

GENERAL ORDER



DISTRICT OF COLUMBIA

Title Adult Sexual Assault Investigations		
Topic	Series	Number
OPS	304	06
Effective Date February 16, 2016		
Replaces: GO-OPS-304.06 (Adult Sexual Assault Investigations), Effective Date April 4, 2014		
Rescinds: TT-04-052-14 (Indecent Exposure), Effective Date April 14, 2014		
Related: GO-SPT-302.13 (Body-Worn Camera Program), Effective Date June 29, 2015		

I.	Background	Page	1
II.	Policy	Page	1
III.	Definitions	Page	2
IV.	Regulations	Page	3
V.	Procedures	Page	4
V.A	Sexual Assault Calls for Service	Page	4
V.B	Handling CODIS Hits	Page	12
V.C	Sex Offender Registry	Page	13
V.D	Handling Indecent Exposure Incidents	Page	14
V.E	Training	Page	15
V.F	Annual Reporting	Page	15
VI.	Cross References	Page	16

I. BACKGROUND

Members responding to the scene of an alleged sex offense are responsible for conducting the preliminary investigation and notifying the Sexual Assault Unit (SAU), Criminal Investigations Division, Investigative Services Bureau. The preliminary investigation continues until transfer of the case from the initial investigating member to a detective assigned to the SAU. Preliminary investigations are limited to an inquiry to establish whether or not a sexual assault may have occurred.

The SAU is responsible for the primary and follow-up investigation of all adult (ages 18 and older) sexual assaults occurring in the District of Columbia (D.C.). Additionally, the SAU is responsible for assisting the United States Attorney's Office (USAO) and the D.C. Office of the Attorney General (OAG) with the presentation of these cases for prosecution, and for maintaining the Sex Offender Registry. The Sex Offender Registry Unit (SORU) falls under the SAU.

II. POLICY

The policy of the Metropolitan Police Department (MPD) is to respond to and provide a thorough and impartial investigation into all reports of sexual assault, to ensure

that members who investigate sexual assault complaints are sensitive to the needs of the victim, and to provide information and assistance throughout this traumatic event.

III. DEFINITIONS

When used in this directive, the following terms shall have the meanings designated:

1. CODIS (Combined DNA Index System) – computer software program that operates local, state, and national databases of DNA profiles from convicted offenders, unsolved crime scene evidence, and missing persons. CODIS software enables state, local, and national law enforcement crime laboratories to compare DNA profiles electronically, thereby linking serial crimes to each other and identifying suspects by matching DNA profiles from crime scenes with known profiles from the database.
2. Foreign protection order – protection order issued by a tribunal of another state.
3. Official custody –
 - a. Detention following:
 - (1) An arrest for an offense,
 - (2) A surrender in lieu of arrest for an offense,
 - (3) A charge or conviction of an offense, or an allegation or finding of juvenile delinquency,
 - (4) A commitment as a material witness,
 - (5) A pending civil commitment proceeding, or
 - (6) A pending extradition, deportation, or exclusion;
 - b. Custody for purposes incident to any detention described in Part III.3.a., including transportation, medical diagnosis or treatment, court appearance, work, and recreation; or
 - c. Probation or parole.
4. Sexual Assault Nurse Examiners (SANE) Program – provides comprehensive care to adult victims of rape, sexual assault, and other sex crimes. The SANE Program is managed by the D.C. Office of Victim Services, in collaboration with the Network for Victim Recovery

D.C. (NVRDC), the D.C. Forensic Nurse Examiners (DCFNE) and Medstar Washington Hospital Center where medical forensic exams are conducted. The SANE Program also provides victims with access to trained advocates from the Network for Victim Recovery of D.C.

