

SPRINGFIELD POLICE DEPARTMENT

Standard Operating Guideline

Effective Date: 04/24/2019	Supersedes Policy Dated: N/A – New Policy	Rescinds:	SOG Number: 402.12
Accreditation Index: 42.2.1, 81.2.4, 83.1.1, 83.2.1, 83.2.6, 83.3.2, 84.1.1			
Part Title: Operations		Chapter Title: Criminal Investigations	
Chief of Police:			

Sexual Assault Investigations

I Policy

It is the policy of the Springfield Police Department that employees take a professional, victim-centered approach to the investigation of sexual assaults with aim of successfully prosecuting suspects in a manner that helps restore the victim's dignity and sense of control, while decreasing the victim's anxiety and increasing the understanding of the criminal justice system and process.

II Definitions

Consent – Words or overt actions by a person, who is legally and functionally competent to give informed approval, indicating a freely-given agreement to engage in sexual acts.

Incompetent – An adult or minor who lacks sufficient capacity to make or communicate important decisions due to mental illness, intellectual disability, or similar cause or condition.

Medical Forensic Examiner – The health care provider conducting a sexual assault medical forensic examination. This term would include the Sexual Assault Nurse Examiners.

Reverse Rape Kit – A collection of forensic evidence gathered from a suspect by a police officer.

Sexual Assault – As used in this policy, all felony crimes of sexual violence. Specific statutory definitions of sex crimes vary by state.

Sexual Assault Kit – A collection of evidence gathered from the victim by a Sexual Assault Nurse Examiner.

SOG 402.12

Sexual Assault Investigations

Effective Date: 04/24/2019

Sexual Assault Medical Forensic Examination – An examination of a sexual assault patient by a health care provider, ideally one who has specialized education and clinical experience in the collection of forensic evidence and treatment of these patients.

Sexual Assault Nurse Examiner (SANE) – Registered Nurses (RN) who have completed specialized education and clinical preparation in the medical forensic care of a patient who has experienced sexual assault or abuse.

Victim Advocate – A service provider, rape crisis counselor, social worker, victim witness provider within a prosecutor’s office, or police department employee, including an agency victim assistant, who is trained to assess and address the needs of the victim as well as provide counseling, advocacy, resources, information, and support.

III Procedure

1 COMMUNICATIONS PERSONNEL RESPONSE

1.1 Dispatchers should follow their policies regarding the dispatching of police personnel to a report of a sexual assault. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

2 INITIAL RESPONSE (CALEA 42.2.1 & 81.2.4)

2.1 Officers of the Uniform Operations Bureau (UOB) will be responsible for conducting appropriate preliminary investigations of sexual assaults.

2.1.1 The investigating officer shall notify their supervisor of the incident, who shall notify the watch commander.

2.1.2 In most cases, a preliminary investigation can be completed by UOB personnel and the report forwarded to the Special Victim’s Unit (SVU) supervisor for follow-up investigation assignment.

SOG 402.12

Sexual Assault Investigations

Effective Date: 04/24/2019

- 2.2 When responding to a scene involving a sexual assault, officers shall follow standard incident response procedures. In addition, when interacting with victims of sexual assault, officers shall do the following:
 - 2.2.1 Recognize that the victim experienced a traumatic incident and may not be willing or able to immediately assist with the criminal investigation;
 - 2.2.2 Clearly explain the reporting process including the roles of the first responder, investigator, and anyone else with whom the victim will likely contact;
 - 2.2.3 Offer to contact local support or advocacy agencies for the victim;
 - 2.2.3(a) The Victim Center
 - 2.2.3(b) Greene County Family Justice Center
 - 2.2.3(c) Harmony House
 - 2.2.3(d) Child Advocacy Center
 - 2.2.4 Make reasonable efforts to allow the victim to determine the location, time; and date where the initial report will be made.
- 2.3 Initial Interview
 - 2.3.1 Limit the interview, conducted by the responding officer, to questions that will establish:
 - 2.3.1(a) Safety of the victim;
 - 2.3.1(b) Provide information necessary for the immediate needs of the investigation, such as the location of the assault and evidence;
 - 2.3.1(c) Basic facts of the assault;
 - 2.3.1(d) Identification of the suspect;
 - 2.3.1(e) Elements of the crime.
 - 2.3.2 Record the victim's statement, if practical and the victim does not object.
 - 2.3.3 Ask about and document signs/symptoms of any injuries, to include strangulation.
 - 2.3.4 Arrange for transportation to the designated facility if a forensic medical exam is needed and the victim consents. Consider the victim's body as a crime scene and ensure the chain of custody remains intact during transportation.
 - 2.3.5 Identify anyone the victim told about the sexual assault.
- 2.4 CID Response (CALEA 83.1.1)
 - 2.4.1 Circumstances may require an immediate response by SVU personnel. Examples of these circumstances include but are not limited to the following:
 - 2.4.1(a) Sexual assault that has just occurred.;
 - 2.4.1(b) Sexual assault where the victim has suffered a serious injury;
 - 2.4.1(c) Sexual assault where the suspect and/or victim is a juvenile;
 - 2.4.1(d) Sexual assault where the suspect is in custody;
 - 2.4.1(e) Sexual assault where evidence needs to be collected by the service of a search warrant;

