



SEXUAL ASSAULT INVESTIGATIONS

PURPOSE: The purpose of this general order is to establish policy governing the initial call, investigation and follow up investigation of all sexual assault cases reported to The Cleveland Heights Police Department. Sexual Assault is an offense in violation of Chapter 2907 (Sex Offenses) of the Ohio Revised Code as follows:

- 2907.02 Rape
- 2907.03 Sexual Battery
- 2907.04 Unlawful sexual conduct with minor
- 2907.05 Gross Sexual Imposition
- 2907.06 Sexual Imposition

POLICY: The Cleveland Heights Police Department will thoroughly investigate all reports of sexual assault. In most cases the Basic Patrol Division will be responsible for the initial investigation, but the follow-up investigation will be the responsibility of the Detective Bureau.

The following guidelines will ensure that all sexual assault crimes reported to the Cleveland Heights Police Department will be completely and professionally investigated.

Procedure: Dispatch personnel when receiving a call of a sexual assault from the victim shall:

- Determine if the victim is in need of medical assistance.
- Determine if the suspect is still on the scene.
- Determine if there was any weapon involved in the assault.
- Dispatch available police units to the location of the victim. Advise victim that police are responding to his/her location.
- Dispatch will stay connected with victim unless doing so will place victim in harm's way.
- Obtain detailed information regarding the suspect – clothing, race, last known location, possible name or any other identifying information.
- Advise the Officer in Charge of the situation.
- If a victim comes into the station, advise the Officer in Charge. The OIC will assign an officer to take the initial report. The OIC will also notify the Detective Bureau Supervisor.

Due to the trauma of sexual assaults, dispatchers and Police Officers will remember that a victim's behavior will vary at times from calmness to crying or even to a lack of cooperation in responding to questions.

A) First responding officers to a call of a sexual assault shall:

1. Respect the victim's immediate priorities and build rapport with the victim. Ensure that victim's immediate medical concerns are addressed. Request EMS if needed. Explain the medical significance of a sexual assault examination and transport victim to hospital. (Where a S.A.N.E. is available.) If no medical needs, officer shall stay on the scene with the victim to gather pertinent information regarding the incident and suspect(s).

2. Officer will explain to the victim that they are taking the initial report and that a follow up report will be handled by the Cleveland Heights Detective Bureau. ****The shift OIC shall notify the Detective Bureau Supervisor. A detective will then respond to the scene.***
3. Ask the victim if they would like to have a support person present for the interview. Be compassionate and obtain consent to contact an advocate. ***Contact the Cleveland Rape Crisis center at (216)619-6192.*** It is the best practice to allow victims to have an advocate during the medical exam and/or officer interview. Ask the victim who they would like to have present and take action to support their wishes.
4. Officers will ensure that victim does not bathe, shower, douche, urinate, brush their teeth or perform any other acts of personal hygiene. If the victim has done any of these acts, they are to be reported in the officer's initial report.
5. Officers shall offer the victim the opportunity to speak with an officer of the same gender if one is available.
6. Officers will demonstrate patience, understanding and respect for the victim and attempt to establish rapport.

Officers will remember that victims of sexual assaults often have difficulty remembering all details of an incident due to the trauma they have endured. This "fragmented" memory may result in the victim's recollections having gaps and sometimes contradictions in their statements.

7. If insufficient information is provided at time of initial report to support all elements of a crime, a **Departmental Information/Sexual Assault** report will be taken by the responding officer with corresponding P.O.C. of 8999/1199. Initial report will then be forwarded along with follow up form #2166 to the Detective Bureau. OIC of the Detective bureau will assign the report for a follow up investigation.
 8. Victim will be notified that case law protects the victim's privacy as it relates to the reporting of intimate details. [*Bloch v. Ribar*, (6th Cir. 1998)].
 9. Officer will notify the Officer in Charge of all pertinent information collected.
- B) Non-Stranger Sexual Assaults: i.e. husband, wife, sibling, acquaintance etc.**
1. Question victim in environment where suspect does not have access to avoid possible intimidation.
 2. Officer will report the suspect's relation to or authority over the victim.

