



## Chapter 24: Sexual Assault Investigations

### A. PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Adult Abuse policies.

### B. POLICY

It is the policy of the Ridgway Marshal's Office that its members, responding to reports of sexual assaults will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

### C. DEFINITIONS

Definitions related to this police include:

**Sexual assault** – Any crime or attempted crime of a sexual nature, to include, but not limited to, offenses defined in Title 18, Article 3, Part 4 (Unlawful Sexual Behavior).

**Sexual Assault Response Team (SART)** – A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel” and prosecutors. The team is designed to coordinate a board response to sexual assault victims.

### D. QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

1. Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.
2. Conduct follow-up interviews and investigation.
3. Present appropriate cases of alleged sexual assault to the prosecutor for the review.
4. Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.
5. Provide referrals to therapy services, victim advocates and support for the victim.
6. Participate in, or coordinate with SART or other multidisciplinary investigative teams as applicable.

### E. INVESTIGATION AND REPORTING

In all reports or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.



## 1. VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to Dispatch, should be the health and safety of the victim, the preservation of evidence and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, a member of SART or multidisciplinary response team should be included in the initial interviews.

An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

Victims are often reluctant or embarrassed to discuss details. Recanting or changing one or more aspects of a prior statement is not necessarily an indication of false reporting or that the case is unfounded. If the responding officer has reason to believe the incident may be without merit, he/she should document the evidence and inconsistencies. Due to physical and emotional trauma, and the myths and stereotypes associated with sexual assault, inconsistencies in the victim's report are not uncommon. No opinions of whether the case is unfounded shall be included in the report.

## 2. TRUTH VERIFICATION EXAMINATIONS

Members of the Ridgway Marshal's Office shall not ask or require a victim of a sex crime to submit to a truth verification examination as a condition for proceeding with a criminal investigation (42 USC § 3796gg-8; CRS § 18-3-407.5).

The truth verification examination shall only be conducted upon a victim with the victim's written informed consent that includes notice that he/she has the right to refuse to submit to the examination. In addition, the victim shall be informed orally with information about the potential use of the result of the examination (CRS § 18-3-407.5(2)).

## 3. VICTIM CONFIDENTIALITY

The Office shall withhold public access to information that would reveal the identity of a victim or alleged victim of criminal sexual conduct pursuant to CRS § 24-72-304. The notation "SEXUAL ASSAULT" shall be made on Office's official records involving a victim of sex crime.

The name of any juvenile victim of a sex crime shall not be disseminated or published (CRS§ 19-1-102(1.7)).

## 4. VICTIM RIGHTS

Officers investigation or receiving a report of an alleged sex crime shall ensure victims are provided a handout explaining the victim's rights, and information and resources available (see the Victim and Witness Assistance Policy) (CRS § 24-4-.1-303).



As soon as available and when appropriate, the investigations member shall ensure the victim is provided (CRS § 24-4.1-303(10) (b)).

- a. The business address and telephone number of the District Attorney.
  - b. The file number of the case and the name, business address and telephone number of any officer assigned to investigate the case.
  - c. Information regarding a suspect being taken into custody or released, unless such information would interfere with the investigation.
  - d. Information concerning any change in the status of a cold case and, upon a written request from the victim, an update at least annually concerning the status of a cold case when the criminal statute of limitations is longer than three years.
  - e. Information regarding any final decision not to file charges unless this department and the District Attorney's office have developed a separate policy specifying the manner of informing victims of decisions not to file charges.
5. COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, it is critical to the investigation that a urine sample from the victim be collected by a medical professional.

Forensic medical evidence shall be collected if the victim requests the collection.

Prior to collection of any forensic medical evidence, the victim's written consent should be obtained using the form required by the Department of Public Safety (DPS).

Unless the victim withdraws consent, evidence collected shall be submitted for analysis to the Colorado Bureau of Investigation or an accredited crime laboratory within 21 days (8 CCR 1507-29; CRS § 18-3-407.5) Forensic evidence associated with an anonymous report made pursuant to CRS § 12-36-135 shall not be submitted to a laboratory for testing (CRS § 18-3-407-.5).

The result and the case information should be entered into state and national registries in a timely manner.

No Ridgway Marshal's Office member shall ask or require a sex crime victim to participate or cooperate in an investigation as a condition of receiving a forensic medical examination (CRS § 18-3-407.5(3)(a)).

The Ridgway Marshal's Office shall be responsible for direct costs associated with collection of forensic evidence from a sex crime victim (CRS § 18-3-407.5(1)).



## 6. DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Ridgway Marshal.

Classification of a rape case as unfounded requires the Ridgway Marshal to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, the case must be determined as unfounded.

## 7. AUDITING CASE DISPOSITIONS

The Ridgway Marshal will ensure case dispositions are reviewed on a periodic basis using an identified group that is independent of the investigation progress. The SART of multidisciplinary response team and /or victim advocates should be considered for involvement in this audit.

## F. RELEASING INFORMATION TO THE PUBLIC

The cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative heads. The Ridgway Marshal should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

## G. TRAINING

Subject to available resources, periodic training will be provided to:

1. Members who are first responders, This includes, but not limited to , the following topics:
  - a. Initial response to sexual assaults
  - b. Legal issues
  - c. Victim advocacy
  - d. Victim's response to trauma
2. Qualified investigators who should receive advanced training on additional topics. This includes, but is not limited to, the following:
  - a. Interviewing sexual assaults victims
  - b. SART or multidisciplinary response team
  - c. Medical and legal aspects of sexual assault investigations
  - d. Serial crimes investigations
  - e. Use of community or other federal and state investigative resources, such as the Violent Criminal Apprehensive Program (VICAP)