SOG 402.12

Sexual Assault Investigations

Effective Date: 04/24/2019

- 2.4.1(f) Sexual assault that took place in a public or private school;
- 2.4.1(g) Sexual assault that took place at a college or university;
- 2.4.1(h) Sexual assault where the suspect and victim attend the same college or university.
- 2.4.2 The UOB Watch Commander should contact the Persons Section Lieutenant if they believe a response by CID personnel should be considered.
 - 2.4.2(a) The Persons Section Lieutenant shall determine whether a response by CID personnel is appropriate.
- 2.4.3 If a CID response is initiated, UOB personnel shall retain perimeter responsibilities. The CID Persons Section Sergeant or his designee shall become the crime scene supervisor and shall have operational authority over the crime scene.
- 2.4.4 The Persons Section Lieutenant shall be contacted regarding sexual assaults and colleges/universities involving the following circumstances:
 - 2.4.4(a) The incident took place on a university or college campus;
 - 2.4.4(b) The suspect and victim attend the same university/college;
 - 2.4.4(c) The suspect and victim are both college/university students, but not at the same institution.
- 2.4.5 Explain the statute of limitations for criminal charges to victims who choose not to participate in the investigation and that a victim can contact the agency within that time to reopen the investigation.
- 2.4.6 Collaborate with the victim during the initial investigative process and respect a victim's right to decline further participation in the investigation.
- 2.4.7 Understand that recantation of any or all aspects of the initial disclosure is not necessarily indicative of a false report. Victims who recant or decline participation in the investigation shall not be asked to sign a decline to prosecute form.
- 2.4.8 Officers shall not utilize a decline to prosecute form in any manner during a sexual assault investigation.
- 2.5 Federal Title IX Considerations
 - 2.5.1 Federal Title IX requirements mandate that universities and colleges begin immediate investigations and take preventative measures to protect victims of sexual assaults. These mandated actions by a university/college have the potential to impact the criminal investigation.
 - 2.5.1(a) Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. 1861 *et seq.*, and its implementing regulations, 34 C.F.R. Part 106, prohibit discrimination on the basis of sex in education programs or activities operated by recipients of Federal financial assistance. Sexual harassment of students, which includes acts of sexual violence, is a form of sexual discrimination prohibited by Title IX.

SOG 402.12

Sexual Assault Investigations

Effective Date: 04/24/2019

- 2.5.1(b) Title IX requires universities and colleges to conduct and complete their own investigation within 60 days if the victim and suspect both attend the university or college.
- 2.5.1(c) Title IX requires the university/college to take immediate steps to eliminate the hostile environment, which means the suspect could be contacted immediately by the university, be advised of the investigation and forbid the suspect to come in contact with the victim. This early contact by the university with the suspect could impact the criminal investigation.

3 SPECIAL CONSIDERATIONS – MINORS AND INCOMPETENT ADULTS

- 3.1 Officers responding to sexual assaults where the victims are minors or incompetent adults should contact the Criminal Investigations Division (CID) Persons Section Lieutenant and utilize the services of the following agencies:
 - 3.1.1 Child Advocacy Center;
 - 3.1.2 Children’s Division;
 - 3.1.3 Division of Aging;
 - 3.1.4 Mental Health Advocates;
 - 3.1.5 The Victim’s Center;
 - 3.1.6 Other agencies that could assist with specific victim needs
- 3.2 Officers responding to reports of sexual assaults involving these sensitive population groups shall limit their actions to the following:
 - 3.2.1 Ensuring the scene and victim is safe;
 - 3.2.2 Safeguarding evidence where appropriate;
 - 3.2.3 Collecting any information necessary to identify the suspect;
 - 3.2.4 Addressing the immediate medical needs of individuals at the scene.
- 3.3 Officers should not attempt to interview the victim in these situations but should instead await or arrange for individuals with specialized training and experience.

