

CHAPTER 502 SEXUAL ASSAULT

502.010 INTRODUCTION

This chapter establishes policies and procedures for the Department's response to and investigations of sexual assault offenses and collaboration with necessary and victim service providers.

502.020 STANDARDS

This reflects the Department's zero tolerance approach to sexual violence in Nome. The Department recognizes that sexual assault is a serious offense that will not be condoned or tolerated. Due to the serious nature of the crime, the trauma inflicted on the victim by the offender, and the profound impact in our community, the Department considers these high priority cases. These standards and procedures will ensure that sexual assault cases are immediately and properly investigated.

This chapter establishes guidelines and investigative procedures to be followed when responding to incidents of sexual assault with the goal of providing a streamlined, victim-centered approach to investigations and thorough coordinated response between law enforcement, medical providers and victim service providers.

Officers play a significant role in both the victim's willingness to cooperate in the investigations and ability to cope with the emotional and psychological after effects of the crime. The Department will ensure that sexual assault cases are handled from a non-judgmental perspective so as not to communicate in any way to a victim that the victim is to blame for the crime.

502.030 SEXUAL OFFENSES

An offender commits the crime of sexual assault if the offender engages in or attempts to engage in sexual penetration or sexual contact of another person without consent or with another person who the offender knows to be mentally incapable, incapacitated or unaware that the sexual act is being committed. Alaska Statute also specifically identifies offenses committed while victims are in custody of offenders who are employees of the Department of Corrections, Department of Health and Social Services and by those who are employed by law enforcement agency. There are four degrees of sexual assault defined in AS.11.41.410-427. Please refer to those statutes.

502.040 STALKING AND SEXUAL ASSAULT PROTECTIVE ORDERS

A. Protective orders issued by the Alaska Court System. Protective orders issued by the Alaska Court System in cases of stalking or sexual assault that is **NOT** a crime involving domestic violence under AS 18.65.850-870 can take three forms:

1. Emergency Protective Order. A protective order issued on the request of a police officer with the consent of the victim of stalking or sexual assault. Emergency protective orders expire after seventy-two (72) hours unless dissolved earlier by the court. An officer can obtain an emergency protective order in person or telephonically from a Judge or Magistrate. The officer must complete a CIV-755 form provided by the court. If the order is issued telephonically, the Judge and the officer will each fill out a CIV-755. The Judge will authorize the officer to sign the Judge's name to the order. After the order has been issued the officer will serve the petitioner and the respondent, file the order with the court by the end of the next day, and see that the protective order is entered into the registry of protective orders. [Ref AS 18.65.855(b)]

2. Ex Parte Protective Order. An ex parte protective order can be requested by the victim/petitioner and issued without the respondent being notified or present at a hearing. Ex parte protective orders expire after twenty (20) days, unless earlier dissolved by a Judge. [Ref AS 18.65.850(a)]

3. Long Term Protective Order. Issued after notice to the respondent and a hearing. Provisions of the order prohibiting the respondent from threatening to commit or committing stalking or sexual assault remain in effect for six (6) months unless earlier dissolved by the court [Ref AS 18.65.850]

502.050 SEXUAL ASSAULT IN DOMESTIC VIOLENCE RELATIONSHIPS

It is recognized that sexual assault crimes often occur within the context of a relationship outlined in AS 18.66.990, which defines household members. If sexual assault is committed by one household member against another household member as defined in the statute, all mandates, policies, procedures and statutes stated in the OPM Domestic Violence chapter also apply [Ref OPM Chapter 501]

502.060 CHIEF RESPONSIBILITIES

A. Police Chief responsible for sexual assault response. Nome Chief of Police (or designee) are responsible for assuring that sexual assault incidents occurring in areas under their jurisdiction are handled in accordance with statutes, regulation, and department policy. Standard procedures may be established that take into account the availability of local resources and personnel to investigate and prosecute reported cases of sexual assault.

The responsibility of the Chief, or designee, within the department area is to:

1. Establish NPD sexual assault policies and procedures;
2. Ensure that NPD fulfills its statutory and policy obligations;
3. Act as or assign a liaison for agencies involved in the SART team and monitor the activities of other multidisciplinary teams in Nome (i.e. Child Protection Teams);
4. Serve as a liaison with other organizations, bureaus (such as FBI), other law enforcement, involved local agencies, CDVSA (Council on Domestic Violence and Sexual Assault), and other domestic violence/sexual assault or victim assistance programs;
5. Create a system of prompt review for reports of sexual assault and make suggestions for follow up
6. Coordinate NPD training and equipment requirements.

502.070 SEXUAL ASSAULT HANDLING PROCEDURES

A. Role of the Officer: (see attachment C. Sexual Assault Investigation Guide)

1. The role of the officer in a sexual assault case is to:
 - a. Respond to the initial complaint;
 - b. Provide victim safety to include seeking medical attention;
 - c. Determine if a crime has been committed;
 - d. Determine if medical forensic exam is necessary;
 - e. Conduct scene investigation;
 - f. Conduct interviews of witnesses, victim(s), and suspect(s);
 - g. Write a report, keeping the victim informed;
 - h. Coordinate with the district attorney
 - i. Testify in court when necessary.

