

## RENO POLICE DEPARTMENT GENERAL ORDER

This directive is for internal use only and does not enlarge this department's and/or governmental entity and/or any of this department's employees' civil or criminal liability in any way. It is not to be construed as the creation of a particular standard of safety or care in an evidentiary sense, with respect to any complaint, demand for settlement, or any other form of grievance or litigation. Violations of this directive, if substantiated, can only form the basis for intra-departmental administrative sanctions.

Chief of Police: Jason Soto /s/		
Approving Deputy Chief: Tom Robinson /s/		
General Order No: P-360-17	Issued: September 16, 2004	Revised: April 26, 2017
General Order Title: <b>SEXUAL ASSAULT/CHILD SEXUAL ABUSE</b>		

### **POLICY**

The purpose of this policy is to provide officers and investigators with guidelines for responding to reports of sexual assault, assisting victims, collaborating with local health and service agencies; and conducting interviews with victims, witnesses, and suspects. Department personnel will conduct investigations in a Victim-Centered and Offender focused manner: giving time and consideration to the victim's needs, wishes, and concerns throughout the medical, advocacy and criminal justice response and focusing the attention of the investigation on the actions and behaviors of the suspect.

#### Medical Triage Protocol for Sexual Assault Exams

The decision whether the actual exam will follow the SAFE or CARES protocol will ultimately be decided by the SART/CARES Program Coordinator.

SART Members can respond 24 hours a day; however, there are times when the exam will be scheduled later. All requests shall be routed through dispatch.

Upon requesting an exam, the primary investigating officer will give a Departmental telephone contact number (i.e. Sergeant cell phone or Dispatch) so that direct communication of the details of the assault can occur between the SART/CARES medical team member and the specific exam needs can be determined. Direct communication is essential in planning this exam and will not only assist in the investigation, but will best suit the needs of the victim.

## **DEFINITIONS**

### **Sexual Assault Support Services**

Sexual Assault Support Services (SASS) is the sexual assault portion of the Crisis Call Center. It is the central phone location for the scheduling of any victim sexual assault exams. Unless exigent circumstances exist, sexual assault exams will be conducted at the Washoe County CARES/SART Facility located at 2097 Lingley Lane, Reno. Current phone numbers used for the scheduling will be maintained by Dispatch.

### **Sexual Assault Response Team (SART)**

SART is a multi-disciplinary team which addresses and completes (SAFE) Sexual Assault Evidentiary based exams upon sexual assault victims age thirteen (13) years and older. Sexual Assault Forensic exams are usually available 24 hours a day, seven days a week.

### **Child Abuse Response and Evaluation (CARES)**

The CARES program is a multi-disciplinary team approach addressing exams for sexual assault victims age twelve (12) or younger. CARES exams will be scheduled as soon as possible by appointment only. The case may require an immediate CARES exam if:

- the assault occurred less than 24 hours prior, or
- the child complains of pain
- there is possible bleeding or discharge.

The on-scene supervisor will determine if the CARES/SART coordinator should be contacted and an emergency exam requested. In acute cases, the on-call Detective Supervisor must be notified.

## **PROCEDURES and PRIORITIES**

A victim's distress may create an unwillingness or psychological inability to assist in the investigation. Officers and detectives play a significant role in both the victim's willingness to cooperate in the investigation and ability to cope with the emotional and psychological trauma after effects of the crime. Therefore, it is especially important that these cases be handled from a nonjudgmental perspective so as not to communicate in any way to a victim that the victim is to blame for the crime. Officers shall respect the victim's inability, or decision, not to be involved in criminal proceeding, as the law may allow, and remain willing to offer continued assistance and a possible referral to Victim Service Unit.

## **Priorities**

The duties of the initial field officer at the scene must be prioritized based on circumstances. The usual priority will be as follows:

1. Medical needs of the victim.
2. Determine if the suspect is still on scene.
  - a. Be aware that physical evidence can be contaminated or destroyed during the inspection. If the suspect is still on scene remember that trace evidence may be on the suspect's person, so care should be taken so as not to destroy any existing evidence.
3. Secure the crime scene and determine if Officer Crime Scene collection can be used or the response of the Washoe County Forensic Investigative Services Unit is needed.
4. Identify, secure, separate, and interview all potential witnesses.
5. Notify an on-shift supervisor so they can determine if there is a need for a call-out of a Sex Crimes/Child Abuse detective (See attached call-out criteria).
6. If the victim wishes to take part in an evidence-based exam, notify the Sexual Assault Support Services to schedule a SART Exam. \*(Current numbers are maintained by dispatch)
7. Coordinate/provide transportation of victim to the Washoe County CARES/SART Facility at 2097 Longley Lane, Reno. Once the call has been made, the SASS dispatcher will contact the SART nurse and the SASS advocate to respond to the officer's request for examination. The information needed will be the Case number, victim's age, when the assault happened and possibly a first name.

