

Procedure

3.4

EFFECTIVE
DATE
5-15-00

Eugene Police Department



Sexual Assault

3.4.1 PURPOSE AND SCOPE

This is a policy specific to sexual assault, designed to be used in conjunction with *Policy 405 – Preliminary Investigations*, which contains provisions applicable to all types of preliminary investigations. For information on procedures related to juvenile victims, refer to *Policy 330 – Child Abuse Reporting*.

Victims of sexual assault will probably be in shock and may not wish to deal with this intrusion into their lives. Encourage the victim to keep options open and to proceed as if the case were to be prosecuted. The victim can change his/her mind later, but if an investigation is not done initially, critical evidence may be lost.

Provide encouragement to the victim and explain what procedures will be followed and why detailed questioning may be necessary. Encourage the victim to see a doctor and have a physical examination, which may provide evidence for as long as 48 hours after the incident. Suggest that the victim seek help through an advocacy or support group.

PART I - Responsibilities and Procedures for All Personnel

- A. Call-takers
- B. Preliminary investigation
- C. Collection and preservation of evidence
- D. Collection of evidence from suspect(s)
- E. Reports

3.4.2 Responsibilities and Procedures for All Personnel

A. Call-takers

1. In addition to obtaining the normal information about the incident and suspect, advise the victim not to change clothing, shower, or touch anything in the immediate area.
2. If possible, stay on the telephone with the victim to provide assistance and comfort until an officer arrives, unless the victim already has someone to assist.
- 3.

B. Preliminary investigation

1. We will try to accommodate requests for an investigator of the same gender. (The request must be approved by the supervisor of the officer or investigator.)
2. Advise the victim of victim's assistance options available (e.g., Crime Victim and Survivor Services Unit of the District Attorney's office), and assist the victim, when appropriate, in contacting a support person.
3. Try to interview the victim in an emotionally neutral location, free of interruptions.
4. Cover these areas in your questioning, provided that the victim's emotional and physical ability to answer questions allows:
 - What was victim's activity prior to attack?
 - Was victim engaged in routine activity at the time and location of attack?
 - Does the victim believe s/he was randomly selected or specifically targeted?
 - How was the victim approached by the suspect (by force, ruse, enticement, etc.)?
 - Was force used to move the victim from one location to another?
 - What exact words were used by suspect (e.g., slang, technical terminology, obscenities)?
 - What were the types of sexual acts and was there a preference or priority displayed by the suspect?
 - Did the suspect achieve and maintain an erection?
 - Did the suspect ejaculate?
 - Did the suspect clean himself/herself? With what? If so, seize the item(s).
 - What was done and said when suspect departed?
 - Determine most recent consensual intercourse and identity of partner, if applicable.
 - Ask if the victim inflicted any injury to the suspect.
5. Determine if there are witnesses and conduct a neighborhood check, if applicable.
6. Determine if the victim told anyone about the assault, and interview those told as soon as possible.

7. Notify a supervisor if this is a serial crime, a suspect is in custody, or there are other circumstances involving the victim, suspect, or crime which make the case more significant or noteworthy.
8. Advise the victim of the Victim's Compensation Program.

C. Collection and preservation of evidence

1. Locate and secure the crime scene to preserve evidence.
2. You may need the victim's clothing for evidence. You will need to be extremely careful not to contaminate such evidence. Package the victim's clothing in paper bags, one garment to a package.
3. Preserve trace evidence adhering to the victim's body and clothing. Note the location, photograph, and collect any trace evidence (e.g., debris, grass, soil, vegetation, wet or dried semen, wet or dried blood, loose body hairs, fibers).
4. Take victims to Sacred Heart Medical Center for examination, treatment, documentation of physical trauma, and the collection of evidence.
 - a. Oregon State Police keeps sexual assault evidence kits at Sacred Heart. Request a kit if there has been direct vaginal, anal, or oral contact between the victim and the suspect. You would not normally request a sexual assault kit after 48 hours or if the likelihood of finding trace evidence is remote.
 - b. Hospital personnel will collect a urine sample from the victim for forensic screening for "date rape" drugs, and enclose this in the rape kit. (Normally the urine will be taken when a rape kit is completed. In circumstances where there is an allegation that date rape drugs were used but no crime was otherwise committed, the urine should be submitted to the central lab for subsequent analysis. The urine would be lodged in the PCU using the same criteria as that used for submitting rape kit evidence.)
 - c. You can still obtain evidence even though the victim has changed clothes or washed.
 - d. Provide the attending medical staff with enough details so they can conduct a thorough exam.
 - e. Ensure the attending medical staff follows the procedure for the evidence kit.
 - f. Document any staff use of the kit even if you did not request its use.
 - g. The victim has the right to refuse a sexual assault examination.
 - h. Submit evidence to the Property Room. (Refer to General Order 601.2 for proper submission of sexual assault evidence.)

5. When investigating the crime scene, consider whether a search warrant is needed, and whether FEU assistance is needed to adequately process the scene.
 - a. Photograph the scene first.
 - b. Collect bedding, if applicable.
 - (1) Collect as a unit, preserving the evidence layering.
 - (2) Fold bedding in on itself to preserve trace evidence for later processing.
 - (3) Package in large paper bag and arrange for immediate processing if fluid evidence.
 - c. On other surfaces, collect entire object or consider cutting out relevant areas including a control sample.
 - d. Look for items suspect may have used to clean himself.
 - e. Check for latent fingerprints.
 - f. Identify and process point of entry and exit.

D. Collection of evidence from suspect(s)

1. If there is a legal question regarding collection of evidence, officers should contact the Lane County District Attorney's Police Legal Advisor.
2. Evidence will generally be collected by a person who is the same gender as the suspect. Any invasive procedures will be performed by medical personnel.
 - a. Collect suspect's clothing over a sterile drop cloth.
 - b. Trace evidence, including combed head hair, pubic hair and saliva sample, may normally be seized under exigent circumstances (when applicable) or through consent or court order.
 - c. Request saliva and blood samples for typing (requires consent or court order).
 - d. Swab penis.
 - e. Examine and photograph all injuries on suspect's body. (Swab any bite marks.)
 - f. Consider consent or search warrant to locate and seize other essential evidence, including testing standards such as pulled head or pubic hair.

E. Reports

The report prepared should contain, in addition to those items common to preliminary investigations:

- Initial appearance of victim (e.g., appearance/condition of person and clothing, mental/emotional condition)
- crime scene sketch

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