

CHAPTER 109  
SEXUAL ASSAULT INVESTIGATION

DISCUSSION: Public concern regarding the violent crime of sexual assault is increasing in every community. The natural reluctance of victims to report this crime indicates that the number of offenses is even greater than the total officially recorded. The victim is often too humiliated and embarrassed to relate personal details of the crime to a Police Investigator.

By its very nature, incidents involving sexual assault have a damaging effect on the victim, both physically and psychologically. It is, therefore, most important that every officer recognize that a sexual assault investigation requires a sensitive and delicate rapport in order to obtain details of the crime. Sexual assault is one of the most difficult crimes a Police Officer is called upon to investigate. Without the full cooperation of the victim, the crime is almost impossible to prosecute successfully. A skillful and professional interview can provide the information necessary to apprehend the suspect and obtain evidence necessary to obtain subsequent conviction.

While the crime of sexual assault is usually committed against a female, it is possible for the crime to be against male or even children.

In conducting a sexual assault investigation, a Police Officer combines his law enforcement and human service functions. Through sensitivity and understanding, he can assist the victim in recovering from the traumatic shock of the criminal attack and at the same time retain his objectivity in gathering information and assessing the circumstances.

109.1.1 Investigative Procedures

Objectives of the Investigation

- A. To minimize the traumatic experience suffered by the victim.
- B. To coordinate information involved in the investigation with Department Personnel and other law enforcement agencies.
- C. To coordinate and insure speedy apprehension and conviction of the assailant.
- D. To cooperate with other social service agencies, hospital personnel, and other criminal justice agencies to insure proper collection of evidence and follow-up involving the victim.
- E. To impress upon the public the role of the police in investigating reports of sexual assault while providing a professional response with concerned and competent attention to the needs of the victim.

109.1.2 Preliminary Investigation

- A. The first officer at the scene of a reported sexual assault should:
1. Identify themselves as a Police Officer by name and rank.
  2. Express concern for the well-being of the victim.
  3. Obtain any necessary medical attention.
  4. Avoid usage of words or phrases that could add to the victim's emotional state.
  5. Obtain immediate, preliminary information as to where the crime occurred, how it occurred, a description of the assailant, and other information that could assist apprehension. One (1) officer should conduct the interview while the second officer, if present, should gather physical evidence and locate any possible witnesses. Other officers should remain in assigned areas or near the scene for additional information.
  6. Relay information to the telecommunicator for the attention of all other on-duty officers.
  7. Make sure an investigator has been contacted and is in route.
- B. If the person accused of committing the crime is still present at the scene, or in the immediate vicinity, and probable cause exists for his arrest, he should be taken into custody.

#### 109.1.3 The Crime Scene

- A. Carefully note and record any visual injuries sustained by the victim, the condition of clothing, and the condition of the surrounding scene.
- B. Search the crime scene for any physical evidence for laboratory examination. Officers should be alert for the following items for evidence collection.
1. Public or head hair.
  2. Skin tissue or blood stains under victims fingernails from defending against attacker.
  3. The victim's clothing and undergarments.
  4. Suspect's clothing and undergarments.
  5. Fluid samples such as blood, semen, or saliva stains on items such as sheets, cigarette butts, drinking glass, etc.

6. Weapons or tools used.
7. Fibers or other loose materials such as dirt, glass, etc.
8. Fingerprints, footprints, tire tracks near or at scene.
9. Photographs of physical injuries will be taken with the victim's permission whenever necessary. (Color photos are preferable.)
10. All such physical evidence should be carefully marked and safeguarded to protect evidentiary value.

#### 109.1.4 Medical Exam of Victim

- A. As soon as possible, the victim should be tactfully requested to undergo an immediate medical examination. This should be done even if the disclosure of the sexual assault is delayed from when it actually occurred. The victim should be advised that Mississippi State Law allows for the medical exam of a sexual assault victim to be paid for by the State of Mississippi if not covered by the victim's insurance (pursuant to State Code 99-37-25).
- B. If possible arrangements should be made for the victim to have a change of clothes at the hospital so the clothing worn at the time of the assault can be taken as evidence. This should only be done if the clothing worn by the victim at the time of the exam is the same as the time of the assault. When clothing is not available, the Sexual Assault Crisis Center will furnish replacement clothing.
- C. The local hospitals maintain standardized "rape kits" for collection of physical evidence from victims. The "rape kit" shall only be used if the medical exam takes place within forty-eight (48) hours of the sexual assault. If more than (48) hours has passed since the assault, a medical examination should *still* be conducted, and however the rape kit should not be utilized. This time period could differ when extenuating circumstances are involved.
  1. Request the attending physician to collect the evidence that is called for by the instructions provided in the kit.
  2. When completed the attending physician or staff member shall turn the sealed kit over to the investigating officer to sign for receipt.
  3. The kit is then treated as evidence and the chain of custody shall be maintained and controlled.

