

Law Enforcement Adult Sexual Assault Initial Response Checklist

Recommended best practice is for the responding officer/deputy to complete the initial response, and then transfer additional response activities to a trained sexual assault investigator.

This checklist is intended to be used as a tool/resource for law enforcement. It does not supersede any existing general orders, policies, or procedures, and is designed to be used in conjunction with the Virginia Department of Criminal Justice Services (DCJS) model sexual assault policy. The model policy is available on the DCJS website at <http://www.dcjs.virginia.gov>.

1. VICTIM SAFETY

- Ensure safety of the victim.
- Identify yourself and provide an explanation for your presence.
- Determine if the victim has injuries and arrange for emergency medical assistance.
- Identify primary language and obtain an interpreter.

Do not use children, family members, or friends for interpretation purposes.

If no in-person interpreter is available, use of over-the-phone interpretation services is recommended.

- Outside the presence of other witnesses, ask the victim, "Is there someone I can contact for you?"

2. PRESERVING EVIDENCE

- Obtain preliminary information on the incident from the victim.

This may include:

- type of offense(s);
- location(s) of offenses; and
- ongoing safety concerns or threats.

Note: Techniques used in interrogations should never be used with a victim. Using a polygraph exam on a victim is strongly discouraged (see Code of Virginia § 19.2-9.1).

- Identify, preserve, and secure the crime scenes.
- Identify all potential witnesses, including children, and obtain preliminary statements and contact information from each.
- Document victim's account of injuries sustained, including injuries that are not immediately apparent.
- Document any visible injuries.
- Document any indicators of strangulation. If there are indicators, seek medical attention for the victim.

Indicators may include:

- difficulty breathing, speaking, or swallowing;
- light-headedness and/or headache;
- involuntary urination and/or defecation;
- nausea and/or vomiting;
- defensive injuries to neck and/or face;
- bruising behind ears;
- petechiae (pink/red/purple pinpoint round spots in eyes or under skin);
- redness or bruising to neck.

- Photograph the crime scene(s).
- Photograph injuries to the victim, with face in images if possible. Include clothed full-body photographs. Obtain follow-up photos of injuries within 3-5 days.

3. VICTIM SUPPORT

- Inform the victim that she/he is eligible to receive a forensic examination, regardless of her/his current willingness to prosecute or cooperate with the investigation, and to have that forensic examination paid for by the Commonwealth.
- Offer to arrange transportation or to transport the victim to the hospital for a medical/forensic examination.
- Contact your local sexual assault crisis center to request an advocate, per local Sexual Assault Response Team (SART) protocol.

The coordination of a multidisciplinary response to criminal sexual assault is required "in each political subdivision in the Commonwealth" (Code of Virginia § 15.2-1627.4).

- Provide the victim with:
 - Written crime victims' rights information (as required by Code of Virginia § 19.2-11.01).
 - Local sexual assault crisis center information.
 - Criminal Injuries Compensation Fund information (as recommended by Code of Virginia § 19.2-368.17).
 - If the victim attends college/university, inform them of their right to a criminal prosecution, a Title IX investigation, and/or the college/university judicial process.
- Provide the victim with contact information for the law enforcement agency, the initial responding officer, and the assigned investigator, if possible.

Encourage the victim to contact the investigator to ask questions or to provide additional details. It is very common for victims to remember additional details later.

4. ADDITIONAL RESPONSIBILITIES

- Obtain a search warrant for a suspect PERK. Evaluate the need for additional search warrants.
- Note any potential human trafficking indicators.

Indicators of human trafficking may include:

 - *being disconnected from family and friends, or having no support system;*
 - *appearing fearful, timid, or submissive;*
 - *showing signs of having been denied food, water, sleep, or medical care;*
 - *being with someone who is controlling or to whom she or he defers;*
 - *living in unsuitable conditions;*
 - *lacking personal possessions and/or identification documents;*
 - *appearing to be coached on what to say.*
- If applicable, request an emergency protective order for the victim:

Regardless of arrest, request an emergency protective order on behalf of the victim if you believe a danger of further acts of violence exists.
- Document the names of all officers/deputies on scene and collect any additional notes from them.
- Document the names and contact information of any medical personnel on scene.
- Notify the Office of the Commonwealth's Attorney of the investigation within 24 hours, or earlier as established by local SART protocol.