

City of Virginia Beach Police Department

Sex Offense Investigations Field Guide



A Guide for Department Personnel

- Guidelines for handling preliminary & follow-up investigations of sexually related offenses

*This Field Guide is Prepared and Updated by the Virginia Beach
Police Department Detective Bureau Special Victims Unit,
Under the Approval of the Chief of Police*

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Purpose

Establish guidelines to assist personnel in the preliminary and follow-up investigation of sexually related offenses.

Policy

The department recognizes the fact that sexually related offenses are personally violent crimes that have great physical and psychological effects on the victim. A great deal of concern has been expressed regarding police response to the report of rape and other sexually related offenses, consequently the Violence Against Women Act (VAWA) was enacted to address these concerns. It shall be the policy of this department to treat all sexual assault victims in a supportive, non-threatening manner and to assist them as much as possible by presenting them with available options. Regardless of who initiated the call for assistance, this department will not demand information or cooperation from a sexual assault victim; it shall be the choice of the victim to determine their level of cooperation with law enforcement.

Victims of sexual assault have the following options:

- **Full cooperation with law enforcement**
 - The victim can report the offense to law enforcement (IBR requirement)
 - The victim can submit to a PERK examination without cost to the victim
 - The victim can assist in the investigation and prosecution
- **Partial cooperation with law enforcement**
 - The victim can submit to a PERK examination without cost to the victim in the event he/she desires to cooperate with law enforcement in the future
 - The victim does not want to immediately assist in the investigation or prosecution
 - The victim may choose to simply report the offense and request no investigation to occur; the victim can reverse this decision at a later date.
- **Blind Reporting**
 - The victim can choose to submit to a PERK examination without contacting law enforcement
- **No cooperation with law enforcement**
 - The victim will not report the offense to law enforcement (no IBR requirement)
 - The victim will not submit to a PERK examination
 - The victim will not assist in the investigation or prosecution

Procedures

All police personnel who receive information indicating that a sexually related offense has been committed will follow the procedures set forth.

1. After securing the scene and ensuring the safety of the victim, one officer should attempt the questioning of a sexual assault victim. The victim should be questioned in private. No one other than the victim and the officer shall be present unless the victim requests otherwise.
 - a. The officer will explain the options available to the victim and determine their level of cooperation as previously outlined in this field guide.
 - b. Should a victim desire to speak with law enforcement, all initial questioning will be limited to obtaining information that is necessary for completing the offense report and a general BOL for the suspect.

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- c. A sexual assault victim is not required to cooperate with law enforcement and may not want to speak with an officer in order to receive medical attention or a PERK examination. In this event, the officer shall provide the victim with victim advocacy contact information.
- d. RESPONSE Sexual Assault Support Services of the YWCA is the premier victim advocacy organization in the Tidewater area and their services will be made available to sexual assault victims regardless of their level of cooperation with law enforcement.

RESPONSE Sexual Assault Support Services of the YWCA
500 E. Plume Street
Norfolk, VA 23510
(757) 625-4248

