

DALTON POLICE DEPARTMENT

	<i>Effective Date</i> October 24, 2000	<i>Number</i> GO00-7.6
<i>Subject</i> Sexual Assault		
<i>Reference</i> S.A.N.E. Protocol		<i>Revised</i> July 24, 2018 28, 2020
<i>Distribution</i> All Personnel	<i>Re-evaluation Date</i> July 2020 2022	<i>No. Pages</i> 6

I. Policy

It is the policy of the Dalton Police Department that personnel follow the guidelines and procedures set forth in this directive ~~for response procedures for rape and sexual abuse calls or (Sex Crimes)~~ when responding to reports of sex crimes, such as rape or sexual abuse.

II. Procedure

A. First Responding Officer

1. Upon arrival at the scene, check the victim for injuries that require immediate medical attention. If necessary, have Whitfield County 911 notify EMS to respond.
2. Attempt to obtain the following information from the victim:
 - a. Physical description of the suspect(s), including clothing and vehicle, if any
 - b. The suspect(s)'s entry point to and exit point ~~to and~~ from the crime location
 - c. The mode of travel of the suspect(s)
3. Notify other ~~Dalton Police Department units~~ responding Officers and Whitfield County 911 of the suspect description, including the vehicle description, if applicable.
4. Instruct the victim not to smoke, eat or drink, bathe in any way, brush teeth, or change clothing and to refrain from using the restroom, if possible, until a ~~sexual assault evidence collection kit~~ forensic medical examination by a Sexual Abuse Nurse Examiner (S.A.N.E.) can be ~~obtained~~ performed.
5. Do not ask in-depth questions about details of the crime. Ask only those questions necessary to establish that a rape or sexual offense has occurred

RESTRICTED LAW ENFORCEMENT DATA

The data contained in this manual is confidential for internal department use only and shall not be divulged outside the department without the written approval of the Chief of Police.

within ~~our~~ the Department's jurisdiction and basic information for the initial incident report.

B. Investigator

~~1. On-scene investigation~~

- ~~1.a.~~ Conduct a brief interview at the scene to verify information previously relayed to the ~~uniformed~~ initial Officer(s). If possible, conduct a walk-through of the crime scene to determine relevant locations associated with the incident. Attempt to establish:
 - ~~a.(1)~~ How and where the suspect(s) entered and left the crime location
 - ~~b.(2)~~ Known surfaces touched by the suspect(s)
 - ~~c.(3)~~ Whether the suspect(s) discarded any items at the scene or deposited body fluids / trace evidence there
- ~~2.b.~~ If witnesses are located, interview them as soon as time permits. It may be necessary for the ~~uniformed~~ initial responding Officer(s) to take initial statements. If applicable, all efforts should be made to interview the witness to whom the victim initially disclosed the crime in order to ascertain the substance of the disclosure and the circumstances surrounding the disclosure.
- ~~3.c.~~ As soon as possible, collect all evidence from the scene, such as ~~/victim clothing~~ bedspreads, sheets, and swabs, ~~etc.~~, and the victim's clothing. Ensure that the proper chain of custody is maintained for all evidence.
4. Take pictures of the crime scene / victim.
- ~~5.d.~~ Interview and obtain a statement from the victim. For adult victims, this may be done at the scene, at the hospital, or the Criminal Investigations Division (CID), or at a combination of these locations. The preference would be to do the interview ~~at the criminal investigations division in a CID interview room~~ in effort to protect the victim from any public display. The interview should be conducted with sensitivity because of the emotional distress which that usually accompanies this type of crime.
- ~~6.e.~~ Information that should be obtained through the formal interview:
 - ~~a.(1)~~ Date and time of the attack / assault
 - ~~b.(2)~~ Events leading up to the offense. Where had the victim been? Who had the victim been with? How did the victim get to the scene?
 - ~~c.(3)~~ Chronological sequence of events (narration) of the attack
 - ~~d.(4)~~ Did a sexual act occur? (Penetration, ejaculation, touching, fondling, etc.)

RESTRICTED LAW ENFORCEMENT DATA

The data contained in this manual is confidential for internal department use only and shall not be divulged outside the department without the written approval of the Chief of Police.

