



TRAINING BULLETIN

Los Angeles Police Department

William J. Bratton, Chief of Police

Volume XXXV, Issue 13

July 2003

PRELIMINARY INVESTIGATION OF SEXUAL ASSAULT CRIMES - PART I THE INTERVIEW AND CRIME REPORT

Sexual assaults are some of the most offensive crimes committed in our society. The nature of the trauma these victims sustain makes it critical that officers conducting the preliminary investigation possess the knowledge and skills required to sensitively and effectively respond to the victim. The purpose of this Training Bulletin is to provide information that will assist officers in successfully conducting the initial interview and completing the crime report.

FIRST RESPONDER RESPONSIBILITIES

The first officers to have contact with a sexual assault victim should:

- Assure the victim's safety
- Assess the need for emergency medical care
- Determine whether an immediate crime broadcast is indicated
- Briefly explain procedures, legal rights, and options to the victim
- Protect evidence on the victim's body and clothing
- Preserve the crime scene
- Identify any witnesses
- Have victim transported for a medical/forensic examination and evidence collection

Need for Emergency Medical Care

Victims of sexual assault shall be transported to an appropriate hospital for medical care and the collection of evidence as soon as possible after the crime (4/210.35). Certain conditions are "high risk" and indicate the need for immediate transport to an emergency medical setting, including serious physical injuries and/or signs of strangulation, loss of consciousness, or suspected drugging.

Locating Witnesses

Attempt to locate any witnesses as soon as possible, especially the "fresh complaint" witness. This is the first person the victim talked to about the incident. Also, try to locate the first person that saw the victim after the assault. This person may provide details about the victim's appearance and emotional state immediately after the attack. Include any additional facts about the assailant in a supplemental crime broadcast.

Any persons or witnesses located at the scene of the crime should immediately be separated, identified and interviewed before they leave the scene. If an individual must leave before being interviewed, obtain information on where and how the individual can be contacted.

THE RIGHTS OF SEXUAL ASSAULT VICTIMS

Sexual assault victims have certain legal rights. Law enforcement officers are required to inform sexual assault victims of the following:

- The right to have an advocate and an additional support person of the victim's choice, present during the police interview (4/210.36). If certain information is needed at the crime scene to initiate a crime broadcast, the preliminary interview may be conducted without a victim advocate present. The support person may be excluded from an interview by law enforcement if it has been determined that the presence of that individual would be detrimental to the purpose of the interview. Sexual assault counselors/advocates are trained to provide emotional support, information, and accompaniment for victims.
- The right to protect their name from public disclosure and to confidentiality on the crime report (3/413.10). Whether or not the victim exercises the right to confidentiality, the Request for Confidentiality of Information Form 3.02 (English) and Form 3.02.01 (Spanish), shall be completed for all victims of sexual assault offenses. This form is also used to document that the victim was provided a Domestic Violence/Victim Information and Notification Everyday Pamphlet (DVV), informed of the right to have an advocate and/or a support person of their choosing present and the right to be interviewed by an officer of the same gender.
- The right to have a free medical examination to gather evidence.

Department policy also gives sexual assault victims the option of being interviewed by an officer of the same gender (4/210.37). When an officer of the same gender is requested, the assigned officers are **not** relieved of their responsibility for completing the investigation. All officers involved are jointly responsible for the completion of a thorough preliminary investigation. The victim should be asked if the assigned officers may sit in on the interview in order to testify later to the events related by the victim.

All sexual assault victims shall be given a "TAKING ACTION" booklet at the time of the preliminary investigation (4/210.39).

VICTIM MANAGEMENT

An understanding of common victim reactions after a traumatic experience helps guide the victim interview. A victim of sexual assault may be in shock and appear outwardly calm, or express an entire range of emotions from anger to deep sorrow. Most victims experience fear, shame, and feelings of powerlessness during a sexual assault. Afterwards, these feelings continue to affect their behavior. It is important to keep in mind that, although this may seem like a routine investigation, the incident being investigated has been a traumatic, degrading, and life-changing event for the victim.

Interviewing the Victim

The interview should be conducted in a setting that provides privacy for the victim. Interruptions and distractions should be minimized. The victim should be informed about the option of having an advocate, and another support person of the victim's choice, present during the interview.