2. The officer should make every attempt to preserve evidence. In addition to the preservation of the scene for fingerprints, soil samples, etc., the officer must be attentive to preserve hair, pubic hair, body fluids, or fiber samples which may have contaminated bed linens, rugs, car seats, or the victim's clothing. Additionally, it is suggested that the victim refrain from changing clothes or utilizing the rest room. However, the victim's emotional demeanor shall be considered. Care on the part of the officer to preserve evidence will greatly assist further investigation into the incident.
3. The Special Victims Unit should be notified as soon as sufficient information is obtained that indicates a rape or any other sexually related crime has occurred. The SVU Detective will assume responsibility for the follow-up investigation
 - a. Crime scene management and processing
 - b. Victim interviews and related evidence collection
 - c. Suspect handling, interviews and related evidence collection
 - d. Witness interviews
 - e. Neighborhood canvasses
 - f. Case preparation for the Commonwealth Attorney's Office
4. The SVU Detective shall arrange to have the victim transported to a hospital or medical facility that has a Sexual Assault Nurse Examiner program (S.A.N.E.) as soon as possible if the need for a PERK is anticipated.
 - a. The victim must be advised prior to any examination that the reason for the examination is to recover evidence that may identify the attacker through DNA and assist with the prosecution.
 - b. It should be explained that the state would only assume financial responsibility for the PERK and most related emergency medical care resulting from the assault as outlined in Virginia State Code 19.2-165.1; 3. Any other medical treatment will be the responsibility of the victim.
 - c. Custody and handling of the PERK will be arranged by an SVU Detective
 - i. PERKs obtained through full cooperation of the victim will be maintained, processed and held as evidence indefinitely
 - ii. PERKs obtained through Blind Reporting will be maintained as property of the victim for a period of 2 years. The PERK kit# associated with the PERK will be provided to RESPONSE or the SANE nurse so they can provide the voucher number to the victim.
 - iii. Should the victim later decide to cooperate with law enforcement and contact an SVU Detective within that 2 year period, the SVU Detective will complete all reporting requirements and ensure that the PERK is maintained, processed, and held as evidence.

5. If it becomes necessary for the sexual assault victim to visit police premises for viewing mug shots, making composites, interviews, etc., they will not be interviewed in a bay area (squad room) or exposed to a group unless absolutely necessary.
 - a. The investigator should always be mindful of the mental and physical trauma the victim has experienced. Every effort should be made to ensure that the victim does not feel as if they are the object of speculation or the subject of whispered conversation.
6. The sexual assault victim should be encouraged rather than discouraged to participate in the prosecution of the offender, but if they adamantly refuse to prosecute, they shall not be badgered or coerced into doing so.
7. No investigator shall consider untruthfulness of the victim or even imply suspicion of untruthfulness without supporting facts.
 - a. No investigator shall make statements that indicate that he or she does not believe the victim's account unless the facts gathered support the investigator's suspicions.
 - b. 19.2-9.1 of the Code of Virginia provides that no law-enforcement officer shall ask or require a sexual assault victim to submit to a polygraph examination or other truth-telling device as a condition for proceeding with an investigation.

The Special Victims Unit will provide training to department personnel on matters related to sexual assault investigations. This training will be coordinated through PD&T and conducted in accordance with DCJS standards.

Legislation regarding PERK submission and Victim Notification

1. In accordance with State Code 19.2-11.8 (Physical Evidence Recovery Kits), a LEA that receives a PERK shall submit the PERK to the State Lab for analysis within 60 days of receipt.

The following types of PERKs are **EXCEPTIONS that DO NOT** fall under the 60-day legislative requirement for law enforcement's submission to DFS:

1. It is an ***anonymous PERK***;
 - Blind PERKs are not submitted to DFS.
2. It is part of a ***routine death investigation*** where both the OCME & LEA agree that *analysis is not warranted*;
3. It is connected to an ***out-of-state offense***; and
4. It is determined by the LEA that it is ***not connected to a criminal offense***.
 - If the LEA has determined (in their words) that the "*case is not connected to a criminal offense*," then it falls under this exception and does not fall under the 60-day DFS submission requirement.
 - Unfounded cases are not submitted to DFS.

2. In accordance with State Code 19.2-11.11 (Victim's Right to Notification of Scientific Analysis Information) a victim of sexual assault, a parent or guardian of a victim of a sexual assault who was a minor at the time of the offense, or the next of kin of a deceased victim of sexual assault shall have the right to request and receive information from the law-enforcement agency regarding (i) the submission of any physical evidence recovery kit for forensic analysis that was collected from the victim during the investigation of the offense; (ii) the status of any analysis

being performed on any evidence that was collected during the investigation of the offense; and (iii) the results of any analysis, unless disclosing this information would interfere with the investigation or prosecution of the offense, in which case the victim, parent, guardian, or next of kin shall be informed of the estimated date on which the information may be disclosed, if known.