## **Victim Care**

1. Medical assistance to an injured victim should be your first priority. When first aid is administered at the scene, the officer must keep in mind that physical evidence may be present around the victim's person that needs to be preserved.
2. Evidence can normally be collected up to seven days after the assault, but evidence can be gathered and injuries documented beyond that time, especially if the victim is injured, bleeding, or experiencing pain.
3. Officers should further be aware of signs or statements that imply a drug facilitated sexual assault has occurred. Ensure arrangements are made so that blood and urine samples can be collected in a timely manner.

## **Victim Examination**

1. Unless a critical injury is involved or the victim refuses, all sexual assault victims should be encouraged to complete an evidence-based sexual assault examination.
2. If the victim agrees, he/she should be transported to the Washoe County CARES/SART facility where Sexual Assault Response Team personnel have the proper training to complete the exam. This is an evidence-based exam and items collected by the CARES/SART Nurse are placed into a sealed envelope. The sealed exam kits may include:
  - a. Vaginal, perivaginal, anal, perianal, and oral swabs
  - b. Blood and saliva samples
  - c. Fingernail scrapings
  - d. Head and pubic hair combings and samples
  - e. Urine sample
3. The evidence for the exam kits are collected only by trained CARES/SART personnel and subsequently booked into evidence by a designated Sex Crimes detective, maintaining accurate chain of custody. Exam kits will be submitted for testing in accordance to the current procedure set forth by the Washoe County Sheriff's Department Crime Lab.
4. If the victim refuses to consent to the sexual assault examination, the reason will be noted in the report and the victim should be encouraged to seek medical attention, including testing for pregnancy and sexually transmitted diseases.
5. If both the suspect and the victim are injured and require medical treatment, transportation to the same medical hospital should be avoided. If it cannot be avoided, every precaution will be taken to keep them, family and friends, isolated from each other.

## **Interviewing the Sexual Assault Victim**

Officers shall show understanding, patience, and respect for the victim's dignity, and attempt to establish trust and rapport when interviewing sexual assault victims. The varied response of victims to the trauma of a sexual assault shall not be used in any way to measure credibility.

1. Officers shall:
  - a. Remain patient and maintain an open mind while listening to the victim's account.
  - b. Remember that victims may struggle with gaps in memory.
  - c. Interview victim in a victim centered and trauma informed manner.
  - d. Use simple terminology appropriate to the victim's age, sophistication, and intelligence.
  - e. Avoid using jargon or police, medical, or legal terms.
2. Prior to initiating the interview, the officer shall:
  - a. Interview any witness who might have seen or spoken with the victim before, during, or after the assault
  - b. Accommodate the victim's request for a Child Advocacy Scheduling, a victim's advocate or support person whenever possible.
  - c. Explain the need for victim confidentiality.

- d. Victims may be accompanied by:
    - 1. Sexual Assault Advocate;
    - 2. Other Advocate or Support Personnel; and,
    - 3. Care should be taken when involving family members and friends as the Victim's Advocate or Support Personnel, as conflict could arise, based on the circumstances.
  - e. Secure a private location for the interview that is free from distractions.
  - f. Express sympathy to the victim and an interest in the victim's well-being.
  - g. Inform the victim of the need and importance of full disclosure of any and all recent drug use.
3. During the interview, the officer shall:
- a. Obtain contact information for the victim, including temporary accommodations
  - b. Explain the nature of the preliminary interview and the possible need for follow-up contacts
  - c. Ask victims what they are "able to tell you" understanding that a chronological account may not be possible at that time
  - d. Revisit the possibility of an appropriate support person for victims who initially declined the offer
  - e. Explain department procedures in regards to the investigation and our response to sexual assault. References to our training in Forensic Experiential Trauma Interviews can be made.
  - f. At the conclusion of the initial interview, the officer shall:
    - i. Give the victim the detective division's contact information.
    - ii. Encourage the victim to contact the detective division with any additional information or evidence.
    - iii. Remind the victim that visible evidence of injury may appear later, and to contact the detectives for additional photographs or other documentation.
    - iv. To ensure that requests for victim protection orders are made where indicated.
    - v. Provide transportation when reasonably possible.
  - g. Inform the victim about next steps in the investigation
4. In accordance to State Statutes, a victim of a sexual offense may choose a pseudonym to be used instead of the victim's name on all files, records and documents pertaining to the sexual offense. Officers shall make a good faith effort to substitute the pseudonym for the name of the victim on all reports, files and records.

