

Pocket Guide for Police Response to Sexual Assault

Overview

This pocket guide for Police was developed by the APLE Victim Forensic Response Unit to assist Police in the field in responding to criminal assaults, in particular child sexual assault.

Responding to sexual assault calls involves numerous complex and specialized procedures. Accordingly, the following material is not intended to provide complete information about conducting a sexual assault investigation. It is not intended to replace training in any way, but to supplement training by serving as a convenient reference.

Officers—both new to “the job” and experienced officers—will find this guide useful.

Officers should incorporate overall training, experience, and departmental guidelines and protocols in all sexual assault investigations.

Introduction

In sexual assault investigations, evidence and information about the crime is gathered primarily from three sources:

the victim; the suspect; and the crime scene (including other witnesses).

Officers should thoroughly investigate all three sources, and any other available source of evidence or information. However, cases can be successfully prosecuted even if the investigation reveals that evidence is not available from all three sources.

In responding to sexual assault complaints, every effort must be made to relieve victim’s possible feelings of shame and/or self-blame. In order to enable victims to provide the clearest, most complete information about the

crime, efforts must be made to ensure that all victims are treated professionally and with dignity.

Rape is not about sex, it is about power. Eight out of ten sexual assaults are perpetrated by someone known to the victim (friend, acquaintance, colleague, spouse, ex-lover, or a family member).

Sexual assault is a crime that may be terrifying, humiliating, and life-threatening, regardless of who the victim is (teen, elder, prostitute, drug-addict, male, gay/lesbian). Keep in mind that the injuries from sexual assault are often not immediately apparent; some examples of this are post-traumatic stress disorder, internal injuries, sexually transmitted diseases, or unwanted pregnancy.

General Investigation 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.

When the Offender is Known

Because consent and/or use of force may become a key issue in cases in which the offender is known to the victim, evidence of force becomes a primary concern of the investigation. Force may either be forcible compulsion or physical helplessness, along with coercion, **intimidation** and **threats** of violence.

A victim who knows the offender may or may not be able to identify the offender by full name, address, etc. For example, the victim may only know the offender by first name.

Identify and document the following information in order to determine if a photo line-up or other identification of the suspect is warranted:

- The level and nature of the relationship between the victim and the offender, including

(1) how they have known each other

(2) type of contact they have had, depth of relationship, etc.

- Detailed information concerning the assault

- Any evidence of physical injuries visible on the victim's body

Conduct a thorough investigation regardless of whether the suspect is known or unknown. This will ensure that all possible information and evidence are gathered in every case.

When the Offender is Unknown

In these sexual assault cases, a primary issue of the investigation is identifying the offender. The investigation should focus on obtaining as much information as possible in an effort to pinpoint a suspect(s), including:

- A detailed physical description of the offender including, clothing, tattoos, facial features, identifying marks, distinctive walk, odors, etc. Information about the offender's vehicle or moto if they had one, or any known friends or associates may also be helpful.

Obtain as much information as possible about the offender's profile and compare to other offenders who have previously been arrested for a similar crime to determine whether a pattern exists, including:

- Method of approach
- Method of control
- Amount/type of force/restraint of victim

- Victim resistance
- Sexual dysfunction
- Type and sequence of acts
- What the offender said
- Offender attitude or aggression
- Items taken

Attempt to locate the offender, begin an area search, or issue a broadcast if necessary.

Inform the VFRU via the Police Forensic Co-Ordinator or your Officer in Charge.

Evidence obtained during the investigation (e.g., from the victim's body or left at crime scene) may be useful in attempts to identify a suspect. Preserve the victim's clothing or crime scene items for collection by the VFRU, or appropriately trained Police.

Primary Responsibilities of First-Responding Officer

- Attend to the victim
- Be careful not to stigmatize the victim
- Preserve evidence on victim (i.e. not taking a shower, nothing to drink, not brushing teeth, or removing any clothes)
- Secure and protect the crime scene
- Apprehend the offender if present

Additional Response to the Victim

- Ask if there is anyone else the victim would like to contact.
- Assess any special needs of the victim, such as restoring mobility or the need for an interpreter.
- 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. (witnesses)

- Explain the local investigation process, what to expect, and who will be involved.
- Be factual about the case. Avoid making predictions or promises.