C) Hospital Procedure:

1. Officer will advise victim that hospitals have a S.A.N.E. (sexual assault nurse examiner) available who are trained specifically to aid victims of sexual assault and to gather evidence.
2. Officer will encourage victims to allow the examination by the S.A.N.E. not only to treat for any injuries but to check for sexually transmitted diseases, pregnancy as well as gathering of forensic and photographic evidence.
3. Inform the victim that any cost incurred in conducting the medical examination will be paid out of the reparations fund pursuant to ORC 2907.08
4. If the victim is a juvenile, officer shall ensure that a parent/guardian is notified and indicate this notification in their report.
5. Children and Family Services (216) 696-KIDS will be notified in all cases when the victim of a sexual assault is a juvenile. Notification will be recorded in the officer's report with the name of the Social Worker contacted.
6. Officer will contact the Rape Crisis Center and in consultation with the victim determine if an advocate will respond. Hot Line #24/7 - (216) 619-6192.
7. Officers will note in their report that Rape Crisis was notified.
8. Medical Examination – Officers will not coerce a victim into a medical examination but will encourage the victim to allow the examination for their well-being and also for the collection of evidence.
9. Officers are advised that a victim of a sexual assault needs to provide *informed consent* prior to any medical examination or collection of evidence from their body.
10. Officers will communicate to the S.A.N.E. if they have reason to believe that alcohol or drugs were used to facilitate the assault. The S.A.N.E. will collect blood and urine from the victim to be tested for these possible substances. **Officers are advised that Blood and Urine samples may be placed in a S.A. Kit by the S.A.N.E. to be submitted for testing. These kits are separate from the S.A.E.K. (Rape Kit) that is used for collection of forensic evidence from the body of the victim.**

Any blood or urine taken as part of the S.A. Kit must be immediately be taken to the Cuyahoga County Medical Examiner's office.
11. Officers will advise the victims that their clothes may be taken and placed into evidence.
12. All evidence will be returned to the station and entered into evidence pursuant to General Order #3-2011.
13. Advise victim of their rights under O.R.C. 2930.04 (Victim's Rights).

14. Victim will be afforded transportation by a CHPD officer to their residence or other location within Cuyahoga County after initial report/medical examination is complete and with approval by the Officer in Charge. Two Officers will be assigned for this transportation and beginning mileage and ending mileage will be transmitted to the station over main radio band.

D) ANONYMOUS SEXUAL ASSAULT EVIDENCE KITS:

1. Victims seeking medical treatment for sexual assault, including the completion of a SAEK, may request to remain anonymous to law enforcement.
2. Officers will submit this SAEK into evidence for safe keeping pursuant to Order #3-2011.
3. All anonymous SAEK will be sent to lab for testing.
4. A report will be generated and all facts documented.
5. The anonymous SAEK will remain in the CHPD evidence storage for the duration of the statute of limitations for the offense.

E) Evidence Collection:

1. When collecting evidence, officers shall wear latex gloves.
2. Clothing articles that appear to be evidence will be collected.
3. Each item of clothing evidence will be placed in separate paper evidence bags.
4. Always keep victim and suspect clothing separate.
5. If suspect is apprehended shortly after the crime, all clothing will be seized as evidence.
6. DNA evidence can remain on a suspect or their clothing for a up to 96 hours after the alleged assault.
7. Bio hazard evidence shall be double bagged and a "Bio Hazard" sticker placed on the outside of the container.
8. Wet items should be secured and if possible allowed to dry before being placed in an evidence bag.
9. If an assault has occurred in a motor vehicle, the motor vehicle will be secured and towed to the sally port garage for processing, and if blood or bodily fluid are in the vehicle, a note shall be left on the vehicle that biohazards are present.
10. All evidence shall be collected and submitted pursuant to General Order #3-2011.

F) CHPD Sexual Assault Check List – Form #2011

1. The CHPD Sexual Assault Check List is to be completed by the reporting officer for each sexual assault report taken. The check list covers key items that must be completed during the report taking process. The Officer will print his name and the report number in the space provided. This check list will be included with the officer's initial report when forwarded to the Detective Bureau.
2. The reporting officer will place his name and report number on a CHPD file card and give same to the victim at the time of the initial report. Victim will be advised that the case is going to be further investigated by the Detective Bureau and that a detective will be contacting them for a follow up interview.

