# GUIDELINES FOR SEXUAL ASSAULT INVESTIGATION



COMMISSION PEACE OFFICER STANDARDS AND TRAINING

OF CALIFORNIA

# U.S. Department of Justice National Institute of Justice

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GUIDELINES FOR SEXUAL ASSAULT INVESTIGATION

NCJRS

NOV 13 1987

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Prepared by the Commission on Peace Officer Standards and Training

# **COMMISSIONERS**

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Retired

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Executive Director, Commission on Peace Officer Standards and Training

#### FOREWORD

Sexual assault is one of the most offensive crimes committed in our society. Not only is it a threat to the community, but may also physically and psychologically affect the victim in many ways. The emotional trauma of being sexually assaulted may differ from victimization in other forms. The personal nature of this act makes it even more critical that responding officers possess the skills and sensitivity necessary to provide the victim with the support he/she needs.

Penal Code Section 13516 mandates that the Commission on Peace Officer Standards and Training (PGST) prepare guidelines establishing standard procedures which may be followed by law enforcement agencies in the investigation of sexual assault cases. This statute also requires POST to prepare and implement a course for the training of specialists in the investigation of sexual assault cases. This guideline document has been recently updated to incorporate changes in the law and changes in investigative procedure.

Guidelines are presented in a format that will allow the reader to follow a step-by-step process for conducting a sexual assault investigation. POST encourages the sharing of this information with all law enforcement personnel who may serve as the liaison between the sexual assault victim and the criminal justice system.

The technical information contained in this document is updated from the original 1978 document "Advanced Sexual Assault Investigation." For specific information concerning investigating crimes against children, the reader is referred to the document "POST Guidelines for the Investigation of Child Physical Abuse and Neglect, Sexual Abuse and Exploitation."

The Commission appreciates the contributions of the Sexual Assault Advisory Committee along with the assistance of Inspector Lawrence Lindenau of the Berkeley Police Department. Special thanks is extended to Sergeant Thomas Hood of the Berkeley Police Department who served as project director while working for PUST as a Management Fellow Consultant.

Questions or comments concerning this document should be directed to the Training Program Services Bureau at (916) 739-5372. For information on obtaining additional copies of this document, please call the POST Library at (916) 739-5353.

NORMAN C. BOEHM

Executive Director

Mounan C Booken

#### SEXUAL ASSAULT ADVISORY COMMITTEE

Nick Battaglia, Detective San Jose Police Department 201 West Mission Street San Jose, CA 95110 (408) 277-4102

Ralph W. Bennett, Detective Los Angeles Police Department 150 North Los Angeles Street Los Angeles, CA 90012 (213) 485-2883

Kenneth Mark Burr, Deputy District Attorney Alameda County District Attorney's Office Courthouse, Room 900 1225 Fallon Street Oakland, CA 94612 (415) 874-6565

Lucy Carlton, Sergeant Milpitas Police Department 455 E. Calaveras Boulevard Milpitas, CA 95035 (408) 942-2446

Elizabeth Dickinson, Sergeant Los Angeles County Sheriff's Department 11515 Colima Road Whittier, CA 90604 (213) 946-7974 or (213) 545-8477

LeRoy H. Downs, Supervising Probation Officer Sacramento County Probation Department 9601 Kiefer Boulevard Sacramento, CA 95827 (916) 363-3161

Seth L. Goldstein, Inspector Santa Clara County District Attorney's Office 70 West Hedding Street San Jose, CA 95110 (408) 299-7442 Diane L. Huddleston, Investigator UCLA Police Department 601 Westwood Plaza Los Angeles, CA 90024 (213) 206-0136

Michael Jett, Senior Field Deputy Crime Prevention Center Office of the Attorney General 1515 K Street Sacramento, CA 95814 (916) 324-8632

Dick Kuest, LCSW
California Office of Child Abuse
Prevention
744 P Street MS 9-100
Sacramento, CA 95814
(916) 324-2757

Elizabeth Lennon, ACSW
San Diego County Social Services
Bureau
Child Protective Services
6950 Levant
San Diego, CA 92111
(619) 560-2121

Linda L. Lee, Detective Fresno County Sheriff's Department 2200 Fresno Street Fresno, CA 93717 (209) 488-3747

