

Sexual Assault Investigations

602.1 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. Taking a juvenile into protective custody is also addressed in the Child Abuse Policy.

602.1.1 DEFINITIONS

Definitions related to this policy include:

Restricted sexual assault kit - A sexual assault kit collected from a victim who is at least 18 years old and at the time of collection declines to have the kit processed or to have the examination form shared with any entity outside of the collection facility (Utah Code 76-5-602).

Sexual assault - Any crime or attempted crime of a sexual nature, to include, but not limited to, offenses defined in Utah Code, Title 76, Chapter 5, Part 4 (Sexual Offenses).

Sexual assault kit - A package of items that are used by medical personnel to gather and preserve biological and physical evidence following an allegation of sexual assault (Utah Code 76-5-602). Sexual assault kits are also referred to as Code R kits.

602.2 POLICY

It is the policy of the Salt Lake City Police Department that when responding to reports of sexual assaults, its members will strive to minimize the trauma experienced by the victims, and will investigate sexual assaults, pursue apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

602.3 REPORTING

In all reported or suspected cases of sexual assault, a report shall be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

602.4 INITIAL OFFICER RESPONSIBILITIES

602.4.1 INITIAL REPORT CONSIDERATIONS

The primary considerations in sexual assault investigations, which begin with the initial call to Dispatch, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

In most cases, an in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met. The

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follow-up interview will be conducted by a Special Victims Detective, typically within a few days of the initial interview.

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy. Victims reporting a sexual assault should be given the Department's Victim Information Card.

Crime lab shall be called to photograph any signs of external injuries.

If there is an identifiable crime scene, officers shall ensure that it is secured and that evidence is not lost, changed, or contaminated. Officers shall collect or ensure the collection of physical evidence. This may include but is not limited to: photographs of the scene, items touched by the suspect, bed sheets and/or clothing if applicable, and any other items deemed to have evidentiary value.

602.4.2 ADULT VICTIM INTERVIEW

Officers in charge of the initial report should consider the following:

- (a) While taking the report from the victim, the officer must remain patient, objective and non-judgmental. The officer should be neutral and impartial but needs to be compassionate and empathetic. The officer shall allow the victim to tell them what happened, without interruptions if possible. Once the narrative is received, limit questions to clarify basic information such as the site of occurrence, suspect information, and possible witnesses. It is not the officer's place to question the victim's narrative, even if it seems unreasonable and includes inconsistencies.
- (b) No opinion of whether the case is founded or unfounded should be included in the report.
- (c) It is very important to get accurate contact information for the victim, including but not limited to: home address, home phone number, mobile phone number, work phone number, and email address.
- (d) A more in-depth interview will be performed at a later time by a Special Victims Unit detective.

602.4.3 JUVENILE VICTIM INTERVIEW

There are two categories of juvenile victims for sexual assault cases. Each category is governed by guidelines for interviews as outlined below.

Category I (victims 14-17 years of age, or an 18-year-old still attending high school)

- While taking the report from the victim, the officer must remain patient, objective and non-judgmental. The officer should be neutral and impartial but needs to be compassionate and empathetic. The officer shall allow the victim to tell them what happened, without interruptions if possible. Once the narrative is received, limit questions to clarify basic information such as the site of occurrence, suspect information and possible witnesses. It is not the officer's place to question the victim's narrative, even if it seems unreasonable and includes inconsistencies.

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- A Special Victim's Detective will perform a more in-depth interview at the Children's Justice Center, or in another acceptable location as determined by the investigating detective.
- It is very important to get accurate contact information for the victim and victim's parents or guardians, including but not limited to: home addresses, home phone numbers, mobile phone numbers, work phone numbers and email addresses.

Category II (victims under 14 years of age)

- Usually officers can accept hearsay information for initial reporting purposes as long as the person giving the information has had a direct conversation with the victim concerning the crime and enough information is provided to establish that a possible sexual crime has been committed.
- It is advisable that no further questioning of the victim be conducted at the time of the initial investigation. A Special Victim's Detective will perform a more in-depth interview at the Children's Justice Center, or in another acceptable location as determined by the investigating detective.
- Advise all other parties involved that it would be best they not question the victim further until after the follow-up interview.
- If the victim lives in a home where the alleged suspect also resides, both DCFS and Special Victims Unit detectives need to be notified.
- Do not allow the victim to return to a home or any place where the suspect is going to be.

