

## OFFICE OF OPERATIONS

OPERATIONS ORDER NO. 4

September 13, 2012

**SUBJECT:** PROCEDURE TO UNFOUNDED SEXUAL ASSAULT INVESTIGATIONS

**PURPOSE:** Detective Bureau has established a review process for all sexual assault Follow-up Reports, Form 03.14.00, resulting in a case status of "Report Unfounded" (Unfounded). This review process will ensure strict adherence to the Detective Operations Manual (DOM) and the Federal Bureau of Investigation (FBI) Uniform Crime Reporting Handbook for unfounded cases. This Order will ensure that cases are classified properly and establish codified guidelines for sexual assault cases.

**BACKGROUND:** The appropriate classification of a sexual assault case can strengthen the public's confidence in the judicial system while limiting additional impact on the victims. Properly classifying these cases will reduce the victim's fear of reporting sexual assault crimes in the future.

To ensure that sexual assault cases are appropriately classified, these cases should not be Unfounded based on the following:

- \* Delayed reporting of the sexual assault;
- \* A relationship between the victim and the suspect;
- \* The victim providing inconsistent or untrue facts;
- \* The victim recalling additional facts;
- \* The victim being vague about details of the assault;
- \* The victim could not be located or was unavailable;
- \* Lack of visible physical injury; or,
- \* Lack of medical findings from the sexual assault examination.

Investigators should conduct a thorough investigation and determine that the allegations are unequivocally false before classifying a case as Unfounded.

Unfounding a sexual assault case should not be used as an alternative to closing or otherwise clearing a case. Consideration should be given for the most appropriate case status, by following guidelines in the DOM and the FBI Uniform Crime Reporting Handbook, coupled with the overall investigation. For example, a juvenile recants an allegation of "Rape" but admits to "consenting" sexual acts with the adult suspect. The most appropriate action is to reclassify the "Rape" to the crime of "Unlawful Sexual Acts with a Minor," and then investigate that particular crime.

**Definitions:**

**Unfounded** - An unfounded report is a complaint which is determined through the investigative process to be either false or without basis. This is in addition to an occasion where a report was taken and is later determined to have occurred outside of the City, or has been reported on multiple occasions.

**False** - False allegations are those known to be unequivocally false in their entirety. This term should **not** be used interchangeably with unfounded reports. Merely providing false information or a false statement does not mean that the entire investigation should be classified as Unfounded. For example, a kidnap/rape victim originally reported that she was forced into a vehicle, but later changed her statement, or the investigation later revealed that she entered the vehicle willingly. The false statement of how she entered the vehicle does not mean the sexual assault did not occur.

Confronting a victim suspected of making a false report may be problematic. If the investigator's doubts are incorrect, this may destroy the relationship between the victim and the confronting interviewer. During these situations, consideration should be given to using a second investigator or supervisor when confronting the victim. Utilizing this process will ensure that the lead investigator maintains a non-judgmental, supportive, and sympathetic relationship in the eyes of the victim.

The Sexual Assaults - Investigation Checklist has been attached to this Order to assist investigators in completing a sexual assault investigation and to document a thorough investigation for a "Report Unfounded" case status. Additionally, the Sexual Assault Investigative Report Aid has been attached to this Order to assist first responders in conducting initial sexual assault investigations.

**PROCEDURE:**

- I. **OFFICER'S RESPONSIBILITY.** Officers shall refer to the Sexual Assault Investigative Report Aid for guidance when conducting initial sexual assault investigations.
- II. **DETECTIVE DIVISION'S RESPONSIBILITIES.** The Sexual Assaults - Investigation Checklist is not required for all sexual assault investigations. However, investigators unbounding sexual assault cases shall complete and submit the Sexual Assaults - Investigation Checklist, along with

a Form 03.14.00, and forward them through the review cycle. Upon the signed approval of the Form 03.14.00 (establishing the case status of a sexual assault as "Report Unfounded"), the Major Assault Crime (MAC) Coordinator, or assigned supervisor providing oversight for sexual assault crime investigators, shall ensure that the geographic detective commanding officer (CO) and the Area CO signature blocks are placed on the last page of the Form 03.14.00.

**Note:** The MAC Coordinator or assigned supervisor shall enter the case status as "Report Unfounded" for the sexual assault investigation on the Detective Case Tracking System, or on the Detective Activities Summary, Form 01.62.00, upon receiving final approval from the geographic detective CO.