4 SUPERVISOR RESPONSIBILITIES

- 4.1 Respond to assist officers investigating incidents of sexual assault when possible or requested by an officer.
- 4.2 Review all sexual assault reports for accuracy and consistency.
- 4.3 Ensure officers document co-occurring and interconnected crimes when responding to a sexual assault.
- 4.4 Ensure officers correctly classify sexual assault cases.

5 EVIDENCE COLLECTION (CALEA 83.2.1)

- 5.1 If possible, officers shall collect the clothing worn at the time of the assault and immediately afterward, especially the clothing worn closest to the genitals. This

SOG 402.12

Sexual Assault Investigations

Effective Date: 04/24/2019

includes undergarments, pants, and shorts. Each item must be packaged separately in a paper bag.

5.2 Officers shall utilize standard protocols for the collection of DNA evidence.

5.3 Photograph all evidence and victim's injuries.

5.3.1 Ideally follow-up photos should be taken at later dates in the event the injuries become more visible and pronounced.

5.3.2 Descriptive and specific documentation of the injuries should be included in the investigating officer's report.

5.3.3 Officers should be sensitive to the victim's need for privacy, which can include ensuring a private place is utilized along with an officer of the same sex to take the actual photographs.

5.3.4 Photographs of the victim's genitals as part of the forensic examination should never be taken by officers.

5.3.5 Strict control and confidentiality shall be maintained of any photographs. Such photos shall be viewed only by personnel directly involved in the investigative process.

■ [REDACTED]

SOG 402.12

Sexual Assault Investigations

Effective Date: 04/24/2019

6 SEXUAL ASSAULT MEDICAL FORENSIC EXAMINATIONS (CALEA 42.2.1 & 83.2.1)

- 6.1 Prior to the sexual assault medical forensic examination, the investigating officer shall:
 - 6.1.1 Ask the victim whether there is anyone who should be called to accompany them to the exam site and facilitate contact;
 - 6.1.2 Address any special needs of the victim, such as communication or mobility;
 - 6.1.3 If possible, transport or arrange transportation for the victim to the designated medical facility;
 - 6.1.4 Obtain a signed release from the victim for access to medical records from the exam;
 - 6.1.5 Brief the forensic examiner about the details of the sexual assault, as they are known at the time;
 - 6.1.6 Coordinate with the forensic examiners (SANE nurse) to determine whether an exam is indicated;
 - 6.1.7 Ensure the victim is informed of the purpose of the exam and its importance to his or her general health and wellness, and to the investigation;
 - 6.1.8 Provide the victim with general information about the procedure and encourage him or her to seek further detail and guidance from the forensic examiner;
 - 6.1.9 Never deny a victim the opportunity to have an exam;
 - 6.1.10 If not already completed, and with the victim's consent, notify a victim advocate;
 - 6.1.11 Inform the victim that they have the right to decline any or all parts of the exam;
 - 6.1.12 If not previously collected, advise the victim that the forensic examiner might collect all clothing that was worn during or immediately after the sexual assault. Assist in arranging for clothing the victim may need after the exam;
 - 6.1.13 Inform the victim they will not be charged for the cost of administering the exam, however charges may apply for medical treatment required beyond the exam. Should the victim receive an invoice for the exam, they should not provide payment, but instead forward it to the Springfield Police Department;
 - 6.1.14 Encourage a victim who is unwilling to undergo an exam to consider seeking medical attention, including testing for pregnancy and sexually transmitted infections.
- 6.2 Officers shall not be present during any part of the exam, including during the medical history.
- 6.3 Upon conclusion of the exam, officers should request copies of any findings that may assist with the investigation and submit them to Records for attachment to the case file; these are not for public release based on medical privacy concerns.
- 6.4 Evidence collected during the exam shall be turned over to the investigating officer, who shall ensure that any evidence has been properly sealed and labeled.