5. Sexual Assault Unit (SAU) – comprised of Sexual Assault Unit and Cold Case Sexual Assault Unit (CCSAU) detectives who conduct investigations of sexual assaults on alleged victims 18 years of age or older.
6. Sex offender – individual who lives, resides, works, or attends school in the District of Columbia, and who:
 - a. Committed a registration offense on or after July 11, 2000;
 - b. Committed a registration offense at any time, and is in custody, or under supervision, on or after July 11, 2000;
 - c. Was required to register under the law of the District of Columbia on the day before July 11, 2000; or
 - d. Committed a registration offense at any time in another jurisdiction and, within the registration period, enters the District of Columbia to live, reside, work, or attend school.

IV. REGULATIONS

- A. The Youth and Family Services Division (YFSD) shall be responsible for the investigation of all sex offenses involving a victim who is under 18 years of age at the time of the offense.
- B. Sworn and civilian members shall protect the identity of victims, suspects, and witnesses consistent with applicable laws and MPD directives.
- C. Members who identify potential patterns of sexual assault activity shall immediately contact an SAU official through the Command Information Center (CIC).
- D. The SAU shall coordinate with the Public Information Office (PIO) on the release of all information to the public regarding potential patterns of sexual assault activity including, but not limited to, posts to MPD email list groups.
- E. Members shall contact the Office of Unified Communications (OUC) to request that the on-duty SAU detective respond to the scene:
 1. For all allegations of sexual assault including, but not limited to, incidents where sexual assault is not the primary allegation or charge.

2. For all crimes that appear to have sexual overtones.
- F. The assigned SAU detective shall prepare the field report for incidents involving adult sexual assaults.
 - G. During the course of a sexual assault investigation, members shall not express any personal opinions regarding alleged sexual offenses.
 - H. After completion of the preliminary investigation, further contact with the victim of a sex offense shall only be made by assigned detectives from the SAU or the SAU Victim Specialist. Many victims of a sexual crime do not want friends or relatives to know about the assault.
 - I. In open adult sexual assault investigations, the case jackets, crime scene examination case files, and evidence collected during the course of the investigation shall be retained for the length of each crime's statute of limitations.
 - J. In closed adult sexual assault investigations, evidence shall be retained for five years, or as long as the person is in official custody, whichever is longer.
 - K. SAU detectives shall ensure that sexual assault victims have a sexual assault victim advocate present, unless the advocate's presence was declined by the victim, and even if the victim had previously declined the advocate's presence, during the following:
 1. Forensic medical, evidentiary, or physical examination;
 2. Before the commencement of any in-person interview, other than the initial questioning on the scene of the report by first responders;
 3. During the initial interview at the hospital and subsequent in-person interviews with the MPD related to the sexual assault; and
 4. At any point during the hospital visit.

V. PROCEDURES

- A. Sexual Assault Calls for Service
 1. In accordance with GO-SPT-302.13 (Body-Worn Camera Program), body-worn camera (BWC) equipped members shall activate their BWCs for all contacts initiated pursuant to law enforcement investigations, whether criminal or civil, to include calls for service involving sexual assault.

2. The first member who arrives on the scene of an alleged sexual assault and who comes in contact with the victim shall be considered the initial investigating member and shall remain on the scene until he or she has been interviewed by the SAU detective and shall be responsible for:
 - a. Ensuring member safety on the scene.
 - b. Immediately rendering first aid and arranging for emergency medical treatment, if necessary.
 - (1) Cases involving life-threatening injuries will be handled by D.C. Fire and Emergency Medical Services (FEMS), according to FEMS protocol.
 - (2) If the victim requires emergency treatment, and the injuries are non-life threatening, FEMS personnel will transport the victim to Washington Hospital Center.
 - c. When practical, and when the victim does not need immediate medical attention, requesting that the victim remain at the scene until the SAU detective arrives.
 - d. Briefly interviewing the victim to determine if a sexual assault is being reported, and when and where the offense occurred.
 - (1) When conducting preliminary questioning, there should be no more than two members present. It is not necessary for the victim to be interviewed by any other member on the scene before the SAU detective arrives.
 - (2) Members shall ask only the necessary questions to enable them to determine the type of crime, and to obtain the required information for a lookout broadcast. Members shall not question the victim in detail about the offense. This is not intended to inhibit the preliminary investigation process, but to recognize the severe emotional stress suffered by victims of sexual assaults.
 - (3) Members who are questioning the victim shall inform the victim that the SAU detective might ask similar questions, but in more detail.
 - e. Requesting the CIC to have the on duty SAU detective respond to the scene.