**III. GEOGRAPHIC DETECTIVE COMMANDING OFFICER'S RESPONSIBILITIES.**

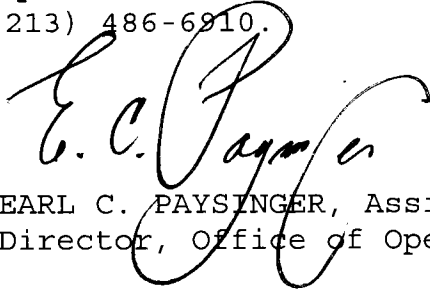
The concerned geographic detective CO shall review the Form 03.14.00, for the unfounded sexual assault case contained in the Form 03.14.00, in order to ensure that it properly meets the DOM and the FBI Uniform Crime Reporting Handbook reporting criterion. If it does, the geographic detective CO shall sign his or her name on the approval block of the Form 03.14.00, and forward it to the Area CO for review and concurrence. If the Area CO concurs and signs the Form 03.14.00, the geographic detective CO shall forward a copy of the Form 03.14.00, and related supporting documents to their bureau CO for review and concurrence.

**IV. AREA COMMANDING OFFICER'S RESPONSIBILITY.** Area COs in concurrence with the Form 03.14.00, shall sign his/her name on the approval block of the Form 03.14.00, and return the Form 03.14.00, to the geographic detective CO.

**V. BUREAU COMMANDING OFFICER'S RESPONSIBILITY.** Bureau COs shall review the signed Form 03.14.00, and related documents for concurrence and return the Form 03.14.00, to the geographic detective CO.

**FORM AVAILABILITY:** The Sexual Assaults - Investigation Checklist and the Sexual Assault Investigative Report Aid are attached to this Order for immediate use and distribution. These forms are also available in LAPD E-Forms, on the Department's Local Area Network.

Any questions regarding this Order should be directed to the  
Special Assault Section, Robbery-Homicide Division, at  
(213) 486-6910.

A handwritten signature in black ink, appearing to read "E. C. Paysinger". The signature is written in a cursive, flowing style with a large initial "E".

EARL C. PAYSINGER, Assistant Chief  
Director, Office of Operations

Attachments

DISTRIBUTION "D"

## SEXUAL ASSAULTS – INVESTIGATION CHECKLIST

The Sexual Assaults – Investigation Checklist provides a guideline for investigators regarding the thorough investigation of sexual assault cases. This checklist shall be used when classifying any sexual assault case as "Report Unfounded." A check mark (✓) shall be placed next to each item indicating a completed task. The Comments/Planned Investigative Steps column, next to each item shall contain an explanation regarding why an investigative step was **not** completed [e.g., "Victim declined examination for the request analysis of a Sexual Assault Evidence Kit (SAEK)."] or is still pending (e.g., "911 tapes requested on 4-16-12."), or a brief synopsis of the information provided in the Follow-up Report, Form 03.14.00, supporting the "Report Unfounded" case status.

(✓)	Item	Comments/Planned Investigative Steps
	<b>Chronological Record</b>	
	<b>Read all connected reports:</b> Crime Report Property Report Forensic Medical Report	
	<b>Reviewed photos of the:</b> Crime Scene Victim Are additional photos needed? (Bruising is often more evident at a later time)	
	<b>Read the incident history printout:</b> For witnesses, other calls, etc.	
	<b>Reviewed the victim's interview by the Sexual Assault Response Team.</b>	
	<b>Requested analysis of the SAEK.</b>	
	<b>Other DNA exemplar needed?</b> (Of victim or consensual partner)	
	<b>Evaluated evidence booked for:</b> Trace Evidence Analysis Toxicology Analysis Latent Prints Analysis	
	<b>Requested and listened to 911 recordings</b>	
	<b>Interviews:</b> Victim Fresh Complaint Witness Other Witnesses	