2. The role of the officer is also that of an objective fact finder. The officer shall corroborate both victim and suspect statements by utilizing sources of independent evidence.

B. Initial Response:

1. The officer will show understanding, patience, and respect for the victim's dignity and attempt to establish trust and rapport.

2. The officer will respond to the initial complaint in person, whenever possible. Telephonic interviews of a victim and suspect are strongly discouraged unless there are extenuating circumstances. Whenever possible, all interviews will be recorded electronically.

3. During the initial contact, the responding officer should conduct only a limited initial interview with the victim to determine if a medical forensic exam is warranted, unless an immediate detailed interview is needed to unique case circumstances. The initial interview should attempt to establish the following information:

a. If a sex crime has been committed;

b. When the crime was committed (within +/- 7 days); [See section D 1-SART Call Out]

c. Where the crime was committed;

d. If a suspect can be identified and location of the suspect;

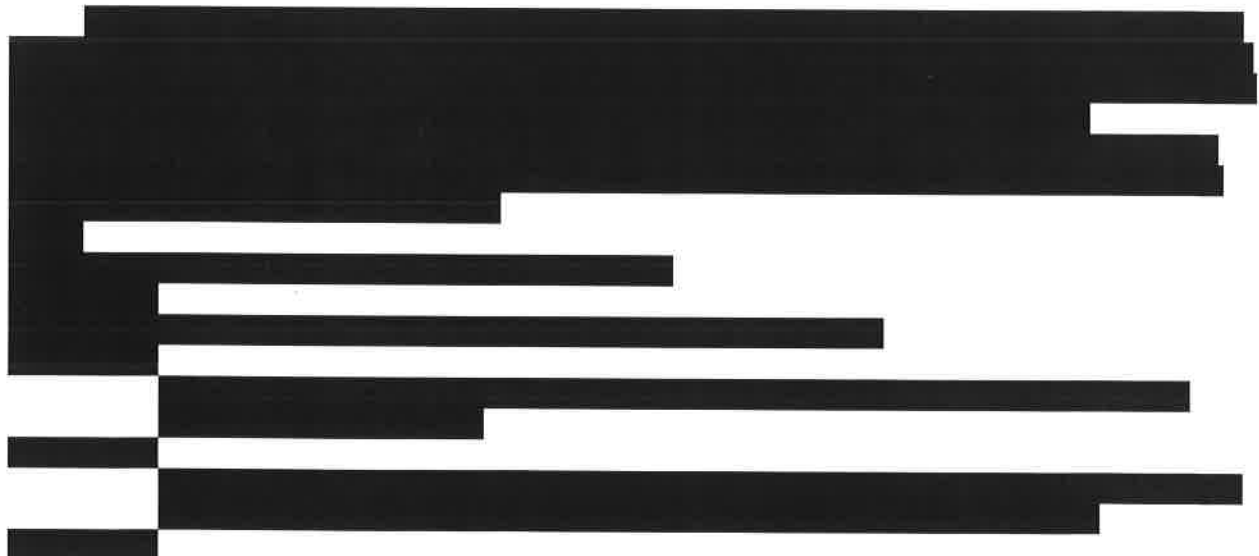
e. If the victim needs immediate medical attention; if so, getting the victim and victim's family to a safe place and obtaining medical care must take priority;

f. If the victim is willing to participate in medical forensic exam, if warranted.

4. If it is determined that a medical forensic exam is warranted and the victim consents to the exam, a complete interview will be conducted at the SART center (usually hospital/medical facility), if possible. [See Section F- SART – Complete and Detailed Victim Interview]

5. If through the initial interview it is decided that a medical forensic exam is not warranted or the victim declines the exam, proceed with a complete-detailed interview.

C. Immediate Crime Scene Determination and Preservation



[REDACTED]

D. SART.

Throughout the State, Sexual Assault Response Teams assist victims and law enforcement in the investigations of sexual assaults and cases of sexual abuse by providing a central point of investigations. The purpose of SART is to provide a streamlined, victim-centered approach to the treatment of the victim and the investigation of any crimes. Utilizing SART accomplishes several objectives including: minimizing trauma to the victim by eliminating multiple interviews; eliminating possible discrepancies that may be created by multiple interviews; centralized evidence collection; reduced investigatory time; and immediate victim support. This **DOES NOT** mean that investigators should be reluctant to conduct follow up interviews during the course of the investigations, as additional evidence

and information is uncovered. In fact, such follow-up interviews are necessary to conduct a comprehensive investigation. Rather, the goal of SART is to reduce the number of unnecessary professional contact that take place.

