328.1 PURPOSE AND SCOPE

The purpose of this policy is to provide officers of the Columbia Police Department with guidelines for responding to reports of sexual assault.

The psychological needs of the victim will be considered in an effort to reduce or avoid post assault trauma. Law enforcement officers will reasonably assist all victims of sexual assault with obtaining medical and advocacy resources. Officers should consider that each person is unique and there is no specific way a person should respond to a traumatic event. For example one person could show no outward signs of the effects of trauma, while another could appear to be emotionally distraught.

Increased reporting of sexual assaults by victims allows law enforcement additional opportunities to identify and prosecute sexual predators. Information obtained may be utilized in other criminal investigations and should be documented even in circumstances where a victim does not want to proceed with charges against his/her attacker.

Sexual predators have the potential to become serial offenders. Utilizing methods that are victim-centered and offender-focused allows for increased identification and apprehension of sexual offenders thereby preventing further victimization. Reports of victimization outside the current statute of limitations for sexual assault offenses should still be investigated in order to identify sexual offenders and utilize the information gained in prosecutions that are still viable.

328.2 DEFINITIONS

Trauma-Informed Approach/Care: From the Missouri Department of Mental Health on Trauma-Informed Care: “Trauma-informed care is an approach to engaging people with histories of trauma that recognizes the presence of trauma symptoms and acknowledges the role that trauma has played in their lives." (Finkelhor, D., Ormrod, R.K., Turner, H.A., & Hamby, S.L. (2005). From the IACP publication Trauma Informed Sexual Assault Investigation: Interviewing: “A trauma-informed approach changes the way we respond and investigate, and most importantly the way we interview victims. The tone of the first meeting with the victim may set the tone for the rest of the investigation. By being empathetic, patient, and respectful, you can contribute to the immediate and long term recovery of the victim and lay the foundation for mutual cooperation and respect on which a successful interview, investigation and prosecution is built.” (Example questions using a trauma-informed format are located in section 328.4).

Third Party Reporter: For the purpose of this policy, a third party reporter is a person, other than the victim, making a report of sexual assault/rape on behalf of the victim (this could occur without the consent or knowledge of the victim).
328.3 SEXUAL ASSAULT RESPONSE POLICY

The Columbia Police Department is a participating member of the You Have Options Program. As such, it is the policy of the Columbia Police Department to take a victim-centered and offender-focused approach when responding to victims who are reporting a sexual assault and when conducting sexual assault investigations. This includes, but is not limited to, providing victims of sexual assault with as much control over their report and any subsequent criminal investigation as state and federal guidelines allow.

Unless legally mandated (i.e., instances of domestic violence; when the victim is a juvenile; when a victim is in continuing physical danger, court order) or in other rare circumstances such as a significant threat to public safety, the following 20 elements of a Victim-Centered and Offender-Focused You Have Options Law Enforcement Response, at a minimum, shall be offered during every sexual assault report and/or investigation (for the Patrol investigative procedure see section 328.4):

1. A victim of sexual assault is offered three options for reporting: Information Only, Partial Investigation or Complete Investigation.
2. A victim or other reporting party may remain anonymous and still have the information they provide documented by a You Have Options Program Law Enforcement Agency.
3. A victim or other reporting party shall have questions answered regarding their options for reporting and/or a criminal investigation prior to providing any identifying or incident information to law enforcement.
4. A clear explanation of the reporting process and/or investigative procedures will be provided by a law enforcement officer to the victim at the time of the report.
5. When making a report there is no requirement to meet in person with a law enforcement officer. For example, a victim or other reporting party may report using an online form or a victim may choose to have a sexual assault advocate report on their behalf.
6. Reasonable efforts will be made to allow the victim or other reporting party control over the location, time and date where their initial report is made to law enforcement.
7. A victim or other reporting party may provide as much, or as little, information as they choose with no time limitations or restrictions on when the information is given to law enforcement.
8. Law enforcement officers will offer assistance (policy 602) in locating sexual assault advocacy services to every person reporting.
9. A victim may be accompanied by a sexual assault advocate or other appropriate support person during all phases of the reporting process and criminal investigation.
10. A victim, or other reporting party, may end an interview with law enforcement at any time without having to provide a reason.
11. After making a report, a victim or other reporting party will not be pressured to participate in a criminal investigation.
12. Reasonable efforts will be made to meet the needs of the victim and address any barriers the victim faces in providing information to law enforcement during the reporting process.
13. Law enforcement officers will conduct victim interviews in a trauma-informed manner.
14. Reasonable efforts will be made to meet the needs of the victim and address any barriers the victim faces when participating in a sexual assault investigation.

15. A victim’s right to keep the assault confidential shall be respected. When legally permissible, no person (outside of a law enforcement agency) shall be notified that the victim has reported without the victims consent. This includes the interviewing of identified witnesses and perpetrators.

16. Investigators will utilize strategies to identify and document serial sexual perpetration, such as the Inquiry into Serial Sexual Assault (ISSA).