### **Child Sexual Abuse**

The role of the Reno Police Department, as any police agency, is to conduct a criminal investigation into allegations of child sexual abuse. Responding to individual child victims is challenging work.

Perpetrators count on a child's statement lacking credibility in both the justice and child protection systems. Our goal is to conduct an appropriate investigation for the arrest and prosecution of the offender.

At the same time as the investigation, the investigating officer will also be conducting an assessment to determine if the child is at risk of further sexual abuse. The investigative steps that need to be taken if a forensic interview of the child is needed. Some things to consider:

1. All suspected child sexual abuse reports made to the department will be cross-referenced to Child Protective Services as soon as practicable.
2. Whenever possible, information will be gathered from reporting parties and other individuals rather than from the child. If the child needs to be interviewed further, it should be narrowly focused with respect to what, where, and when, and to determine if a crime was committed, where (jurisdiction), and by whom. A full Child Forensic Interview will be scheduled, when applicable and in accordance to current Washoe County Child Advocacy Center protocol, to take place at the Child Advocacy Center 2097 Longley Lane, Reno.
3. If, while conducting the pre-interview, there is reason to believe that the child is at risk if they remain in the home, Washoe County Child Protective Services will be contacted for placement outside the home.
4. Any cases of sexual abuse should be considered for a CARES exam conducted by trained CARES/SART personnel. The on-call detective supervisor should be notified if an acute CARES exam needs to be scheduled.
5. All cases of this nature that are reported to The Reno Police Department will be reviewed with the intent of referring the matter for criminal prosecution.

#### **Suspect Information:**

1. When it is determined that contact with a suspect should be made you may conduct an interview of the suspect, as soon as practicable, to establish certain facts. A more complete interview may take place at a later time by detectives. Determination of contact may include, but not limited to the following factors:
  - a. Establishing identity and location of suspect
  - b. Suspect's accessibility to victim
  - c. Impact of contact for further investigation
  - d. Timing of contact with regards to the victim's stage in the investigative process
2. Suspect information should be, immediately obtained for possible broadcasting and for collection of appropriate evidence, including:
  - a. The elements and manner of sexual assault.
  - b. A description or identity of suspect(s), manner of escape, route of escape.
  - c. An accurate time, place, and location of occurrence.

#### **Evidence Collection from Suspect:**

##### Contacting and Interviewing the Suspect

1. The investigating officer(s) shall follow department procedures on identifying the suspect, conducting the suspect interview, and collecting evidence in a sexual assault investigation.
2. Any involvement of a victim in a pretext phone call to the suspect should take into consideration the victim's emotional and physical state. A victim advocate should be present whenever possible to offer support.

## **Sexual Assault Forensic Examination for the Suspect:**

### 1. Protocol for Suspect Examination

- a. After the suspect interview, the investigating officer shall determine whether a forensic sexual assault examination should be obtained for the suspect.
- b. A search warrant and (or) seizure order may be needed to collect any evidence from the body of the suspect or even to collect clothing. If the suspect consents to such evidence collection procedures, documentation of voluntary consent shall be provided in the police report.
- c. The officer shall clearly document the suspect's freedom to decline any part of the examination and to leave at any time.
- d. First-line Supervisors and Officers trained to collect evidence from inside a suspect's facial cheek (buccal) for DNA profiling shall complete the collection when applicable. The Buccal Evidentiary Kits shall be readily available to officers in the field.
- e. All other intrusive collection shall be done by a trained forensic Investigator.

