4.10.1 PURPOSE

This order provides Department members with procedures for responding to sexual assault situations.

4.10.2 POLICY

Officers shall respond to and investigate sexual assault situations as according to Department training and this policy, including taking responsibility for preliminary detection of evidence suggestive of child abuse, as well as aiding in subsequent efforts to effect a satisfactory resolution in the child’s and family’s best interest. The protection of the victim, above any other concern, is the intent of the law and shall be of primary importance to the officer.

4.10.3 GUIDELINES

A. All employees will treat sexual assault victims with courtesy, dignity, respect, and compassion.

B. Employees shall use appropriate communication skills when interacting with sexual assault victims.

C. Officers and other involved employees shall be aware of community services available to victims of sexual assault and, if reasonably possible, assist victims in arranging such services.

4.10.4 DISPATCHER RESPONSIBILITIES

Upon receiving a report of a sexual assault or attempt, the dispatcher shall:

A. Obtain initial information such as name, current location, telephone number, victim’s condition, and basic incident details.

B. Attempt to ensure the victim’s safety:

1. A patrol officer shall be dispatched immediately;
2. Emergency medical personnel shall be requested if needed; 
3. Ask for name of the assailant, if known, description, possible location or
direction and means of flight from the scene, and the time elapsed since the
crime; and
4. Broadcast a description of the suspect(s) and vehicle(s) to officers and
provide to neighboring jurisdictions as appropriate.

C. If it is determined the victim is away from the scene, dispatch a patrol officer to
the scene.

D. If a victim calls but is uncertain whether or not he or she wants police
intervention:
   1. Encourage reporting while trying to obtain basic information about the crime;
and
   2. Do not insist on the victim's identity.

E. If the victim decides not to make a report to an officer:
   1. Encourage the victim to go to the hospital for treatment and/or evidence
collection; and
   2. Refer the victim to the Department's victim witness for advocacy.

4.10.5 INITIAL INVESTIGATION

A. The responsibility for the initial investigation of sexual assaults rests with the
patrol officer dispatched to the scene.

B. The patrol officer has certain immediate responsibilities, as follows:
   1. Providing medical attention and protection to the victim;
   2. The officer shall explain his or her role to the victim and what will be done at
the scene and through follow-up;
   3. If the victim prefers a female officer, every attempt to provide one shall be
made, but if one is not available, the investigator or officer shall
nevertheless encourage the victim's cooperation;
   4. The assigned officer will conduct a brief interview of the victim to determine;
      a. If a crime has been committed and if so, what offense;
      b. The location of the crime scene; and
      c. Information to identify and/or locate the suspect.
   5. If a sexual assault has been committed, the victim shall be asked to consent
to a sexual assault forensic examination;
      a. Explain the SART (Sexual Assault Response Team) procedure;
b. Explain the legal necessity of this exam;
c. Explain that the cost of the investigative exam will be paid by the Department;
d. The victim may be transported to the hospital by police, ambulance personnel, or a support person;
e. The medical needs of the victim are the first priority and take precedence over the sexual assault forensic examination; and
f. The Department’s preference that a Sexual Assault Nurse Examiner (SANE) performs the exam, if available, shall be expressed to emergency room staff.

6. Preserve the crime scene;
7. Notify CSI and CIB as soon as possible providing all pertinent information known at the time;
8. Identify and obtain preliminary statements from witnesses; and
9. Identification and arrest of the perpetrator.

C. The first officer on the scene must always be aware that the manner in which he or she treats the victim at the time of the crime and afterwards affects not only the victim’s immediate and long-term ability to cope with the crime, but also the willingness of the victim to assist in the investigation and prosecution. Upon the determination that a probable sexual assault has occurred, detectives shall be notified.

