




WINCHESTER POLICE DEPARTMENT OPERATION ORDER

NOTE: This directive is for internal use only, and does not enlarge an employee’s civil liability in any way. It should not be construed as the creation of a higher standard of safety or case in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

Number 2-29		Effective Date August 30, 2023	Review Date July 13, 2023	Reviewing Division Administration
Subject SEXUAL ASSAULT	<input type="checkbox"/> New Directive <input checked="" type="checkbox"/> Revised <input type="checkbox"/> Replaces		This directive shall apply to personnel assigned to the following divisions: <input type="checkbox"/> All Personnel <input checked="" type="checkbox"/> Patrol Division <input checked="" type="checkbox"/> Administration Division <input checked="" type="checkbox"/> Investigation Division	
References VLEPSC: OPR.02.01 - .06 CALEA				
 <hr/> Chief of Police or Designee		August 30, 2023 <hr/> Date		

I. PURPOSE

The purpose of this directive is to outline a protocol for coordinated preliminary and follow up investigations of sexual assault and other related offenses.

II. POLICY

The Department recognizes the fact that sexual assaults (rape, forcible sodomy, sexual battery, object penetration, incest, child molestation, exploitation of children, and attempts thereof) are personal violent crimes that have great psychological and physical effects on the victims. It is the policy of the Winchester Police Department to assist sexual assault victims in a supportive manner, using appropriate crisis intervention skills. Because of the seriousness of these offenses and the delicate nature of the investigations involved, it is important for the Department to undertake diligent investigations in order to increase the reporting of these crimes. Reducing recidivism through the apprehension and prosecution of the assailants is a department priority.

III. PROCEDURES

A. General Responsibilities

1. Sexual assaults are those offenses involving sexual penetration and contact with any person by force or threat of force, fear, coercion, intimidation, or any attempts to force sexual penetration or contact on any person.

2. Department personnel shall be aware of community services available to victims of sexual assault. Some of these services are the Women's Shelter Crisis Intervention Companion, Winchester Medical Center Sexual Assault Support and Prevention Program, Forensic Nurse Examiner Program, and the Virginia Family Violence and Sexual Assault Hotline
3. Department personnel shall be trained and knowledgeable regarding sexual assault investigation and its impact on victims.
4. Department personnel shall use appropriate communication skills when interacting with sexual assault victims.

B. Emergency Communications Center (ECC) Responsibilities

1. If medical center personnel report a sexual assault incident, the ECC shall collect initial information only, including the name and location of the victim, the reporting person's name and job title, and the victim's condition. The ECC shall confirm that a sexual assault support person has been contacted for the victim, if requested by the victim.
2. If a victim reports a sexual assault, the victim may or may not want police intervention.
 - a. If the victim wants no law enforcement response, the ECC shall observe the following procedures:
 - (1) Without being intrusive, collect as much information as possible. Do not insist on the victim's identity. If necessary, ask the victim to make contact with a friend or relative who can relay the victim's information to the department.
 - (2) Even if no report is made, refer the victim to a sexual assault crisis center or other victim support program for further assistance.
 - b. If the victim requests a law enforcement response, the ECC shall observe the following procedures:
 - (1) Collect initial information such as the victim's name, present location, telephone number, basic incident details, and the victim's condition.
 - (2) Ensure the victim's safety. An officer shall be dispatched immediately. Ask for the assailant's name, if known, description, possible location or direction and means of flight from the scene, and the time elapsed since the incident. Stay in contact with the victim until the officer arrives, if possible. Be supportive and use crisis intervention skills.

- (3) If the assault occurred within the last seventy-two (72) hours, explain to the victim the necessity of not performing the following activities: washing, washing clothes, brushing teeth, using mouthwash, eating, drinking, smoking, douching, combing hair, putting on make-up, going to the toilet, and touching or moving anything at the crime scene. If the victim has already destroyed some evidence, reassure the victim, but ask them not to do any more "cleanup." Determine how the evidence was destroyed and document this information for responding officers. If evidence such as clothing, a condom, etc., was disposed of in the trash, it will be necessary for officers to recover these items as potential evidence.
 - (4) If the assault occurred more than seventy-two (72) hours earlier, recommend that the victim seek medical attention and dispatch an officer to the victim's location.
 - (5) Ask the victim if they wish the presence of a sexual assault crisis worker, family member, or friend for further support, and offer to contact that person if necessary.
 - (6) Ask if the victim needs transportation. If not, send an officer to the victim's location, if possible, or explain that an officer will meet the victim at a specific location.
3. Give a complete report of information collected to the responding officers before they initially contact the victim.
 4. See GO 2-45, Victim Services for additional procedures concerning ECC responsibilities.

