



PAWNEE COUNTY SHERIFF'S OFFICE
SHERIFF DARRIN VARNELL

Policy # Sexual Assault Investigation	Related Policies:
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by the Pawnee County Sheriff's Office for non-judicial administrative action in accordance with the laws governing employee discipline.</i>	
Oklahoma Statute SB 975	
CALEA Standard: 53.2 Staff Inspections	

- I. **PURPOSE:** The purpose of this policy is to provide dispatchers, deputies, and investigators with guidelines for responding to reports of sexual assaults, assisting victims, collaborating with local health and service agencies, and conducting interviews with victims, witnesses, and suspects. Because of the special needs involved in sexual assault investigations, this policy covers first response, preliminary and follow-up investigations.

- II. **POLICY:**
 - A. It is the policy of this law enforcement agency that all dispatchers, deputies, and investigators take a professional, trauma-informed approach to sexual assault investigations. Deputies and investigators play a significant role in both the victim's willingness to cooperate in the criminal justice system and ability to cope with the emotional and psychological trauma of the crime. Therefore, it is important to proactively investigate these crimes and prosecute the perpetrator in a manner that helps restore the victim's dignity and sense of control, while decreasing the victim's anxiety and increasing their understanding of criminal justice system processes.

 - B. It is the policy of this law enforcement agency that no personnel shall discourage victims from reporting or participating in a sexual assault investigation. Deputies must understand that a large number of sexual assault reports are delayed due to trauma experienced by the victim, which may create a psychological barrier or an unwillingness to fully assist at the beginning of an investigation. Victims may decide to re-engage with the criminal justice process at a later time and this law enforcement agency shall thoroughly investigate all reported incidences. It is especially important

that these cases be handled from a nonjudgmental perspective so as not to communicate in any way to the victim that the victim is to blame for the crime.

- C. It is the policy of this law enforcement agency that all sexual assault evidence collection kits that result in a report to law enforcement shall be collected from medical facilities and submitted to a forensic laboratory for analysis.¹ Thorough investigations shall not be delayed or postponed due to laboratory processing time of evidence.
- D. It is the policy of this law enforcement agency that victim advocacy or support services be offered to the victim and allowed to support the victim throughout the criminal justice process.
- E. It is the policy of this law enforcement agency that for all sexual assault investigations a written report is completed and a formal report is submitted for prosecutorial review.

III. Definitions:

- A. **CODIS:** The Combined DNA Index System of federal, state and local databases that contain DNA profiles from both known offenders and crime scenes.²
- B. **Consent:** Words or overt actions by a person who is legally and functionally competent to give informed approval, indicating a freely given agreement to engage in sexual acts. Consent can be withdrawn at any time.
- C. **Sexual Assault Medical Forensic Examination:** An examination of a sexual assault patient by a health care provider, ideally one who has specialized education and clinical experience in the collection of forensic evidence and treatment of these patients.
- D. **Trauma-Informed:** Attending to victims' emotional and physical safety; strengthening victims' capacity to recover from the traumatic effects of abuse and violence by providing information, resources, services and support; and educating victims about the impact of trauma on their health and well-being.
- E. **Unsubstantiated:** Cases in which insufficient evidence is available to determine whether or not a crime occurred.
- F. **Victim Advocate:** This term may apply to a wide range of service providers, rape crisis counselors, social workers, victim witness providers within a prosecutor's office, including civilian law enforcement victim assistants. Confidentiality and privilege will vary depending on the primary function of the advocate and should, therefore, always be understood by each member of the sexual assault response team and communicated with the victim.
 - a. **Community-based advocate:** Provides the victim with a variety of free and confidential advocacy services often needed by a victim to process their experience effectively. Community-based advocates' federal confidentiality

² See Training Guide Resources: FBI CODIS Fact Sheet for additional information about CODIS and DNA profiles.

requirements prohibit them from sharing victim information with anyone, including the prosecutor, law enforcement, and other criminal justice professionals.

- b. System-based advocate:** Primarily works with the victim during the pendency of the case to avoid further traumatization due to the criminal justice process. System-based advocates provide information on the criminal justice process and victim rights; assist with strategies regarding safety; and identify victim's needs in order to refer them to appropriate resources and services. System-based advocates' confidentiality requirements allow them to collaborate and share information with the prosecutor, law enforcement, and other criminal justice professionals.