Judy A. "Jesse" McGuinn, MSW State Department of Social Services Foster Care Bureau 744 P Street MS 5-400 Sacramento, CA 95814 (916) 324-2760

James J. Mead, Director For Kids Sake, Inc. 753 W. Lambert Street Brea, CA 92621 (714) 529-8358 Susan Oliviera, PhD Central Coast Counties Police Academy Gavilan College 5055 Santa Teresa Boulevard Gilroy, CA 95020 (408) 847-1500 ext. 283

Marilyn Strachan Peterson California Office of Criminal Justice Planning 1130 K Street, Suite 300 Sacramento, CA 95714 (916) 324-9120

Michael E. Phalen, Lieutenant Pleasant Hill Police Department 330 Civic Drive Pleasant Hill, CA 94525 (415) 671-4600

R. P. "Toby" Tyler, Sergeant
San Bernardino County Sheriff's
Department
P.O. Box 569
San Bernardino CA 92402
(714) 383-3731

# PROJECT COORDINATOR

Thomas B. Hood, Sergeant Berkeley Police Department 2171 McKinley Avenue Berkeley, CA 94703 Management Fellow Commission on POST

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#### INTRODUCTION

The law enforcement officer is one of the most visible authority figures in our society. When the public perceives the need for assistance, the police officer is usually the first one to be called. Each officer must be well trained, well informed, and empathetic to the needs of the community members he/she serves. This becomes critical when the offense involves sexual assault.

Unlike other criminal acts, sexual assault may cause lasting emotional scars. The skill and sensitivity of the officers handling the investigation may ease the victim's trauma and give him/her a sense of security and support. Due to the very personal nature of the offense, the responding officer must attempt to establish a rapport with the sexual assault victim so that complete and accurate information about the offense can be obtained.

Many times little or no physical evidence is found to corroborate the victim's statement. Thus, the criminal justice system must rely on the skills of the police officers handling the investigation to provide the necessary information to successfully prosecute the offender. Often, it comes down to the victim's statement of what took place versus the offender's denial.

Law enforcement has a legal and moral obligation to thoroughly investigate reports of sexual assault and to determine whether a crime has in fact been committed. This investigation should be carried out in a professional and sensitive manner to protect the rights of the alleged victim AND the suspected offender. The work done during the initial phases of the investigation may have a positive or negative impact on both the victim as well as on the successful prosecution of the offender. Sexual assault investigations may become complicated and labor intensive. Officers involved in sexual assault investigations should have specialized training in modern investigative procedures including the proper method for interviewing victims, witnesses, and suspects.

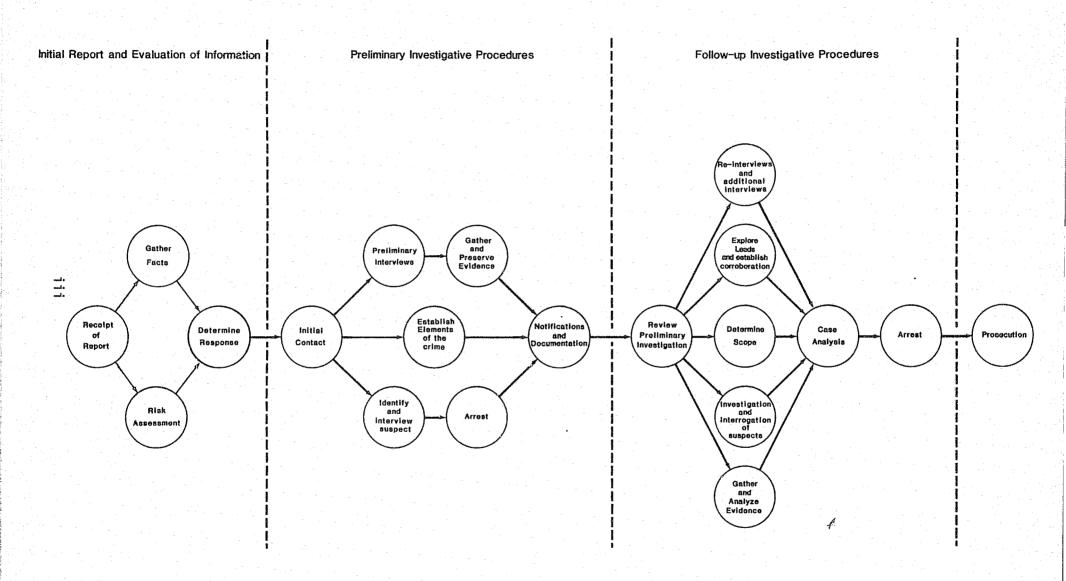
This guideline document updates the Advanced Sexual Assault Investigation Manual published by POST in 1978. A guideline, by definition, is a statement of policy or procedure. This document presents the information needed to conduct a sexual assault investigation in such a way that the reader can follow a step-by-step process as incicated on the chart that follows. The guidelines are general and designed to provide order and continuity to law enforcement investigations. The sequence of the guidelines follows the normal progression of events from the receipt of the initial report to the completion of the case summary for the prosecuting attorney.