G) Victim Interview

1. Respect the victim's immediate priorities; be sure to attend to victim's immediate health and safety concerns and questions about reporting and the criminal justice process. Explain all processes during each step of the interview and investigations.
2. The first responder should conduct a preliminary interview gathering just enough information to determine whether the elements of a crime have been met and by whom. The in-depth interview should be left to a detective to decrease account repetition and reduce the possibility of inconsistent information that could be used against the victim's credibility in court.
3. When interviewing the victim, officers will ensure that when gathering intimate information regarding the crime, they shall do so in as private an area as possible. ****The officer at no time will be present during the medical examination and at no time record the medical examination.****
4. Ask the victim if they would like to have a support person present for the interview. It is best practice to allow victims to have an advocate or a support person present during the medical exam and/or law enforcement interview. ***Contact Cleveland Rape Crisis Center at (216)619-6192.*** *notification must be documented in the report.

H) Report Writing

1. Strong sexual assault cases require strong well written reports. The report must identify on-scene evidence and document details from the victim's and suspect's accounts of the incident. The report must have a high level of detail.
2. Document all information given by the victim. Ask the victim to describe the assault, listing as many details and feelings as possible. What did the victim see, smell, taste, hear, or touch during the incident? Use the victim's exact words and place those words in quotations. Do not "clean up" the language used by the victim in the report as it may be used against the victim or officer in court.

Detective Bureau:

1. OIC of the Detective Bureau will assign a Detective for investigation of all reports of sexual assault. Included are reports labeled Dept. Information/Sexual Assault or any report that contains evidence of a possible sexual assault regardless of the title.
2. OIC of Detective Bureau will review the report for possible similarities to other cases reported to the Police Department that may indicate a serial offender or other organized criminal activity.
3. Detective will contact the primary reporting officer for preliminary information

regarding the case.

4. Assigned detective will conduct an in depth interview as soon as possible with the victim.
5. Detective will give victim in writing his name and contact phone number.
6. The Detective assigned to the case will at all stages of the investigation inform the victim as to the developments of the case.
7. Assigned detective will be responsible for all evidence being submitted to the lab for analysis.
8. Detective will update *Case Management* on a bi-weekly basis, and forward a copy to the OIC of the Detective Bureau at each stage of the follow up investigation – to include but not limited to:
 - All interviews conducted. Results of interviews.
 - All follow up investigations/surveillances.
 - Submission of evidence to the lab.
 - Results from the lab testing.
 - Grand Jury Proceedings
 - Trial scheduling or proceedings/disposition.

The Officer in Charge of the Detective Bureau will notify the Chief of Police in writing of all reports of Sexual Assault and keep The Chief of Police apprised of the ongoing investigation at all stages.

Approved by the order of

Annette M. Mecklenburg, Chief of Police

April 2, 2018
Date

(GENERAL ORDER #9-2011)

**CLEVELAND HEIGHTS POLICE DEPARTMENT
SEXUAL ASSAULT CHECKLIST**



Crime Scene Checklist

- Secure the crime scene
- Request that EMS attend to any injury, but swab wounds prior to cleaning
- Obtain preliminary info from victim, prior to hospital transport. Determine crime scene area(s) & secure
- Victim interview; Obtain basic information.
Contact Rape Crisis 216-619-6192
- Assess for Alcohol/Drug Facilitated SA
- Preserve crime scene and notify OIC, and OIC to notify on-call detective
- Evidence collection - including clothing, bedding, and other evidentiary items
- Witness interviews and written statements
- Photograph crime scene
- Collection of SA Evidence Kit and place into evidence per General Order #3-2011
- Victim Rights Notification (ORC 2930.04)

Hospital Checklist

- Obtain consent to contact advocate
- Gather preliminary information.
- Medical provider to give access to victim
- Ensure Rape Crisis and advocate have been made available to survivor
- Advise victim of availability of S.A.N.E.
- Relay pertinent information to crime scene responders
- Relay pertinent information to OIC
- Assess for Alcohol/Drug Facilitated SA
- Request blood/urine sample be collected at hospital.
- Preservation of clothing and other evidentiary items
- Collection of SA Evidence Kit and place into evidence per General Order #3-2011
- Victim Rights Notification (ORC 2930.04)

Police Station Checklist

- Contact paramedics if victim is in need of immediate medical care
- Investigating Officer to conduct victim interview in private
- Be compassionate and obtain consent to contact advocate; Contact Rape Crisis
- Understand that victim may have delayed reporting of crime. Make the victim feel comfortable until advocate arrival
- Relay pertinent information to OIC
- OIC to contact Detective Bureau
- Crime scene processing and evidence collection
- Victim transported to hospital for medical exam
- Collection of SA Evidence Kit and place into evidence per General Order #3-2011
- Victim Rights Notification (ORC 2930.04)

REPORTING OFFICER _____

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