

<b>YORK-POQUOSON SHERIFF'S OFFICE</b>	<b>GENERAL ORDERS</b>
<b>SUBJECT: Sexual Assault</b>	<b>NUMBER: GO 2-31</b>
<b>EFFECTIVE DATE: April 10, 2019</b>	<b>REVIEW DATE: January 23, 2019</b>
<b>AMENDS/SUPERSEDES: GO 2-31 April 19, 2016</b>	<b>APPROVED:</b> _____  Sheriff
<b>VLEPSC:</b>	

1    **INDEX WORDS**

- 2
- 3    Patrol responsibilities
- 4    Investigator responsibilities
- 5    Interviews
- 6    Evidence collection

7

8    **POLICY**

9

10   The Sheriff recognizes the fact that sexual assaults are personal violent crimes that have great

11   psychological and physical effects on the victim. It is the policy of the Sheriff to assist sexual

12   assault victims in a supportive manner, using appropriate crisis intervention skills. Because of

13   the seriousness of these offenses and the delicate nature of the investigations involved, it is

14   important for sworn employees to undertake diligent investigations in order to increase the

15   reporting of these crimes. Reducing recidivism through the apprehension and prosecution of the

16   assailants is a Sheriff's Office priority.

17

18   The York-Poquoson Sheriff's Office uses a multidisciplinary approach to conducting interviews

19   in sexual assault cases. This process involves the investigator, child protective services worker

20   when appropriate, victim witness representative and Commonwealth Attorney in the interview

21   process in order to minimize the trauma to the victim and the number of times the victim has to

22   describe what occurred.

23

24   **PURPOSE**

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26   To provide guidelines for coordinating a preliminary and follow-up investigation of sexual

27   assault and/or other related offenses.

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29   **PROCEDURES**

- 30
- 31    • General responsibilities
- 32      ○ "Sexual assault" means those offenses involving sexual penetration or sexual contact
- 33        with any person by force or threat of force, fear, intimidation, ruse, or through the use
- 34        of a person's mental or physical incapacity or helplessness to resist, or any other
- 35        attempts to force sexual penetration/contact on any person.
- 36      ○ Deputies shall be aware of the following community services that are available to
- 37        victims of sexual assault:

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- Avalon Center (757) 258-5051, provides the following free sexual assault/domestic violence services:
    - ❖ 24 Hour crisis line,
    - ❖ Emergency shelter,
    - ❖ Youth services for children who are victims or witnesses to crimes,
    - ❖ Transitional housing,
    - ❖ Individual and group counseling,
    - ❖ Community outreach,
    - ❖ Legal advocacy
  
  - The Center for Sexual Assault Survivors (757) 599-9844, provides the following free sexual assault/domestic violence services:
    - ❖ 24 Hour crisis hotline,
    - ❖ Case management,
    - ❖ Resources and referrals,
    - ❖ Individual crisis counseling,
    - ❖ Support groups,
    - ❖ Accompaniment services:
      - At hospitals during evidence examinations,
      - During law enforcement interviews,
      - During court appearances.
  
  - Victim Witness Assistance Program (757) 890-3402, provides the following free services:
    - ❖ Help with understanding the criminal justice system and court processes,
    - ❖ Accompany victims to court hearings,
    - ❖ Assistance with identifying available community services,
    - ❖ Assistance with completing and filing victim compensation forms for:
      - Medical bills and other out of pocket expenses,
      - Recurring medical/dental care.
  
  - Deputies and investigators shall be trained and knowledgeable about sexual assault investigation and its impact on victims.
  - Deputies and investigators shall use appropriate communication skills when interacting with sexual assault victims. See [GO 2-28, Victim Services](#).
  
  - Patrol responsibilities
    - The patrol deputy has certain immediate responsibilities, as follows:
      - The primary concern is the victim's physical wellbeing.
      - Give attention to the victim's emergency medical needs.
      - Ensure the victim's safety.
      - Preserve the crime scene.
      - Request supervisory response as appropriate.
  
    - The deputy shall be alert to any suspect in the vicinity.