Whether or not the offender is apprehended, law enforcement personnel should adopt the role of resource provider. The sexual assault victim should be provided with resource information that will allow him/her to obtain medical and/or psychiatric counseling. Information should also be provided pertaining to State and local victim/witness assistance programs.

The appendix contains reference material that may assist in clarifying the subjects discussed in the guidelines. Law enforcement agencies are encouraged to share the information in this document with all officers who may be called upon to handle a sexual assault investigation.

More detailed investigative information is available in a POST-certified Sexual Assault Investigation Course.

# SEXUAL ASSAULT INVESTIGATIVE PROCEDURES



#### CHAPTER ONE - GENERAL SEXUAL ASSAULT INVESTIGATIVE PROCEDURES

#### I. INVESTIGATIVE PRIORITIES

# Guideline #1 - Investigative Objective

The primary objective of the investigation is the protection of the victim and the safeguarding of the community.

#### Guideline #2 - Responsibility

Law enforcement personnel have the responsibility to conduct an objective and unbiased investigation.

#### Guideline #3 - Legal Rights

Law enforcement investigators should protect the rights of  $\overline{\text{ALL}}$  involved parties to include the:

- a) victim
- b) accused
- c) witnesses

# Guideline #4 - Support for Victim

It is critical that both the initial investigating officer and the follow-up investigator gain the confidence of the victim. This rapport will assist the investigator by fostering an atmosphere of mutual trust and cooperation as well as providing the victim with the necessary emotional support he/she may need.

# Guideline #5 - Support Groups

It is important that law enforcement agencies maintain a liaison with community support organizations that may be able to provide aid to the sexual assault victim and his/her family. Each law enforcement agency should maintain a list of community support groups for the use of its field personnel. This list should contain the following:

- a) name, address, and phone number of the support organization
- b) name of contact person(s)
- c) hours/days of operation
- d) specific services offered
- e) cost (if any)

#### II. INITIAL RECEIPT AND EVALUATION OF INFORMATION

# Guideline #6 - Initial Report

It is the responsibility of law enforcement personnel receiving the initial report to:

a) gather the pertinent facts (who, what, where, when, how)

b) assess the continued risk to the victim's physical and/or emotional well being

c) determine the priority of response

d) consider coordination of response with other pertinent agencies

# Guideline #7 - Law Enforcement Response

Upon the initial receipt and evaluation of a reported offense, the urgency of the response should be based on the following considerations:

a) need for medical attention

b) danger to the victim

c) whether suspect still has access to the victim

d) potential for evidence

e) potential for loss of evidence

f) acquaintance vs. stranger sexual assault

# Guideline #8 - Responding Officer

The first officer on the scene should assess the continued risk to the victim's physical and/or emotional well being and determine whether a crime has been committed by observing and by conducting initial interviews with:

a) reporting party

b) victim

c) all witnesses

#### III. PRELIMINARY INVESTIGATIVE PROCEDURES

#### Guideline #9 - Initial Information

In the preliminary investigation, the following information should be gathered to substantiate the allegation of sexual assault:

a) type and extent of sexual contact

b) identification of ALL persons with possible knowledge of the incident

c) a detailed description of the crime scene (if known)

# Guideline #10 - Evidence

All evidence in support of the allegation of sexual assault should be gathered and preserved including:

a) photographs of victim and/or crime scene

b) findings in a sexual assault medical examination

c) articles of clothing from the victim and the suspected offender

d) biological body fluids

e) bedding and/or other materials used

NOTE: A comprehensive medical examination protocol for sexual assault victims has been developed by the California Office of Criminal Justice Planning. Every effort should be made to assure that the medical examination of the sexual assault victim is consistent with protocol guidelines.