■ [REDACTED]

SOG 402.12

Sexual Assault Investigations

Effective Date: 04/24/2019

- [REDACTED]
- [REDACTED]
- 6.6 Illegal substance abuse by victims, including underage drinking, shall never be used to discredit or discourage victims from reporting an assault. The Springfield Police Department's priority is to thoroughly investigate sexual assaults, not prosecute victims for drug or alcohol violations.
 - 6.7 The Sexual Assault Kit evidence shall be logged into the Property Room in accordance with training and SOG 305.1 – Property.
 - 6.7.1 The Sexual Assault Kit shall be submitted to the appropriate laboratory within 14 days as is required by Missouri Revised Statutes.
 - 6.7.2 The sergeant of the Special Victim's Unit (SVU) shall be responsible for ensuring that all Sexual Assault Kits are submitted within this time frame.
 - 6.7.3 The Property Room supervisor shall monitor all untested Sexual Assault Kits and provide a list to the SVU sergeant on a weekly basis.
 - 6.8 If the victim chooses to allow a follow-up investigation, it shall proceed to the extent possible and not be delayed solely on the contingent of waiting for laboratory results.

7 FORENSIC EXAMINATION FOR COLLECTION OF EVIDENCE FROM THE SUSPECT (CALEA 42.2.1 & 83.2.1)

- 7.1 Prior to or immediately after the preliminary suspect interview, investigators should photograph any injuries.
- 7.2 The investigating officer shall determine whether a Reverse Rape Kit shall be administered.
- 7.3 Officers shall ask for the suspect's consent to collect evidence from their body and clothing. Consideration for a search warrant to obtain this evidence shall be made, including consultation with their supervisor and, if needed, the sergeant of the Special Victims Unit, if the suspect refuses to grant consent.

[REDACTED]

- 7.5 The suspect's examination shall not take place in the same location as the victim's forensic examination.

SOG 402.12

Sexual Assault Investigations

Effective Date: 04/24/2019

8 FOLLOW-UP INVESTIGATION

- 8.1 During victim interviews, the investigator shall ask for a full account of what happened, using open-ended questions, and allow the victim to speak uninterrupted. Follow-up questions should be asked at a conversational pace and investigators should seek to clarify inconsistencies without appearing to be combative or disbelieving of the victim's account of events.
- 8.2 Investigators shall thoroughly document the victim's statement including video/audio recording if possible.
- 8.3 During the victim interview, the investigator should note the following information:
 - 8.3.1 If the suspect was known by the victim, determine the following facts:
 - 8.3.1(a) How long the victim knew the suspect;
 - 8.3.1(b) The circumstances of their meeting;
 - 8.3.1(c) The extent of their previous or current relationship;
 - 8.3.1(d) Any behavioral changes that led the situation from one based on consent to one of submission, coercion, fear, or force.
 - 8.3.2 The location the assault took place, including any isolation strategies used by the suspect;
 - 8.3.3 Actions, threats (real, perceived, or implied), gestures, coercion, and other behaviors used by the suspect to cause the victim to submit;
 - 8.3.4 Ways in which the victim resisted or indicated non-consent, both verbally and non-verbally;
 - 8.3.5 The victim's actions and responses before, during, and after the sexual assault including indications of his or her state of mind during the assault;
 - 8.3.6 The victim's thoughts and feelings during the assault;
 - 8.3.7 Sensory evidence and peripheral details of the victim's experience;
 - 8.3.8 The victim's behavior and thoughts since or after the assault, including changes in routine, depression, mood instability, sleep and diet disturbances, flashbacks, nightmares, and stress;
 - 8.3.9 Circumstances that may indicate the use of drugs or alcohol to facilitate the sexual assault, including memory loss, disorientation, severe illness, or hallucinations;
 - 8.3.10 If any prescription drugs were taken;
 - 8.3.11 Any pre or post-assault contact, monitoring, stalking, or other behaviors of the suspect.