- f. Ensuring the suspect is detained, if on the scene, until the arrival of the SAU detective. Do not question or read the suspect his or her Miranda rights.
 - (1) The SAU detective shall make the determination whether probable cause exists to place the suspect under arrest.
 - (2) If the SAU detective determines that an arrest will not be made at that time, the member who initiated the stop shall document all information and shall complete the appropriate field reports in RMS.
- g. Obtaining a description and broadcasting a lookout if the suspect is not on the scene.
- h. Except for cases involving fresh pursuit, **not** attempting to contact the suspect at any address without the assistance of an SAU detective.
- i. Informing the victim:
 - (1) An SAU detective shall handle the subsequent investigation of the case and may take the victim to the hospital for medical treatment and to collect evidence.
 - (2) The right to have an advocate present at the hospital during medical exams and during the initial interview with the detective.
 - (3) An advocate from the NVRDC will be available at the hospital. Members are reminded that they shall not discourage or voice any opinion about whether an advocate is needed.
- j. Referring any additional questions the victim may have to the SAU detective or the SAU official on the scene.
- k. Preserving the crime scene and any potential evidence on the scene.
 - (1) Members shall not allow a member who is not directly involved with the investigation of the case to enter the crime scene.
 - (2) If possible, discourage the victim from bathing, using the bathroom, drinking, changing clothes, washing, changing

bed linen, or smoking prior to the medical examination by the SANE nurse.

- (3) If practical, the victim shall be advised to take a change of clothing to the hospital. When a change of clothing is not practical, the victim will be provided clothing at the hospital.
- I. Canvassing the immediate area for witnesses and, if located, requesting that witnesses remain on the scene until the arrival of the SAU detective.
 - m. Providing copies of their notes and all other documentation to the SAU detective by the end of the shift.
 - n. Completing the PD Form 119 (Complainant/Witness Statement) and other necessary forms, other than the Incident or Offense Report, upon request by the SAU detective.
3. PSA officials shall:
- a. Respond to all sexual assault calls for service.
 - b. Take charge of the scene until relieved by the on-scene SAU detective, SAU supervisor, or higher-ranking official.
 - c. Debrief the responding members to determine known facts and circumstances.
 - d. **Not** interview the victim.
 - e. Assign a member to provide a secure location for the victim away from any media and establish a command post, when necessary.
 - f. Ensure that the reporting member briefs the SAU detective on all known facts and circumstances.
 - g. Ensure that all involved patrol members submit information and supply copies of all notes to the SAU detective.
 - h. When requested by the SAU detective, assign a member to accompany a sexual assault victim who is transported to the hospital.
 - i. Evaluate and respond to requests by the SAU detective for additional personnel and resources to manage the scene.

