

# DALTON POLICE DEPARTMENT

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<i>Subject</i> <b>Sexual Assault Investigations</b>		
<i>Reference</i> <b>S.A.N.E. Protocol</b>		<i>Revised</i> <b>July <del>28, 2020</del> 26, 2022</b>
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## I. Policy

It is the policy of the Dalton Police Department that personnel shall follow the guidelines and procedures set forth in this directive when responding to and investigating 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 the Whitfield County 911 Center notify request 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 from the crime location
  - c. The mode and direction of travel of the suspect(s)
3. Notify other responding Officers and the Whitfield County 911 Center 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 forensic medical examination by a Sexual Abuse Nurse Examiner (S.A.N.E.) can be 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 within the Department's jurisdiction and to gather basic information for the initial incident report.

### B. Investigator

1. Conduct a brief interview at the scene to verify the information previously relayed to the 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. How and where the suspect(s) entered and left the crime location
  - b. Known surfaces touched by the suspect(s)
  - c. Whether the suspect(s) discarded any items at the scene or deposited bodily fluids / trace evidence there
2. If witnesses are located, interview them as soon as time permits. It may be necessary for the 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. As soon as possible, collect all evidence from the scene, such as bedspreads, sheets, swabs, 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. Interview and obtain a statement from the victim. For adult victims, this may be done at the scene, the hospital, the ~~Criminal Investigations Division (CID)~~ interview rooms at the Police Services Center, or at a combination of these locations. The preference would be to do the interview in an ~~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 that usually accompanies this type of crime.
6. Information that should be obtained through the formal interview:
  - a. Date and time of the attack / assault
  - b. 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. Chronological sequence of events (narration) of the attack
  - d. Did a sexual act occur? (Penetration, ejaculation, touching, fondling, etc.)
  - e. Was 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.

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- f. Did the victim submit because of fear?
- g. 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. 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. Gather a complete description of the suspect:
  - (1) Physical appearance (including disabilities)
  - (2) Clothing description
  - (3) Speech
    - (a) Any particular mannerisms (accent, slurred speech, etc.)
    - (b) Use of phrases
    - (c) Anything the victim remembers the suspect saying regarding the encounter. Include statements made by the suspect immediately preceding, during, and after the event.
  - (4) Mannerisms
  - (5) Was the suspect under the influence of alcohol or any drugs? If so, describe.
  - (6) Was the victim acquainted with the suspect?
  - (7) What did the victim say to the suspect during their encounter?
- j. If there was any delay in reporting the assault, give the reason for the delay.
- k. Who, besides the Officer(s), has the victim discussed the attack with?
- l. List any medical, physical, or mental problems of the victim. Any physical disabilities?

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- m. Method of entry and exit of the suspect to and from the crime location.
- n. Do not rely on visual observations alone. Document any other sensory observations made by the victim, i.e. smell, feel, etc.

~~7. Have the victim sign a medical release form to provide the Investigator access to medical records relating to the crime.~~

~~7.8.~~ If the identity of the suspect is known, prepare and show a photo lineup, in accordance with policy GO91-7.10, Lineups and Pretrial Identifications, to the victim and any witnesses.

~~8.9.~~ Locate and interview the suspect as soon as possible. All interviews of the suspect shall be audio and / or video recorded, when possible.

~~9.10.~~ The District Attorney's Office shall be notified promptly so 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. The Crime Scene Investigator or other Investigator shall attempt to obtain physical evidence from the crime scene. It is important to collect the clothing worn by the suspect and victim. Trace evidence, such as hair samples or other evidence, may be used for future DNA comparisons. Search warrants shall be applied for in order to process the crime scene, when applicable.
2. Request a forensic medical examination be conducted by an S.A.N.E. The victim may have to be transported to the appropriate facility to have the examination completed. During the forensic medical examination, a sexual ~~abuse~~ assault evidence collection kit shall be used by the S.A.N.E. to gather evidence.
3. After a sexual ~~abuse~~ assault evidence collection kit has been completed and turned over to the appropriate Investigator, the kit shall be entered into the Property and Evidence Section with a completed GBI Crime Lab Submission form. The Investigator shall log in to the State of Georgia's Sexual Assault Kit Tracking System and make the appropriate notations that the collection kit has been received.
4. Upon receipt of the sexual assault collection kit, the Property and Evidence Technician (PET) shall log in to the Sexual Assault Kit Tracking System and make the appropriate notations that the collection kit has been received by P&E.
  - a. The PET(s) shall ~~then~~ ensure delivery of the sexual ~~abuse~~ assault evidence collection kit to the GBI Crime Lab within 30 days of collection, in accordance with O.C.G.A. 35-1-2.