4.10.6 SART AND NON-SART PROCEDURES

A. Sexual Assault Response Team (SART) Procedures

1. Stormont Vail Emergency and Trauma Services is the only hospital available that has a SART. Victims should be encouraged to get an exam done at the SART hospital.
2. When the victim makes an initial report at the SART emergency room, the emergency room staff will determine if the alleged assault has occurred within the past 120 hours. If so, they will contact the law enforcement agency, the Sexual Assault Nurse Examiner (SANE) and the advocate.
3. The SANE Nurse and the advocate shall meet the officer and the victim at the SART Room.
4. Once the examination is completed the SANE Nurse shall package all evidence and present it to the assigned investigating officer for transport to the lab for testing. (Note: The hospital maintains a secure evidence locker and refrigerator for rape kits and other evidence until the assigned investigator can pick them up).
5. Patrol officers will notify Detectives of SANE/SART investigation. Detectives should be present during the SANE/SART interview. The investigative interview can be conducted simultaneously with the SANE Nurse’s medical exam. The SANE Nurse shall not interfere with the interview or
investigation. If possible and practical the investigating officer shall record the interview.

B. Non-SART Procedures

1. The victim shall be transported to the hospital for the SANE examination. The non-SART hospital shall keep the kit until it is picked up by CSI.
2. The victim will need to sign a “Medical Release” form so all treatment information may be included in the officers report.
3. All additional procedures outlined in “Initial Investigation” and “Crime Scene” shall be adhered to.

4.10.7 INVESTIGATOR RESPONSIBILITIES

A. The investigator shall obtain a complete report from the patrol officer assigned to the case.

B. The investigator shall establish rapport with the victim for further interviews. By explaining what must be done and the reasons why, the officer will encourage the victim's cooperation.

C. Interviews and Interrogations.

1. The effectiveness of an investigator, as well as the success of the investigation, is largely dependent upon his or her ability to obtain information from victims, complainants, witnesses, informants, and suspects. Therefore, it is essential that investigators conduct the interviews and interrogations with sensitivity, patience, persistence, and dedication to the task at hand.
2. The investigator shall conduct an in depth interview with the goal of minimizing the need for repetitious interviews.
3. The investigator shall anticipate some confusion, memory suppression or reluctance to discuss fear-inducing or humiliating details of the incident. This information shall be obtained by patient, supportive rapport building, not by questioning a victim’s veracity or motives.
4. The investigator in charge shall, whenever possible, obtain a recorded or signed written statement from each victim, witness, and suspect.
5. Suspect interviews shall be recorded whenever possible.

D. At the conclusion of the interview, the investigator shall ensure the victim has been advised of his or her rights as a crime victim and asked about any additional assistance needed.

E. When possible the investigator shall notify the victim when the suspect is arrested and keep the victim informed of the status of the case.
4.10.8 CRIME SCENE

A. Officers and investigators shall preserve all articles of physical evidence relevant to the investigation, and in this regard shall:

1. Collect undergarments, clothing, bedding, rugs, or other appropriate items which may contain semen, blood, hairs, fibers, or other pieces of trace evidence;
2. Collect washcloths or towels that may have been used;
3. Collect bottles, glasses, or other objects that may contain latent prints;
4. Search scene for foreign objects (buttons, hair, pieces of torn clothing);
5. If the crime occurred outdoors, take soil samples from several areas and sketch the location of each sample taken;
6. If the crime occurred in a car, gather sweepings from seats and floors, search floor mats and seat covers for stains;
7. If entry was forced into the victim’s residence, gather samples of broken glass, paint samples, and note any pry marks or other signs of forced entry;
8. Photograph the crime scene;
9. Photograph bite marks, scratch marks, or other signs of brutality or injury to victim. Only officers of the same sex as the victim or medical personnel shall photograph private sexual areas; and
10. Separately tag and package each article.

B. DNA evidence is one of the most important and reliable forms of physical evidence establishing the presence of a suspect at a crime scene. Any form of bodily fluid or other trace evidence may be used to identify the suspect’s genetic identifiers (i.e. - semen, saliva, urine, blood, hair, skin samples, etc.). Even when the identity of the suspect is not in question, as in acquaintance rape cases, the presence of DNA and of trace evidence may be important.