- j. Ensure that the initial investigating member remains on the scene until released by the SAU detective.
4. District watch commanders shall respond to the scene of all felony sexual assault calls for service and coordinate resources as necessary.
5. The investigating SAU detective shall:
 - a. Identify the official in charge, and other key personnel.
 - b. Identify himself or herself and establish control of the crime scene. The ranking SAU official, or, in his or her absence, the SAU detective, has the authority to manage the crime scene.
 - c. Notify the CIC and an SAU supervisor regarding all felony sexual assaults.
 - d. Notify the Special Liaison Unit, if necessary, to respond and assist the victim.
 - e. If necessary to begin processing the scene, in the absence of the SAU supervisor, resolve all legal issues, including whether a search warrant, or consent, is necessary.
 - f. Ensure that the victim and witness are isolated.
 - g. Inform the victim that they have a right to the presence of an advocate during the initial interview and during medical exams at the hospital.
 - h. Brief the Crime Scene Investigation Division (CSID) technician regarding the details of the crime.
 - j. Request that the victim undergo a sexual assault examination in all cases where there is a potential for DNA or trace evidence.
 - (1) Sexual assault examinations shall only be performed with the consent of the victim and should take place after the SAU detective has described the advantages of having the sexual assault examination through the SANE program.
 - (2) In all cases where the victim requests a SANE examination within 96 hours of the offense, the examination shall be conducted. In cases where the

victim requests a SANE examination after 96 hours from the time that the offense occurred, the victim shall be presented to the SANE nurse for a determination as to whether or not an examination should be conducted.

- (a) If the time frame is inconclusive, request that the examination be conducted.
 - (b) If the SAU detective has any questions concerning unusual circumstances or whether or not an examination should be performed, contact the SANE Coordinator at Washington Hospital Center.
- (3) Make arrangements to transport the victim to Washington Hospital Center for a SANE exam, and for additional medical treatment, if needed.
- (a) Call the Washington Hospital Center hotline. The hotline operator will place a call to the on-call SANE nurse to notify him or her of the pending exam.
 - (b) Request the name of the on-call SANE nurse from the hotline operator and request to be transferred to the nurse to brief the nurse on the circumstances of the assault and provide an estimated time of arrival.
 - (c) SANE examinations are conducted at the Washington Hospital Center. However, if a victim wishes to go to another hospital, he or she can have a SANE forensic examination performed at any District hospital. Both the SANE nurse and the advocate operate on an on-call basis, and will respond to meet with the victim within an hour of being contacted by the detective.
- (4) If the victim is transported to Washington Hospital Center and is unable to obtain assistance from a SANE nurse, the victim will be examined in the emergency room of Washington Hospital Center or the nearest area hospital.
- (5) Advise the victim that if he or she is examined by anyone other than a SANE nurse (i.e., a private physician), the victim may receive reimbursement through the Office of Victim Services.

- (6) Sign the police log at the Washington Hospital Center nursing station, and provide his or her name and contact information.
 - (7) Within 24 hours of the completion of the examination, ensure that the sexual assault evidence collection kit is delivered to the Crime Scene Investigations Branch (CSID).
 - (8) Document the name of the nurse who conducts the SANE examination in the case management section of the field report.
 - k. Schedule a follow-up interview with the victim no sooner than 48 hours after the report, and, if practicable, no later than 72 hours after the report.
 - l. If the suspect agrees to provide a statement, attempt to obtain a consensual buccal swab.
 - m. Request Central Complaint Numbers from the OUC applicable to the incident and complete the initial field report, ensuring only basic information is included (i.e., a brief description of what happened, where, and when) so the complainant is not forced to be repetitive in such sensitive cases. The victim's full name, date of birth, and address shall be included on the field report. Non-public information will be redacted from public forms.
 - n. Upon request by the victim, provide him or her with the toxicology results and findings of the examination, if requested, and provided that the MPD is not required to disclose to the victim the identity of any suspect implicated by DNA or similar testing for open investigations or active prosecutions.
 - o. Make reasonable attempts to notify the victim of the intent to communicate with the suspect before communicating with the suspect and alerting the suspect of the allegation made against the suspect; provided, that if prior notification is not possible, notification shall be made as soon as is reasonably possible after the communication with the suspect has occurred.
6. SAU supervisors shall:
- a. Respond to the scene of felony sexual assault cases if available. If not available, notify the CID watch commander.