If the Report is Delayed

- Delayed reporting is common and requires the same investigative methods.
- Determine when the incident happened.
- Document the reason for the delay, but be aware that questions about the delay may cause the victim to feel blamed in some way.
- Even in delayed reports, valuable evidence may still be recovered from the crime scene(s).

If a Recent Assault

- Ensure that the victim is safe.
- Arrange emergency medical assistance and transportation for the victim, as needed.

Interviewing the Victim

All police departments shall provide a private setting for interviewing victims of a crime. For children it should be in a **VFRU child friendly interview room or somewhere that is non-threatening** to the child. Private setting means an enclosed room from which the occupants are not visible or otherwise identifiable, and whose conversations cannot be heard from outside the room.

Victims may react in a variety of ways. The attitude and conduct of the interviewing officer is key to gaining the victim's trust and cooperation. The victim will assess the officer's demeanour and language for reaction. Approach the victim in a respectful, supportive manner. Remain objective and non-judgmental.

Explain the process for the interview.

The victim's ability to think clearly and to articulate what happened may be impeded by the assault. Persons who may be experiencing trauma will often recall and disclose information over a period of time. Officers may not get a full statement during the initial contact with the victim, especially if aspects of the assault are unclear, if the victim was embarrassed about aspects of the crime, and/or if alcohol or drugs were involved. If necessary, postpone the interview and make every effort to minimize the number of interviews. Slight changes in statements with multiple interviews are often misconstrued to suggest that a victim is lying.

If a victim is unsure or unwilling to pursue a complaint, advise the victim of the right to make a formal statement at a later time and of the procedure for doing so.

Techniques for Interviewing Victims

Only the VFRU or appropriately trained police officers in Forensic Interviewing, should conduct the interview of a child.

Be patient and make necessary accommodations to address the victim's needs, including:

- Allow the victim to temporarily skip questions that are too upsetting to answer. Postpone them to be discussed later in the interview. (This may be different for each individual.)
- Breaks should be offered.
- Investigators should consider asking open-ended questions in an effort to elicit details which the victim may have forgotten.
- Let the victim know that it may be necessary to ask some questions in several different ways but that this does not mean that you do not believe her/him.

- Be sensitive to the nature of the information the victim is providing.
- Once the victim describes sex acts or parts of the body, use the victim's own vocabulary to ask clarifying questions.
- It may be helpful to repeat the same words back to the victim immediately so as to "give permission" to continue using those words which the victim may feel uncomfortable using (e.g., "So he stuck his *** in your ***. Then what did he do?").
- Clarify terms as needed.

Make sure to elicit specific details of the assault necessary for the case, including details of the act which establish the elements required by law

- Information about the crime scene(s).
- Any information about the offender's identity or description.
- Any information about the point of entry to the crime scene, if the offender entered a house, place of business, car, etc.
- Whether the offender brought anything to the crime scene, such as a cigarette, or took anything from the scene, such as the victim's purse.
- Whether the victim brought anything to or took anything from the crime scene.
- Whether the offender touched or moved anything.
- Whether the victim touched or moved anything.
- Whether the offender took any pictures or videos.
- Whether the offender showed any videos, magazines, pictures, books, or photos to the victim.
- Any objects used during the assault.
- Any threats made by the offender.

- Any use of force or weapons.
- Anyone the victim told about the assault. Determine when and what she/he told them.
- Information about anyone who may have seen or heard anything before, during, or after the assault.

Concluding the Interview

- Inform the victim that the decision whether to arrest the suspect is a complex one that will be made by police in consultation with the Prosecutor
- Inform the victim what to do if she/he is contacted directly or indirectly by the offender.
- Provide information about future safety in case the offender returns and in cases of family violence.
- Ask the victim to keep the police department informed of any developments related to the investigation, including if she/he remembers anything else about the assault or if the offender tries to contact her/him. Provide the victim with information on how to contact the investigating officer and provide the case number, and any additional information the victim may need.
- Keep the victim as informed as possible about the case.
- Ask the victim if she/he has any questions.