IV. Procedures:

- A. Dispatch or Call-Taker Response:** When a caller reports a sexual assault, the dispatcher or call-taker should follow agency standard incident response policy. In addition, the caller should be informed of ways to ensure critical evidence is not lost, including the following:³
 - a. Show understanding, patience, and respect for the victim's dignity and attempt to establish trust and rapport.
 - b. Explain to the caller that these questions will not delay an deputy's response to the caller's location and are being asked in the interest of preserving critical evidence.
 - c. Ask whether the victim has bathed, douched, urinated, or made other physical changes and advise against doing so.
 - i. Should the victim have to urinate, ask them to use a clean jar to collect the urine.
 - d. Ask the victim to not disturb clothing, bedding or any other evidence and inform the victim that other evidence may still be identified and recovered, even if the victim has bathed or made other physical changes.
 - e. If requested by the victim, provide an deputy of the same gender if available.
 - f. Considerations should be made for potential cultural or language barriers that may exist between the victim and responding deputy. This may include being knowledgeable of services available for limited English proficiency such as third-party translation services.
- B. Initial Deputy Response:** When responding to take a report of a sexual assault, deputies shall follow standard incident response protocols. In addition, when interacting with victims, deputies shall do the following:

³ Note that these instructions generally apply to recent sexual assaults and may not be applicable to sexual assaults that are reported after a significant amount of time has passed.

- a. Make contact with the victim as soon as possible to address safety concerns and summon emergency medical assistance if needed.
- b. Limit the initial interview conducted by the responding deputy to questions that will establish only the basic facts of the assault and provide the information necessary for the immediate needs of the investigation and safety of the victim, such as suspect identity, elements of the crime and location of evidence, when reasonable and practical. Questions should be tailored to the victim's emotional and physical state.
- c. Understand the impact of trauma on a victim may result in recantation of any or all aspects of the initial disclosure and is not necessarily indicative of a false report. Victims who recant or decline participation in the investigation should not be asked to sign a non-prosecution statement or be told that this precludes the case from future prosecution. In addition, the memory and recall of the case, as provided by the victim, may change over time. Deputies should understand that this does not indicate deception.
- d. Ask about and document signs and symptoms of physical injury, including strangulation⁴ or those that may quickly dissipate.
- e. Ask about and document signs and symptoms of trauma or other non-physical injuries, including memory loss.
- f. Determine the time and location of the incident as soon as possible.
- g. Secure the crime scene to ensure that evidence is not lost, changed or contaminated.
- h. If it is determined that the assault occurred in a different jurisdiction than that of the responding law enforcement agency, the responding agency shall notify that jurisdiction as soon as practical and relay information to assist them in securing the scene and preserving evidence.
- i. Contact local support or advocacy agencies for the victim. If none are available, provide information regarding national resource agencies that provide sexual assault support.
- j. Recognize that a victim experienced a traumatic incident and may not be able or willing to immediately assist with the criminal investigation
- k. Clearly explain the reporting process including the roles of the first responder, investigator, and anyone else with whom the victim will likely interact.
- l. Illegal substance abuse by victims, including underage drinking, shall never be used to discredit or discourage the victim from reporting the assault. Communicate

⁴ For specific signs and symptoms of strangulation, please see the Training Guide Resources: IACP Violence Against Women Project: Sexual Assault Response Policy and Training Content Guidelines.

that the Pawnee County Sheriff's Office's priority is to thoroughly investigate sexual assault, not prosecute victims for drug or alcohol violations.

- m. Be aware of and respect victims' needs when requesting a change in location.⁵
- n. Document observations of the crime scene, including the demeanor of the suspect and the victim.
- o. Where resources are available, inform the victim that a second interview might occur at a later time and be conducted by an investigator.
- p. Arrange for, or provide, transportation to the designated facility if a forensic medical exam is needed and the victim consents.
- q. Identify and interview witness or anyone the victim told about the sexual assault.
- r. A victim shall not be expected or encouraged to make decisions regarding the investigation or charges related to the offense as part of the initial response.