- b. Ensure that proper control has been maintained of the crime scene, or take control of the crime scene if no SAU detective is on the scene.
 - c. Resolve all legal issues, including whether a search warrant, or consent, is necessary to process the scene.
 - d. Coordinate with CSID personnel to make sure all evidence is properly identified and processed.
 - e. Notify the CID watch commander of all sexual assaults.
 - f. Brief command officials, the district watch commander, and the CID watch commander as they arrive on the scene regarding information gathered from the preliminary investigation and provide them with additional information as significant updates occur.
7. The CIC shall notify the SAU to respond when a hospital notifies the CIC of an alleged sexual assault. Patrol members are not required to respond in these situations. The SAU will prepare all required paperwork.
8. The SAU victim specialist shall:
 - a. Follow up with sexual assault victims to ensure a victim assistance package was provided to the victim at the hospital by the SANE nurse.
 - b. For victims who do not go through the SANE program, follow up to ensure the victim receives a victim assistance package. If the victim has not received a victim assistance package, the SAU victim specialist shall prepare one, and ensure the package is delivered to the victim.
 - c. Be available for any additional questions from the victim.
9. CSID or Department of Forensic Services (DFS) technicians shall:
 - a. Respond to all felony sexual assault scenes for the collection and processing of evidence.
 - b. Debrief the SAU detective upon arrival at the crime scene.
 - c. Process all potentially-probative sexual assault evidence discovered on the scene and forward the evidence to the

designated laboratory for forensic testing within seven calendar days of the victim's report of the sexual assault.

- d. Prior to clearing the crime scene, re-canvass the area with the SAU detective to ensure all evidence has been collected.

10. The CID watch commander shall:

- a. Respond to and take control of the scene of all first degree sexual assaults with active crime scenes; and
- b. Respond to all felony sexual assaults if the SAU supervisor is not able to.

11. The Commander of CID shall ensure that examination kits and biological specimens are retrieved and delivered to the appropriate facility within seven days after the victim makes a report.

- a. Examination kits shall be delivered to the Department of Forensic Services.
- b. Biological specimens for toxicology testing shall be delivered to the Office of the Chief Medical Examiner.

B. Handling CODIS Hits

1. The DFS will provide notification to the SAU, in writing, when they are notified of a CODIS hit.
2. When necessary, the SAU detective shall collect a court authorized confirmatory DNA sample (e.g., blood card or buccal swab) from the named suspect in the CODIS hit, and deliver the DNA sample to the CSID/DFS.
3. The case shall be assigned to the SAU detective who previously handled the case, if available, or to a CCSA detective. If the original detective is no longer assigned to the SAU, the CCSA detective shall make every effort to work with the original detective.
4. The assigned detective shall conduct the investigation in accordance with the following procedures:
 - a. As part of the initial investigation, the statute of limitations will be assessed to ensure that cases are in accordance with prosecution guidelines.

- b. It is important to consider early in the investigation the willingness of the victim or witness to proceed with the case. Reinvestigating a case may cause renewed psychological trauma to the victim, and the victim's family. The assigned detective shall:
 - (1) On a case by case basis, review the case with the USAO when appropriate before contacting the victim or other witnesses involved in the case. The USAO and SAU detective shall decide how to proceed with the case.
 - (2) Make every effort to notify the victim of a CODIS hit, and provide the victim with counseling resources (e.g., rape hotline number).

C. Sex Offender Registry

- 1. Failure to register under the Sex Offender Registration Act of 1999 as a sex offender is a crime.
- 2. The Sex Offender Registry (SORU) Unit is responsible for facilitating and coordinating the dissemination of sex offender registration information.
- 3. All complaints of harassment, threats, intimidation, or violence committed against sex offenders shall be referred to the SORU for tracking and investigation, in conjunction with the appropriate patrol district personnel.
- 4. The SORU shall provide each MPD facility that has a community information kiosk with sexual offender registry information including information available for public inspection concerning all currently registered sex offenders.
- 5. Each MPD facility that provides information about Class C registered sex offenders shall maintain a record of the names of all persons who view the registry, and the date on which it was viewed.
- 6. Information about sex offenders with a classification of A (the most serious offender, with a lifetime registry) or B (offender with a ten year registry) shall be posted on the MPD website for public viewing.
- 7. Upon request, SORU members shall use Advisory Neighborhood Commission (ANC) and Citizens Advisory Council (CAC) meetings to inform the community about the Sex Offender Registration Law. Citizens shall be advised of the locations where open registries are located, and the availability of the online registry.

