



MISSOULA POLICE DEPARTMENT POLICY MANUAL

Subject: RESPONSE TO RAPE (SIWOC) AND SEXUAL ASSAULTS		
Effective Date: 4/25/2022	Original Date: 03/15/2012	Next Review: 06/01/2024
Chapter 10	Policy # 10.15	Distribution: ALL DIVISIONS
References: <i>45-5-503 MCA Sexual Intercourse without Consent; 4 5-5-502 MCA Sexual Assault; Sexual Assault Investigation S.O.P.; Adult Sex Crime Checklist; MPD Policy #: 6.45; Suspect Exams</i>		

I. PURPOSE

The purpose of this policy is to provide officers with guidelines for responding to reports of sexual assault, assisting victims, collaborating with local health and service agencies, conducting initial interviews, evidence processing and documentation. The accompanying mandatory Adult Sex Crimes Checklist is designed to assist with accomplishing fair, unbiased and thorough investigations.

II. POLICY

Trauma from crime victimization may complicate a victim's participation in the investigation. The trauma may be so overwhelming that a victim cannot function well enough to assist in the investigation at certain stages of the case. Trauma also affects memory and the ability to explain events in a narrative form for the investigator. Officers play a significant role in both the victim's willingness to participate in the investigation and ability to cope with the emotional and psychological after effects of the crime. Therefore, it is especially important that these cases be handled from a nonjudgmental perspective to support the victim through the reporting and investigative process. Like all reported crimes, every sex assault investigation is to be taken seriously, requiring a thorough investigation to determine the facts in accordance with this policy and the supplemental checklist.

III. DEFINITIONS

Sexual Intercourse without Consent: For purposes of this policy, the term is the legal definition found under Montana Code Annotated 45-5-503 and 45-5-508 MCA.

Sexual Assault: For purposes of this policy, the term is the legal definition found under Montana Code Annotated 45-5-502 MCA.

Victim Advocate¹: This generic term may apply to a wide range of service providers, crisis counselors, social workers and crime victim advocates. A victim advocate may be part of a community based advocacy organization such as UM Student Advocacy Resource Center (SARC) or the YWCA. A victim advocate may also be part of the Missoula County Crime

¹ All of the advocate services in this policy have advocacy privilege with their clients, which means they advocate cannot disseminate information to anyone without the consent of the client.

Victim Advocate Office, which is an independent, confidential government advocacy office.

Blind Report: Taking a report from a victim who is unwilling to provide enough information to initiate a criminal investigation and the victim specifically requests the police do not initiate a criminal investigation.

Third Party Reporter: Any person who makes a Blind Report on behalf of a victim.

IV. PROCEDURES

A. Initial Officer Response

1. Officers shall use the accompanying Sex Assault Checklist to ensure the officer takes the necessary investigative steps and collects the relevant information. The necessary investigate steps are:
 - a. Make contact with the victim or third party reporter as soon as possible to address safety concerns and summon emergency medical assistance if needed,
 - b. Secure the crime scene(s) to ensure that evidence is not compromised,
 - c. Identify witness(es) and suspect(s),
 - d. Begin a search for the suspect and contact when appropriate such as an acute case that may indicated immediately available evidence or a public safety threat,
 - e. Temporarily detain or arrest the suspect as appropriate based on evidence of probable cause. If the suspect is located, attempt to get an initial statement.
2. Responding officers shall be familiar with important aspects of non-stranger sexual assaults and stranger sexual assaults.
 - a. Non-stranger Assault: The majority of non-stranger assaults result in a consent defense, thus evidence of particular importance includes, but may not be limited to:
 - Evidence of physical/verbal resistance from the victim.
 - Evidence of genital or non-genital injury.
 - Documentation of the victim's thoughts, feelings and sensations during the assault (when offered by the victim).
 - Information regarding the suspect's size and strength in comparison to the victim's size and strength.
 - Information regarding the environment in which the assault took place (isolation/soundproofing).
 - Information regarding the victim's behavior after the assault, including common traumatic responses.
 - b. Stranger Assault: Evidence in stranger sexual assaults often centers on identifying the suspect, which makes biological evidence important for DNA testing, latent finger prints, lineups and other trace evidence very important.

B. Assist the Victim

3. As part of the first response, officers shall:

- a. Show understanding, patience, and respect for the victim and attempt to establish trust and rapport,
- b. Commend the victim for coming forward to the police,
- c. Inform the victim an advocate will be automatically contacted to provide victim services²:
 - i. If the victim initially presents at a secure location during normal business hours, the officer will promptly arrange for an advocate response by emailing “Grp. PD Crime Victim Advocate.”
 - ii. If the victim initially presents at a secure location outside of normal business hours, the officer will promptly arrange for an advocate response through the YWCA Crisis Hotline.

The victim may choose to volunteer general information about the incident, or the situation may require that the officer seek immediate information, before an advocate is available. However, the preferred response is to introduce an advocate to the victim as soon as possible, and allow the victim to decide if they would like the advocate with them during the preliminary interview.