Guideline #11 - Victim Notification of Investigative Procedures

If appropriate, the victim should be advised of the steps he/she will encounter in the preliminary investigation including:

a) in-depth interviews (specific/personal questions)

b) extensive medical examination protocol

- c) follow-up investigation procedures (interviews; identify suspects)
- d) judicial process (courtroom testimony/procedures)

# Guideline #12 - Suspect Identification

The officer should seek to identify a suspect and determine whether or not to interview and/or take a him/her into custody. (See Guidelines 26 and 33)

Guideline #13 - Suspect Interview/Interrogation

In sexual assault cases, the investigating officer(s) should determine:

a) suspect's awareness of the investigation

b) when the suspect should be made aware of the investigation

c) when the suspect should be interviewed/interrogated

- d) who should do the interview/interrogation of the suspect
- e) where interview/interrogation should take place

# Guiderine #14 - Special Notifications

Notification of special units may be necessary when the victim is a minor and it appears that a parent, guardian, or caretaker is the alleged offender.

#### Guideline #15 - Documentation

The preliminary investigative report should contain the necessary documentation including:

- a) statements
- b) observations (i.e., victim's physical/emotional condition, etc.)
- c) physical evidence noted and secured
- d) actions taken by the investigating officer and others

# Guideline #16 - Impact of Investigation

Every law enforcement officer should be aware of the fact that the actions taken during the preliminary investigation coupled with the quality of the police report will have a crucial bearing on the welfare of the victim and the successful prosecution of the case.

# Guideline #17 - Victim-Witness Assistance Fund

Investigating officers should provide the victim with information pertaining to the benefits afforded crime victims by the State of California Victim-Witness Assistance Fund. If necessary, the victim should be referred to a local support group that provides assistance in the application process.

#### IV. FOLLOW-UP INVESTIGATIVE PROCEDURES

# Guideline #18 - Scope and Direction of the Investigation

The investigator should review the completeness of the preliminary investigation to determine the scope and direction of the follow-up investigation including:

- a) confirmation of the elements of the crime
- b) need for further interviews
- c) review of all evidence
- d) determination of investigative priorities
- e) need for case confidentiality
- f) status of the victim (mental and physical)
- g) status of the suspect (mental and physical)

# Guideline #19 - Records Checks

A thorough records check of the suspect should be conducted to include:

- a) criminal history data
- b) various computer system checks
- c) Department of Justice Registrations and Compliance files (290 PC)
- d) outside agency files and resources

# Guideline #20 - Investigative Leads

Investigative leads should be explored and developed through the use of the following resources:

- a) State and local "all-points bulletins" (APB)
- b) modus operandi files (M.O.)
- c) arrests sketches
- d) photographic line-ups
- e) suspect profiles
- f) physical line-ups
- g) field interview (F.1.) files

# Guideline #21 - Additional Victim Interviews

Additional interviews with the victim (if necessary) should be considered in an effort to:

 a) obtain additional information which the victim was reluctant or forgot to provide during the preliminary investigation

b) clarify any inconsistencies in the original report

 c) check for bruises or injuries which were not initially visible or not photographed - take photos

d) attempt to locate additional evidence

e) provide information on support groups

# Guideline #22 - Corroboration

Corroborating information should be developed through:

- a) medical examination information
- b) witness statements

c) physical evidence

d) incriminating statements made by suspect

e) whether access to the victim by suspect was possible and that he/she had the opportunity to commit the offense

f) M.O. factors

g) use of a search warrant, if appropriate

# Guideline #23 - Additional Sources of Corroborating Information

Corroborating information sources that will assist the investigating officer include:

a) descriptions of crime scene, residence, and/or vehicle

b) description of marks, scars, and tatoos (especially on those body parts normally covered by clothing) on suspect

c) items left behind by the victim and/or suspect at the crime scene

- d) persons the victim may have told prior to the official report to authorities (best friend, neighbor, clergy, etc.)
- e) listening to tape of initial phone call to police by victim (if available)