8. PSA lieutenants shall notify the community of methods available to access information regarding newly registered sex offenders during scheduled monthly community meetings, (e.g., PSA, ANC, and CAC meetings).
 - a. Document on the transmittal provided by the SORU the community meetings they attended.
 - b. Return the completed transmittal to the SORU within 30 calendar days by email to sexoffender.registry@dc.gov.

D. Handling Indecent Exposure Incidents

1. Members shall:
 - a. If a suspect is stopped or an arrest is made for indecent exposure:
 - (1) Contact an SAU detective, describe the circumstances and be guided by the detective's instructions.
 - (2) Document the notification in their reports.
 - b. If the suspect has fled:
 - (1) Contact their district detective office, describe the circumstances and be guided by their instructions.
 - (2) Document the notification in their reports.
2. SAU detectives shall, when appropriate:
 - a. Respond to the scene if a suspect is stopped or otherwise in custody and handle the investigation to include the suspect interview and arrest or arrest affidavit submission.
 - b. Respond to the scene if a district detective's follow-up investigation leads to the identity and arrest of a suspect to assist with the suspect interview.
3. District detectives shall, when appropriate:
 - a. Respond to the scene if the suspect has fled the scene and handle the follow-up investigation.

- b. Request an SAU detective if the follow-up investigation leads to the identity and arrest of a suspect.

E. Training

The Commanding Official of the Metropolitan Police Academy (MPA) shall ensure that all members are provided with sexual assault first responder training and members of the SAU are provided with specialized training in sexual assault investigations.

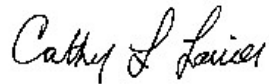
F. Annual Reporting

1. In accordance with D.C. Official Code § 4-561.09 (Reporting and Requirements), the Assistant Chief of the Investigative Services Bureau shall submit an annual report no later than November 1 to the Chief of Police on MPD's response to sexual assault reports for each fiscal year. The report shall include, at a minimum:
 - a. The number of sexual assaults and attempted sexual assaults reported, identified by penal code classification;
 - b. The outcome of each reported sexual assault, identified by:
 - (1) The number of reports unfounded;
 - (2) The number of reports cleared, including how many cleared cases led to an arrest; and
 - (3) The number of reports closed, identified by the type of exception such as the victim declined participation, the suspect was prosecuted in another jurisdiction, the case was rejected by the prosecutor, or a similar explanation.
 - c. The number of arrest warrants issued, by classification of crime, the number of arrests, and the number of cases referred to prosecuting attorneys and, to the extent the information is available to the MPD, cases declined for prosecution by the prosecutor, cases declined for prosecution by the grand jury, prosecutions, and other law enforcement actions taken as a result of investigations into sexual assault reports;
 - d. The recommendations received from the Sexual Assault Response Team (SART) Case Review Subcommittee, and the measures that the MPD has taken, if any, to address those recommendations; and

- e. The number and type of complaints filed against MPD members regarding the handling of sexual assault reports and the actions taken in response the those complaints.
2. The Chief of Police will transmit the report to the Mayor and the Council by December 31 of each year and allow it to be accessible to the public; provided, that the report shall protect the privacy and confidentiality of the victim.

VI. CROSS REFERENCES

- A. GO-SPT-302.13 (Body-Worn Camera Program)



Cathy L. Lanier
Chief of Police

CLL:PAB:MOC:AWS:BNB:PHC