- iii. If the initial response is to an unsecure scene, the responding officer will determine if the victim will agree to go to the Missoula Police Department for the initial interview so an advocate can assist the victim.
 - If the victim agrees to go to the PD, use default advocate response protocol.
 - If the victim chooses not to leave that location, the officer may conduct the preliminary interview without an advocate, then leave the required written resource material with the victim and encourage the use of an advocate.
- d. Explain to victims the option of working with a responder of either sex.
- e. If applicable, advise victims our primary concern is to investigate the sexual assault and not minor offenses that may be discovered in the investigation, such as status and societal offenses will not be investigated.
- f. Responding officers shall not ask the victim if he/she wants the assailant prosecuted. If the victim inquires about reporting options and procedures, explain the Blind Reporting option. Otherwise, begin a full criminal investigation.

C. Victim Interview:

1. Sexual assault investigations typically include both a preliminary and subsequent in-depth interview with the victim. The preliminary interview is intended to establish

² Advocacy services are only available in secure locations. Secure locations are generally a law enforcement facility, jail or hospital. Crime advocates generally will not respond to locations such as public places and private residences.

whether a crime has occurred and guide the collection of evidence. During the preliminary interview, the responding officer shall:

- a. Explain the nature of the preliminary interview and the need for follow-up contacts with other professionals such as forensic medical examiners, detectives, evidence technicians and prosecutors.
- b. Conduct a preliminary interview that cautiously limits the scope of the interview to the above objective in order to avoid the need for repetitive invasive or traumatic questioning by investigators.
- c. When preparing to ask sensitive questions that could be embarrassing or offensive, preface the question with an explanation for the purpose of those questions.

2. At the conclusion of the initial interview, the officer shall:

- a) Give the victim the MPD's contact information and case number.
- b) Advise the victim that a detective or supervisor will contact them the next business day to schedule a follow-up interview.
- c) Encourage the victim to contact the Department with any additional information or evidence, such as injuries becoming visible.
- d) Supply victims of sexual assault with printed resources that include the phone number for the YWCA Crisis Hotline and the WWW address for Missoula911.com where extensive victim information is available

D. Evidence Collection

4. Crime Scenes: Officers shall collect crime scene evidence consistent with standard protocols and within the scope of their training and experience or request assistance from crime scene technicians and/or detectives.
5. Alcohol or Drug Evidence: Whenever relevant, special attention should be given to collecting perishable evidence of drug and/or alcohol use by suspects, victims and or witnesses. Obtaining BAC, urine and/or blood samples should be done as soon as possible.
6. Forensic Medical Examination; A forensic medical exam is most beneficial within 120 hours (five days) as this is the best opportunity to identify and document evidence. However, the use of a forensic medical examiner should be encouraged any time a victim complains of pain, injury or illness related to the sex assault.

d. Officers shall:

Explain the benefits of First Step's services, which are:

- The ability to identify and document evidence.
- The ability to identify and treat injury or illness
- The ability to refer the victim to other services.

Officers shall encourage victims to engage with First Step and explain the process for medical care.

The process to engage First Step's services are:

- i. Provide or arrange transportation for the victim if needed.
- ii. Advise the victim:
 - e. There is no cost to the victim for First Step's services, regardless of the disposition of the criminal case.
 - f. Participation in a forensic medical exam does not obligate the victim to participating in a criminal investigation
 - g. Declining participation in a forensic medical exam does not terminate a criminal investigation.
 - h. The victim can participate in as much or as little of the forensic medical exam as they chose.

Whenever possible, officers shall:

- a) Brief the forensic examiner prior to the exam of facts known about the assault to enhance the examination.
- b) Debrief with the forensic examiner at the conclusion of the forensic medical examination to determine if new information became available during the course of the examination.

E. Documentation

XI. Victims may make a criminal report for investigation and prosecution or a Blind Report to simply document the incident.

Any third party may make a Third Party report to document the incident.

- Criminal Reports

- i Officers will document every reported sexual assault by completing a properly coded offense report.
- ii The primary responding officer will utilize the Adult Sex Crime Checklist to guide the preliminary investigation.
- iii Whenever possible, officers shall quote the victim's own words as it relates to the elements of the offense or the victim's perception and avoid the use of consensual language to describe a non-consensual acts.

- b. Blind Reporting

- i If a victim is not willing to provide sufficient information during the initial contact or does not wish to make a criminal report at the time, the officer will create a "Blind Report" case and route it to the Detective Division.

- ii. Create a Blind Report in LERMS by doing the following:
 - Code the offense tab as “Blind Report.
 - Code all involved parties as “informational.”
 - Collect any information or evidence as would be done in a Criminal Report.
- c. Third Party Reporting –
 - iii. If a person other than the victim wishes to report a sexual assault, use the above described Blind Reporting procedure, except code the offense tab as “Third Party Report.”

F. Supervisor Responsibility

XII. Supervisors shall:

3. Coordinate with officers investigating all felony sex crimes to ensure they have the resources, knowledge and training to properly fulfill their duties. Assist in locating resources to effectively investigate sexual assaults,
4. Ensure that victims are dealt with properly by clarifying their expectations of line officers,
5. Create opportunities for ongoing training to improve the skills needed to properly investigate sexual assault,
6. Work to increase interagency communication between law enforcement and prosecutors to ease the transition for victims moving from the investigation phase to prosecution,
7. Recognize and reward officers for rendering effective victim services,
8. Ensure proper review and routing of all sex crime offense reports within 48 hours of reporting.
9. All misdemeanor sex offenses, felony sex offenses and Blind and Third Party reports shall be routed to the Detective Division for assignment and/or review.