# <u>Guideline #24</u> - Background Investigation

A thorough background investigation should be conducted on the suspect including:

- a) previous residences (prior offenses in another jurisdiction)
- b) previous relationships (spouse, ex-spouse, live-in, relatives)
- c) contacts with other agencies and/or jurisdictions

#### Guideline #25 - Evidence

All evidence gathered throughout the investigation should be collected, analyzed, and evaluated.

# Guideline #26 - Suspect Interview/Interrogation

The suspect should be interviewed/interrogated using the following criteria as a guide:

- a) advise suspect of his/her constitutional rights and nature of the investigation when appropriate
- b) consider, evaluate, and investigate all new information and alternative explanations provided by suspect
- c) corroborate information already obtained through investigation
- d) obtain incriminating statements including admissions and confessions

# Guideline #27 - Arrest of Suspect

The following factors should be considered when determining whether or not to arrest the suspect:

- a) nature of the offense (felony/misdemeanor)
- b) imminent danger to the victim, community, or self
- c) likelihood the suspect will flee
- d) destruction of evidence
- e) potential ramifications of the arrest
- f) impact on the case development

# Guideline #28 - Case Review

The final review and case summary should include the:

- a) disposition of the victim
- b) evidence identified and collected
- c) statements
- d) disposition of the suspect
- e) coordination and consultation with other involved agencies
- f) need for confidentiality of case information
- g) report of the case progress to appropriate parties to the offense
- h) completion of all mandated report requirement forms

# Guideline #29 - Case Summary

In complicated cases or where there are multiple victims, incidents or offenders, a case summary might help to emphasize the important points the investigator wishes to make. The summary may include:

- a) a synopsis of pertinent points of the investigation
- b) charts showing relationships of the parties involved in the offense
- c) charts depicting the type and number of offenses involved and how they relate to the prosecution of the offender(s)
- d) diagrams of the crime scene for courtroom presentation

# Guideline #30 - Preparation of the Witness for Court

In some jurisdictions the law enforcement investigator may be responsible for preparing the victim for courtroom testimony. In an effort to ease the discomfort of the victim while testifying in court, the following techniques should be considered:

- a) invite the victim and support persons to come to the prosecuting attorney's office prior to the hearing or trial
- b) explain what the victim will be required to do while in court
- c) allow the victim to visit the empty courtroom and (if appropriate) encourage him/her to sit in the witness chair
- d) remind young victims to "just tell the truth"

#### Guideline #31 - Continued Contact with Victim

The law enforcement investigator should maintain contact with the victim until the conclusion of the judicial process. The victim should be provided periodic status reports on the progress of the investigation or prosecution status of the offender.

# CHAPTER TWO - INTERVIEW AND INTERROGATION TECHNIQUES

#### I. GENERAL CONSIDERATIONS

Guideline #32 - Objective of Interview

The objective of the interview is to determine the truth of the allegation(s) of sexual assault without further traumatizing the victim.

Guideline #33 - Law Enforcement Responsibility

The primary responsibility for conducting criminal investigative interviews and interrogations rests with law enforcement.

Guideline #34 - Interview and Interrogation Considerations

When conducting interviews and interrogations, the investigating officer should consider the following procedures:

a) plan and prepare for the interview/interrogation carefully

b) consider the use of audio/video technology

c) determine the functional level of the victim, witness, and suspect

- d) determine the various relationships of all parties involved in the alleged offense
- e) determine if there are additional victims, witnesses, and suspects

f) establish the existence of evidence

g) protect confidentiality of all parties involved in the offense

h) conduct all interviews/interrogations separately

i) avoid disclosure of case information to all parties involved in the alleged offense to prevent contamination

j) instruct all parties involved in the alleged offense to maintain confidentiality

 k) possibility of parties involved in the offense to recant his/her account of the incident due to intimidation, guilt, or repercussion