1. SART Call out

- A. The officer must screen and authorize all medical forensic exams. Forensic exams will be authorized only if warranted.
- B. A victim of a sexual assault must consent to the medical forensic exam and consent must be obtained prior to the start of the examination. Written consent must be obtained on the form provided by the SA kit. A victim of a sexual assault may decline any portion of the medical forensic exam.
 - i. The officer should be present, whenever possible, when the victim reviews and signs the consent form.
 - ii. If the officer is unable to be present, the officer should confirm that the victim consented with the medical provider.
- C. If the victim declines all or certain portions of the medical forensic exam, the officer will continue to investigate the case.
 - i. The officer will explain the possible impact on the prosecution of the case and explore with the victim and the SART members the reasons for the victim declining the exam or certain portions of the exam. The officer should attempt to determine if the victim has been threatened or coerced into not cooperating.
 - ii. The officer shall inform the victim that if they change their mind within the 7 day time frame, an exam may still be conducted.
 - iii. The victim should never be denied the opportunity to have a medical exam. Should it be decided that the medical forensic exam is not warranted, or the victim decides they do not want to participate in the exam, but does request other medical assistance; the officer shall assist when possible in connecting the victim with the nearest health aide or other medical provider.
 - iv. The officer shall inform the victim that they will not be charged for the expenses for the forensic portion of the exam. [See Section H – Victim's Rights]
- D. The purpose of a medical forensic exam is to document and/or collect physical evidence that may corroborate the account, as well as provide medical care to the victim. The screening criteria to determine if the medical forensic exam is warranted are as follows:
 - 1. A sexual assault occurred within the last 7 days (if > 7 days see section iii below).
 - 1. Medical forensic exams will be authorized for sexual assault cases involving penetration, attempted penetration, or contact.
 - 2. The sexual assault occurred within Nome's jurisdiction.
 - I. If the jurisdiction is known, NPD may accept case responsibility after consultation with a first line supervisor.
 - II. If the assault occurred outside of NPD jurisdiction, the officer should contact the local AST and aid in coordinating efforts where appropriate to minimize impact on the victim.
 - 3. If the sexual assault is reported more than 7 days after the incident, the officer should evaluate and/or confer with supervisor whether or not to authorize a medical forensic exam based on the

available case facts. An officer may consult with a sexual assault forensic examiner. The screening criteria to determine if a medical forensic exam is warranted after seven (7) days are as follows:

- I. The victim still has injuries as a result of the incident;
- II. The victim has genital soreness, bleeding, and/or discharge as a result of the incident.
- III. A foreign object was used to penetrate the victim;
- IV. There are case specific facts that lead the officer or forensic examiner to believe there is still a need to conduct the medical forensic exam.

E. If a medical forensic exam is warranted but the officer is unable to transport the victim to a SART Facility due to weather or other limiting factors, the officer will consult with a supervisor and sexual assault forensic examiner to determine the best method of securing evidence on the victim. Exams of limited scope may be authorized. The officer must coordinate all activities between the health aide and the sexual assault forensic examiner or supervising physician.

F. If a medical forensic exam is not warranted, the officer should proceed with a complete and detailed interview of the victim. [See Section F – SART – Complete and Detailed Victim Interview]

2. Transportation to and from SART exam

A. The officer will arrange for transportation to and from the SART facility or other medical facility (and airport if outside of home community). The victim will not be charged for transportation (or lodging or meals) to and from the SART facility or other medical facility, for the initial medical forensic exam and/or for follow-up exam as long as the forensic exams were authorized by NPD. [See H – Victim's Rights]

B. If a SART facility is not available in the region, the officer will coordinate with the closest available facility.

C. If the responding officer is unable, due to case specific circumstances, to be present during the SART interview, the responding officer will communicate all necessary case facts with the medical provider prior to the exam being conducted.

D. If the responding officer will not be present during the SART interview because an investigator (or another officer) has been called out, the responding officer will clearly explain his or her role to the victim and provide the officer or investigator with all the necessary case facts so that the victim does not need to be asked the same questions by the investigator.

3. SART Interview

A. The officer is in charge of and responsible for the criminal investigation. The officer is the lead during the multidisciplinary SART interview. A medical provider and a victim advocate should be present during the interview with their respective SART members. Victims will be offered time alone with the victim advocate prior to the formal team interview.

B. Using the State of Alaska Sexual Assault Evidence Collection Kit form, the officer will ask all questions identified as forensic. The medical provider will ask all questions identified as questions pertaining to the victim's medical history. If the victim is unable or unwilling to answer forensic questions directed to them by an officer, the officer may, on a case-by-case basis, request the medical provider to ask specific forensic questions [See Section F – SART – Complete and Detailed Interview]

C. Officers will not be present during the forensic evidence collection and medical evaluation of the victim, unless there are extenuating circumstances.

If a prisoner is sexually assaulted and is brought to a medical facility, officers will adhere to procedures outlined in OPM Chapter 606.020 (Securing Prisoners During Medical Examinations).

1. All forensic findings in the case. If there are forensic findings specific to injuries (genital and non-genital), a follow-up exam is warranted the officer should authorize the exam. If a medical forensic follow-up exam is warranted the officer should obtain the date for the exam. It is the responsibility of the officer to ensure that the victim has transportation (and lodging if outside of their community) to and from the follow-up exam.
2. If toxicology and drug facilitated sexual assault (DFSA) screens are required, the officer should authorize the expenditures
Toxicology and DFSA screens are necessary in cases of suspected drug facilitated sexual assault and or when a victim was incapacitated during the assault.
3. Additional information relevant to the acute incident disclosed by the victim to the medical provider.
4. The officer will provide victim their contact information, case number and explain the next steps in the investigative process. The officer will also review available resources with the victim [See Section H – Victim’s Rights].