## **Forensic Investigative Services:**

1. The on-scene supervisor will determine whether the on-call F.I.S. Investigator will be requested.
2. The on-call F.I.S. investigator will arrange to meet you at Washoe County Regional Detention Center, 911 Parr Blvd, unless otherwise directed by detectives to complete the WCSO Sexual Assault Evidence Collection protocol on the suspect.
3. Juvenile suspects will be processed in the same manner as adult suspects since evidence collection will be completed in the crime lab area, not the detention facility itself. Care should be taken not to mingle juvenile suspects with adult offenders, and if at all possible they should be kept in separate areas.
4. The above procedures apply only to evidence collection on the suspect. If the suspect requires medical treatment, the suspect is to be transported to a separate medical facility for that treatment only. Any determination of collection of evidence should be coordinated between the on-scene supervisor and the F.I.S. unit.

## **Blood Draw Requirements on Arrested Suspects**

Every subject booked for the crime in which sexual penetration is alleged will be subjected to a mandatory, non-evidentiary blood test per NRS 441A.320. This is usually obtained at 911 Parr Blvd and is non-evidentiary in nature. The steps to complete this test are as follows:

1. The arresting officer will complete the Health Department's Suspect Blood Draw form, listing all the information requested for the victim and the suspect, as well as the name and address of the victim's parents if the victim is a juvenile. This form is to be faxed to the Health Department within 24 hours of obtaining the blood sample. It is extremely important to fax this form as this is the only way the Health Department is made aware of the crime. (Fax number is located on form.)

2. The arresting officer must also complete the two Nevada State Health Laboratory Test request forms with the suspect's name and address, age, sex, race, and specimen type.
3. An on-call phlebotomist and/or nursing staff will then complete the blood draw.
4. Both specimen blood tubes and the test request forms should be placed in the envelope for testing at the State Health Lab. Annotate "State Lab" on the outside of the envelope in big letters. All specimens are to be placed in the Red State Lab Box in the refrigerator Breathalyzer/blood draw room at the Washoe County Regional Detention Center 911 Parr Blvd., Reno NV.
5. If suspect refuses to submit to a test or if a test cannot be performed at Washoe County Detention Center inform the Health Department of the issue on the faxed form. The Health Department may seek a civil warrant or have the Sheriff's Department perform the blood draw later.

### **Crime Scene Management:**

Due to other priorities the search/collection of evidence may not take place immediately. It is imperative that the field officer secure the crime scene so that potential evidence will not be destroyed by people walking through the scene. The on-scene supervisor or detective should determine if officer CSI or FIS should be requested to photograph the crime scene and collect evidence.

Responding officers shall protect the integrity of the evidence and guard the chain of custody by properly marking, packaging, and labeling all evidence collected, including:

1. Clothing worn at the time of the assault and immediately afterward, especially the clothing worn closest to the genitals (such as undergarments, pants, and shorts)
2. Photographs and videotape of the victim's injuries (if any), the suspect's injuries (if any), and the crime scene prior to processing:
3. When photographing a victim, be sensitive to the location of the injuries on the victim's body.
4. Summon an officer of the same sex as the victim.
5. Photograph victims using drapes and other techniques that help to maintain the victim's dignity.
6. Instruct medical personnel to take photographs of the genitalia when needed.
7. DNA evidence can sometimes play an important role in the sexual assault investigation. In addition to the victim's and suspect's bodies and clothing, there are many other potential sources such as condoms, sheets, blankets, pillows, and bottles that may contain biological evidence such as blood, sweat, tissue, saliva, hair, urine and other bodily secretions. To properly collect DNA evidence, officers shall:
  - a. Use fresh gloves and change as needed.
  - b. Use sterile swabs, papers, solutions, and tools.
  - c. Package evidence in individual envelopes.

- d. Avoid touching the area where potential DNA evidence may exist.
  - e. Avoid talking, sneezing, and coughing over evidence.
  - f. Air dry evidence before packaging.
  - g. Put evidence into new paper bags or envelopes, not plastic.
8. Evidence for the sexual assault kit will be collected from the victim at the CARES/SART Facility by trained SASS personnel.
  9. Collection of evidence from victims by officers or detectives should be limited only to buccal swabs, hand swabs or swabs of an unobtrusive nature.
  10. The on-scene supervisor or detective should determine the necessity of any collection done prior to participation in a SART/CARES exam.

**Identify and Secure All Potential Witnesses for Statements:**

A canvas of the immediate area will be completed as soon as possible to identify any possible witnesses. A list of the area canvassed and the people contacted will be included with the report. Witnesses will be contacted as soon as possible to obtain not only observations of the incident, but all pre-and post assault behaviors.

**Sex Crimes/Child Abuse Unit Notifications:**

If it is likely officers will complete additional follow-up to a case, officers are required to coordinate efforts with detectives.