In sexual assault crimes, the victim is the primary and frequently the only witness. The attitude and conduct of the officer during the interview is key to gaining the victim's trust and cooperation. Quality interviews require developing a rapport between the victim and the interviewer. Begin by introducing yourself by name and title. Acknowledge that the victim has been through a traumatic experience. Make the victim as comfortable as possible by:

- Sitting at eye level
- Explaining the purpose of the interview
- Describing how the information requested will aid the investigation
- Clarifying the need for detailed information about the crime and the reasons for asking what may seem like sensitive questions

Ask the victim to relate what happened in his or her own words. Do not interrupt to fill in details. Wait until the victim completes the narrative and then ask for additional information you need. Questioning should be directed toward gathering information about the following topics:

- Location of the crime
- Elements of the crime (e.g., sexual acts committed)
- Threats the suspect made
- Tools, weapons, or other objects the suspect used
- Behavior and appearance of the suspect (e.g., birthmarks, tattoos, scars)
- Statements made by the suspect; actual words used
- Items the suspect touched
- Injuries sustained by the victim or suspect during the crime
- Whether the suspect ejaculated and, if so, where
- Whether the suspect wore a condom and, if so, where was it disposed of

Pretext Telephone Call

When investigating an acquaintance rape, and when the suspect is no longer at the scene, consult with the appropriate detective before making any arrest. In many of these cases, one of the most effective ways to prove the victim's allegations may be for the detective to utilize an investigative tool known as a "pretext telephone call." This is a telephone call placed by the victim to the suspect in which the conversation is recorded with the intent of gaining an admission to the crime by the suspect. Since the arrest of the suspect eliminates the possibility of employing this investigative tool, the officers involved in the initial investigation should only make an arrest at the direction of a detective, or if other exigent circumstances are present.

COMPLETING THE REPORT

Effectively documenting a sexual assault requires patience and attention to detail. Criminals are creatures of habit and information about their patterns of behavior can assist in their apprehension. The more detailed the description of the suspect's actions, the more likely a successful prosecution. What the suspect said and did should be documented **exactly**. Use quotes whenever possible.

For confidentiality, document the victim's first name and last initial **only** in the Victim Information section of the Preliminary Investigation Report (PIR), Form 3.01. Exclude all other personal information on the PIR or Arrest Report, Form 5.2. In the narrative of the PIR, refer to the victim by first name and last initial.

Be specific when describing the physical and emotional condition of the victim in the report. For example, indicate that the victim was tearful and trembling, rather than using the word "upset." Or, indicate that the victim's shirt was torn and a shoe was missing, rather than stating the victim was "disheveled."

Statements from the victim must be documented exactly as the victim related them. Have the victim read the report carefully to be sure it is accurate.

Take time to review the medical report following the medical examination of the victim and prior to leaving the medical facility. Compare the information documented by the medical personnel (e.g. sexual acts committed, weapons used, etc.), with the facts contained in the PIR or Arrest Report. Be sure to clarify any discrepancies.

Attach the victim and/or suspect medical reports, Forensic Medical Report Sexual Assault Examination, Office of Criminal Justice Planning (OCJP), Forms 923, 925 or 950, to the PIR or the Arrest Report. These documents become pages of the Department's report and are numbered accordingly. The victim's information such as name, address, phone number, or physical descriptors, does not need to be deleted from the attached documents including the medical report.

If a sexual assault victim counselor/advocate is present during the investigation, ensure that the victim advocate's name, address, and phone number are documented in the report as well as on the PIR. Victim advocates may be called as witnesses to later testify in court.

It is very important to get accurate information about how and where to contact the victim. Victims of sexual assaults will often stay with family or friends for a time after the assault. Ask the victim to notify the assigned detectives if there is a change of address or telephone numbers.

PREPARE THE VICTIM FOR THE AFTERMATH

Victims should be informed about what to expect in the aftermath of the crime to help them prepare. The officer who conducts the initial interview should provide information about some of the possible aftereffects of sexual assault trauma and follow-up law enforcement procedures.

Victims typically experience emotional distress following a sexual assault. Preoccupation with the assault, difficulty concentrating on usual activities (school, work), depression, fears about safety, and physical symptoms (e.g., headaches, stomach aches) are common reactions. Encourage victims to utilize community resources to deal with these reactions and concerns. Inform the victim that follow-up medical and psychological care is available through a variety of professional and community resources. A listing of these services is included in the "Taking Action" booklet and the DVV pamphlet that are provided to victims at the time of the preliminary investigation.

Victims often have concerns about their role in the investigation and in subsequent legal proceedings. Explain procedures for follow-up interviews or other steps in the investigation. Provide contact information and phone numbers the victim can use to obtain information about the follow-up investigation.