[illegible]

<http://www.dps.state.ak.us/CrimeLab/>

F. Complete and Detailed Victim Interview

1. All victims of sexual assault should be provided the opportunity for a complete and detailed interview.
 - a. Whenever possible, the victim should be interviewed in person and be digitally recorded.
 - i. If the interview is not recorded electronically the officer will document the reason(s) in their report.
 - ii. The officer will also document the reason(s) for not including the interview in person.
2. If a medical forensic exam is not warranted or a victim declines the entire exam, a complete and detailed interview with the victim should still be conducted, if possible. The officer may use the SA kit Form (forensic) as a guide. The most current SA kit forms can be found on the Crime Lab's website (<http://www.dps.alaska.gov/CrimeLab/>). When possible, please do not open a kit only for the forms.
3. Prior to starting the detailed interview with a victim, the officer should explain to the victim that their questions are not intended to make him/her uncomfortable or embarrassed but to determine which laws apply and precise information and details are needed.
4. The officer should attempt to determine the following information during the interview (again, the officer may use the forensic form provided in the kit as a guide):

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

G. Identify the Suspect and Suspect Interview

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

2. Suspect interview

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

3. Suspect Kit

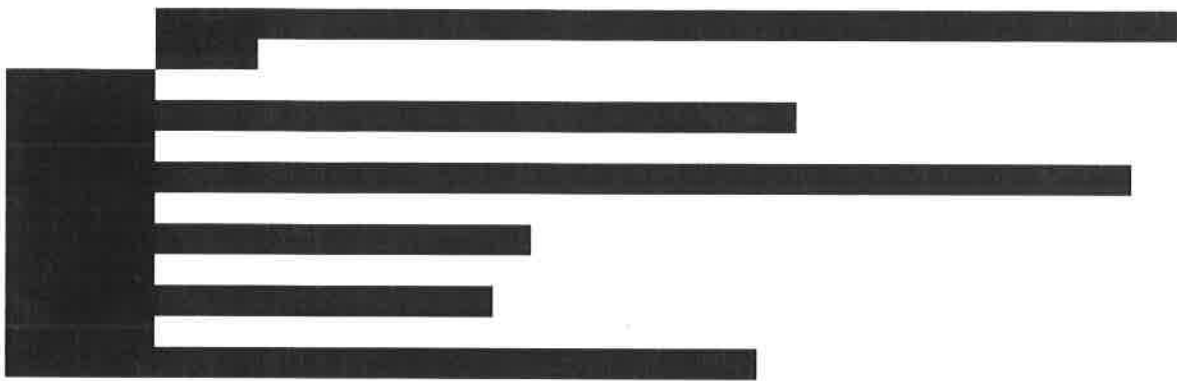
[REDACTED]

Officer Sex		Suspect Sex			
		Male		Female	
		Anal	Genital/Non-Genital	Genital/Anal	Non-Genital
	Male	Rectal swabs, if needed based on the case, should be collected by a medical professional	Administer suspect kit	Evidence collected in this area should be conducted by a medical professional	A female witness should be present if a female officer is unavailable. Consider asking other state employees, health aids, or other females
	Female	Rectal swabs, if needed based on the case, should be collected by medical professional	A male witness or second female officer should be present	Evidence collected in this area should be conducted by a medical professional	Administer suspect kit

c. If a prisoner is a suspect in a sexual assault and is brought to a medical facility for exam scenarios outlined above, officers will adhere to procedures outlined in OPM Chapter 606.020 (Securing Prisoners During Medical Examinations).

4. Additional Sources of Evidence and Information

[REDACTED]



5. Chare and arrest the suspect. The officer should contact their respective DAO to discuss appropriate charges and decision to arrest. The officer will consider the victim's safety, the public's safety, the suspect's safety and the suspect's flight risk. Because the 120-day, so-called "Speedy Trial Clock" starts with arrest, the prosecutor needs to have an opportunity to delay arrest to gather additional evidence.

6. Closing cases as Unfounded. Officers may determine an alleged offense is unfounded if the investigation clearly shows that no offense occurred or was attempted.

a. Cases may not be closed as unfounded due to:

- i. A lack of cooperation by the victim;
- ii. A delay in the reporting to police;
- iii. The victim's substance abuse, runaway status or criminal history
- iv. The lack of physical injury;
- v. The victim recalls additional facts;
- vi. The victim is vague about the details of the assault;
- vii. No suspect identification;
- viii. The difficulty of the investigation; or,
- ix. The victim giving inconsistent or providing some or partially untrue facts.

b. False report. Though it is a rare occurrence, if a thorough investigation proves that a person knowingly reported demonstrably false information to an officer to implicate another person in a crime, that officer should confer with a supervisor and the DOA in deciding the appropriate course of action or charges.

H. Victim Rights

1. See OVR and VCCB (Office of Victim's Rights and Violent Crimes Compensation Board)

2. Pursuant to AS 18.65.865 – A peace officer shall provide a victim of sexual assault notification of their rights using the most current DVSA booklet.

