	<b>Abilene Police Department Operating Procedures</b>		
	Subject: <i>Sexual Assault Investigations</i>	Issued: 08/01/2020	TBP:

### **Sexual Assault Investigations**

The Crimes Against Persons Unit shall be notified in all sexual assault cases when a supervisor deems the Unit's presence necessary or sexual assault cases of an unusual nature (potential serial rapes, unusual MO factors, unknown offender, etc.). The Crimes Against Persons Unit supervisor, in conjunction with on-scene patrol supervision, will determine the appropriate response.

### **Victim Contact**

The officer should attempt to gain the victim's confidence and establish a relationship of trust while giving due regard to the physical condition of the victim. The officer should use language appropriate to the victim's age, intelligence and education. The officer should not be overly influenced or prejudiced by the emotional state of the victim.

### **Clothing as Evidence**

The officer should tell the victim the clothing worn at the time of the assault will be collected as evidence. Arrangements should be made to provide other clothing for the victim.

### **Interviewing the Victim**


Only one officer should conduct the interview of the victim. In order to minimize embarrassment to the victim and the chance for conflicting accounts of the victim's statement, the interview should take place in private.

Services of the Regional Crime Victims Crisis Center should be offered to the victim and may also be summoned when the officer deems such services necessary. The officer should ensure the victim is never left alone except during the actual medical examination.

### **Rape Exams**

Officers should encourage the victim to undergo a rape examination. Prosecution is unlikely without important evidence gained from such an exam. An officer should stress the rape examination is intended to gather evidence only and not to determine pregnancy or the transmission of disease. The following guidelines should be utilized:

- A. Article 56.06 of the Texas Code of Criminal Procedure says: If a sexual assault is reported to a law enforcement agency within 120 hours of the assault, the law enforcement agency (with the consent of the victim, a person authorized to act on behalf of the victim or an employee of the Department of Family and Protective Services) shall request a medical examination of the victim of the alleged assault for use in the investigation or prosecution of the offense.

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- B. For cases outside 120 hours, officers should consider the likelihood of recovering evidence. The age of the victim and the previous sexual activity influence whether or not permanent evidence (such as scarring and bruising) are present. When the victim is a child, officers are encouraged to consult child abuse investigators to determine the need for an exam.
- C. Officers shall remain at the hospital and discuss the case with the responding Sexual Assault Nurse Examiner prior to departure.

**Victims’ Statements**

When practical and appropriate following the rape examination (but as soon after the incident as possible), the officer may take a formal statement from the victim which contains the specific details of the assault. If the victim is emotionally distraught, the officer should delay the interview until the victim has regained composure.

**Reluctant Victims**

If the victim refuses to support the prosecution of the assailant, the officer should consider continuing the investigation in order to identify the offender and obtain information that may help solve or prevent other offenses.

**Photographing Sexual Assault Victims**

If a victim has any bruises or other externally visible signs of assault, the officer should have them photographed. However, if the victim must remove any clothing for the photograph, the pictures shall only be taken in private by appropriate personnel of the same gender.

**Pseudonym Usage and Confidentiality**

During the investigation of a sexual assault or attempted sexual assault case, the investigating officer will advise the victim the Abilene Police Department will diligently protect the confidentiality of all sexual assault victims. The designation of a pseudonym for the victim is offered as an option. If the victim elects to use a pseudonym, the Pseudonym for Sexual Assault Survivors Form will be used.

- A. The top portions of the Pseudonym for Sexual Assault Survivors form must be printed legibly and must contain correct information about the victim.
- B. The victim may indicated, in the middle portion of the form, other agencies or persons whom it is permissible for the police to release his or her real name, address and phone number. The officer or the victim must write yes or no in each of the spaces provided. The victim must sign and date the form on the signature line provided.



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C. Form distribution will be as follows:

1. Give the victim the yellow copy.
2. The white original copy of the form will be attached to the handwritten copy of the offense report when turned into the Records Division.
3. Records Division personnel will enclose a photocopy of the pseudonym form in the case jacket before it is forwarded to CID. The Records Division supervisor will maintain the white original copy in a separate file.

The substitute names will be "PSEU" followed by the victim's initials. For example, if the victim's name is Jane Mary Doe, the correct name will be "PSEUJMD". If the victim's name is Jane Doe, then the name will be "PSEUJD".

When the victim of a sexual assault chooses to use a pseudonym, the reporting officer shall complete the offense report by:

- A. Writing "PSEUDONYM NAME" near the word "Incident" at the top of the offense form;
- B. Writing the pseudonym name in the victim section of the report and using the pseudonym in place of the victim's name in narratives and
- C. Identifying the actual location where the offense occurred, address of the victim, date of birth and description of the victim in the report in the proper section.

In addition, the following requirements will apply:

- A. No public copies of the report will be released with the location of the offense, the victim's real name or the victim's address.
- B. The pseudonym and victim's signature of the pseudonym will be used for the victim's affidavits.
- C. If, while giving a confession, the suspect uses the real name of the victim, the real name will be used in the statement. The original copy of the confession will be sent to the DA's office.
- D. The follow up investigator will receive a report that includes the victim's real name.
- E. This order does not permit a violation of CCP Chapter 57 nor does it release police personnel from the responsibility to maintain the confidentiality of sexual assault victims.
- F. The victim shall be given a written notice describing crime victim's rights as mandated by the CCP Chapter 57 at the initial contact or at the earliest possible time after the initial contact.