

Procedure
3.4

**EFFECTIVE
DATE
7-8-22**

**Eugene
Police Department**



Sexual Assault

3.4.1 PURPOSE AND SCOPE

This procedure should 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 their mind later, but if an investigation is not done initially, critical evidence may be lost.

Encouragement should be provided to the victim, explaining which procedures will be followed and why detailed questioning may be necessary. The victim should also be encouraged to see a doctor and have a physical examination, which may provide evidence five days (120 hours) after the incident. Victims should receive information so they may seek help through an advocacy or support group.

3.4.2 RESPONSIBILITIES FOR CALL TAKERS

- a. In addition to obtaining the normal information about the incident and suspect, the victim should be advised not to change clothing, shower, or touch anything in the immediate area.
- b. If possible, call takers should stay on the telephone with the victim to provide assistance and comfort until an officer arrives, unless the victim already has someone to assist them.

3.4.3 PRELIMINARY INVESTIGATION

- a. The department 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.)
- b. Victims should be advised of options available for victim's assistance (e.g., Crime Victim and Survivor Services Unit of the District Attorney's office), and assisted when appropriate, in contacting a support person.

- c. Interviews with the adult victim should be held in an emotionally neutral location, free of interruptions. If victim is a juvenile, refer to *Policy 330 - Child Abuse Reporting*.
- d. The following areas should be covered during questioning, provided the victim is able to emotionally and physically answer questions:
- 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 they were 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? With what? If so, seize the item(s).
 - What was done and said when suspect departed?
 - Did the victim inflict any injury to the suspect?
 - The most recent consensual intercourse and identity of partner should be determined, if applicable.
- e. It should be determined if there were witnesses and a neighborhood check conducted, if applicable.
- f. If it is determined the victim told anyone about the assault, those told should be interviewed as soon as possible.
- g. A supervisor should be notified 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.
- h. The victim should be advised of the Victim's Compensation Program.

3.4.4 COLLECTION AND PRESERVATION OF EVIDENCE

- a. The crime scene should be located and secured to preserve evidence.
- b. The victim's clothing may be needed for evidence. It is extremely important that clothing be carefully handled to prevent contamination of such evidence. The victim's clothing should be placed in paper bags, one garment to a package.
- c. Trace evidence adhering to the victim's body and clothing should be preserved. The location should be noted, and any trace evidence (e.g., debris, grass, soil, vegetation, wet or dried semen, wet or dried blood, loose body hairs, fibers) should be collected and photographed.
 1. The Sexual Assault Nurse Examiner (SANE) nurse should be notified of information regarding the possibility of a date rape drug being used in the incident. Report this information to the Violent Crimes Unit for possible follow-up to collect this evidence at a later date (eight weeks from the reported incident.)
- d. Victims should be taken to any local area hospital for examination, treatment, documentation of physical trauma, and the collection of evidence.
 1. Oregon State Police keeps sexual assault evidence kits at local area hospitals. A kit should be requested if there has been direct vaginal, anal, or oral contact between the victim and the suspect. Request should be within five days (120 hours), or if the timeline is unclear.
 2. EPD personnel should ensure that hospital personnel complete the following steps to guarantee necessary information is collected:
 - a. Collection of a urine sample from the victim for forensic screening for "date rape" drugs and enclose this in the SAFE Kit. (Normally the urine will be taken when a SAFE 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 for subsequent analysis. The urine would be lodged at the Evidence Control Unit using the same criteria as that used for submitting SAFE Kit evidence.)
 - b. Attending medical staff follow the procedures for the SAFE Kit evidence kit.
 3. Evidence can still be obtained even though the victim has changed clothes or washed.
 4. The attending medical staff must be provided with enough details so they can conduct a thorough exam.
 5. Any use of the SAFE Kit must be documented, even if EPD personnel did not request its use.

6. The victim has the right to refuse a sexual assault examination.
 7. Evidence must be submitted to the Evidence Control Unit as soon as possible, no later than seven days. (Refer to *Procedure 3.5 - SAFE Kits* for proper submission of sexual assault evidence.)
- e. When investigating the crime scene, consider whether a search warrant is needed, and whether Forensic Evidence Unit (FEU) assistance is needed to adequately process the scene. Investigators should:
1. Photograph the scene first.
 2. Collect bedding, if applicable.
 - a. Collect as a unit, preserving the evidence layering.
 - b. Fold bedding in on itself to preserve trace evidence for later processing.
 - c. Package in large paper bag and arrange for immediate processing if fluid evidence.
 3. On other surfaces, collect entire object or consider cutting out relevant areas including a control sample.
 4. Look for items suspect may have used to clean themselves.
 5. Check for latent fingerprints.
 6. Identify and process point of entry and exit.

3.4.5 COLLECTION OF EVIDENCE FROM SUSPECT(S)

- a. If there is a legal question regarding collection of evidence, officers should contact the Lane County District Attorney's Police Legal Advisor.
- b. 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.
 1. The suspect's clothing should be collected over a sterile drop cloth.
 2. 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.
 3. Saliva and blood samples for typing should be requested (requires consent or court order.)

4. The suspect's penis should be swabbed.
5. All injuries on the suspect's body should be examined and photographed (Any bite marks should be swabbed.)
6. A consent or search warrant to locate and seize other essential evidence should be considered, including testing standards such as pulled head or pubic hair.

3.4.5 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.

Chris Skinner
Chief of Police