- e.~~(5)~~ Was ~~there use of~~ force **used** or a threat of force involved (express or implied)? Was a weapon used or shown? If so, describe and recover, if possible. Search **the** vicinity and areas under **the** victim's control. Consider **a** search warrant if **the** suspect is still in possession of **the** weapon.
- f.~~(6)~~ Did **the** victim submit because of fear?
- g.~~(7)~~ Did the victim resist? If so, describe what the victim did and what the suspect did. Look for, photograph, and document any evidence of resistance, i.e. injuries to the victim and damage at the crime scene consistent with **the** described resistance.
- h.~~(8)~~ Was consent involved at any time? Was there agreement and then a change of mind by the victim? Child victims under the age of sixteen (16) cannot legally consent to sexual acts. If the child is under the age of sixteen (16), determine if the act was volitional on the part of the victim or if there was force, persuasion, relationships, intimidation, or threats used to effectuate the act or to obtain acquiescence of the child.
- i.~~(9)~~ **Gather** a complete description of the suspect:
- (1~~a~~) Physical appearance (including disabilities)
 - (2~~b~~) Clothing description
 - (3~~c~~) Speech
 - (a)~~1~~. Any particular mannerisms (accent, slurred speech, etc.)
 - (b)~~2~~. Use of phrases
 - (c)~~3~~. Anything the victim remembers the suspect saying regarding the encounter. Include statements made by the suspect immediately preceding, during, and after the event
 - (4~~d~~) Mannerisms
 - (5~~e~~) Was the suspect under the influence of alcohol or any drugs? If so, describe.
 - (6~~f~~) Was the victim acquainted with the suspect?
 - (7~~g~~) What did the victim say to the suspect during their encounter?
- j.~~(10)~~ If there was any delay in reporting the assault, give **the** reason for the delay.

RESTRICTED LAW ENFORCEMENT DATA

The data contained in this manual is confidential for internal department use only and shall not be divulged outside the department without the written approval of the Chief of Police.

- k.(i) Who, besides the ~~police~~ Officer(s), has the victim discussed the attack with?
 - l.(j) List any medical, physical, or mental problems of the victim. Any physical disabilities?
 - m.(k) Method of entry and exit of the suspect to and from the crime location.
 - n.(l) Do not rely on visual observations alone. Document any other sensory observations made by the victim, i.e. smell, feel, etc.
- 7.f. Have the victim sign a medical release form to provide the Investigator access to medical records relating to the crime.
- 8.g. If the identity of the suspect is known, prepare and show a photo line-up to the victim and any witnesses.
- 9.h. Locate and interview the suspect as soon as possible. All interviews of the suspect ~~should~~ shall be audio and / or video recorded, when possible.
- 10.i. The District Attorney's Office ~~should~~ shall be notified promptly so they an ADA can attend the bond hearing and request other appropriate bond conditions. This can be satisfied by contacting the Victim Witness Assistance Program (VWAP) at 706-876-1322.

C. Evidence

- 1.2. The Crime Scene Investigator or other Investigator shall attempt to obtain physical evidence from the crime scene. ~~such as~~ It is important to collect the clothing worn by the suspect and victim clothing Trace evidence, such as hair samples or other evidence, that may be necessary used for future DNA comparisons. Search warrants will shall be obtained applied for in order to process the crime scene, when applicable.
- 2.a. Request a forensic medical examination be conducted by a S.A.N.E. ~~(Sexual Abuse Nurse Examiner) be involved in the examination of the victim whenever possible.~~ The victim may have to be transported to the appropriate facility to have the examination completed. During the forensic medical examination, a sexual abuse evidence collection kit shall be used by the S.A.N.E. to gather evidence. ~~There are several S.A.N.E. nurses that are trained and should be available to assist in these specialized examinations. Request hospital personnel complete a sexual abuse evidence collection kit designed to detect recover and identify any trace evidence left on the victim which may be useful for subsequent DNA comparison. Request victim's blood be drawn for any subsequent DNA evaluations, especially important when dealing with child victims (avoids a return trip to the hospital for the victim). To the extent that a medical examination is conducted and expense is incurred for the limited purpose of collecting evidence, the Georgia Crime Victims Emergency Fund shall~~

RESTRICTED LAW ENFORCEMENT DATA

The data contained in this manual is confidential for internal department use only and shall not be divulged outside the department without the written approval of the Chief of Police.

~~be responsible for the cost. The hospital and the victim should be informed.
O.C.G.A. S-16-6-1.~~

3.b. After a sexual abuse evidence collection kit has been completed and turned over to the appropriate Investigator, the kit shall be placed entered into the Property and Evidence Section ~~of the Dalton Police Department~~ with a completed GBI Crime Lab Submission form. The Property and Evidence ~~custodian~~ Technician(s) shall then ensure delivery of the sexual abuse evidence collection kit to the ~~Georgia Bureau of Investigation Division of Forensic Science~~ GBI Crime Lab within 30 days of collection, in accordance with O.C.G.A. 35-1-2.