C. Special Considerations

- a. Minors and Special Needs Victims ⁶
 - i. The Pawnee County Sheriff's Office shall identify the appropriate agency or organization with the necessary knowledge and resources to respond to incidents of sexual assault of minors or special needs victims.
 - ii. This entity should be notified as soon as reasonably possible when these reports are received
- b. Deputies responding to reports of sexual assaults involving these sensitive population groups shall attempt to do the following:
 - i. Ensure that the scene is safe;
 - ii. Address the immediate medical needs of individuals at the scene;
 - iii. Safeguard evidence where appropriate;
 - iv. Collect any information necessary to identify the suspect.
- c. Considerations should be given to utilizing individuals with specialized training and experience whenever reasonably possible for victims in these situations.
- d. Care should be taken to ensure the victim is not asked questions in the presence of the offender.

⁵ For example, some victims might not want to come to the police station.

⁶ A list of resources for sexual assault cases involving minors and special needs victims should be developed by local agency and included as an attachment to this policy

D. Law Enforcement Employee is a Suspect

- a.** If during the course of investigation, it becomes apparent that the suspect is employed by the responding agency, the Pawnee County Sheriff's Office shall avoid potential conflict of interest and request another law enforcement agency to investigate. When possible, the other agency should either be the Oklahoma State Bureau of Investigation or an agency from another county.
- b.** It is critical to treat administrative inquiry separate from criminal investigations.

E. Role of Supervisor Supervisors shall do the following:

- a.** Respond to assist deputies investigating incidents of sexual assault when possible or if requested by an deputy.
- b.** Exhibit sensitivity to victims and ensure that victims are dealt with properly by clarifying their expectations of line deputies.
- c.** Assist in locating resources to investigate sexual assault crimes.
- d.** Review all sexual assault reports for accuracy and consistency and conduct after action reviews and sexual assault case audits.
- e.** Encourage deputies to look for co-occurring and interconnected⁷ crimes when responding to sexual assault.
- f.** Encourage problem-solving partnerships to enhance cooperation between the department and community organizations such as rape crisis centers and forensic examination programs using a trauma-informed approach.
- g.** Work to increase interagency communication between law enforcement and prosecutors to ease the transition for victims moving from the investigation phase to prosecution.
- h.** Recognize deputies for rendering effective victim services.

F. Evidence Collection Deputies shall follow the Pawnee County Sheriff's Office's policy on crime scene response. In addition, deputies shall do the following:

- a.** Responding deputies shall protect the integrity of the evidence and guard the chain of custody by properly marking, packaging, and labeling all evidence collected.
- b.** Collect clothing worn at the time of assault and immediately afterward, especially the clothing worn closest to the genitals, including undergarments, pants, and shorts. Each item of clothing must be packaged separately in a paper bag.

⁷ Co-occurring and interconnected crimes are those crimes often committed by sex offenders. This may include, but is not limited, to domestic violence, stalking, harassment, threats, and other acts of sexual or violent offenses.

- c. Follow the Pawnee County Sheriff's Office's standard protocols for the collection of DNA evidence. In addition to the victim's and suspect's bodies and clothing, there are many other potential sources for DNA, such as condoms, feminine hygiene products, tissues, sheets, blankets, pillows, potential weapons and bottles that may contain biological evidence such as semen, blood, sweat, tissue, saliva, hair and urine.

Photograph or videotape the victim's physical injuries (if any), suspect's injuries (if any), and the crime scene prior to processing. Photographs of visible physical injuries may include any healing or old injuries.