Dealing with Secondary Victims

Remember, family members and friends might be angry and possibly behave in inappropriate ways. These individuals may also be emotionally distraught. Listen to the loved one's anger, and permit venting. Reassure the victim's family of law enforcement's role in the investigation of the crime.

Inform them that support is available from DoSAVY and APLE.

Evidence regarding consent and/or use of force is not necessary. In all sexual assault cases use of force should be thoroughly investigated and documented, regardless of the age of the victim or offender

Offenders

Offenders may provide:

- Information
- Alibi facts/witnesses
- Excuse/justification for assault
- Admission/confession
- Forensic Evidence
- Trace evidence (hairs, fibers, soil, etc.)
- Victim's body fluids/tissues (vaginal fluids, blood, saliva, skin cells, etc.)
- Reference standards (known specimens from suspect to compare with other specimens from suspect, victim or at crime scene).

Initial Response to Offenders

- Determine as soon as possible the suspect's identity, description, and location.
- If located, avoid allowing a suspect to engage in any activity which may result in the destruction of perishable evidence on the body or clothing.
- As soon as possible, photograph the suspect for purposes of identification at a later time.
- Determine whether clothing and/or other forensic evidence should be collected from a suspect.

Initial Response to the Crime Scene

- In sexual assault cases, there may be more than one crime scene (e.g. house and car).

- Be aware of surroundings while approaching the crime scene.
- Upon arrival, secure and protect the crime scene.

Types of Crime Scene Evidence

Conduct a detailed search for evidence based on an evaluation of the possible types of physical evidence which may be present.

There are certain categories of forensic evidence which are likely to be present in a sexual assault investigation (see below). However, it is extremely important to remember that anything can turn out to be important evidence in any given crime, even seemingly unrelated evidence or information. The following is a list of possible sources of evidence in sexual assault investigations but are not limited to:

- Saliva
- Ropes, twine, cordage
- Body tissues and/or body parts
- Bedding
- Witnesses (saw/heard assault, saw/heard anything, lead to other witnesses)
- Descriptive photos and sketches
- Forensic evidence (hairs, fibers, soil, etc.)
- Victim's/Suspect's body fluids/tissues (semen, blood, vaginal fluids, etc.)
- Tampons or sanitary napkins
- Latent fingerprints
- Items used in the assault (condom, lubricants, burglary tools, etc.).

Some Facts about Substance-Facilitated Sexual Assault

Sexual assaults can be facilitated by the use of drugs, both "street" and legal. While alcohol is often a factor in sexual assaults, illegal drugs can also be a factor.

The use of these drugs may be the result of consensual activity, but increasingly, some victims are drugged without their knowledge. Some drugs are particularly amenable to being "slipped" into someone's drink, facilitating a sex offense with a controlled substance

Signs that someone has been under the influence of (but not limited to) these substances:

- Thinks she/he may have been assaulted, but is not sure (unexplained soreness or injuries, woke up in a different place, etc.).
- Victim's recollection of assault is patchy and confused; she may remember only parts of the assault, or not at all.
- Victim remembers the assault, but was unable to move or speak. Memory maybe detached ("It was like I was watching the whole thing. I tried to scream, but no words came out...").
- Victim felt extremely drunk or "weird" after only one drink.

