



CITY OF PORTLAND, OREGON



Bureau of Police

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EXECUTIVE ORDER

DATE: September 12, 2008

TO: All Members

RE: Revised 640.20 Sexual Assault Investigations

ACTION: Added new specific definitions, changed unit to a detail, new procedures for Evidence Disposition and new section on Anonymous Sexual Assault Report guidelines. Below is the entire directive for your review.

640.20 SEXUAL ASSAULT INVESTIGATIONS

Index: Title; Molest; Sexual Assaults; Rape; Investigations; Sodomy Investigations

Refer: ORS 418.747 Multi-Disciplinary Approach to Child Abuse

DIR 640.10 Crime Scene Procedures

DIR 640.30 Child Abuse Investigations

DIR 660.10 Property and Evidence Procedure

Medical Report Sexual Assault form (OHSU and Emanuel Hospital)

Forensic Laboratory Information form (OHSU and Emanuel Hospital)

POLICY (640.20)

Bureau members will be sensitive to the victim, concerned family, and friends while conducting thorough sexual assault investigations.

PROCEDURES (640.20)

Directive Specific Definitions

Family member: A father, stepfather, mother, stepmother, brother, sister, cousin, uncle, aunt, grandparent/step-grandparent, parent's/guardian's current or former live-in boyfriend or girlfriend, separated or divorced parent, foster parent and a legal guardian.

Forensic Laboratory Information form: Assists the Oregon State Crime Lab in the evaluation of evidence obtained during the sexual assault investigation.

Medical Report Sexual Assault form: Used by the officer or detective to authorize the sexual assault examination, done by qualified medical personnel, at an appropriate medical facility. The form documents the results of the sexual assault examination conducted by a physician or sexual assault nurse examiner.

Non-family member: Any person not listed as a family member, including neighbors, friends, teachers, other temporary child custodians and strangers.

Rape Victim Advocates (RVA): Volunteers who respond to police requests through the Bureau of Emergency Communication (BOEC), and stay with a victim through the hospital care to deal with possible emotional trauma of the victim.

Responding Member Responsibilities (640.20)

Responding member(s) will inform his/her supervisor when detective contact is needed. The supervisor will make contact with Detective Division (Detectives), who will determine the appropriate response.

a. Detective contact will be as follows:

1. Victims age 14 years and older involving non-family perpetrators: Sex Crimes Unit (SCU) detectives.
2. Victims under 14 years old and all victims under 18 years old involving family perpetrators: Child Abuse Team (CAT) detectives.
3. A SCU/CAT detective will be contacted when a suspect is in custody for:
 - a) Rape I.
 - b) Sodomy I.
 - c) Sex Abuse I.
 - d) Unlawful Sexual Penetration I and II.
4. Incident circumstances include:
 - a) Victim is able to articulate a crime has been committed and,
 - b) Crime is no more than 84 hours old, and,
 - c) Victim is willing to cooperate with an investigation (i.e. submit to a rape exam), or,
 - d) The nature or complexity of the crime requires a detective response.

A detective sergeant or shift sergeant may determine if a detective response is applicable if crime does not fall within parameters.

Officer/Detective Investigative Responsibilities (640.20)

- a. If the rape and/or sodomy occurred within the past 84 hours, advise the victim not to bathe, douche, or change clothes prior to hospital examination, since evidence present on the victim's body and/or clothing may be destroyed.
- b. Advise the victim to bring a complete change of clothing to the hospital due to possible seizure of the clothes currently being worn.
- c. Gather physical evidence, see Evidence Disposition section.
- d. Request through BOEC for a RVA to respond to the hospital and conduct a thorough victim interview in his/her presence (if available).
- e. If emergency medical treatment is required, the victim should be transported by ambulance to the nearest hospital or the hospital of their choice. If the particular hospital does not have Sexual Assault Evidence Kits, an officer or detective must obtain one from either Oregon Health Science University (OHSU) or Emanuel Hospital.
- f. If emergency medical treatment is not required, but a sexual assault examination is needed, transport the victim to an appropriate hospital. If a detective is responding, notify the detective prior to leaving the scene to determine what investigative processing should occur.
 1. Victims under the age of 15 years will be examined at Emanuel Hospital; victims 15 years and older will be examined at OHSU.

