

COLLECTION AND PRESERVATION OF EVIDENCE

SEXUAL ASSAULT OFFENSES-PRELIMINARY INVESTIGATIONS

Purpose: The purpose of this directive is to establish procedures for the documentation, preservation, and recovery of physical evidence from crime scenes where sexual assault offenses have occurred. Sexual assault offenses include offenses, such as: rape, sexual assault, and incest.

Policy Statement: It is the policy of the North Little Rock Police Department to thoroughly, discretely, and without discrimination toward any person conduct sexual assault investigations in a timely, detailed and proficient manner.

Summary of Changes: Section 1.6.2- Changed 72 hours to 96 hours, Section 2.1.1- clarified the interviewing of juveniles under the age of 13.

Definitions:

A.C.A. 16-90-1104 states, "A court may **not** compel a victim to disclose a residential address or place of employment on the record in open court... **(b)** A law enforcement agency will **not** disclose to the public information identifying the victim of a sex crime except to the extent that disclosure is of the site of the crime, is required by law, is necessary for law enforcement purposes, or permitted by court for good cause."

A.C.A. 12-12-402 states, "Any adult victim presented for medical treatment will make the decision of whether or not the incident will be reported to a law enforcement agency... **(D)** Evidence will be collected only with the permission of the victim. However, the permission will **not** be required in instances where the victim is unconscious, mentally incapable of consent, or intoxicated."

Chain of Custody is the safe keeping and accounting of any physical evidence that has been identified, authenticated, documented, and recovered by a law enforcement officer from a crime scene.

Procedure:

1 Victims of Sexual Assault

- 1.1 The initial responding officer will conduct a preliminary interview with the victim to establish the facts of the reported crime and determine the venue of jurisdiction. The interview will be conducted in a private area out of hearing distance from friends, family or potential witnesses.
- 1.2 An adult victim of a sexual assault will make the decision as to whether or not the incident will be reported to a law enforcement agency.
- 1.3 If the adult victim consents to a police report, the officer will note in the report the exact wording the victim used to describe the sexual activity that occurred.
 - 1.3.1 If the adult victim does not consent to a report, the officer will still write an incident report and identify the victim only as John/Jane Doe. No other identifying information such as home address, phone, date of birth or employment information will be listed in the incident report.
- 1.4 The officer will ascertain any viable suspect information (i.e. suspect description, direction of travel) and a broadcast of this information will be relayed to other police officers.
- 1.5 The officer should encourage the victim not to:
 - 1.5.1 Change Clothes;
 - 1.5.2 Wash or shower;
 - 1.5.3 Use the bathroom;
 - 1.5.4 Drink anything
 - 1.5.5 Comb hair; and/or
 - 1.5.6 Disturb anything about the scene.
- 1.6 The officer will conduct a walk-through of the scene with the victim and identify any items of possible evidentiary value, e.g. items touched by the suspect, bed sheets, weapons, etc..
 - 1.6.1 Prior to collection, these items will be photographed as found.
 - 1.6.2 It is important that evidence of a sexual assault be collected within 96 hours after the assault, or as soon as reasonably possible if circumstances exist that prevent immediate collection.
- 1.7 The officer will take photographs of the victim and any apparent injuries.
- 1.8 When an adult victim makes the decision to be examined by a physician/nurse, then the victim will be directed or transported to the hospital of their choice.
- 1.9 Prior to transport, the adult victim will be advised that their clothing may be collected as evidence and she or he should bring a complete change of clothing.

1.10 Officers responding to a sexual assault will notify a supervisor. If a crime scene exists, it will be secured as per Policy Directive 30-13, *Criminal Investigations*.

2 Juvenile Victims of Sexual Assault

- 2.1 The initial responding officer will conduct a preliminary interview with the juvenile victim, if they are 13 years of age or older, to establish the facts of the reported crime and determine the venue of jurisdiction. The interview will be conducted in a private area out of hearing distance from friends, family and potential witnesses.
- 2.1.1 If the victim is less than 13 years of age, the officer will not interview the victim unless the victim is the reporting party. If the reporting party is an adult that the victim has disclosed the sexual assault to, the officer will obtain the information from that adult. This information should be gathered outside of the presence of the juvenile victim, friends, family, or potential witnesses.
- 2.1.2 If the victim is less than 13 years of age and already admitted to the Arkansas Children's Hospital, the initial responding officer will not conduct an interview of the victim.
- 2.2 When circumstances dictate, guardians of juvenile victims of sexual assault under 16 years of age should be directed to Arkansas Children's Hospital.
- 2.2.1 If a guardian of the juvenile victim is not present and cannot be contacted, a police officer may take the juvenile into protective custody as per *A.C.A. 12-18-1001*, and may have the victim transported to the Arkansas Children's Hospital.
- 2.3 Officers initially responding directly to Arkansas Children's Hospital will make contact with the adult person reporting the crime or the social worker in a private area out of hearing distance of the juvenile victim and the incident report will be completed based on that statement.
- 2.4 Officers will ensure that the child abuse hot line has been contacted and that a report has been filed when the victim is less than 18 years of age.