3. Pursuant to AS 18.68.040-Sexual assault victims may not be required to pay for examinations. A law enforcement agency, health care facility, or other entity may not require a victim of sexual assault who is 16 years of age or older to pay directly or indirectly through health insurance or by any other means, for the costs of the examination [AS 18.68.040]

NPD covers the cost of the forensic portion of the medical forensic exam if the exam was authorized by NPD. AST covers the cost of the medical forensic exam if the exam was authorized by AST. This includes the cost of transportation to and from exams as well as the cost of the follow-up exam (including airfare and hotel as well) for surrounding area villages.

4. The purpose of AS 12.61.100-150 is to protect victims and witnesses of crime from risk of harassment, intimidation, an unwarranted invasion of privacy by prohibiting the unnecessary disclosure of their address and telephone number.

5. The portion of the records of a court or a law enforcement agency that contains the name of a victim of a sexual offense or kidnapping shall be withheld from public inspection. In all records open to public inspection victim's initials shall be used [AS 12.61.140]

Except with the consent of the court in which the case is or would be prosecuted and is not public record under AS 40.25.110-40.25.125.

6. Victim Rights – Alaska Constitution

- a. To be treated with the dignity, respect and fairness
- b. Obtain information about and be allowed to be present at all criminal or juvenile proceedings where the accused has the right to be present
- c. Timely disposition of the case

502.080 ANONYMOUS REPORT BY A VICTIM

A. Anonymous reporting options. A sexual assault is a traumatic event. Some victims may be extremely reluctant to cooperate with law enforcement and to participate in the standard reporting process in the immediate aftermath of a sexual assault. When victims express such a concern, they can be offered the opportunity to provide information about their sexual assault through an anonymous reporting procedure. **Due to mandatory reporting requirements under AS 47.17.020 and AS 47.24.010, the anonymous reporting option must not be offered to a person under the age of 18, or a vulnerable adult as defined under AS.17.24.900(16).**

1. Notification to Law Enforcement. If the victim chooses to remain anonymous and proceed with the forensic medical exam, the health care provider will contact the appropriate NPD for screening and authorization.

2. Screening and Authorization

a. Screening and authorization of the medical forensic exam for an anonymous report will be given the same high priority status as a case in which the victim is cooperating with law enforcement. In no case, will authorization of a medical forensic exam be denied based solely on a victim's initial decision to not cooperate with law enforcement.

b. Officers will use same procedures as previously outlined in this policy to determine whether a medical forensic exam is warranted. [See Section – SART Call Out-(d)]

i.. Determining jurisdiction. As with all sexual assault reports, an attempt to determine jurisdiction must be made before the medical forensic exam can be authorized. An approximate location must be provided to the officer by the medical provider to help make this determination, unless the victim does not know the location assault occurred.

ii. If the jurisdiction is unknown, confer with supervisor to help determine that. If the victim later converts an anonymous report to a standard report, the officer conducting the investigation will need to determine the proper jurisdiction.

c. If the officer does not authorize the exam, this does not preclude the medical provider from medically evaluating and treating the victim or referring the victim for medical evaluation.

3. Transportation for anonymous victims

a. If the exam and transportation have been authorized by NPD and a victim needs to be transported to the SART facility, the hospital or a victim service provider may need to arrange for transportation assistance including follow-up if indicated for reevaluation of non-genital and genital findings and injuries.

b. The officer should inquire of the medical provider during or prior to the pick-up of the evidence kit as to whether or not a follow-up exam is indicated. If indicated the follow-up exam will be authorized.

c. Medical providers will invoice NPD for associated transportation costs at the same time as billing for the forensic portion of the exam. Invoices cannot contain the victim's name or may be redacted. Medical finance/billing staff can call to request cse number so that it reflects the correct CFS.

d. Victim services providers may also invoice NPD for associated transportation costs. Invoices cannot contain the victim's name or may be redacted.

4. Report writing and Evidence Collection/Storage

[REDACTED]

b. If the elder or vulnerable adult is physically endangered, the officer shall determine (by asking a mentally alert elder or vulnerable adult, or by asking the victim or accused) whether there is a responsible friend or relative who can be contacted immediately to provide care. If there is no one

available to care for the elder or vulnerable adult, the officer shall transport, or arrange for someone else to transport, the elder or disabled adult to a medical facility or other appropriate locations.

In addition to providing the victim notification required by other provisions of this policy, if the victim is an elder, under AS 47.24.010 the officer must make a report of harm within 24 hours to Adult Protective Services.

2. The victim is a child. When the victim or witness of abuse is a minor child, the officer must immediately report the harm to the nearest Office of Children's Services (OCS). [Ref AS 47.17.020 and AS 47.10.011(8)(ii)]

- a. If the victim is a minor child, officers shall follow policies outlined in OPM Chapter 503 (Child Abuse) and all applicable statutes.
- b. If the accused is arrested and was the sole caretaker of a child, or the victim is the sole caretaker of a child and can no longer provide care (as, for example, when the victim is hospitalized), the officer shall determine (for example, by asking the victim or mature child) whether there is a responsible relative who can care for the child and, if so, shall contact that relative and await the relative's arrival.
- c. If no responsible relative is unavailable, the officer shall contact the OCS and will either remain at the residence until a social worker arrives or transport the child to a location designated by OCS.
- d. If the officer is unable to contact OCS, the child shall be transported to a place of safety and the officer shall continue efforts to reach OCS.