- 83           ○ The deputy shall explain his or her role to the victim and what will be done at the  
84 scene and through follow-up.
- 85           ○ The patrol deputy shall attempt to obtain essential details to determine:  
86           ▪ What offense or offenses occurred,  
87           ▪ Where and when the offense or offenses occurred,  
88           ▪ Who committed the offense or offenses,  
89           ▪ Identify witnesses to the offense or offenses.
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- 91           ○ When this is not possible for any reason, the deputy shall concentrate on obtaining  
92 information that will establish the basis for misdemeanor or felony offenses, and help  
93 determine appropriate law enforcement response in carrying out the arrest of any  
94 suspect.
- 95           ○ Obtain preliminary statements from victim and witnesses.  
96           ▪ Try to establish rapport and obtain information needed immediately to determine  
97 the victim's greatest needs and the identity the location of the suspect.
- 98
- 99           ○ The deputy shall inform the victim, of the following:  
100           ▪ Counseling services available in the area.  
101           ▪ That the Criminal Injuries Compensation Fund pays counseling and other crime-  
102 related fees, if needed.  
103           ▪ That a sexual assault crisis center advocate will be contacted and available to the  
104 victim at no cost.  
105           ▪ Provide the victim with the brochure and contact information for the York-  
106 Poquoson Victim Witness Assistance Program. See [GO 2-28 Victim Services](#), for  
107 additional information.
- 108
- 109           ○ Child victims of sexual assault  
110           ▪ Any time a child, under 13 years of age, is identified as a victim of a sexual  
111 assault, patrol deputies shall do the following:  
112           ❖ Contact through their supervisor an investigator to respond.  
113           ❖ Limit questioning of the child regarding the offense details.  
114           ➤ Sexual assault interviews (Forensic Interviews) with child victims are  
115 typically conducted by specialist in forensic interviewing techniques.  
116           ✓ Child sexual assault forensic interviews are typically conducted by  
117 appointment only at:  
118           \* Children's Hospital of The Kings Daughters/Child Abuse Program  
119 (Newport News, VA & Norfolk, VA)  
120           ➤ Details regarding the offense involving child victims may be obtained  
121 from a responsible adult, witness or other person familiar with the offense.
- 122
- 123           ● Sexual Assault Examinations/Physical Evidence Recovery Kit (PERK)  
124           ○ The following timetables should be consulted prior to requesting a victim undergo a  
125 sexual assault examination:  
126           ▪ External sexual contact (Cunnilingus or saliva on skin) within the past:  
127           ❖ 96 Hours (4 days)
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- Strangulation within the past:
    - ❖ 48 Hours (2 days)
  - Vaginal penetration (Penile) within the past:
    - ❖ 120 Hours (5 days)
  - Vaginal penetration (Digital) within the past:
    - ❖ 48 Hours (2 days)
  - Fellatio (Oral) within the past:
    - ❖ 24 Hours (1 day)
  - Sexual assault examinations (PERK) should whenever possible be conducted by a certified Sexual Assault Nurse Examiner. (SANE)
  - Sexual assault examinations (PERK) by certified SANE personnel are available at the following hospitals:
    - Riverside Regional Medical Center (Newport News, VA)
      - ❖ A SANE is typically on site 24/7,
      - ❖ Ability to also do strangulation examinations and documentation,
      - ❖ Ability to do sexual assault examinations on children.
    - Riverside Doctors Hospital (Williamsburg, VA)
      - ❖ SANE services are available on an on-call basis.
      - ❖ Ability to do strangulation examinations and documentation,
      - ❖ Ability to do sexual assault examination on children.
  - The victim shall be informed that they will bear no financial cost for the sexual assault examination or collection of the PERK
  - Transportation of sexual assault victims
    - Unless immediate medical attention is needed for injuries and the victim is being transported by ambulance to the nearest hospital, and the patrol deputy shall either provide or arrange for transportation of the victim for a sexual assault examination to either:
      - Riverside Regional Medical Center, or
      - Williamsburg Doctors Hospital.
    - Prior to transportation of a victim by either private transportation, deputy transportation or ambulance transportation to hospital listed above, the deputy or investigator shall call ahead and notify the hospital that a sexual assault victim is in route.
  - Investigator responsibilities
    - See [GO 2-14, Criminal Investigations](#) and [GO 2-28, Victim Services](#), for additional guidance.

- 174 ○ The investigator shall obtain a detailed briefing from the patrol deputy taking the  
175 initial report or familiar with the case.
- 176 ○ Refer to [GO 2-42, Mobile Video/Audio Recording](#), regarding information on  
177 recordings of interviews.
- 178 ○ The initial contact with the victim may happen in different ways:
- 179     ▪ At the crime scene
- 180         ❖ The investigator shall attempt to establish rapport with the victim,  
181         ❖ Transport or arrange transportation of the victim to the hospital, and  
182         ❖ Begin the preliminary investigation.  
183         ❖ Notify the investigations division supervisor if additional personnel or  
184         resources are needed.
- 185
- 186     ▪ At the hospital
- 187         ❖ Arrange for the collection of evidence needed for prosecution.  
188         ❖ Explain sexual assault exam procedures, and establish rapport for further  
189         interviews.  
190         ❖ Request the SANE to conduct toxicology for BAC or Narcotics if the victim  
191         may have been exposed to alcohol or drugs.
- 192             ➤ The investigator shall not be in the room during the sexual assault exam,  
193             unless requested by the victim and the investigator is the same sex as the  
194             victim, but shall ask the victim sign either a [Riverside Hospital Medical](#)  
195             [Release Waiver](#) or a [Sentara Hospital Release of Information Form](#) in  
196             order to obtain a copy of the hospital treatment record, dependent upon the  
197             treating hospital.  
198             ✓ Both forms can be found in forms folder in Power DMS.
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- 200     ▪ At the Sheriff's Office
- 201         ❖ Before interviewing the victim:
- 202             ➤ Review the patrol deputy's report and body camera video is possible.  
203             ➤ Attempt to establish rapport with the victim by allowing the victim to ask  
204             preliminary questions or voice initial concerns.
- 205
- 206             ✓ The investigator shall be trained in sexual assault procedures.
- 207
- 208         ❖ At the earliest possible opportunity, a PERK exam must be done in the  
209         interests of victim's health, safety, and evidence collection.
- 210         ❖ All victims should be encouraged to allow the PERK exam prior to detailed  
211         interviews if possible, and regardless of their current willingness to prosecute  
212         or cooperate with the investigation.
- 213         ❖ Unless already notified, the investigator shall notify and allow the sexual  
214         assault crisis center advocate to be with the victim for support if the victim  
215         desires.
- 216         ❖ Prepare the victim for each phase of the investigation by explaining:
- 217             ➤ What must be done and the reasons why,  
218             ➤ The investigator should encourage the victim's cooperation.
- 219

