

		Policy & Procedures			No. 2.03	
		Subject:				
		Sexual Assault Investigations				
		Issuing Authority:		Effective Date:	Review Date:	
		Chief of Police		10/1/2009	09/23/2023	
				References:		
Review						
Revision	01/02/2014					
Reissued	09/08/2016					
Dates:	11/12/2017					
	11/03/2020					

CALEA STANDARDS: 33.6.1 82.2.1

GENERAL CONSIDERATIONS AND GUIDELINES

By its very nature, rape has a damaging effect on the victim, both physically and mentally. It is, therefore, most important that every officer recognize that a rape investigation requires the most sensitive and delicate handling if the complete details of the crime, and the description and modus operandi of the perpetrator are to be obtained. Rape is one of the most difficult crimes that a police officer is called upon to investigate and without the full cooperation of the victim, is almost impossible to prosecute successfully. A skillful and professional interview can provide the information necessary to apprehend the suspect and the evidence necessary to obtain a subsequent conviction.

NOTE: Officers should be knowledgeable of the “first complaint” doctrine and its importance in rape and other sexual assault cases. Under the “first complaint” doctrine, without regard to “freshness,” the witness to a sexual assault victim’s first complaint of the crime may testify about the fact of the first complaint, the details of the crime, and the circumstances surrounding the making of that first complaint. The victim may also testify to the details of the first complaint, as well as why the complaint was made at that particular time. There no longer exists a requirement that a sexual assault victim’s complaint be made seasonably or promptly after the assault.

No more than one witness will be permitted to testify as to the complaint, and it will be limited to the first person the victim told of the assault. Because police officers and investigators often qualify as “first complaint” witnesses, it is especially important for them to note every detail of the victim’s account of the attack so that the officer or investigator will be able to testify accurately and effectively at any subsequent court proceeding.

I. Policy

The policy and objective of the Canton Police Department in responding to the crime of rape is as follows:

1. To minimize the traumatic experience suffered by the victim in addition to helping the victim obtain proper medical treatment;
2. To ensure the speedy apprehension and conviction of the rapist;
3. To reduce the opportunity for the crime of rape to occur by educating the public in preventive measures;
4. To cooperate with local social agencies, hospital personnel and community groups in rape prevention programs; and
5. To impress upon the public that the role of the police in investigating reports of rape or attempted rape is to provide a professional response with concerned and competent attention to the needs of the victim.

Definitions

The crime of rape includes both natural sexual intercourse and unnatural sexual intercourse. Unnatural sexual intercourse includes both oral and anal intercourse. For the crime of rape to be complete (as opposed to attempted), there must be penetration of a bodily orifice, but this need not be by a sexual organ; digital penetration is included. The crime of rape may be perpetrated by a male upon a female, by a male upon a male, by a female upon a male or by a female upon a female. A spouse can be found guilty of raping the other spouse. Although consent is a defense to the rape of an adult, such consent may be invalid if, for example, the victim was intoxicated, unconscious or mentally retarded. The law conclusively presumes that no person under the age of sixteen is capable of consenting to sexual intercourse; therefore, consent cannot be a defense if the victim is under sixteen years of age, even though the perpetrator did not know or realize that the victim was less than sixteen years of age.

II. Sexual Assault Unit 33.6.1

The Canton Police Department has established a Sexual Assault Unit to improve the quality of rape investigations and prosecutions. Officers assigned to that unit are trained in techniques pertaining to rape investigation, rape victim counseling and rape prosecution. All police officers involved in rape and sexual assault cases and cases involving attempts to commit those crimes must be mindful that all reports pertaining to those crimes and all conversations between police officers and the victims of those crimes are not public records and shall be maintained with confidentiality. The Sexual Assault Unit is directed through the Family Services Unit (FSU). However, any sexual assault can be reported 24 hours a day by dialing 911 or (781) 828-5285.