#### II. VICTIM INTERVIEWS

Guideline #35 - Minimizing the Number of Victim Interviews

Every effort should be made to minimize the number of interviews with the victim. Some techniques to consider include:

 a) consultation with a specialized law enforcement sexual assault investigative unit (if available) prior to the interview

b) conducting thorough and well documented interviews

c) coordination of the investigation with other agencies, if appropriate.

d) use of audio and/or video recordings

e) consultations with the prosecuting attorney

f) seeking out sources of information other than the victim

# Guideline #36 - Sensitivity

Care should be taken to be sensitive to the needs of the victim. Techniques to consider include:

- a) establishing rapport with the victim
- b) careful selection of interview setting
- c) providing the victim with emotional support
- d) having support persons available, if needed
- e) use of interview aids (sketch artist, identikit, etc.)
- f) establishing the victim's developmental level
- g) being aware that the victim may be blaming himself/herself for the offense
- h) recognizing when to discontinue the interview
- i) being aware of cultural differences
- j) informing the victim of what to expect during the investigation
- k) concluding the interview in such a fashion that the victim feels free to recontact the investigator

# Guideline #37 - Special Considerations

When conducting victim interviews, the investigator should consider the following:

- a) avoid influencing the victim's account of the alleged offense
- b) allow the victim to describe the incident in his/her own words
- c) establish time frame(s) and jurisdiction(s) for all alleged offenses
- d) avoid technical terminology, if appropriate
- e) avoid making false reassurances or promises

#### III. WITNESS INTERVIEWS

# Guideline #38 - Interview Considerations

When conducting interviews with witnesses to an alleged sexual assault offense, the investigating officer should consider the following:

- a) determine sequence for the witness interviews
- b) determine source of the witness's knowledge of the alleged offense
- c) determine witness's relationship to the victim
- d) consider developmental level of the witness
- e) determine the relationship of the witness to the suspect
- f) consider the motivation of the witness
- g) avoid influencing the witness's account of the alleged offense

#### IV. SUSPECT INTERVIEWS/INTERROGATIONS

# Guideline #39 - Interview/Interrogation considerations

When conducting an interview/interrogation with the suspected offender, the following factors should be taken into consideration by the investigating officer:

- a) attempt to gain rapport with the suspect
- b) careful selection of the setting for the interview/interrogation
- c) determine relationship between the suspect, witness, and victim
- d) determine if the suspect had access to victim (particularly when alleged offense took place)
- e) note the demeanor of the suspect at the time of the interview
- f) encourage suspect to relate the incident in his/her own words
- g) note statements made that are consistent with other findings and evidence
- h) note statements made that are inconsistent with other findings and evidence (for future impeachment purposes)

# Guideline #40 - Corroboration of Suspect's Statement

Every attempt should be made to corroborate statements made by the suspect. Use of the following information may help the investigating officer accomplish this task:

- a) statements by victim
- b) statements by witness(es)
- c) physical evidence
- d) prior criminal history data
- e) prior complaints by victim(s), witness(es)

# **APPENDIX**

Commission o	n Peace	Officer	Standards	and	Training

Sex Crime Investigation

P.C. 13516

- (a) The commission shall prepare guidelines establishing standard procedures which may be followed by police agencies in the investigation of sexual assault cases, and cases involving the sexual exploitation and sexual abuse of children including police response to, and treatment of, victims of these crimes.
- (b) The course of training leading to the basic certificate issued by the commission shall, on and after July 1, 1977, include adequate instruction in the procedures described in subdivision (a). No reimbursement shall be made to local agencies based on attendance on or after that date at any such course which does not comply with the requirements of this subdivision.
- (c) The commission shall prepare and implement a course of training of specialists in the investigation of sexual assault cases, child sexual exploitation cases, and child sexual abuse cases. Officers assigned to investigation duties, which include the handling of cases involving the sexual exploitation or sexual abuse of children, shall successfully complete that training within six months of the date the assignment was made.
- (d) It is the intent of the Legislature in the enactment of this section to encourage the establishment of sex crime investigation units in police agencies throughout the state, which units shall include, but not be limited to, investigating crimes involving the sexual exploitation and sexual abuse of children.