**SEXUAL ASSAULTS – INVESTIGATION CHECKLIST**

(✓)	Item	Comments/Planned Investigative Steps
	<b>Involved Parties Identification:</b> Verify that all victims, witnesses and suspects are fully identified on the Form 03.14.00 (Name, date of birth, address, phone, email, or contact info.)	
	<b>Canvassed the crime scene area for:</b> Additional witnesses Additional evidence Surveillance video(s)	
	<b>Solvability Factors:</b> Can the suspect be identified? Can a vehicle be identified? Is there a witness to the crime? Is there significant physical evidence? Is there a likelihood of solving the crime?	
	<b>Composite Drawing</b>	
	<b>Issued a crime alert</b>	
	<b>Computer Runs</b> <b>Local</b> (Raps, prior reports, LAPD databases, etc.) <b>State</b> (Raps, DMV) <b>Federal</b> (Raps, other States)	
	<b>Search or Ramey Warrant</b>	
	<b>Interview of the Suspect</b> Document the interview recording numbers and the location it is stored.	
	<b>Polygraph of the Suspect</b>	
	<b>Suspected False Allegation:</b> Regarding the act Regarding the suspect Regarding the circumstances	
	<b>Evidence to Support the Case False or Baseless:</b> Admission by the victim Witnesses statements Other evidence (physical, non-testimonial, demonstrative)	

**NOTIFICATIONS:** This portion is completed by the investigator **after** the bureau commanding officer concurs with the "Report Unfounded" case status.

Sexual Assault Evidence Kit Coordinator: Name/Serial No.: \_\_\_\_\_ Date: \_\_\_\_\_

Scientific Investigation Division: Name/Serial No.: \_\_\_\_\_ Date: \_\_\_\_\_

Property Disposition/Update Request, Form 10.06.00, completed by: Name/Serial No.: \_\_\_\_\_ Date: \_\_\_\_\_

# Sexual Assault Investigative Report Aid

## FORENSIC MEDICAL REPORT

- Attach the Forensic Medical Report to the Investigative Report (IR), Form 03.01.00. Place the DR No. and Page Nos. on the upper right corner of all pages. Do **not** redact the Forensic Medical Report.
- Review the Forensic Medical Report: Are the acts contained in the Forensic Medical Report consistent with the acts that the victim disclosed to the officers? Discuss conflicts with the examining nurse, and clarify the details with the victim.
- Verify that a Deoxyribonucleic Acid (DNA) sample or specimen was obtained from the victim and is contained within the Sexual Assault Evidence Kit (SAEK).
- Fully identify the Sexual Assault Response Team (SART) nurse in the Investigative Report: Name, contact information, date of birth, identifiers (e.g., California Driver's License, Professional Identification No. and type).
- Identify the advocate (Professional Rape Counselor at the hospital): Name, identifiers, contact information (e.g. address and business phone number).
- Identify the support person (Non-professional person with the victim at the hospital or during interviews, such as friend, family, co-worker etc.): Name, identifiers, contact information including cell phone, business phone, and email.
- Was there consensual sex within five days of the assault?

## VICTIM INFORMATION

- Fully identify and include the victim's addresses: Home, business, school (include the name of school). List all contact numbers for the victim (home, cell phone, business phone).
- List a contact person where the victim will be staying, if the victim does not have a permanent address. Include all identifiers and contact information as listed above.
- Indicate the victim's preferred way of communication with detectives. Include options such as the victim's email account or social networking information (e.g., Facebook or other contemporary means of social networking).
- If the victim is a juvenile, include the juvenile's parent/guardian information including the parents' alternative contact numbers (cell phone, email, etc.).
- If dealing with a juvenile or dependent adult, does the juvenile or dependent adult have a social worker? Document the contact information for any social worker.
- If there was consensual sex within five days of the assault, identify the consensual partner in the report and list identifiers (name, addresses, telephone numbers, and email). Is the consensual partner available during the preliminary investigation (i.e., spouse, boyfriend present at the hospital)? If so, immediately obtain a DNA sample for booking with the SAEK.

## FRESH COMPLAINT WITNESS (FCW)

- The FCW is the first person who the victim disclosed to and had contact with after the assault.
- Fully identify the FCW and include statements along with the FCW contact information (e.g., home, business, telephone number, and email).

## AUDIO RECORDINGS

- Was there any audio recording taken by the SART nurse or police officer of the victim or any witness statements? If so, where is the audio recording?

## RELATIONSHIPS OF THE VICTIM TO THE SUSPECT AND WITNESS

- Document the relationship between the suspect and the victim (See Modus Operandi codes). What is the relationship between the victim and the FCW, or the victim and other witness?

## TITLE OF THE INVESTIGATIVE REPORT, Form 03.01.00

- If you have corpus of a crime, title the report with the appropriate crime e.g., ADW (Assault with a Deadly Weapon).
- If you lack all elements for a sexual assault crime or other type of crime, contact the appropriate divisional sexual assault detective supervisor, the PM watch detective, or the watch commander for advice, prior to titling any report as "Undetermined Sexual Assault."