502.100 EMPLOYEES AS VICTIMS OF SEXUAL ASSAULT

Law Enforcement response to employee victim is the same as other victims. NPD employees who are victims of sexual assault (victims of sexual assault or plaintiffs in a Sexual Assault/Stalking Protective Order) shall receive the same law response (e.g. investigation, evidence collection) as other similarly situated victims. Employee victims may request response from a supervisor if they prefer the responding officer not conduct the investigation.

502. 110 ATTACHMENTS:

- A.** Sexual Assault Response Guide
- B.** Sexual Assault Checklist
- C.** Adolescent and Adult Sexual Assault Investigative Guide
- D.** Office of Victims' Right (OVR) & Violent Crimes Compensation Board (VCCB)

CHAPTER 503 CHILD ABUSE

503.010 INTENT OF THIS CHAPTER

This policy reflects the Department's zero tolerance approach to child abuse and neglect in Alaska. The Department recognizes it's important role in responding to crimes committed against children in Alaska, which include child sexual abuse, physical abuse, exploitation, and neglect. The problem of child abuse cuts across all racial, cultural, and economic lines and impacts all areas of our society especially its young victims. The Department recognizes that the abuse and neglect of children is a serious crime that cannot be condoned or tolerated. Some cases of child abuse occur inside the family setting with Domestic Violence laws and policies also directing the response of law enforcement.

This chapter establishes guidelines and procedures to be followed in responding to incidents of child abuse or neglect with the goals of reducing the incidence and severity of child abuse by establishing investigative policies conforming to law; affording maximum protection and support to victims of child abuse and neglect through a coordinated program of law enforcement and victim assistance; to ensure that child abuse and neglect cases are immediately and properly investigated; assuring that law enforcement services are as available in child abuse cases as they are in other criminal cases; coordinating the response by law enforcement and Office of Children's Services (OCS) to child abuse and neglect cases to reduce the duplication of investigative steps and allow each discipline to work in a multidisciplinary team setting so that investigations will compliment and not interfere with each other.

503.020 INFORMATION

A. Definitions As used in this Chapter

1. Child -- means a person under 18 years of age.
2. Child abuse or neglect -- means the physical injury or neglect, mental injury, sexual abuse, sexual exploitation, or maltreatment of a child under the age of 18 by a person under circumstances that indicate that the child's health or welfare is harmed or threatened thereby; in this paragraph "mental injury" means an injury to the emotional well-being, or intellectual or psychological capacity of a child, as evidenced by an observable and substantial impairment in the child's ability to function.
3. Child care provider -- means an adult individual, including a foster parent or an employee of an organization, who provides care and supervision to a child for compensation or reimbursement
4. Sexual exploitation -- allowing, permitting, encouraging, or engaging in activity prohibited by AS 11.41.455(a), unlawful exploitation of a minor, by a person responsible for the child's welfare.

B. Statutes related to child abuse. Statutes to reference are:

AS 11.41.434 through AS 11.41.460 ; AS 11.51.100-110

AS 11.51.130 Contributing to the delinquency of a minor

AS 11.61.123 Indecent Viewing or Photography

AS 11.61. 125-127 Distribution and possession of child pornography

AS 47.17.020 Person required to Report

AS 47.17.022 Training

AS 47.17.025 Duties of Public Authorities

AS 47.17.290 Definitions.

Note: other crimes under AS 11.41 may apply. (i.e. murder, manslaughter, criminally negligent homicide, assault, reckless endangerment, stalking, kidnapping, sexual assault and coercion)

503.030 ALASKA'S INTERDEPARTMENTAL CHILD ABUSE AGREEMENT (1998)

A. Child Abuse Agreement establishes policy.

The Alaska Interdepartmental Child Abuse Agreement (AICAA) establishes a policy for mutual cooperation and coordination between the Departments of Law, Public Safety, Health and Social Services, Education, Community and Regional Affairs and Corrections in the investigation of reported cases of child sexual abuse. (See attachment

C) Each agency has agreed to develop written internal policies and procedures for responding to reports of child sexual abuse. NPD will participate and continuously provide child abuse investigation training to Officers with an emphasis on forensic interviewing techniques, cultural awareness, victimology, evidence collection and preservation, perpetrator interview and interrogation strategies and other relevant investigative techniques.

Additional agreements may be established to coordinate a multidisciplinary response to all forms of child abuse and neglect. Members of this team may include representatives from law enforcement, social services, medical providers, child advocacy centers, education, and corrections.

B. Chief of Police responsibilities under AICAA.

The Chief of Police will work with all involved agencies to develop formalized, specific and published working agreements in conformity with the AICAA. The Chief may appoint a Coordinator to assist in the establishment and coordination of multidisciplinary teams to deal with child abuse.

The Chief should ensure that local protocols to investigate, intervene and prosecute child abuse cases take into account the geography of the area and the social services available. The Chief must review any department Standard Operating Procedure (SOP) dealing with child abuse or neglect.

The responsibility of the Chief of Police, or his designee, within the Department area is to:

1. ensure that NPD fulfills its statutory and policy obligations;
2. monitor the activities of individual multidisciplinary teams;
3. review reports of child abuse, suggest follow-up etc.;
4. support individual teams with technical assistance and manpower;
5. act as regional liaison for agencies involved with AICAA;
6. forward intelligence data to the DPS Criminal Intelligence Unit;
7. establish and maintain statistical data concerning reported child abuse cases; and
8. coordinate Department training and equipment requirements.

