

## COLLECTION AND PRESERVATION OF EVIDENCE

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### SEXUAL ASSAULT OFFENSES PRELIMINARY INVESTIGATIONS

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**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:

#### Definitions:

**A.C.A. 16-90-1104:** "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 a good cause."

**A.C.A. 12-12-402:** Any adult victim presented for medical treatment will decide whether they will report the incident to a law enforcement agency. **(D)** An officer will collect evidence 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:** The safekeeping 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. An officer will interview in a private area out of hearing distance from friends, family, or potential witnesses.
- 1.2 An adult victim of a sexual assault will decide whether to report the incident 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 a home address, phone number, date of birth, or employment information will be listed.
- 1.4 The reporting officer will relay any viable suspect information (i.e., suspect description, last known location) and forward it 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; 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 possible evidentiary value items. Evidentiary items can include objects touched by the suspect, bedsheets, weapons, etc.

- 1.6.1 Before collection, these items will be photographed as found.
- 1.6.2 It is essential that evidence of a sexual assault be collected within ninety-six (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 decides to be examined by a physician/nurse, the victim will be directed or transported to their chosen hospital.
- 1.9 Before transport, the adult victim will be advised 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 thirteen (13) years of age or older, to establish the facts of the reported crime and determine the venue of jurisdiction. The officer will interview in a private area out of hearing distance from friends, family, and potential witnesses.
  - 2.1.1 If the victim is less than thirteen (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, the officer will obtain the adult's information. The officer should gather this information outside of the presence of the juvenile victim, friends, family, or potential witnesses.
  - 2.1.2 If the victim is less than thirteen (13) years of age and already admitted to the Arkansas Children's Hospital, the initial responding officer will not interview the victim.
- 2.2 When circumstances dictate, officers should direct Guardians of juvenile victims of sexual assault under sixteen (16) years of age to Arkansas Children's Hospital.
  - 2.2.1 If a juvenile victim's guardian 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 contact the adult person reporting the crime or the social worker in a private area out of the juvenile victim's hearing distance. The officer will complete the incident report based on their statement.
- 2.4 Officers will ensure the Arkansas Child Abuse Hotline has been contacted and a report has been filed when the victim is less than eighteen (18) years of age.

## **3. Involuntary or Non-Consent**

- 3.1 An adult victim presented for medical treatment will decide whether or not the incident is reported to a law enforcement agency. (A.C.A 12-12-402)
- 3.2 An officer will collect evidence 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 eighteen (18) years of age will be examined and treated; medical staff will treat any injuries requiring medical attention in the usual manner. (A.C.A 12-12-402)

## **4. Special Circumstances Drug Facilitated Sexual Assault**

- 4.1 If the officer suspects or the victim states a drug or alcohol was administered, which caused the victim's mental incapacitation, 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 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. After property room hours, the officer will secure the rape kit in an after-hours locker and urine in the after-hours refrigerator.
  - 5.3.1 The officer will complete a property receipt for the evidence.

- 5.4 If 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 completing the examination and collecting 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, whom the officer received it from, and the date/time 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 officer collected the evidence 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 obtained from the attending physician.
- 7.2 It will be the Patrol Division Commander's responsibility to ensure the procedures and guidelines in this policy are adhered to and carried out to provide a strict accounting of the sexual assault evidence. The chain of custody is appropriately documented and to ensure that it is not interrupted.
- 7.3 During regular business hours, a patrol supervisor will notify an Investigations Division supervisor of any sexual assault incident.
- 7.4 Outside of regular 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 before 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 medical needs of the victim.
- 7.6 Factors that would require contacting a supervisor in the Investigations Division:
  - 7.6.1 Evidence exist that is beyond the capabilities of a patrol officer 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.