- 220 ○ Follow-up interviews by the investigator  
221     ▪ Privacy is a necessity for follow-up interviews.  
222     ▪ Choose a quiet room free of distractions and interruptions at the location where  
223     the interview is to take place.  
224     ▪ A support person to aid the victim may be helpful to the investigation.  
225         ❖ Advise the support person of his or her role and ask the person not to interfere  
226         with questioning.  
227
- 228 ○ Virginia Code Section [19.2-9.1.B](#), Code of Virginia, provides that no law-  
229 enforcement officer, attorney for the Commonwealth, or other government official  
230 shall ask or require a victim of an alleged sex offense to submit to a polygraph  
231 examination or other truth-telling device as a condition for proceeding with the  
232 investigation of such an offense.
- 233 ○ If a victim is requested to submit to a polygraph examination during the course of a  
234 criminal investigation, such victim shall be informed in writing of the provisions of  
235 subsection A of the code that states:
- 236     ▪ The examination is voluntary,  
237     ▪ The results are inadmissible as evidence, and  
238     ▪ The agreement of the complaining witness to submit thereto shall be the sole  
239     condition for initiating or continuing the criminal investigation, and  
240     ▪ The refusal of a victim to submit to such an examination shall not prevent the  
241     investigation, charging, or prosecution of the offense.  
242
- 243 ○ In most cases, it is not appropriate to submit a victim of a sexual assault to a  
244 polygraph exam.
- 245 ○ The investigator should anticipate some confusion, memory suppression or reluctance  
246 to discuss fear inducing or humiliating details of the incident.
- 247 ○ This information should be obtained by patient, supportive rapport building, not by  
248 questioning a victim's veracity or motives.
- 249 ○ A false report charge should never be brought against a victim on grounds that the  
250 victim is hesitant or fearful to cooperate with the investigation.
- 251 ○ Avoid asking "WHY" questions that sound accusatory or judgmental about the  
252 victim's actions or behavior prior to, during or after the assault.
- 253     ▪ Such as: "Why did you go to the house?" "Why did you accept a ride with him?"  
254
- 255 ○ Ask "HOW" questions instead.
- 256     ▪ Such as: "How did you end up in the car with ---?"  
257
- 258 ○ Questions that must be addressed to include the following:
- 259     ▪ Assault circumstances:  
260         ❖ Where approached?  
261         ❖ How approached?  
262         ❖ Where did it happen?  
263         ❖ When did it happen?  
264         ❖ How long was assailant with victim?  
265         ❖ Did multiple assaults occur?

- 266 ❖ Were other crimes committed?  
267 ❖ What happened during the assault?  
268 ❖ Was there a fight or struggle?  
269 ❖ Were threats made?  
270 ❖ What did the offender say before, during and after the assault?  
271 ❖ Sexual detail--what did the assailant do?  
272 ❖ Did the assailant ejaculate?  
273 ❖ Were weapons used?  
274 ➤ Describe them?  
275  
276 ❖ Were Injuries sustained?  
277 ❖ Was the victim incapacitated in any way?  
278 ❖ Was drugs or alcohol involved?  
279 ❖ What did victim or the assailant do immediately after the attack?  
280 ❖ Are there any Concerns about prosecuting?  
281  
282 ■ Assailant:  
283 ❖ Name, if known?  
284 ❖ Age?  
285 ❖ Race?  
286 ❖ Color of hair?  
287 ❖ Clothing?  
288 ❖ Height?  
289 ❖ Weight?  
290 ❖ Identifying marks?  
291 ❖ Relationship to victim, if any?  
292  
293 ○ At the conclusion of the interview, the investigator **shall** ask about any additional  
294 assistance needed.  
295 ○ Inform the victim that it is common to remember additional details later.  
296 ■ Encourage the victim to call if that happens or to ask questions.  
297 ■ Give a number.  
298  
299 ○ As soon as practicable, alert the victim/witness assistance program that a sexual assault  
300 has occurred.  
301 ○ Provide the information necessary for victim witness staff to contact the victim.