3 Involuntary or Non-Consent

- 3.1 An adult victim presented for medical treatment will make the decision of whether or not the incident will be reported to a law enforcement agency. (*A.C.A. 12-12-402*)
- 3.2 Evidence will be collected only with the permission of the adult victim.
- 3.3 Permission will not be required when the victim is unconscious, mentally incapable of consent, or intoxicated.
- 3.4 Any victim under 18 years of age will be examined and treated, and any injuries requiring medical attention will be treated in the standard manner. (*A.C.A. 12-12-402*).

4 Special Circumstances-Drug Facilitated Sexual Assault

- 4.1 If the officer suspects, or the victim states, that a drug or alcohol was administered which caused mental incapacitation of the victim, a urine specimen will be necessary to complete a thorough investigation. The responding officer should request that hospital staff collect a urine sample in addition to completing the sexual assault examination.
- 4.2 Officers must request that the urine sample be packaged separately from the rape kit and stored/refrigerated as soon as possible.

5 Collection and Handling of Evidence/Sexual Assault Kit

- 5.1 The reporting officer will request the medical personnel conduct a sexual assault examination on the victim, and that medical personnel collected a urine sample if circumstances warrant.
- 5.2 When the examination has been completed, the officer will take custody of the evidence.
- 5.3 The officer will transport the evidence to the North Little Rock Police Department and turn it over to the property officer. If it is after property room hours, the officer will secure the rape kit, as well as urine, in the after-hours refrigerator.
- 5.3.1 The officer will complete a property receipt for the evidence.
- 5.4 In the event the sexual assault examination takes longer than 30 minutes, the officer may leave the hospital after advising the attending physician/nurse to contact the North Little Rock Police Department upon completion of the examination and the collection of evidence.
- 5.5 If the initial officer is unable to return to the hospital and take custody of the evidence, an on-duty patrol supervisor will direct another patrol officer to pick up the evidence and transport it to the North Little Rock Police Department Property Room.

6 Documentation

- 6.1 The initial responding officer will be responsible for writing the original incident report.
- 6.2 The officer taking custody of the sexual assault evidence will do the following:
 - 6.2.1 Mark the evidence package with the officer's first initial, last name, and the date/time it was received. Also, from whom it was received.
 - 6.2.2 Always record the incident report number on the packaged evidence.
- 6.3 Officers involved in transporting the victim of the sexual assault, or in the transportation of the sexual assault examination will complete the following tasks:
 - 6.3.1 Complete supplemental reports indicating the following information:
 - 6.3.1.1 Identity of the victim and the suspect, if known;
 - 6.3.1.2 Note the date and time the victim was transported;
 - 6.3.1.3 The name of the hospital where the victim was transported;
 - 6.3.1.4 The name of the attending nurse/physician;
 - 6.3.1.5 The time the evidence was collected and from whom it was collected; and
 - 6.3.1.6 Any other information about the transportation and delivery of the evidence to the North Little Rock Police Department Property Room for storage and safekeeping.

7 Patrol Supervisor's Responsibilities

- 7.1 It is the on-duty patrol supervisor's responsibility to ensure the proper collection, marking, transportation and storage of the sexual assault evidence once it has been obtained from the attending physician.
- 7.2 It will be the responsibility of the Patrol Division Commander to ensure the procedures and guidelines in this policy are adhered to and carried out in order to provide for a strict accounting of the sexual assault evidence so the chain of custody is properly documented and to ensure that it is not interrupted.
- 7.3 During normal business hours, an Investigations Division supervisor will be notified of any sexual assault incident.
- 7.4 Outside of normal business hours, Patrol Division supervisors will evaluate each reported sexual assault incident and assess the need for a response from the Investigations Division.
- 7.5 Factors to consider prior to contacting the on-call Investigations Division sergeant:
 - 7.5.1 Where the sexual assault occurred;
 - 7.5.2 Time and date of the sexual assault;
 - 7.5.3 Relationship between the victim and suspect;
 - 7.5.4 Age of the victim;
 - 7.5.5 If the alleged offender is present or resides in the home with the victim; and
 - 7.5.6 Medical needs of the victim.
- 7.6 Factors that would require contacting a supervisor in the Investigations Division:
 - 7.6.1 Evidence exists that is beyond the capabilities of patrol to recover;
 - 7.6.2 Sexual assault just occurred;
 - 7.6.3 The suspect is in custody; and
 - 7.6.4 The nature of the offense i.e. kidnapping, cases involving extreme violence.