4. Clothing taken as evidence shall be considered part of the rape kit even though packaged separately. All items submitted should be kept together throughout the chain of custody.
5. Any clothing item not completely dried should be air dried and submitted directly into the evidence drop off area to remain controlled for that purpose. If any circumstances exist that prevents the officer from complying with this section then the Evidence Technicians or the Detective Division Commander should be notified for assistance.

#### 109.1.5 Controlled Victim Interview

- A. A sexual assault victim usually suffers shock or severe emotional distress requiring sympathetic attention. The attitude of the Investigating Officer will directly affect the victim in this critical stage of the incident. When the victim is a juvenile, his/her parent or guardian shall be notified with the exception being that the suspect is a family member. The Department of Human Services should be contacted for assistance. Youth Court should also be notified.
- B. As soon as possible, an in-depth interview of the victim will be conducted to obtain a full account of the reported crime.
- C. A victim that finds it difficult to relate the details of the crime may prefer to write out the information. This written report, however, should be used as a basis for an oral interview to ensure that the complete details are obtained.
- D. Professional or medical terms should be used when questioning the victim about the sexual assault. However, when conducting interviews of children or limitedly versed adults nicknames, slang, or phrases that the victim understands should be used and are admissible in court.
- E. Always try to obtain a written statement from the victim in their own handwriting or typed with their signature. When the victim is a juvenile less than sixteen (16) years of age, versions may be re-created in the narrative of the offense report or the interview may be videotaped. This may vary depending on the capabilities of the child.
- F. To assist victims in describing the assault anatomical dolls, anatomical drawings, and free sketches may be useful during the interview especially if the listed issues are present. Caution should be taken by the investigator to avoid leading questions during the interview.
  1. Is limited in life experience.
  2. Is mentally impaired or retarded.
  3. Has a speech impediment.

4. Has language difficulty or can not speak English.

#### 109.1.6 Documentation

- A. A full report of the interview shall be submitted containing the following information:
  1. The time and place victim and the suspect first made contact.
  2. The time and place of the reported attack.
  3. The time of the initial report.
  4. Victim's knowledge of suspect, his home address or other information about him.
  5. The full physical description of the suspect including identifying marks, scars, clothing, and manner of speech or language.
  6. Information concerning the best possible description of any motor vehicle involved, including any unusual characteristics, or its contents.
  7. Information concerning persons present when the victim and suspect met or persons present when the attack took place.
  8. Conversation with the suspect that might lead to his identity.
  9. Description of the acts committed to include the order, type and degree of force.
  10. Information concerning the assault from an individual hearing statements made by the victim directly after the incident. These may be admissible evidence as an exception to the hearsay rule since it may qualify as an "excited utterance".
- B. Department reports of sexual assault or attempts and conversations between Police Officers and the victims of such crimes are confidential records and shall be maintained in a manner that will assure their confidentiality.

#### 109.1.7 Sexual Assault Investigator

- A. Responsibilities
  1. An investigator or other designated Department members shall alternate on-call status for twenty-four (24) hour availability in responding to sexual assaults.

2. The necessity of callout of an off-duty member shall be evaluated by the patrol supervisor.
3. All sexual assault investigation assignments will be the responsibility of the Detective Division Manager.
4. Nothing under this policy shall relieve the originally assigned officer of involvement to the assigned case unless it is impractical for him/her continue actively in the case whereupon he/she will be updated on case status.

**B. Requirements**

1. Any Departmental member encountering a sexual assault/abuse case shall initiate the following steps:
  - a. The assigned officer shall notify his immediate supervisor once he determines that a sexual offense has occurred.
  - b. Conduct preliminary investigation and arrange medical treatment.
  - c. The immediate supervisor shall notify the Detective Division Commander and on-call team member with a preliminary account of the circumstances unless an investigator is already on duty. Then he shall respond if necessary and approved.
2. As necessary, the investigator on call shall:
  - a. Process the crime scene.
  - b. Interview victim/witnesses.
  - c. Interrogate suspect.
  - d. Evaluate the case with the prosecutor and submit necessary paperwork.
  - e. Update the Detective Division Manager.

**C. Special Functions**

The investigator shall be responsible for the following areas as necessary, by request, or need:

1. Suspect File:
  - a. Provide data to Records Section personnel to establish and maintain an identity file on offenders.

- b. Review all incoming bulletins related to sex crimes for information related to offenders for addition to the file as necessary.
  - c. Review all incoming reports related to sex crimes to include suspicious persons/activity calls for addition to the file as necessary.
2. Training:
- a. In-Service.
  - b. Outside schools as requested and approved by the Detective Division Commander.
  - c. Citizen groups as approved by the Detective Division Commander.
3. Outside Agency Assistance:
- a. Law Enforcement - assist with incoming requests, coordinate investigations involving other jurisdictions, and establish/maintain information exchange. Other law enforcement agencies will be assisted only after request is approved by the Detective Division Commander.
  - b. Resource Assistance - Hospital/Social Services; establish guidelines for services such as notifications and referrals for follow-up or on scene use.