4.e. If the Department is notified that a forensic medical examination has resulted in the collection of evidence, which is not part of a current investigation, an ~~investigator or officer becomes aware of a sexual abuse evidence collection kit being collected outside of a current investigation,~~ the Investigator shall respond to the collecting facility and take possession of the evidence collection kit within 96 hours of notification, in accordance with O.C.G.A. 35-1-2. If the victim requests for the case to be investigated by the Department, the kit shall then be handled in accordance with ~~subsection b above~~ this policy. If the victim does not wish for the case to be investigated, the kit shall be entered into the Property and Evidence Section to be stored for a minimum of twelve (12) months, in accordance with O.C.G.A. 17-5-71.

5.d. If any trace evidence, such as hair, blood, clothing, etc., is discovered on the victim, a search warrant and / or a consent to search should be obtained and the appropriate comparison items seized from the suspect. ~~i.e. hair, blood, clothing, etc.~~

~~e. Provide the victim with information and phone numbers on agencies that can provide counseling and healing from this traumatic experience.~~

6.f. Depending on the case facts of the case, a polygraph may be offered to the suspect and / or the victim as an investigative tool. ~~Be sensitive to~~ The Investigator should be mindful of the victim's feelings when proposing a voluntary polygraph.

~~D.g. Follow-up contact with the~~ Victim Assistance

1. The investigating Officer / Investigator shall advise victims that assistance is available through the ~~Victim Witness~~ VWAP through the District Attorney's Office.

2. The investigating Officer / Investigator shall contact the victim if the case is closed.

3. The investigating Officer / Investigator shall contact the victim when a warrant is filed on the case.

RESTRICTED LAW ENFORCEMENT DATA

The data contained in this manual is confidential for internal department use only and shall not be divulged outside the department without the written approval of the Chief of Police.

4. The investigating Officer / Investigator shall re-contact the victim if the warrant is not served within 90 days in order to give the victim assurance of the Police Department's continued interest in the case.
5. The investigating Officer / Investigator shall contact the victim when the suspect is arrested and let them victim know the next steps in the criminal justice process.
6. The investigating Officer / Investigator shall inform the victim of their his / her rights in accordance with the Georgia's Crime Victim's Bill of Rights (O.C.G.A. 17-17-1, et. seq.). In addition to the Crime Victim's Bill of Rights form, the Officer / Investigator shall provide the victim with contact information regarding agencies that provide counseling services for victims of sexual assault / abuse.
7. The VWAP shall and provide them victim with the Request for Notice paperwork; They victim is are entitled to be notified, and give their position if the suspect is being considered for release from custody (O.C.G.A. 17-17-7).

E.h. Juvenile Victims Procedures

1. All procedures in adult victim cases are applicable to juvenile victim cases with the following exceptions:
 - a.(1) If the parent(s) / guardian(s) of the juvenile are is available and are is not the subject(s) / suspect(s) of the investigation, they he / she must accompany the juvenile victim to the hospital for medical treatment and / or to the appropriate facility for a forensic medical examination in order to sign any releases for treatment. If the parent(s) / guardian(s) cannot be located, the Department of Family and Children Services must shall be contacted. They can to sign any necessary waivers.
 - b.(2) In all cases involving a child victim under the age of eighteen (18) years, the first responding Officer / Investigator must shall request the Whitfield County 911 Center notify the Whitfield County Department of Family and Children Services and the District Attorney's GreenHouse Child Abuse Investigator through the Whitfield County 911 dispatcher.
 - c.(3) Interviews of child victims / witnesses are conducted differently and should shall only be conducted by qualified and experienced interviewers at the GreenHouse and in accordance with the procedures set forth in the Whitfield County Child Abuse Protocol. These interviews should be videotaped by GreenHouse personnel, whenever possible. The decision on the interview procedure to be utilized in any particular case should be made jointly by the investigating officer Investigator and the District Attorney's GreenHouse Child Abuse Investigator, keeping in mind the directives, goals, and aims contained in the Whitfield County Child

RESTRICTED LAW ENFORCEMENT DATA

The data contained in this manual is confidential for internal department use only and shall not be divulged outside the department without the written approval of the Chief of Police.

Abuse Protocol. Minimization of trauma to the child and avoidance of needless multiple interviews ~~should~~ shall be of paramount concern.

- 2.(4) Notifications about juvenile victims ~~will~~ shall be done in accordance with the Whitfield County Child Abuse Protocol (see policy G098-7.3).

This policy supersedes any previous policies issued.

BY ORDER OF

CHIEF OF POLICE

RESTRICTED LAW ENFORCEMENT DATA

The data contained in this manual is confidential for internal department use only and shall not be divulged outside the department without the written approval of the Chief of Police.