C. Officer Responsibilities

1. Officers have certain immediate responsibilities when dispatched to a sexual assault incident. Those immediate responsibilities include:
 - a. The primary concern is the victim's physical well-being. Give attention to the victim's emergency medical needs. Ensure safety.
 - b. Preserve the crime scene. The incident should be reported to a supervisor immediately and the supervisor should authorize calling the Criminal Investigations Division Supervisor or his/her designee for further assistance.
 - c. Officers shall be alert for any suspect in the vicinity. Give a crime broadcast, if applicable.
 - d. Officers shall explain their role to the victim and what will be done at the scene and through follow up investigation.

2. Officers shall collect information essential to determine what offense(s) actually occurred.
3. Officers shall collect preliminary statements from the victim and any witnesses. An officer should try to establish rapport with the victim and get only the needed information (Who? What? When? Where? Why?). Unless the victim is a child, See GO 2-24, CHILD ABUSE/Sexual Assault Investigations.
4. Officers shall inform the victim, preferably in writing, of counseling services available in the area. The victim shall be informed that the Virginia Criminal Injuries Compensation Fund pays counseling fees for the victim when a law enforcement agency is investigating their allegation of sexual assault. The victim should be asked if they would prefer to have a support person such as a sexual assault counselor (Laurel Center), family member, or friend present, if this had not already been asked by the ECC. The officer should offer to contact any support person if necessary.
5. Officers shall arrange for transportation or transport the victim to a medical center and request for the Forensic Nurse Examiner to be notified, for a sexual assault examination, if the sexual assault occurred within the last seventy-two (72) hours. If the assault occurred more than seventy-two (72) hours before the incident was reported, the officers should still encourage the victim to seek medical assistance. Officers shall explain the medical and legal necessity of the sexual assault examination and suggest that the victim bring a change of clothing and shoes, since all garments worn by the victim could potentially be collected as evidence. Officers shall offer to provide the victim transportation to their residence or other appropriate location following the sexual assault examination.
6. If a Physical Evidence Recovery Kit (PERK) is needed, the Supervisor of the Criminal Investigations Division or his/her designee should be contacted for authorization. Pursuant to Virginia Code, the Commonwealth of Virginia will pay for sexual assault examinations authorized by law enforcement. Further, any other medical bills arising from a sexual assault being investigated by a law enforcement officer may be submitted to the Virginia Criminal Injuries Compensation Fund.
7. See GO 2-45, Victim Services for additional procedures concerning officer responsibilities.

D. Detective Responsibilities

1. The detective shall collect a preliminary report from the initial officer assigned to the case. Before interviewing the victim, the detective should review the officer's report and establish rapport with the victim by allowing the victim to ask preliminary questions or voice initial concerns.
2. The detective may allow the sexual assault crisis worker to be with the victim for support if the victim desires.

3. The detective should prepare the victim for each phase of the investigation. By explaining what must be done, the detective will encourage the victim's cooperation.
4. At the crime scene, detectives should be responsible for coordinating evidence collection, sketching, and taking photographs of the scene. A detective should establish rapport with the victim and if necessary, transport the victim to a medical center.
5. At the medical center, the detective should coordinate with the forensic nurse examiner to ensure proper collection of evidence needed for prosecution. The detective should explain sexual assault examination procedures to the victim and establish rapport for further interviews. The detective should not be in the examination room during the sexual assault examination, but encourage the victim sign a consent form in order to obtain a copy of the medical center report.
6. For follow up interviews, privacy is a necessity. Detectives should choose a quiet room at the Department or go to the victim's residence. A support person to aid the victim may be helpful during the interview. The support person's role in the interview should be explained, including that they should not interfere with questioning.
7. Questions which should be addressed during an interview with the victim include:
 - a. Circumstances of the assault: Where was the victim approached? How was the victim approached? Where did the assault occur? When did the assault occur?
 - b. Information about the assailant: Do you know the assailant's name? Age? Race? Color of hair? Clothing? Height? Weight? Identifying marks? Is there an assailant relationship to the victim?
 - c. Did multiple assaults occur?
 - d. Were other crimes committed?
 - e. What happened during the assault? Were weapons used? Describe any weapons. Were threats made? What were the threats? Was there a fight or struggle? Were injuries sustained? Were drugs or alcohol involved? What did the assailant do? Did he ejaculate? What was said by the assailant?
 - f. How long was the assailant with you?
 - g. What did you or the assailant do immediately after the assault?

- h. Does the victim have concerns about prosecuting?
8. At the conclusion of the interview, encourage the victim to call later with additional details or to ask questions. The detective should ask the victim if any additional assistance is needed. Counseling services are always recommended. Refer the victim to the local Victim/Witness Program, Women's Shelter Crisis Intervention Companion, Winchester Medical Center Sexual Assault Support and Prevention Program, Virginia Family Violence and Sexual Assault Hotline, or any other appropriate victim assistance program or group.
 9. As soon as practicable, alert the victim/witness advocate that a sexual assault has occurred and provide the information necessary for the victim to be contacted.
 10. Interviewing child sexual assault victims requires special procedures. See GO 2-24, Child Abuse/Sexual Assault for additional guidance.
 11. See GO 2-35, Investigations, and GO 2-45, Victim Services, for additional procedures concerning detective responsibilities.