The following is a list (not comprehensive) of substances that may be present in substance-facilitated sexual assault:

Ethanol/Alcohol Beer, wine, liquor

Methylenedioxyamphetamine (MDMA) Slang or Street Names: Ecstasy, XTC, X, Adam, Clarity, Lover's Speed, Esto Gamma-hydroxybutyrate (GHB) Grievous Bodily Harm, G, Liquid Ecstasy, Georgia Home Boy, Easy Lay, Scoop, Salty Water, Soap Hallucinogens Ketamine/PCP, Marijuana, Scopolamine,

LSD, mushrooms, MDMA, etc Benzodiazepines Diazepam (Valium®), Flunitrazepam (Rohypnol®), Triazolam (Halcion®), Clonazepam (Klonopin®), Alprazolam (Xanax®), Temazepam (Restoril®)

About Computer Crimes

The proliferation of the Internet has brought with it some unintended consequences: increased access of strangers to the personal identity information one might ordinarily keep confidential. Because much of the traffic is unregulated, and in many cases— young people are more knowledgeable about the "Net" than their parents— children can easily and unwittingly become the victims of paedophiles who search chat rooms for sexual contacts. Adults, too, can be victimized by pornography and criminals intent on terrorizing their prey with unsolicited email, identity theft, and other forms of harassment. For more information, contact APLE Internet Hotline via APLE homepage or call 092 311 511

Collecting Evidence

Use VFRU or trained forensic Police, if none available follow these procedures for collection of evidence:

DNA – NEVER use plastic!

Items that contain wet evidence (bloody and/or semen-stained clothing, etc.) should be placed into paper containers or paper bags.

Blood – Allow to air dry and then package in paper.

Hair – place in envelope or small paper bag

Fibers – Dry, and tape-lifted, fibers may be placed inside plastic containers.

Rope, twine, and other cordage – Paper bags (sweat or skin cells may be present-DNA)

Paint chips – Place inside folded paper. Then place the paperfold inside an envelope.

Tools – Paper or cardboard.

Tape – Wear non-powdered gloves when handling tape. Submit samples inside plastic. If the tape is stuck to an item the item must be submitted with the tape still attached. Do not remove the tape!

Glass – Wrap in paper. Smaller pieces may be placed inside appropriate size cartons.

Arson and other fire evidence – Airtight metal containers. Unused paint cans work best.

Dried stains – Wrap stained item in paper or place inside cardboard box.

Tape all packaging seams, sign across seals, place evidence form and complete entry with details required.

How to collect Digital devices

At the scene:

Digitally stored information is very sensitive and easily lost, follow these guidelines to properly seize devices and computers.

Once the scene has been secured and legal authority to seize the evidence has been confirmed, ie search warrant, devices can be collected. Any passwords, codes or PINs should be gathered from the individuals involved, if possible, and associated chargers, cables, peripherals, and manuals should be collected. Thumb drives, cell phones, hard drives and the like are examined using different tools and techniques, and this is most often done by specialized and trained technicians. If in doubt, contact the CNP Cyber Crimes Unit.

First responders need to take special care with digital devices in addition to normal evidence collection procedures to prevent exposure to things like extreme temperatures, static electricity and moisture.

Seizing Mobile Devices

- Devices should be turned off immediately and batteries removed, if possible. Turning off the phone preserves cell tower location information and call logs, and prevents the phone from being used, which could change the data on the phone. In addition, if the device remains on, remote destruction commands could be used without the investigator's knowledge. Some phones have an automatic timer to turn on the phone for updates, which could compromise data, so battery removal is optimal.

DO NOT put in plastic, collection in cardboard box or paper bags as plastic can cause static electricity and damage evidence.

Seizing Stand Alone Computers and Equipment:

To prevent the alteration of digital evidence during collection, Police should first document any activity on the computer, components, or devices by taking a photograph and recording any information on the screen.

Police may move a mouse (without pressing buttons or moving the wheel) to determine if something is on the screen. If the computer is on, calling the CNP Cyber Police is highly recommended as connections to criminal activity ie Paedophile networks, may be lost by turning off the computer. If a computer is on but is running destructive software (formatting, deleting, removing or wiping information), power to the computer should be disconnected immediately to preserve whatever is left on the machine.

REMEMBER to package in cardboard box and tape and seal, sign across seals, place Evidence form and complete details.



Construction of this police pocket guidebook:

The pocket guidebook should be of a size that is easily put inside the pockets of police trousers or shirts, such as the existing pocket notebook. The cover should be durable to withstand being handled numerous times and a strong material such as leather or high quality vinyl. The pocket guide could be replaced easily inside the reusable cover.