602.4.4 MEDICAL EXAMINATIONS

Officers should request, if appropriate, that the victim consent to have a medical examination by a Wasatch Forensic nurse, Family Justice Center forensic nurse, or medical personnel at a hospital, with the emphasis to the importance to the victim's health, the investigation, and apprehension efforts.

If detectives have been called out and no other medical issue requires immediate treatment, then the exam should be postponed until detectives arrive and have an opportunity to speak to the victim. If the victim does not have any other medical issues that require immediate treatment, then they may choose to have their exam at a local hospital, or at the Family Justice Center.

The initial officer shall transport a victim 18 years of age or older to a hospital of their choice within Salt Lake City limits, or within a reasonable distance. The officer shall also transport the victim if they choose the Family Justice Center for their exam.

A victim under the age of 14 shall be taken to Primary Children's Medical Center. Victims age 14-17 may also be taken to PMC but have the option to have their exam at a local hospital or at the Family Justice Center. Unless they are the suspect(s), parents or guardians of these victims must sign consent forms at the hospital or give authorization to hospital personnel over the telephone for a medical exam to be performed.

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Officers should have the dispatch service channel notify the hospital of estimated time of arrival and the purpose of the visit. The officer should also have Dispatch request that medical staff contact a Sexual Assault Nurse Practitioner (forensic nurse) in order to conduct a Code R examination. A forensic nurse can conduct an exam up to 120 hours from the time of the assault. They will not perform an exam on unconscious victims or victims who are unable to consent. Upon arrival, officers will verify with hospital personnel that the Rape Recovery Center has been called and has an advocate en route. If the officer has not yet done the initial interview, they are not required to wait for the advocate to arrive prior to beginning the interview.

602.4.5 CODE R KIT PROCEDURES

The forensic nurse exam may take several hours. An officer is not required to stay and wait for its completion, however, the Code R kit is police evidence and should not be left at the hospital.

The officer should notify medical personnel to call Dispatch when the Code R Kit is completed and ready to be picked up. The Kit may be picked up by an assisting officer and placed into evidence if the initial officer is not available.

The Code R kit may contain numerous items to include the Code R box with paperwork attached, and possibly urine and blood samples. There may also be clothing. Officers shall adhere to the following:

- (a) The box and clothing items shall be placed in an evidence locker. All clothing items shall be packaged separately.
- (b) Urine shall be placed in the freezer.
- (c) Blood shall be placed in the refrigerator.
- (d) The loose Code R envelope from the forensic nurse or medical personnel shall be placed in the SVU supervisor's mailbox or the SVU supervisor's office. Some Code R kits may not have this envelope, as some Code R kit reports are transmitted to the Department electronically.
- (e) Officers will include in their report the name and phone number of the forensic nurse or medical personnel who conducted the exam and the name of any other person included in the chain of evidence related to the Code R Kit.

602.4.6 RESTRICTED SEXUAL ASSAULT KIT

If a victim demands to not be interviewed, the officer should coordinate with the forensic nurse for a restricted sexual assault kit. Officers are permitted to forego interviewing victims in the event of a restricted sexual assault kit. The Code R kit may be completed without the victim being interviewed, but the victim must provide name, date-of-birth, contact address, and address of occurrence in case the victim decides to be interviewed at a later date. The circumstances surrounding the restricted sexual assault kit shall be documented in the initial report.

A victim may also request that a Code R kit not be tested.

602.4.7 DETECTIVE CALL-OUTS

A follow-up detective should be called out in the following circumstances:

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- (a) All burglary sexual assaults.
- (b) If the suspect is in custody.
- (c) Child sex assaults where the suspect is in the home.
- (d) If the victim is 65 years-of-age or older or there is an indication that the victim's mental or physical condition may deteriorate rapidly as a result of the incident.
- (e) Investigations which require search warrants.
- (f) Cases where the officer or supervisor feels they need assistance. It is the officer's responsibility to discuss with their supervisor the necessity of making a request for call-out of SVU Detectives.

