange for transportation to IMH.
7. Identify, secure and protect crime scenes. ( i.e. suspect, victim and location(s))
8. For crimes that are reported shortly after the occurrence, locate offender, if known, as quickly as possible to take a statement and seize evidence.
9. Document the identity of anyone whom the victim may have told about the assault, or who may have seen or heard anything before, during, or after the assault. Include phone calls and text messages.
10. Explain the local investigative process, what to expect, and who will be involved, the court procedures, and available resources.

## **Medical**

Law enforcement in Albany County adheres to state statute, which provides for prompt medical examination, at no cost to the victim, promptly upon receiving a report of a sexual assault.

1. If drugs or alcohol are suspected, the investigator should obtain evidentiary blood and/or urine as soon as possible. The presence of drugs or alcohol evidence can support consent prosecutions. Use a Wyoming Chemical testing blood/urine evidence kit to obtain specimens.
2. The SANE nurse, if available, will conduct an exam for the victim(s). As situations arise, consider a SANE exam for suspect(s).

- a. If needed, consider obtaining a search warrant if suspect(s) does not give consent to evidence collection.
3. The investigator should meet with the SANE nurse to discuss investigation (observation, statements, and collected evidence etc.) Pre/Post SANE exam.
4. Have victim provide a release for medical information. This allows access to the SANE and medical exam information both during the investigation and, if necessary, during the prosecution.

## **Investigation**

If a decision was made to delay the in-depth interview with the victim, schedule a time when an advocate and the prosecutor can be present for that interview. The interview should be preceded by reinforcing concern for the victim as well as avoiding any statements that may impart blame or responsibility on the victim's part.

1. If the victim wants the advocate present during any interviews, stress the need for the advocate to support the victim but to not take part in the interview.
2. While the prosecutor should not be in the interview room, their presence and observation of the interview may supplement and enhance the successful prosecution of the case at a later time.
3. Considerations during the interview should include:
  - a. Explaining the victims' rights, including confidentiality
  - b. Allow the victim to describe what happened to them, without interruption, initially, and then clarify inconsistencies in a non-threatening, non-blaming manner
  - c. Document the victim's actions and state of mind during the assault, specific statements made by the suspect, and the nature of any relationship with the suspect and explain the importance of these questions from a prosecutorial standpoint.
  - d. If illegal drugs or underage use of alcohol were involved, assure the victim that the police are not interested in addressing that use by the victim.
4. After the interview, explain the nature of the investigation to the victim, including the need for follow-up contacts and "next steps" of the investigation.
5. Provide victim with contact information for investigating officer(s) and encourage them to report any additional information they may think of about the incident. Establish lines of communication that are comfortable for the victim (phone, email).
6. As necessary, ensure that the safety of the victim is considered.

7. Interview witnesses, if any.
8. If not done initially, locate and interview suspect(s)
9. Work with Crime Victim Witness and Prosecutors office to ensure victim(s) safety.
10. If the victim or suspect, or both, are students at the University of Wyoming, Laramie County Community College, or Wyoming Technical Institute, contact should be made with the Student Services contacts for those educational institutions. For UW related cases, UWPD should be notified of the investigation.

### **Investigative Considerations**

1. The purpose of these protocols is to provide a community-based response to sexual assault reports. The end result for law enforcement is always the arrest of suspects and successful prosecution of the case. However, remember that this is not always possible and that how we respond to the victim of a sexual assault may help them deal with their trauma in the absence of evidence leading to an arrest or prosecution. By effectively working with and involving advocates, medical personnel, and the County Attorney's Office, justice for the victim and offender are more likely.
2. Our investigations should be offender based and inconsistencies on the part of the victim are a natural outcome of trauma. We should always seek to clarify inconsistencies in victim statements but should not assume that the victim is not being truthful, that the victim is withholding information, or that the victim's actions, as described, are inconsistent with how officers may perceive the victim of a sexual assault should act.
3. It is essential that investigating officers consistently and continually communicate case status with the victim. If appropriate, this communication can be arranged through the Victim/Witness program, depending on the stage of the investigation and prosecution.