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

SOG 402.12

Sexual Assault Investigations

Effective Date: 04/24/2019

8.5 Protecting Victim's Rights

8.5.1 Officers shall explain to victims the limitations of confidentiality, as well as the Springfield Police Department's dedication to protecting the confidentiality of the victim's information to the extent possible by law. Victim's should also be provided information regarding the following:

- 8.5.1(a) Protections granted in the Missouri Crime Victim Bill of Rights, which are documented in the Victim/Witness Information brochure (SPD form 97-IN-0260);
- 8.5.1(b) The possibility of media coverage and information regarding sexual assault crimes available to the media (including the Springfield Police Department's policy of not providing sexual assault victim's names);
- 8.5.1(c) Encourage the victim to report any threats, harassment, or intimidation by the suspect or anyone else to the Springfield Police Department;
- 8.5.1(d) Information on the case number and contact information for the Criminal Investigations Division (417) 864-1755 and what to expect regarding the follow-up investigation;
- 8.5.1(e) How to obtain information concerning arrest decisions, victim compensation, emergency protective orders, court dates and parole or release dates;
- 8.5.1(f) For victims who are initially undecided whether to continue an investigation, information regarding who to contact if they change their mind.

8.5.2 Investigators shall not correspond with a victim in any manner that includes a deadline for the victim to respond in order for the investigation to continue.

8.5.3 Investigators shall not utilize decline to prosecute forms in sexual assault investigations.

9 REPORT WRITING FOR SEXUAL ASSAULT CASES (CALEA 83.2.6 & 84.1.1)

9.1 Officers and investigators shall fully document:

- 9.1.1 Victim, witness, and suspect statements and actions;
- 9.1.2 Evidence located and collection methods;
- 9.1.3 Information from other agencies including medical personnel, lab reports, etc.;
- 9.1.4 Any additional information that may be pertinent to the case;
- 9.1.5 Actions they took during the investigation;
- 9.1.6 Information and/or notifications provided to individuals involved in the case.

9.2 Officers and investigators should capture details to establish any:

- 9.2.1 Premeditation or grooming behavior by the suspect;
- 9.2.2 Coercion, threats, and force used;

SOG 402.12

Sexual Assault Investigations

Effective Date: 04/24/2019

- 9.2.3 Attempts by the perpetrator to intimidate or discourage the victim from reporting the assault.
 - 9.3 Document details regarding the victim's reaction during and after the incident (e.g. victim demeanor, emotional response, changes in routines or habits).
 - 9.4 Fully document fear by recording all fight, flight, freeze, or submit reactions the victim expressed or exhibited before, during, or after the assault.
 - 9.5 If a consensual encounter turned nonconsensual, clearly document the details of how and when the suspect's behavior changed and how the victim expressed or demonstrated non-consent to the continued acts.
- 10 CID SERGEANT RESPONSIBILITIES (CALEA 83.3.2)
- 10.1 All sexual assaults will be reviewed by the respective CID sergeant responsible for the type of crime reported.
 - 10.2 Cases should be assigned for investigation in almost every instance. Exceptional circumstances may arise where no investigation is needed, those cases must be reviewed and approved by the CID commander.
 - 10.3 Sergeants should periodically review the case with the assigned detective to ensure a thorough investigation is completed.
 - 10.4 Sergeants shall review all completed investigations to ensure:
 - 10.4.1 All leads have been investigated fully;
 - 10.4.2 All witnesses have been interviewed;
 - 10.4.3 The detective has contacted or attempted to contact the victim regularly throughout the investigative process.
 - 10.5 The SVU sergeant shall ensure all sexual assault kits are submitted to the MSHP laboratory within the time frame (14 days) required by RSMO. This will be accomplished by:
 - 10.5.1 Coordinating with other CIS sergeants to ensure cases assigned to their units that include a sexual assault kit are submitted to the MSHP lab on time;
 - 10.5.2 Coordinating with Property Room staff to ensure all sexual assault kits are submitted for analysis;
 - 10.5.3 Sergeants shall ensure correspondence and/or contact with a victim does not reference any kind of deadline.
 - 10.6 Sergeants shall ensure decline to prosecute forms are not used in sexual assault investigations.
 - 10.7 In cases where the sexual assault occurred in another jurisdiction and SPD personnel assisted by collecting a sexual assault kit, the SVU sergeant shall notify the appropriate agency and advise them of how they may take possession of the sexual assault kit.
 - 10.7.1 This shall include notifying the Property Room Supervisor of the situation to ensure they follow-up with the outside agency to facilitate the transfer of the sexual assault kit to that agency.

SOG 402.12
Sexual Assault Investigations
Effective Date: 04/24/2019

IV Attachments