The request for a call-out of follow-up personnel must be made through the Watch Commander.

602.5 SPECIAL CONSIDERATIONS FOR JUVENILE VICTIMS

602.5.1 DETAINING SUSPECTED JUVENILE SEXUAL ASSAULT VICTIMS FOR AN INTERVIEW OR EXAM

An officer should not detain a child involuntarily who is suspected of being a victim of sexual assault solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:
 - 1. A reasonable belief that medical issues of the child need to be addressed immediately.
 - 2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
 - 3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.
- (b) A court order or warrant has been issued.

602.5.2 INTERVIEWS OF CHILDREN IN STATE CUSTODY

Officers should not interview a child who is in the custody of DCFS without the consent of the child's guardian ad litem. If a guardian ad litem has not been appointed, consent may be given by DCFS (Utah Code 62A-4a-415).

602.6 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

- (a) Have 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 cases of alleged sexual assault to the prosecutor for review.

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- (d) Coordinate with other enforcement agencies, social service agencies, and medical personnel as needed.
- (e) Provide referrals to victim advocates.
- (f) Participate in or coordinate with the Sexual Assault Response Team (SART) or other multidisciplinary investigative teams as applicable.

602.6.1 SEXUAL ASSAULT INVESTIGATOR RESPONSIBILITIES

Detectives assigned sexual assault cases are responsible for:

- (a) Contacting victims upon assignment of the case and periodically updating the victim on the status of their case.
- (b) Contacting the victim at the conclusion of the case and informing them of the outcome.
- (c) Documenting any contacts with the victim in follow-up reports.
- (d) Ensuring investigations are done in a timely manner.
- (e) Updating the SVU supervisor regularly on any investigation requiring an extended period of time.

602.6.2 VICTIM NOTIFICATIONS

Upon request from the victim, or his/her designee, members investigating a report of an alleged sexual assault shall inform the victim or his/her designee of the following (Utah Code 77-37-3):

- (a) That the victim has the right to request a test for the HIV infection.
- (b) Whether a DNA profile was obtained from the rape kit or other evidence in his/her case.
- (c) Whether that DNA profile was entered into the Utah Combined DNA Index System (CODIS).
- (d) Whether there is a match between that DNA profile or other crime scene evidence and a DNA profile in the Utah CODIS unless such notice would impede or compromise an ongoing investigation.
- (e) That the victim has a right to designate a person to act as a recipient of the above information.
- (f) That all sexual offense victims have the right to request that a court order be issued for the suspect to submit to mandatory HIV testing. If the suspect is convicted or enters a plea of guilty, a plea of no contest or a plea of guilty and mentally ill, the results of that test must be provided to the victim. This includes both adult and juvenile offenders.
- (g) That the victim has access to free counseling and referral to support services through the Office of Crime Victims Reparations.

The provision of this information may be accomplished by hand delivering the victim one of the Department's Victim Information Cards and documenting it in the report.

602.6.3 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 Special Victims Unit supervisor.

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Classification of a sexual assault case as unfounded requires the Special Victims Unit supervisor 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.

602.7 NOTIFICATION UPON ARREST

When an officer arrests a person 18 years of age or older for sexual assault, the officer shall provide the arrestee with the written notice required by Utah Code 77-20-3.5 [Salt Lake City Police Department Policy Manual: 319.4.1 JAIL RELEASE AGREEMENTS](#).

602.8 TRAINING

Subject to available resources, periodic training should be provided to:

- (a) Members who are first responders. Training should include:
 1. Initial response to sexual assaults.
 2. Legal issues.
 3. Victim advocacy.
 4. Victim's response to trauma.
- (b) Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:
 1. Interviewing sexual assault victims.
 2. SART.
 3. Medical and legal aspects of sexual assault investigations.
 4. Serial crimes investigations.
 5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
 6. Techniques for communicating with victims to minimize trauma.

602.9 REVISIONS

Enacted: April 9, 2018

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