Revised: 1-1-86

# APPENDIX B

# LAWS PERTAINING TO SEXUAL ASSAULT

# California Penal Code

		- Carlotte
РС	220	Assault with the Intent to Commit Rape
PC	243.4	Sexual Battery
PC	261	Rape
PC	261.5	Unlawful Sexual Intercourse
PÇ	262	Spousal Rape
PC	263	Sufficiency of Penetration
PC	264	Punishment for Rape and Unlawful Sexual Intercourse
PC	264.1	Aiding or Abetting Rape
PC	266с	Consent by False or Fraudulent Pretense
PC	286	Sodomy
PC	287	Sodomy - Sufficiency of Penetration
PC	288a	Oral Copulation
PC	289	Penetration by a Foreign Object
PC	290	Registration of Sex Offenders
PC	290.2	Specimens of Sex Offenders
PC	291/291.1	School Employees/Teachers - Arrest for Sex Offenses - Notice to School Authorities
PC	667.6	Enhancement for Prior Conviction or Prior Term
PC	667.7	Habitual Offender
PC	667.8	Kidnapping for Purpose of Committing Sexual Offense, Enhancement Upon Conviction
PC	1203.06	Ineligibility for Probation After Committing Violent Crimes
PC	1203.065	Ineligibility for Probation After Certain Sex Crimes
PC	12022	Enhancement (2 and 3 years) for Violation of Certain Sex Crimes

A number of provisions of the law require reporting of injuries by criminal acts to law enforcement agencies by doctors or hospitals.

PC 11160	Injuries Inflicted by Weapons or Violation of Penal Law (requires hospitals to report).
PC 11161	Injuries Inflicted by Weapons or Violation of Penal Law (requires physicians and surgeons to report)
PC 11166	Sexual Assault Committed on Minors - outlines who must report these offenses.

# Health and Safety Code

H&S 1493 County Hospital Physicians Conducting Examination for Medical Evidence of Sexual Assault

# PHYSICAL EVIDENCE FOR SUBMISSION TO CRIME LAB RAPE INVESTIGATIONS I. FROM THE VICTIM

	ITEM	HOW TO COLLECT	HOW TO PACKAGE	PRECAUTION	REASON
1.	Vaginal swab and slide smear	Collected by doctor or nurse from inner vaginal area.  Using the swab - smear	Place in paper or glass container  Place in slide mailer or small glass bottle.	Air dry Do not touch swab	To determine blood type of individual who deposited semen. To determine presence of semen.
		surface of a glass slide, usually done by doctor or nurse.			To make sperm identi- fication.
2.	Pubic area combings	Carefully comb pubic area with clean comb or brush.	Put comb or brush with hair in envelope.	Easy to lose hair- might do over a piece of paper.	For comparison of loose hairs to suspect's hair.
3.	Hair standards A. Pubic B. Head	Pull or cut a minimum 10-15 hairs from various areas. same	Envelope same	Should represent range of hairs present on head, pubic area, etc.	For comparison to any loose hairs removed from suspect. To determine whether hairs from suspect
	C. Body	same	same		and victim are distinguishable.
4.	Blood	According to accepted medical standards - done by nurse, doctor, or technologist.	Gray (BA kit) and purple-and red-top Vacutainers	Refrigerate (not freeze)	Blood type - Necessary to determine if victim will interfere with typing of semen samples.
5.	Saliva	Have person saturate a clean piece of paper or cloth with saliva.	Envelope	Do not touch area containing saliva. Air dry - very important.	To determine if victim secretes her blood type into her vaginal fluid. Necessary to determine if victim will interfere with typing of semen samples.

# Victim (continued)

	ITEM	HOW TO COLLECT	HOW TO PACKAGE	PRECAUTION	REASON
					:
6.	Saliva from bite marks	Swab with moistened sterile gauze - air dry	Envelope	Do not touch swab area.	Compare secretor status and blood group of saliva to that of the suspect.
7.	All items of clothing worn at time of crime.	Carefully remove	Package separately in paper bags.	Air dry. Do not use plastic.	For isolation and comparison of loose hairs to suspect's hairs and possible
					fibers or other trace evidence which may have been transferred
					from suspect's cloth- ing. Detection of semen stains.