C. Officers shall canvass the neighborhood of the crime scene for persons who have information regarding the crime.

D. Officers shall systematically search the vicinity of the crime area for any evidence that may have been lost or disposed of by the perpetrator.

4.10.9 CHILD VICTIMS

A. Officers responding to complaints of sexual abuse of a child shall ensure the safety of the child, determine if a crime scene needs protected and processed, and determine if a forensic medical exam is appropriate.

B. Initial reports usually do not require an interview of the child. Notification of CIB is needed where immediate investigation is needed for implementation of the Safe Talk protocol. Relevant information may be obtained from parents, teachers, counselors or other adults. The initial officer shall:
1. Explain law enforcement’s role and procedures and enlist the adult’s cooperation;

2. Determine child's general development status: age, grade, capabilities, ability to write, read, count, tell time, remember events, and knowledge of anatomy and sexual behavior;

3. Inquire about: family composition, siblings, family terminology for genital areas, and any unusual problems (i.e. physical, intellectual, behavioral);

4. Review circumstances of the assault (as reported already by the child to the other person):
   a. What, where, when, by whom, and to whom reported;
   b. Exact words of child;
   c. Other persons told by child;
   d. How many have interviewed the child; and
   e. The child's reaction to the assault, and what, if any, behavioral signs of distress (i.e. nightmares, withdrawal, and regression, acting out) have occurred.

5. Determine what reactions and changes the child has been exposed to following revelation of the assault(s);

6. Interviews of child victims shall be conducted by CIB or Department of Children and Families (DCF) whenever possible;

7. The interview shall be conducted in a child friendly atmosphere with recording capabilities;

8. If at all possible, no one other than the child and the interviewer shall be present in the interview room to avoid any influence another person's presence may have on the child's disclosure. A child can be reassured the parent or other significant person will be waiting for the child in another room; and

9. The interviewer must:
   a. Establish a relationship with the child suitable for obtaining the information;
   b. Obtain a description of the assault; and
   c. Assess the child’s credibility and competency.

C. Officers shall forward all information relating to child abuse and sexual abuse cases to CIB by completing a Kansas Standard Offense Report (KSOR) and Juvenile Data Report (JDR).

D. Officers shall be familiar with all aspects of the Juveniles Code, specifically KSA 38-2201 et. seq. which deals directly with “Children in Need of Care.”

4.10.10 PROJECT SAFE TALK
A. Project Safe Talk

Project Safe Talk is a multi-disciplinary response to child abuse. This approach is based on an agreement between the Shawnee County District Attorney’s Office, Department of Children and Families (DCF), the Topeka Police Department and the Shawnee County Sheriff’s Office. These agencies integrate different approaches and coordinate services to produce a comprehensive response that best meets the needs of the child abuse victims and their families. Instead of each agency maintaining its own methods for handling cases of child abuse, the agencies respond using the mutually agreed upon procedures.

B. Safe Talk House

A neutral facility used during the intervention phase of the Safe Talk protocol. This facility is separate from any agency involved in the process. This facility provides a safe, secure setting for children to facilitate interaction.

C. Project Goals

1. Develop a comprehensive, multi-disciplinary response to child abuse, which meets the needs of child victims and their families.
2. Establish a neutral-based facility for interviewing abused children.
3. Prevent trauma to the child caused by multiple contacts with community professionals.
4. Refer families to needed services.
5. Maintain open communication and case coordination between community professionals and agencies involved in child protection efforts.
6. Coordinate and track investigative and prosecutorial efforts.
7. Obtain information useful for criminal and civil proceedings.

D. Interview Process Overview

1. DCF and the Department jointly conduct Safe Talk interviews.
2. One interviewer conducts the interview.
3. The non-interviewer operates the communication and recording devices used to record the interview.
4. Three copies of the video will be made and distributed as follows: one shall remain at the Department as evidence, one shall be forwarded to the District Attorney’s Office with the case file for prosecution and one shall be sent to DCF.