503.040 CONFIDENTIALITY OF OCS PROTECTIVE SERVICES REPORTS (PSR)

OCS Protective Services Report are confidential under AS 47.17.040 which exempts those reports from public inspection and copying under AS 40.25.110 and 40.25.120. Federal regulations [45CFR 1340.14(i)] prohibit disclosure of the names of persons acting as complainants in Protective Services Report. Further, NPD employees are reminded that AS 47.25.120 protects case reports and other records from public inspection and copying and are referred to OPM 206.060 for procedures governing release of NPD case reports.

A. Protection of complainant names.

NPD employees shall protect the names of complainants appearing in OCS Protective Services Report by:

1. not listing the complainant appearing on the OCS Protective Services Report as a complainant through NPD case report person role codes;
2. not mentioning the persons' role as a complainant in the text of the investigation; and,
3. not revealing the complainants' identity to any other witness.

B. Release of complainant names to other police agencies.

NPD will not share OCS Protective Services Report complainant information with another police agency unless that agency has policies in place assuring the protection of this information, or unless NPD can otherwise guarantee the protection of the information.

503.050 RESPONSE TO REPORTS OF CHILD ABUSE

A. Reports of child abuse to be expeditiously investigated. Whenever NPD receives a report of child abuse or neglect within NPD jurisdiction, it shall be expeditiously investigated.

B. Reports to be immediately screened and assigned. All reports of suspected child abuse or neglect should be immediately forwarded to a shift supervisor or other designated person. All reports should be immediately screened, prioritized and assigned for investigation if a criminal offense is suspected.

C. Contact with complainant or victim to be rapid. Every effort will be made to contact complainants or victims of child abuse cases immediately or within 24 hours of the initial report to schedule an interview with law enforcement.

D. Benefits of rapid response. Immediate contact with the complainants or victims in child abuse cases will enhance the law enforcement investigation by:

1. Determining the need for a forensic physical examination. Officers may consult the local Child Advocacy Center, medical facility, or forensic nurse in an effort to determine the need for an examination.
2. Determining the identity and location of the suspect.
3. Determining if there are other potential victims and ensure their safety.
4. Identify, locate and preserve crime scenes as well as other evidence, to include photos of injuries, etc., relating to the crime.
5. Providing referral to address medical needs, counseling or advocacy needs and other appropriate agencies such as OCS.

E. Prioritizing reports. The highest priority will be given to reports of recent incidents of suspected abuse less than one week old and cases where the alleged offender may still have contact with the victim (persons living in the same home, etc.) If these cases cannot be responded to within 24 hours the Chief of Police will be informed. In cases where the report is made within 72 hours of an alleged sexual offense it is important to schedule a physical examination immediately. NPD will make every effort to coordinate the investigation and have law enforcement present to conduct the initial interview prior to the examination or in accordance with the local multidisciplinary protocol.

Reports involving suspected child abuse which are not recent in nature should be responded to with at least initial contact with the complainant within 24 hours whenever practical. The initial contact can be made by telephone or in person to arrange an interview or other appropriate investigative measures. When unforeseen circumstances prevent initial contact from being made with a complainant in a not recent child abuse case within 7 days of the initial complaint, the Chief of Police will be kept apprised of the situation.

F. Required notifications. The nearest OCS Office is to be immediately notified whenever there is cause to believe that any child has suffered harm as a result of abuse or neglect. (Ref. AS 47.17.020 and 025). In addition notification to OCS also needs to be made when minor children are exposed to domestic violence as a result of conduct or conditions created by the parent, guardian or custodian. Local protocols should address response to cases in which OCS may have jurisdiction, but cannot respond. The Department SOP or local protocol should also address at what point during the investigation of a child abuse or neglect case the District Attorney should be notified.

G. NPD to assist other agencies. Upon request, NPD will assist law enforcement in locating and interviewing victims who are currently living inside NPD jurisdiction. After completing the interview and/or other investigative assistance requested, NPD will forward all reports and evidence to the requesting agency to proceed with their investigation.

H. NPD may request help from other agencies. NPD may also make requests to outside law enforcement agencies to conduct interviews of victims and other involved persons. The investigating Officer will contact the nearest law enforcement agency to the victim's residence and coordinate the request. NPD will request a written report and all evidence be sent to NPD to supplement the investigation.

503.060 INVESTIGATIVE PROCEDURES

A. NPD has investigative responsibility. Within its jurisdiction NPD has the responsibility to investigate reported child abuse. Upon request NPD may assist other police agencies with such investigations.

B. Investigation to precede OCS contact. The initial investigation and interview of the alleged offender should be accomplished prior to any OCS contact with the alleged offender. Investigators should work closely with OCS workers so police investigations and Child In Need of Aid proceedings complement each other.