III. Preliminary Investigations At Scene

- A.** The first officer at the scene of a reported rape shall:
 - 1. Identify himself/herself as a police officer by name and rank.
 - 2. Express concern for the wellbeing of the victim
 - 3. Obtain any necessary medical attention
 - 4. Be careful of word usage – do not use words or phrases that could add to the victim's emotional state.
 - 5. Once officer should conduct the preliminary interview while the second officer, if present, should secure the scene including any possible witnesses and evidence (unnecessary officers should return to patrol and not congregate at the scene).
 - 6. Obtain immediate, preliminary information as to where the crime occurred, how it occurred, a description of the assailant and any information that could lead to his apprehension.
 - 7. Furnish this information to the Dispatcher for the attention of all other on-duty officers.
- 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 shall be taken into custody. Where it is possible, it is particularly important to take a rape suspect into custody promptly so that appropriate clothing and hair samples can be seized and so that a false alibi cannot be manufactured.
- C.** A rape victim is usually in a state of shock or severe emotional distress requiring sympathetic attention. A victim of rape, whether male or female, should be asked if they have a preference as to the gender of the investigating officer. Whenever possible, their request should be granted. In addition, it may be advisable to allow a female relative, friend of the victim or a rape crisis councilor/advocate to be present to provide comfort and reassurance.
- D.** The Supervisor in charge of the Family Services Unit shall be promptly notified of all reported sexual assaults.
- E.** Officers shall carefully note and record any visual injuries sustained by the victim, the condition of clothing and the condition of the surrounding scene.
- F.** Officers should secure the scene. The Shift Supervisory will determine if an immediate search of the scene for evidence will be conducted or if a Crime Scene Search officer should be called in. The following should be kept in mind.
 - 1. The victim may have pulled the hair of the attacker or torn his/her clothing.
 - 2. The victim may have scratched the assailant and accumulated skin tissue or bloodstains under fingernails.
 - 3. The victim's clothing, particularly undergarments, shall be obtained as soon as conveniently possible, for scientific analysis. These items should be placed individually in brown paper bags for preservation.

4. If an arrest is made soon after the crime, obtain the suspect's clothing and underwear (also carefully note his general appearance and demeanor).
5. Photographs of physical injuries will be taken with the victim's permission whenever necessary. Color photos are preferable and the photographs should include an overall full-body shot, which identifies and links any close-up photographs of injuries to the victim.
6. All such physical evidence shall be carefully marked and safeguarded to protect its evidentiary value.

IV. Medical Examination

- A. The victim shall be tactfully requested to undergo an immediate medical examination to treat any obvious physical injuries and to gather any physical evidence of the crime. When possible, the victim shall be examined by a Sexual Assault Nurse Examiner (SANE) and a Sexual Assault Evidence Kit shall be completed documenting any physical evidence or injuries. A signed Medical Release Form should be obtained from the victim so that all medical records and reports can be requested and preserved for court.

V. Follow-up Investigation

- A. As soon as possible, an in-depth interview of the victim will be conducted by a member of the detective bureau or other designee in order to obtain a full account of the reported crime.
 1. The victim should be asked if they have a preference of the gender of the investigating/interviewing officer. If possible, that requests should be granted.
 2. If the victim finds it difficult to relate the details of the crime, suggest that she/he might prefer to write out this information. This written report, however, should be used as a basis for an oral interview to ensure that the complete details are obtained. Tape recordings may be taken of verbal conversations with the victim. Always use professional or medical terms when questioning a victim about the rape itself.

VI. Report Writing 82.2.1 (C)

- A. A full report of this interview shall be submitted, containing the following information:
 1. The time and place that the victim and the suspect met;
 2. The time and place of a reported attack;
 3. The time of the initial report; **82.2.1 (C)**
 4. Whether the victim knew the suspect, his/her home address or place of employment;
 5. The full physical description of the suspect to the best of the victim's knowledge, including any identifying marks or scars, the clothing he/she wore and his/her manner of speech or language.
 6. If a motor vehicle was involved, obtain the best possible description, including any unusual characteristics or its contents;
 7. A description of any persons present when the victim and suspect met or any persons present when the attack took place;

8. Any conversation with the suspect that might lead to his/her identity; and
 9. Obtain evidence of aggravating factors such as use of a weapon, threats to use any weapon, etc. Also keep in mind that many rapes involve other offenses such as assault and battery, assault and battery with a dangerous weapon, threatening, kidnapping, robbery, etc. Additional charges may be advisable.
 10. The maintenance and security of all sexual assault reports shall be the responsibility of the Officer in Charge of the Detective Bureau. **82.2.1 (F)**
- B.** Any information concerning the rape given by an individual who was the first person the victim told of the assault should be recorded. This witness is a considered a “first complaint”.
- C.** It will be the policy of the Canton Police Department to make every effort:
1. To minimize (by educating the citizenry) the opportunity for the crime of rape to occur;
 2. To work with local social agencies, hospital personnel and other community groups in this education endeavor;
 3. To work with social agencies, hospital personnel, and other community groups to minimize the traumatic experience suffered by the victim of rape; and
 4. To assure the speedy apprehension and conviction of the rapist.
- D.** All departmental reports of rape, sexual assaults or attempts to commit such crimes, and all conversations between police officers and the victims of such crimes, are confidential records and shall be maintained separate from other reports in a manner that will assure their confidentiality. All such reports are excluded from the category of public records and any unauthorized disclosure thereof is a criminal offense.