- d. Ideally, photos should be taken 24, 48, and 72 hours later, as injuries can become more visible and pronounced.
- e. Photos of injuries should be taken with a scale for size reference.
- f. Descriptive and specific documentation of the injuries should accompany the photos.
- g. Deputies should be sensitive to the victim's need for privacy, and consider the use of drapes or other techniques, or summon a deputy of the same sex as the victim.
- h. Photographs of the victim's genitals should be obtained as part of the medical forensic examination and should never be taken by deputies.
- i. Strict control and confidentiality should be maintained of any photographs. Such photos shall be viewed only by personnel directly involved in the investigative process.
- j. Document and collect evidence regarding the environment in which the assault took place, including indications of isolation and soundproofing.
- k. Recognize that evidence can be collected directly from items like wheelchairs or assistive devices. Deputies should collect samples directly from these devices, but should not collect the device itself.
- l. Collect and preserve electronic or digital evidence which may contain important information about the case whenever possible. This may include information and data from sources such as security cameras, social media and messaging, cell phones, cameras and recording devices, computers, or other electronic devices that transmit, receive, or store messages, images, or recordings from both the victim and the suspect.
- m. Collect any evidence of threats made by the suspect, to include those made to individuals other than the victim.
- n. Collect and preserve any evidence of drugs or alcohol consumption and, when appropriate, collect blood and urine samples and other evidence such as drinking glasses, alcohol bottles or cans, or other related items.

- a. Deputies should not be present during any part of the exam, including during the medical history.
 - b. A victim advocate or a support person of the victim's choosing shall be allowed to be present in the room and during the interview, unless it would be harmful to the investigation. The deputy shall take responsibility for excluding a support person, when appropriate, and provide an explanation to the victim and support person.
 - c. Brief the forensic examiner about the details of the sexual assault, as they are known at the time.
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- I. If the assault occurred within 120 hours, and there is a suspicion of drug- or alcohol facilitated sexual assault, or that the victim was not able to consent to sexual activity, a blood and urine sample should be collected from the victim, with his or her consent. Evidence should be submitted as soon as possible for toxicological testing to determine if the event was a drug- or alcohol-facilitated sexual assault. Ensure that all evidence collected is properly packaged and stored to preserve integrity.⁸ Because of the delay in reporting most sexual assaults, the Pawnee County Sheriff's Office should work with laboratories capable of identifying in blood and urine very low levels of drugs commonly used in sexual assault.
 - J. A sexual assault evidence kit, or other DNA evidence if a kit is not collected, must be submitted to the appropriate accredited crime laboratory for forensic testing within twenty (20) days after receipt of the evidence by a law enforcement agency if a report of the sexual assault is made to the law enforcement agency, unless the victim requests that the sexual assault evidence kit not be tested.
 - K. If, at the time the forensic medical examination is conducted, a report of the sexual assault is not made or if the victim requests that the sexual assault evidence kit not be tested, the medical provider shall inform the victim in writing of his or her right to request the testing of the sexual assault evidence kit at any future time. The law enforcement agency shall submit the sexual assault evidence kit to the appropriate accredited crime laboratory for forensic testing within twenty (20) days of such request. However, nothing in this subsection shall negate the responsibility of a medical provider to report a suspected sexual assault as provided for in Section 40.3A of Title 22 of the Oklahoma Statutes.
 - L. A collected sexual assault evidence kit, whether tested or untested, must be retained in a secure, environmentally safe manner for not less than fifty (50) years or for the length of the statute of limitations for the alleged crime, whichever is longer.
 - M. Each law enforcement agency is responsible for the maintenance and storage of untested kits either in their own evidence storage or through an agreement with another agency with larger capacity.
 - N. Formal/Follow-up Victim Interviews

⁸ Exam evidence that includes whole blood samples requires the evidence to be refrigerated as soon as possible. Urine samples collected should be packaged separately and also be refrigerated.

