

Sexual Assault Investigations

601.1 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.

601.1.1 DEFINITIONS

Definitions related to this policy include:

Sexual assault - Any crime or attempted crime of a sexual nature, to include, but not limited to, offenses defined in MCL 750.520b through MCL 750.520e and MCL 750.520g.

601.2 POLICY

It is the policy of the Kalamazoo Department of Public Safety that its members, when 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.

601.3 QUALIFIED INVESTIGATORS

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

- (a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.
- (b) Conduct follow-up interviews and investigation.
- (c) Present appropriate cases of alleged sexual assault to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.
- (e) Provide referrals to therapy services, victim advocates and support for the victim.
- (f) Participate in or coordinate with Kalamazoo County Child Abuse Protocols.
- (g) Inform the victim if the suspect has voluntarily submitted to a polygraph examination or other lie detector test and the test indicated that the person may not have committed the crime (MCL 776.21).

601.4 REPORTING

In all reported 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.

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601.5 RELEASING INFORMATION TO THE PUBLIC

In 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 leads. The Criminal Investigations Division supervisor 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.

601.6 TRAINING

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

- (a) Members who are first responders. Training should include:
 1. Initial response to sexual assaults.
 2. Legal issues.
 3. Victim advocacy.
 4. Victim's response to trauma.
- (b) Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:
 1. Interviewing sexual assault victims.
 2. Kalamazoo County Child Abuse Protocol Team.
 3. Medical and legal aspects of sexual assault investigations.
 4. Serial crimes investigations.
 5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
 6. Techniques for communicating with victims to minimize trauma.

601.7 VICTIM INTERVIEWS (AGE 16 AND ABOVE)

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.

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 should be conducted by a qualified investigator.

No opinion of whether the case is unfounded should be included in a report.

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Victims shall not be asked or required to take a polygraph examination (34 USC § 10451; MCL 776.21).

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

If an immediate arrest is necessary, the investigating officer shall notify a command officer who shall notify CID command who may choose to immediately assign a detective to the case.

601.8 VICTIM INTERVIEWS (AGE 15 AND BELOW)

The primary consideration is the health and safety of the minor victim. Officers should first seek medical attention for the victim when necessary prior to commencing any investigation. If the minor child needs medical attention and the parents or guardians are refusing to seek medical attention, the officer shall contact DHS to help facilitate the medical treatment. Should the need arise to contact DHS to help facilitate treatment in these situations a command officers shall also be consulted.

Whenever a victim under the age of 16 is suspected to have been the victim of a sexual assault, the officer shall rely on third party information for their interview. The officer **shall not interview the victim**. Third parties may include but are not limited to the following: parents, DHS worker, school personnel, medical personnel, social workers and mental health professionals.

*EXCEPTION: The only exception to this rule is if the victim is the reporting party to law enforcement and there is no third party available. In this case, the officer, if not trained in forensic interviewing of children, shall attempt to get a free narrative from the victim to establish the elements of a crime, asking open ended questions such as, "what happened next?".

All sexual assaults on children (under the age of 18) shall be reported to the Department of Human Services (CPS) immediately by phone. A copy of the report shall be faxed, emailed, or delivered to CPS within 72 hours.

If an immediate arrest is necessary, the investigating officer shall notify a command officer who shall notify CID command who may choose to immediately assign a detective to the case.

Victims shall not be asked or required to take a polygraph examination (42 USC § 3796gg-8).

CID personnel shall follow the protocols set forth in the Kalamazoo County Child Abuse Protocols attached

[See attachment: Child Abuse Protocol Feb 2017.pdf](#)

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601.9 SUSPECT/WITNESS INTERVIEWS

Officers shall make every effort to locate and interview all suspects and witnesses to any sexual assault cases. Age of a witness or suspect shall not prevent an officer from obtaining a statement. Officers shall obtain as much information as they possibly can prior to submitting to the case to CID.

601.10 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE (ALL AGES)

a. CSC KIT:

- (a) If the CSC occurred within 120 hours (5 days) of the report, the responding officer shall call the YWCA sexual assault line at 269-385-3587 while with the victim. A YWCA nurse will call back within 5 – 10 minutes and instruct the officer if and where to send the victim for a sexual assault examination. KDPS will assist the victim with transportation to and from the test location when necessary.
- (b) If the CSC did not involve penetration OR skin to skin contact there is no need to refer the victim for an exam. If this information is unknown, call the YWCA as instructed above.
- (c) The CSC Kit shall be tagged as evidence and placed into the evidence. An “Analysis” form shall be completed and accompany the CSC Kit. The race and sex of both the victim and suspect shall be listed on the front.

Completed copies of the “” shall be routed as follows:

- (a) 3.
 - (a) White Copy: Left at Test facility
 - (b) Yellow Copy: Sealed inside CSC Kit
 - (c) Pink Copy: Forwarded to CID with copy of report.
4. Kits or biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, shall be submitted for biological testing. The result and the case information should be entered into state and national registries in a timely manner.
5. Victims who choose not to file a police report may desire to provide an anonymous rape kit. In these circumstances, the rape kit shall be completed and stored at the health care facility where the evidence was collected according to MCL 752.933. In no case will the sexual assault kit evidence be removed from the health care facility until a release has been received by the investigating agency (MCL 752.933).

All evidence from cases where the suspect is a stranger to the victim shall be transmitted in a timely manner to the proper forensics lab for processing all relevant biological evidence

(a) PROCEDURE WHEN SEDATING DRUGS ARE SUSPECTED

1. If an officer has reason to believe that the victim ingested a “DATE RAPE” drug within the past 24 hours, the officer shall obtain a “Kit” from the Operations Vault.

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This kit shall be taken to the hospital, YWCA, or other medical testing facility providing the CSC examination as directed by the YWCA Sexual Assault line.

2. The officer shall request that the medical personnel obtain both **blood and urine** samples from the victim as early as possible. All four (4) containers inside the kit shall be utilized (two (2) - gray top tubes and two (2) – plastic bottles. Blood and urine samples should be collected separately from the blood required for the CSC Kit.
3. The officer shall complete all information possible on the “”, which is included in the “”. The first two copies shall be placed inside the kit and the third copy forwarded to CID.
4. The officer shall place the “” in an evidence intake locker along with a “” form.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

601.10.1 COLLECTION AND TESTING REQUIREMENTS

Members investigating sexual assaults or handling related evidence are required to do the following (MCL 752.934):

- (a) Take possession of sexual assault kit evidence collected at a health care facility within 14 days after receiving notice of the kit evidence as set forth in MCL 752.934.
- (b) Notify a law enforcement agency with jurisdiction of alleged offense within 14 days after receiving a sexual assault kit related to that agency’s case from a health care facility.
- (c) Submit sexual assault kit evidence to the appropriate laboratory within 14 days of its receipt.

Additional guidance regarding evidence retention and destruction is found in the Evidence Room Policy.

601.10.2 DNA TEST RESULTS

A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance policy.

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Members investigating sexual assaults cases should ensure that DNA results are entered into databases when appropriate and as soon as practicable.

601.11 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 Criminal Investigations Division supervisor.

Classification of a sexual assault case as unfounded requires the Criminal Investigations Division supervisor 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, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

601.12 CASE REVIEW

The Criminal Investigations Division supervisor should ensure cases are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

The CID Divisional Commander or designee and/or victim advocates should be considered for involvement in this audit. Summary reports on these reviews should be forwarded through the chain of command to the Chief of Public Safety.