# II. FROM THE SUSPECT

	ITEM	HOW TO COLLECT	HOW TO PACKAGE	PRECAUTION	REASON
1.	Blood	According to accepted medical practice - usually done by medical personnel.	Purple-top and red-top Vacutainers. Also BA kit for gray-top tubes.	Refrigerate (not freeze)	For blood type. Necessary to compare with blood type ob- tained from semen stain. To determine presence of alcohol or drugs.
2.	Saliva	Same as for victim	Same as for victim	Air Dry Don't touch saliva area.	To determine whether suspect secretes blood type into semen. Necessary for comparison to semen stain typing.
3.	Combing of pubic area	Same as for victim.	Same as for victim.	Same as for victim.	For comparison of loose hairs to victim's hairs.
4.	Hair standard A. Pubic B. Head C. Body	Same as for victim.	Same as for victim.	Same as for victim.	For comparison to any loose hairs removed from victim or victim's clothing.
5.	Clothing worn at time of crime.	Same as for victim.	Same as for victim.	Same as for victim.	For isolation and com- parison of any loose hairs to victim's
					hairs and any other trace evidence which may have transferred from the victim's clothing. Also of use in detecting blood transferred from victim.

#### SEXUAL ASSAULT INVESTIGATIVE CHECKLIST

This checklist is designed to assist law enforcement officers in conducting sexual assault investigations. The primary objective of the investigation is the protection of the victim and the apprehension of the guilty party. As each procedure/activity is completed, the date, time, and identification number of the investigating officer should be logged. Complete information is available in the POST Guidelines for Sexual Assault Investigation.

Pro	ocedur	re/Activity	Date	Time	ID No.
I.	Firs	t Officer On The Scene			
	<b>A</b> ')	Secure the safety of the victim			
	В)	Determine the need for medical attention			
II.	Prel	iminary Investigative Procedures			
	A)	Establish if a crime has been committed		·	
	В)	Conduct Interviews (if appropriate)			
		-victim(s)			
		-witness(es)			
		-suspect(s)			· · · · · · · · · · · · · · · · · · ·
	C)	Gather and preserve all evidence			
		-clothing/bedding (victim & suspect)			
		-medical evidence from examination (follow established protocol)	<u> </u>		
		-look for physical marks and/or trauma	<u> </u>	· · ·	
		-document injuries (medical exam/photos)			
	D)	ID suspect - arrest, if appropriate		<del></del> .	
	E)	Make appropriate notifications			
		-sex crimes detective			
		-on-call district attorney, if needed			
		-ID technician, if available			
		-support group representative, if appropriate and approved by victim			
		-other (specify)			

eaur	re/Activity <u>Date Time</u>
Foll	ow-Up Procedures
A )	Review preliminary investigation/reports
В)	Review evidence/results of lab work
C)	Conduct records/file checks (DOJ, DMV, local)
D)	Conduct background check on suspect(s)
E )	Interview/Interrogate suspect(s)
F)	Reinterview victim/witness(es) (if necessary)
G)	Prepare case summary for the district attorney
H)	Prepare victim for courtroom testimony
I)	Other investigative steps taken - specify
Init	ial Investigator/ID No. Follow-up Investigator/ID No

#### SOURCES CONSULTED

- California. Attorney General. <u>California Peace Officers Legal Sourcebook.</u> Sacramento, California, 1984.
- California. Attorney General. Child Abuse Prevention Handbook. Sacramento, California: Crime Prevention Center, 1985.
- California. Attorney General. Commission on the Enforcement of Child Abuse Laws Final Report. Sacramento, California: Crime Prevention Center, 1985.
- California. Commission on Peace Officer Standards and Training. Guidelines for the Investigation of Child Physical Abuse and Neglect, Child Sexual Abuse and Exploitation. Sacramento, California, 1986.
- California. Department of Justice. Physical Evidence Bulletin. <u>Guidelines</u> for Physical Evidence in Sexual Assault Investigations. Sacramento, California, 1980.
- Kern County, California. District Attorney. Kern County District Attorney's Office Guidelines for the Investigation and Prosecution of Child Sexual Abuse. 1985.
- The Role of Law Enforcement in the Prevention and Treatment of Child Abuse and neglect. Washington, D.C.: United States Department of Health and Human Services. 1984.