- a.** The victim may be experiencing trauma and can exhibit a range of behaviors that will likely change over time. Due to possible trauma, in-depth interviews should be conducted one or two sleep cycles after the assault.
- b.** The victim's response to trauma of a sexual assault shall not be used in any way to measure credibility. When drugs or alcohol are involved, the victim may have limited recollection or be unable to give a complete account of the crime.
- c.** Prior to initiating the interview, the investigator/deputy will attempt to:
 - i.** Interview any witnesses who may have seen or spoken with the victim before, during, or after the assault.
 - ii.** Accommodate the victim's request for a victim advocate or support person whenever possible.
 - iii.** Secure a private location for the interview that is free from distractions. Record via video or audio the initial statement and all subsequent interviews, when reasonable and practical. However, if the victim indicates that he or she does not wish to be recorded, this should be noted in the deputy's report and the recording should stop if permitted by policy and law.
 - iv.** Express sympathy to the victim for what happened to them and indicate an interest in their well-being.
 - v.** Discuss the purpose and scope of the interview and explain the victim's rights, including confidentiality.
 - vi.** Inform the victim of the need and importance of full disclosure of all recent alcohol and/or drug use and reassure them that they will not be prosecuted for illegal drug or alcohol use nor shall the use of drugs or alcohol undermine the investigation or prosecution process.
- d.** During the interview, the investigator/deputy shall:
 - i.** In order to build trust and rapport with a victim, begin with open-ended questions⁹ and provide clarification to the victim for why certain questions are being asked.
 - ii.** Allow the victim to describe what occurred without interruption.
 - iii.** If the suspect was known by the victim, determine the following facts:
 - a)** How long the victim knew the suspect.
 - b)** The circumstances of their meeting.

⁹ Open-ended questions such as the following can be effective when interviewing victims: "Help me understand what you are able to remember about your experience." or "Tell me what happened, starting wherever you think makes sense to start."

- c) The extent of their previous or current relationship, including any previous acts of violence or abuse.
- d) Because consent may be withdrawn at any time, it is important to note any behavioral changes that led the situation from one based on consent to one of submission, coercion, fear or force.
- iv. Identify the location where the assault took place, including any isolation strategies used by the suspect.
- v. Document actions, threats (real, perceived, or implied), gestures, coercion, and other behaviors used by the suspect to cause the victim to submit. Understand ways in which the victim resisted or indicated non-consent, both verbally and nonverbally. Note that a victim may consent to some sexual activity, but this does not mean they have consented to all acts.
- vi. Document the victim's actions and responses before, during, and after the sexual assault, including indications of his or her state of mind during the assault.
- vii. Document the victim's thoughts and feelings before and during the assault. Ask for sensory evidence and details of the victim's experience. This may include what the victim saw, smelled, heard, felt or tasted.
- viii. Ask about potential identifying characteristics of the suspect, such as birthmarks, scars, tattoos, etc.
- ix. Document circumstances that may indicate the use of drugs or alcohol to facilitate the sexual assault, including memory loss, disorientation, severe illness, or hallucinations.
- x. Document if and when any prescription drugs were taken.
- xi. Document the victim's behavior and thoughts since or after the assault, including changes in routine, depression, mood instability, sleep and diet disturbances, flashbacks, nightmares, and stress.
- xii. Document any pre- or post-assault contact, monitoring, stalking, or other behaviors of the suspect.
- e. At the conclusion of the interview, the investigator/deputy shall:
 - i. Give the victim the investigator's/deputy's contact information.
 - ii. Encourage the victim to contact the investigator/deputy with any additional information or evidence.

- iii. Remind the victim that visible evidence of injury may appear later and to contact the investigator/deputy for additional photographs or other documentation.
 - iv. Ensure that requests for victim protection orders are made. Provide written referrals for victim service organizations.
 - v. If justified, assist the victim in developing a safety plan by contacting a community-based victim advocate in the event safety concerns exist, and encourage the victim to call the police if the suspect violates any existing criminal or court orders, or if the suspect contacts the victim in any way.
 - vi. Provide or arrange transportation when reasonably possible.
 - vii. Inform the victim about next steps in the investigation and encourage their continued support. Explain to the victim future investigative and prosecutorial activities that may require their involvement.
- O. Contacting and Interviewing Suspects.** Prior to interviewing the suspect, investigators/deputies should:
- a. Conduct a background and criminal history check specifically looking for accusations, criminal charges, and convictions for interconnected crimes, especially crimes involving violence.¹⁰
 - b. Understand common tactics used by offenders, including:
 - i. Choice of victim based on a perceived lack of credibility or vulnerability such as age, status, alcohol or drug consumption, or other circumstances that can cause others to doubt the victim's report of the assault.
 - ii. Testing victim's boundaries for vulnerability and ease of access.
 - iii. Using manipulation, cunning, and/or threats to accomplish the assault while using only enough force of violence to frighten or intimidate into compliance. i
 - iv. Using drugs or alcohol purposefully to make victims more vulnerable and lower inhibitions.
 - v. Isolating the victim.
 - vi. Common defense strategies, such as claims of consent, mistaken identity, and denial.
 - c. Consideration of pretext phone calls:

¹⁰ Ideally, criminal history checks would include a review of prior offense records in addition to arrests and/or conviction records.