17. Investigators will collaborate with victims during the investigative process and respect a victim’s right to request certain investigative steps not be conducted. Criminal investigations will be conducted at a pace set by the victim, not the law enforcement officer.

18. A victim may disengage from a criminal investigation at any time prior to an arrest being made or the case being referred to an office of prosecution. There is no requirement that an explanation be given by the victim to law enforcement.

19. If legally permissible and probable cause exists for a crime, no arrest or referral to an office of prosecution will occur without the consent of the victim. All You Have Options Law Enforcement Agencies respect the choice of every victim who reports a sexual assault, and understand that justice is not the same for every person who is victimized.

20. Criminal investigations that do not result in arrest or referral to an office of prosecution will be classified as “inactive”, unless found baseless or false, allowing for the investigation to be re-opened in the future at a victim’s request and/or if additional information is discovered.

A detailed explanation of the roles and responsibilities attached to the 20 Elements can be found at: https://www.reportingoptions.org/roles-and-responsibilities

In addition to the 20 Elements of a Victim-Centered and Offender-Focused You Have Options Law Enforcement Response, all Columbia Police Department personnel should:

1. Prioritize medical and advocacy resources for every victim who reports a sexual assault, regardless of their decision to prosecute the offender and/or choice to assist law enforcement with an investigation.
2. Promote an environment in which victims of sexual assault are not judged or blamed for their assault and instead are treated with dignity, sensitivity and courtesy.
3. Not ask or require a victim of a sexual assault to submit to a truth verification examination, such as a Computer Voice Stress Analysis (CVSA) or similar test. (Policy 602.4)
4. Not arrest any person for filing a false report of sexual assault without evidence beyond a recantation to support the false report charge. Additionally, if corroboration exists, careful consideration will be given prior to initiating an arrest for false report.
5. Identify alternative options other than an immediate arrest of a victim for criminal activity he/she engaged in related to the assault.
6. Not require any victim of sexual assault to sign a waiver stating they do not want to participate in an investigation.
7. Not list any sexual assault victim who chooses to disengage from the reporting and/or investigative process as “uncooperative.”
Nothing in this practice should prevent officers from responding to acute or in-progress situations that may need immediate enforcement action.

328.4 SEXUAL ASSAULT INVESTIGATIONS PROCEDURE-INITIAL PATROL RESPONSE

Most sexual assault/rape investigations begin with a patrol response in which an officer makes contact with the victim or a person reporting on behalf of the victim. Each report/incident will be unique and employees of the Columbia Police Department recognize there is no such thing as a typical victim response to a sexual assault or rape. A patrol supervisor should be contacted early in the investigation to determine if or when a response from the Criminal Investigations Division (CID) is necessary. General guidelines for the initial patrol response are provided in the following sexual assault investigation procedure:

1. Officer makes contact with the victim (in person, phone, via third party reporting).
2. Assess any need for medical treatment and offer to contact sexual assault advocate services or First Responder Advocate if available.
3. Identify potential surveillance video evidence from surrounding buildings, businesses or other sources (witnesses). Efforts shall be made to collect or preserve this video evidence prior to clearing the scene.
4. Make a shift supervisor aware of the call, specific details of the situation and the victim’s willingness to be contacted by a detective. This information will be used by the supervisor for decisions regarding notifications to CID.
5. If the sexual assault occurred within the last 120 hours, ask if the victim wants information on a Sexual Assault Forensic Exam (sexual assault kit). Assist the victim as requested. Offer to transport the victim or provide an escort to the hospital and ask if they would like for you to stay until the exam is complete. When a sexual assault kit is completed, collect the item and submit to evidence per the instructions in the Columbia Police Department Evidence Submission Manual.
6. Ask limited investigative questions, using a trauma-informed approach, based on the specifics of each situation and the reporting option specified by the victim. Careful consideration should be given regarding the identification and preservation of potential evidence. Not all reporting options lend themselves to the partial or complete collection of evidence and these limitations should be explained fully to the victim or reporting party.

In addition, when deciding what questions to ask of a victim, consideration should be given to the role a detective will play in the investigative process. Generally we aim to minimize the number of times a victim has to describe the incident in great detail. If a decision is made with the victim to speak with a detective, limit the scope of the questions to those that establish a crime was committed, identify basic needs of the victim (e.g., medical and advocacy), investigative needs regarding crime scene location, evidence preservation, and identity of the suspect if unknown. Tailor your initial investigation to the specific variables of the situation and confer with the shift supervisor if needed.

The following is a list of questions consistent with a trauma-informed format, these questions should be asked in context and using the same words/name/reference used by the victim:
7. Do not ask if the victim wants to prosecute – a detective will handle that question.
8. Be prepared to debrief the situation with a detective if one is called to respond.
9. Assist as needed with evidence collection and suspect apprehension.
10. Document all the information gathered at the time of the initial report in an offense report. This report should include your observations about the victim’s injuries, condition of victim’s clothing, emotional state and any other relevant observations.