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b. After delivering the sexual assault collection kit to the GBI Crime Lab, the PET shall log in to the Sexual Assault Kit Tracking System and make the appropriate notations.

5.4. 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 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.

a. If the victim requests for the case to be investigated by the Department, the kit shall then be handled in accordance with this policy.

b. 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.

c. The Investigator and the PET shall each log in to the Sexual Assault Kit Tracking System and make the appropriate notations that the collection kit has been received.

6.5. If any trace evidence, such as hair, blood, 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.

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

#### D. Victim Assistance

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

2. The investigating Officer / Investigator shall contact the victim if the ~~case is closed~~ decision is made to close the case.

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

4. The investigating Officer / Investigator shall re-contact the victim if the arrest warrant is not served within 90 days in order to give the victim assurance of the Department's continued interest in the case.

5. The investigating Officer / Investigator shall contact the victim when the suspect is arrested and let the victim know the next steps in the criminal justice process.

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6. The investigating Officer / Investigator shall inform the victim of his / her rights in accordance with 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 provide the victim with the Request for Notice paperwork; the victim is entitled to be notified if the suspect is being considered for release from custody (O.C.G.A. 17-17-7).

E. Juvenile Victims

1. All procedures in adult victim cases are applicable to juvenile victim cases with the following exceptions:
  - a. If the parent(s) / guardian(s) of the juvenile is available and is not the subject(s) / suspect(s) of the investigation, 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 shall be contacted to sign any necessary waivers.
  - b. In all cases involving a victim under the age of eighteen (18) years, the first responding Officer / Investigator shall request the Whitfield County 911 Center notify the Department of Family and Children Services.
  - c. Interviews of child victims / witnesses are conducted differently and 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.
    - (1) These interviews should be videotaped by GreenHouse personnel, whenever possible.
    - (2) The decision on the interview procedure to be utilized in any particular case should be made jointly by the Investigator and the GreenHouse Child Abuse Investigator, keeping in mind the directives, goals, and aims contained in the Whitfield County Child Abuse Protocol.
    - (3) Minimization of trauma to the child and avoidance of needless multiple interviews shall be of paramount concern.
2. Notifications about juvenile victims shall be done in accordance with the Whitfield County Child Abuse Protocol (see policy GO98-7.3).

F. **FBI's Violent Criminal Apprehension Program (VICAP) Database**

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1. The CID Operations Supervisor shall be responsible for ensuring the submission of required information to the Violent Criminal Apprehension Program database.
2. Investigations that require submission to the VICAP database, as outlined in O.C.G.A. 35-1-23, include:
  - a. Homicides or attempted homicides in which the actions of the perpetrator are known or suspected to be serial in nature or are random or sexually oriented;
  - b. Rape, aggravated sodomy, or aggravated assault with the intent to rape in which the actions of the perpetrator are known or suspected to be serial in nature or in which the assault was committed by a stranger;
  - c. A missing persons case in which the circumstances indicate a strong possibility of foul play; or
  - d. A case involving unidentified human remains from a known or suspected homicide.
3. The information required by the FBI for submission to the VICAP database includes:
  - a. The name and date of birth of the alleged perpetrator;
  - b. The specific crime being investigated;
  - c. A description of the manner in which the crime was committed, including any pattern of conduct occurring during the course of multiple crimes suspected to have been committed by the alleged perpetrator; and
  - d. Any other information required by the FBI for inclusion in the database.
4. The information submitted to the VICAP database shall be updated at least every sixty (60) days with any new developments in the investigation.

*This policy supersedes any previous policies issued.*

**BY ORDER OF**

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**CHIEF OF POLICE**

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