- i. The purpose of a pretext phone call is to solicit and record potentially incriminating statements from the suspect.
 - ii. When involving the victim in a pretext phone call to the suspect, carefully consider the victim's emotional and physical state. A pretext phone call can result in additional trauma to the victim.
 - iii. Under no circumstances should a victim be required to participate in a pretext phone call.
 - iv. The investigator/deputy should discuss potential outcomes for the call with the victim, emphasizing that it is not their fault if the call does not go well or as planned.
 - v. A victim advocate should be present whenever possible to offer support.
 - d. Decide on an appropriate location and time to interview the suspect with consideration for the following:
 - i. Suspect's relationship with and access to the victim.
 - ii. Whether the suspect is a flight risk.
 - iii. Possible destruction or loss of evidence.
 - e. Record via video and audio the initial statement and all subsequent interviews, when reasonable and practical per agency policy.
 - f. Always attempt to interview the suspect, even if the investigator/deputy believes the suspect will deny the allegations, claim consent, or will decline to be interviewed. The suspect may corroborate small details of the victim's account which may have a significant impact on charging and prosecution decisions.
- P.** When conducting the interview of a suspect:
- a. Begin with an introductory statement and initial questions that build rapport and gather background information about the suspect.
 - b. Transition to the reported assault and allow the suspect to provide their narrative freely, with as little interruption as possible. Follow up to clarify ambiguous or unclear information and fill in gaps of the narrative.
 - c. Elicit as much detail as possible, including the suspect's activities prior to, during, and after the assault occurred.
 - d. Lock-in the suspect's narrative and have them confirm the accuracy and completeness of the narrative before confronting inconsistencies, inaccuracies, admissions, or conflicting information.

- e. Recognize common strategies or defenses utilized by potential suspects, including:
 - i. If the suspect is claiming that the victim consented to the sexual contact, find out the basis for that belief, including words or actions indicating that victim consented.
 - ii. If the suspect denies that any sexual contact occurred between the suspect and victim, it is important to collect and document evidence to establish that sexual contact did occur.
 - iii. If the suspect claims mistaken identity, or insists that the crime was committed by someone else, it is important to collect and preserve DNA samples from the victim and suspect, and other physical evidence from the crime scene, as well as documenting witness statements.
- f. Transitioning from the suspect interview to interrogation:
 - i. When appropriate, the investigator/deputy should proceed to an interrogation based on the facts of the case and the outcome of the interview.
 - ii. Even if the suspect presents a credible narrative, it does not necessarily discredit the initial report of the crime.
 - iii. Be persistent and expect that it may take time to reach admission during the interrogation. Do not end the interrogation early based on the suspect's initial denials.
 - iv. Validate any confessions by having the suspect recap the incident and provide additional details.
- g. Polygraph considerations for suspects:
 - i. A polygraph is not a substitute for a thorough investigation or suspect interview/interrogation.
 - ii. Polygraph is not admissible in court, but the polygraph interview process may be a useful investigative tool to gauge the suspect's reactions.
 - iii. Provide the polygraph examiner with a copy of the police report and ensure that the polygraph questions developed cover the relevant topic/crime.
- h. Forensic Examination for the Collection of Evidence from the Suspect
 - i. Prior to or immediately after the preliminary suspect interview, investigators should photograph any injuries.
 - ii. The investigating deputy shall determine whether a sexual assault medical forensic examination should be conducted by a medical forensic examiner. When possible, deputies should consult with a medical forensic examiner to assist this decision.