2. If needed, the responding member will provide transportation for the victim following the examination.
- g. If a detective does not respond; the officer is responsible to:
 1. Transport the victim to the appropriate medical facility.
 2. Sign, list agency, DPSST, and date the Medical Report Sexual Assault form to authorize a sexual assault examination as appropriate.
 3. Conduct a thorough interview of the victim in the presence of an RVA (if one is available).
 4. Call ID for photos of the victim and the scene.
 5. Complete an Investigation Report and fax it to Detectives prior to the end of the shift.
- h. If a detective does respond, follow directions given by the detective and leave a completed Special Report with the detective prior to leaving the hospital.

Detective Responsibilities (640.20)

- a. Conduct a thorough investigation and gather evidence as appropriate. Provide direction on investigative responsibilities and procedures to the responding officer.
- b. Conduct thorough follow-up on assigned cases and assist the District Attorney's (DA's) office with prosecution.
- c. Complete a Forensic Laboratory Form and transfer the Sexual Assault Evidence Kit and any other items of evidence to the Oregon State Police Crime Lab, if necessary.

Evidence Disposition (640.20)

- a. Members involved in investigating sexual assaults will complete a Property/Evidence receipt.
 1. List the Sexual Assault Evidence Kit and the victim's undergarments (underwear/panties) on one Property/Evidence Receipt. Any other clothing or evidence must be listed on a separate receipt and may be placed in any satellite property room.
 2. At OHSU, issue a property receipt listing University Hospital in the Location Where Seized section. Record the name of the nurse placing the Sexual Assault Evidence Kit and victim undergarments in the OHSU satellite evidence locker in the Property Taken From section of property receipt. The pink copy is placed in the OHSU satellite evidence locker. The yellow copy is retained by the hospital or the nurse placing the evidence into the locker.
 3. At Emanuel Hospital issue a Property Receipt listing Emanuel Hospital in the Location Where Seized section. Since Emanuel Hospital has no on site evidence locker, the sexual assault evidence kit and victim undergarments can be placed in any PPB satellite property room evidence locker.
 4. At Portland Adventist Hospital issue a property receipt for the sexual assault kit and leave the pink copy with the kit for later collection by the property room. Take all other item of evidence and secure in the appropriate satellite property room evidence locker.
- b. Clothing and other evidence wet with blood or other body fluids are biohazards. Refer to DIR 660.10 Property and Evidence Procedure, for proper delivery of such evidence items. Universal precautions are recommended, including:
 1. For wet body fluids and dry blood: Rubber gloves, mask, and eye protection.

2. For dry body fluids and dry blood: Rubber gloves. If available, mask and eye protection.

Anonymous Sexual Assault Report Guidelines (640.20)

House Bill 2154, signed into law on June 1, 2007, eliminates the requirement for law enforcement authorization prior to collection of an Oregon State Police (OSP) SAFE Kit. HB 2154 establishes a fund for victims of sexual assaults to obtain complete or partial medical assessment. Victims can obtain a medical assessment without law enforcement involvement. The identities of victims can be kept confidential to medical facilities per the victims' request.

- a. 9-1-1 will inform victims of their options of reporting and non reporting and provide information to the crisis line for assistance, including transportation needs.
- b. Medical facilities will contact advocacy services and will provide the victim their Jane Doe SAFE kit number for reporting purposes, should they choose to report within six months.
- c. Members will assign a case number and retrieve evidence. Jane Doe reports are anonymous and confidential. Complete separate Property Evidence Receipts for rape kits and clothing evidence and document their evidence on the report.
- d. Property Evidence employees collect kits from the hospitals after collection of evidence has concluded, unless the hospital asks the member to take the kit.

For questions, members are encouraged to contact a SCU on-call detective. CAT should be contacted if the victim is under 14 years of age.

FOR MORE INFORMATION:

Please contact Marsha Palmer, Strategic Services Division, at 503-823-0264.

ROSANNE M. SIZER
Chief of Police

RMS/mp