

Supplemental Law Enforcement Protocol Guides (sexual assault)

The following templates cover evidence-based investigation and initiating arrest. While you do need to adopt these templates verbatim, your finished protocol must identify considerations for initiating arrest and evidence-based investigations in sexual assault cases that comport with the aims of the STOP.

B4. Initiating Arrest in Sexual Assault Cases

1. **Arrest Determination:** [Your policy needs to address the Team's Pro-Arrest policy when arrest is authorized by statute.]
2. **When arrest is warranted:**
 - a. Probable Cause for arrest: [Briefly explain.]
 - b. Arrest procedures (state- and county-level generalizations): [Briefly explain.]
 - c. Protocol when arrest is warranted, and the accused fled the scene: [Briefly explain.]
 - d. Required written and verbal information for the victim: [Briefly explain.]
3. **Conditions not appropriate when determining if arrest is warranted:**
 - a. Requiring victim's consent to arrest the accused.
 - b. Perception the victim will not follow through with prosecution.
 - c. Claim that the victim provoked the assault.
 - d. Denial of abuse despite clear evidence to the contrary.
 - e. Dispositions of previous arrests with the same victim or accused.
 - f. Concerns of reprisals against the victim.
 - g. Adverse financial issues if accused is arrested.
 - h. Conditions when the accused is a police officer or an elected representative.
 - i. Racial, social, political, cultural, sexual orientation, or professional position of either the victim or accused.
4. **When arrest is not warranted:** [Delineate circumstances when custodial detention would not be warranted. Include the importance of the victim's explanation as to why arrest is not warranted, offering information for available community resources, and report-writing requirements detailing the circumstances.]
5. **Additional considerations:** [Optional - Add points as appropriate.]

B5. Trauma-Informed Evidence-Based Investigation

1. **Officer Mindset During Investigation:** [Your policy needs to address opportunities for evidence-based prosecutions. Explain the necessity of law enforcement partners undertaking evidence-based prosecution and why this an example of taking a trauma-informed approach to addressing sexual violence.]

Explain how this policy also furthers the interests of vigilance and officer safety, all while remaining outwardly neutral and avoiding accusatory phrasing during initial contact and investigation.]

2. **Response Priority:** [Explain the standards in place in terms of ensuring officers respond appropriately to sexual assault calls for service? Standards need to follow your respective departmental policies, or current case law.]
3. **Officer Safety:** [Explain the considerations in place for officers responding to the scene? For example, the minimal areas to address are:

- a. Conditions to consider prior to arrival.
- b. Safety contingencies prior to approaching and making contact.
- c. Additional considerations.]

4. **Preliminary Victim Interview Checklist:**

- a. *Initial victim observations (demeanor, verbal statements, etc. - survivors present in a variety of different ways that may not always be in-line with an officer's preconceived notions of what a sexual assault victim looks like.)*
- b. *Injuries sustained by the victim*
- c. *Responding to immediate concerns and needs.*
 - i. The importance of connecting victims with appropriate healthcare professionals to provide examinations and help document injuries.
 - ii. Sexual assault forensic nurses ("SANE") or other healthcare professionals should examine survivors for injuries.
 - iii. Law enforcement partners should know whether there are SANE nurses in their communities, as SANEs are best suited to evaluate these patients.
- d. *Expressing nonjudgmental concern for the victim.*
- e. *Begin gaining the victim's trust.*
- f. *Patience with inarticulate, trauma-based victim responses.*
- g. *Prior incidences of abuse.*
- h. *Obtaining victim statement.*
- i. *Use of open-ended interview questions.*
- j. *Refraining from prematurely telling victim intended arrest decision.*
- k. *Referral to Victim Services.*
- l. *Assistance with obtaining an emergency PFA or SVPA.*
- m. *Discussing STOP's polygraph prohibition for victims.*

5. **Interviewing Witnesses:**

- a. *Timing and Location.*
- b. *Historical considerations (known patterns of abuse, etc.).*
- c. *Required on-scene information.*

6. **Interviewing the Suspect:**

- a. *Preparation for interview (background check, establishing timeline, interview strategy)*
- b. *Noting excited utterances made by the suspect.*

- c. Considerations when Miranda is warranted.*
- d. Tactics for establishing rapport.*
- e. Obtaining statements.*
- f. Following appropriate laws and departmental policies for custodial arrests.*

7. Procedure for law enforcement or elected officials as suspects:

- a. Take whatever action is necessary to ensure the safety of the victim, the public, and the crime scene.*
- b. Where appropriate, secure the crime scene and/or any evidence of the crime pending further investigation.*
- c. Request that a supervisor or senior officer respond to the scene when possible. If you are the highest in the chain of command or if you are unable to reach the senior officer, contact the District Attorney's Office through the on-call service (non-emergency number) or contact the District Attorney directly for appropriate direction.*

8. Next Steps:

- a. Offender is present:** [Address options and next-steps for responding officer(s) when the offender is present.]
- b. There are immediate medical needs:** [Address options and next-steps for responding officer(s) when there are immediate medical needs. This should include connecting victims with a SANE or other appropriate healthcare professional.]
- c. Children are present:** [Address options and next-steps for responding officer(s) when...]
- d. Call Advocate/Medical Staff:** [Address options and next-steps for responding officer(s) when...]
- e. Abuse is in the past:** [Address options and next-steps for responding officer(s) when...]

9. Additional considerations: [Optional - Add points as appropriate.]