- iii. A search warrant, with specific details about what evidence will be collected, should be secured in advance of initiating a suspect exam. The intent of the exam should be to collect evidence from his or her body and clothing as soon as possible after the assault in order to eliminate the opportunity for the suspect to destroy or alter evidence.
- iv. During the suspect's sexual assault medical forensic examination, the investigator, evidence technician, or forensic examiner should do the following:
 - a) When supported by facts, strongly consider penile swabbing, pubic hair combings, and collection of another potential DNA evidence. Cotton-tipped swabs or other buccal DNA collectors shall be readily available to investigators in the field.
 - b) Collect biological and trace evidence from the suspect's body
 - c) Document information about the suspect's clothing, appearance, scars, tattoos, piercings, and other identifiable marks.
 - d) Seize all clothing worn by the suspect during the assault, particularly any clothing touching the genital area.
 - e) Document the suspect's medical history and any injuries.
- v. Whenever possible, the suspect's examination should not take place in the same location or by the same examiner as the victim's forensic examination, unless appropriate precautions are taken to avoid cross-contamination.
- i. Protecting Victim Rights. Deputies shall explain to victims the limitations of confidentiality, as well as the Pawnee County Sheriff's Office's dedication to protecting the confidentiality of the victim's information to the maximum extent possible by law and policy. Victims should also be provided information regarding the following:
 - i. The possibility of media coverage and information regarding sexual assault crimes available to the media. If applicable, deputies should notify victims of what information may be released to the media and ensure victims understand local media agreements or policies preventing the media from disclosing the names of sexual assault victims.
 - ii. What to do in the event that the victim, witnesses, or third parties are harassed or intimidated by the suspect or others.
 - iii. The crime report number, as well as contact information for the reporting deputy and lead investigator, or person handling the follow-up.
 - iv. Arrest decisions, emergency protective orders, court dates, and parole or release dates.

- v. For victims who are initially undecided as to whether to continue with an investigation, information regarding who to contact in the event they change their mind.
- j. The Pawnee County Sheriff's Office shall not discourage victims from reporting or participating in an investigation. The Pawnee County Sheriff's Office will also respect a victim's inability or decision not to be involved in the criminal justice proceedings and always be willing to offer continued assistance and referrals.
 - i. Victims may choose to re-engage with the criminal justice process at a later time, at which point this department shall conduct a thorough investigation.
- k. Report Writing When documenting sexual assault cases, deputies should take the following actions:
 - i. Fully document the elements and details of the incident.
 - ii. Capture details necessary to establish any of the following:
 - a) Premeditation or grooming behavior by the perpetrator;
 - b) Coercion, threats, and force used;
 - c) Attempts by the perpetrator to intimidate or discourage the victim from reporting the assault;
 - d) Presence of injuries;
 - e) Use of drugs or alcohol and the effects on the victim and suspect; and
 - f) Victim's capacity to consent and state of consciousness
 - iii. Document details regarding the victim's reaction during and after the incident (e.g., victim demeanor, emotional response, changes in routines or habits, etc.).
 - iv. Fully document fear by recording all fight, flight, freeze, or submit reactions the victim expressed or exhibited before, during, and after the assault.
 - v. Create a timeline to show the effects of the traumatic event on post-assault behavior and actions of the victim as compared to previous behavior (e.g., in a case where the suspect is known to the victim, the victim no longer goes to the gym that the suspect belongs to, will not be in the same room as the suspect, or the victim drops out of school, etc.).
 - vi. Unless they are direct quotes (in which case, place them in quotation marks) avoid using terms that indicate consensual behavior (such as "participated" or "engaged in") when describing the specific actions between the suspect and victim.

- vii.** Avoid using the term “alleged” when referring to the crime or victim, and consider instead using the term “reported” for documentation.
- viii.** Document only the facts of the case as reported by witnesses and do not insert opinions regarding witness credibility.
- ix.** If a consensual encounter turned nonconsensual, clearly document the details of how and when the suspect’s behavior changed and how the victim expressed or demonstrated non-consent to the continued acts.
- I.** Prosecutorial Review. All investigations of sexual assault shall be formally submitted for prosecutorial review and should include supporting investigative documents, such as the medical exam paperwork, results from laboratory analysis of evidence, interviews and statements from witnesses, and the final written investigative report.
- m.** Training
 - i.** The Pawnee County Sheriff’s Office is responsible for providing training to carry out this policy. Personnel should be made aware of this policy and its contents.