C. Victim interviews. The investigating Officer shall attempt to coordinate the victim interview with other multidisciplinary team members in accordance with local protocol to avoid multiple interviews of the child. The investigating Officer will make every effort to ensure the victims safety and if possible avoid immediately notifying the alleged offender(s) of the report until the appropriate time in the investigation. When questioning the victim, the Officer should use supportive interview techniques. The following guidelines should be followed when interviewing child abuse victims:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

D. School interviews of victims. When necessary to protect the well being of the child victim the investigating Officer may choose to interview the child at school without prior notification of the parent(s) or legal guardians. The investigating Officer will inform the school officials of the Duties of School Officials under AS 47.17.027 which allows OCS and law enforcement to interview child victims at school without prior notification of parents when doing so could endanger the child. When children are interviewed at school by NPD without prior parent notification, a parent will be notified as soon as practical immediately following the interview unless such notification will cause an unnecessary interference to a criminal investigation. The parent notification should be coordinated with OCS when possible.

E. *Victim's rights information to be provided.* Victims and / or their parent or guardian will be given both oral and written information about Violent Crimes Compensation [Ref. AS 18.67.175 b]. In cases where Domestic Violence Laws and policies apply, victims will also be given information and assistance for Victims of Domestic Violence. This information will be documented in the written report [Ref. AS 18.65.520].

F. *Witness interviews.* The investigating Officer should identify and interview any witness who may have information about the incident or circumstances. Any person to whom the victim disclosed the abuse to should be interviewed with the greatest priority being given to the first person that the victim told.

G. *Suspect interviews.* Suspect interviews should be video recorded whenever practical. An audio recording should also be made in conjunction with the videotape. Miranda should be read to suspects when custodial situations apply. Investigators may consult the District Attorney for questions concerning Miranda.

H. *Advisements to juvenile suspects.* Officers will advise juvenile suspects of their right to have their parent(s) and/or adult guardian present for an interview in addition to Miranda if applicable. Officers will also consider whether or not the alleged offense and the juvenile suspect's age may qualify for the case to be waived to adult court.

503.070 CORROBORATING EVIDENCE

The investigation of child abuse incidents should focus on proving the facts and not merely on recording the victim's testimony. Experience has shown that many victims of child abuse become a reluctant witness or recant their statements before the case goes to court. The investigation should seek to uncover sufficient corroborating evidence so that a prosecution can proceed without the cooperation of the victim if necessary.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

503.080 ARREST DECISION

Investigating Officers will work closely with the District Attorney's office in determining if and when to arrest a suspect in a child abuse case and/or how to proceed after the initial investigation is complete. Coordination with OCS will also be necessary when the alleged perpetrator may have contact with the victim or other minor children.

503.090 CHILD ABUSE CASE REPORTING

A. All Protective Services Report to be documented with case number. All Protective Services Report involving children should have a case number drawn to document the persons involved, complaint, action taken and outcome.

B. All allegations of criminal conduct to be documented in case report. All incidents reported to NPD alleging a criminal offense committed against a child will be documented through a written case report. The size and content of the report will vary depending on the allegations and detachment policies.

C. Cases to be forwarded to DA. All reports that involve an allegation of child abuse that contain a disclosure by a child who identifies a suspect or when the case is corroborated by physical or circumstantial evidence should be forwarded to the District Attorney's office to review for charges. Officers shall coordinate with the local District Attorney's Office regarding the timeline for submission of reports.

D. Certain Protective Services Report may be logged. Some Protective Services Report will not require a written police report, but will be documented by drawing a case number with the appropriate activity code and notes to explain the outcome of the investigation. (Example: a Protective Services Report reporting a young child has not been to school in several days and someone is concerned. A welfare check may be done confirming the child is okay and home sick.)

E. Closing cases as unfounded. Officers may determine an alleged offense is unfounded if the investigation clearly shows that no offense occurred or was attempted.

Cases may not be closed as unfounded due to:

1. a lack of cooperation by the victim;
2. the victim giving inconsistent or untrue facts;
3. a delay in the reporting to police;
4. lack of physical injury;
5. the victim recalls additional facts;
6. the victim is vague about the details of the assault;
7. no suspect identification;
8. the difficulty of the investigation; or,
9. the victims' substance abuse, runaway status or criminal history.

503.100 SHARING OF INFORMATION

A. Case reports to be shared with other agencies. NPD reports and records will be shared with cooperating agencies having an official standing in the case. Generally, release of information in cases under investigation will be limited to OCS and the District Attorney's Office. Reports and records will only be released when the disclosure of the information in the report will not jeopardize an ongoing investigation.

B. Intelligence information on child sexual abuse. The AST Criminal Intelligence Unit is available to receive, store, and disseminate to criminal justice agencies intelligence information on sex offenders and commercial sexual exploitation operations. Department members involved in the investigation of child abuse/ exploitation shall transmit information to the AST Criminal Intelligence Unit concerning the activities of known or suspected pedophiles, businesses dealing in pornography, and diaries, lists, or photographs seized from sex offenders.

503.110 CUSTODY OF ABUSED / NEGLECTED CHILDREN

OCS may take emergency custody of an abused child. Department members are required to assist in such matters at the request of OCS. (Ref AS 47.10.142)

Each officer is encouraged to work with their local OCS office to ensure that any child who may be in danger is protected to the best of our ability.

503.120 ATTACHMENT: OCS REFERRAL FORM