


Sexual Assault Investigations

601.1 POLICY HEADER

Original Effective Date:	Revised Date:
September 1, 2021	January 4, 2023
<p>Authorization:</p>  <p>Jason Haberman Chief of Police</p>	

601.2 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Adult Abuse policies.

601.2.1 DEFINITIONS

Definitions related to this policy include:

Sexual assault - Any crime or attempted crime of a sexual nature, to include, but not limited to, offenses defined in Title 18, Chapter 31 of the Pennsylvania Consolidated Statutes.

601.3 POLICY

It is the policy of the Mt. Lebanon Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

601.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

- (a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.
- (b) Conduct follow-up interviews and investigation.
- (c) Present appropriate cases of alleged sexual assault to the prosecutor for review.

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- (d) Coordinate with other enforcement agencies, social service agencies, and medical personnel as needed.
- (e) Provide referrals to therapy services, victim advocates, and support for the victim.

601.5 REPORTING

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated. Required reports shall be filed as per requirements of the Pennsylvania State Police.

601.6 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to the Dispatch Center, should be the health and safety of the victim, the preservation of evidence and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinions of whether the case is unfounded should be included in the initial report.

Victims should not be asked or required to take a polygraph examination (34 USC § 10451).

Victims should not be asked to provide a written statement.

Audio and video recordings by officers shall be limited to the initial response. Any subsequent interviews of the victim shall not be recorded.

Victims shall be notified when biological evidence is submitted for testing or when biological evidence is submitted for DNA profile comparison (35 P.S. § 10172.5).

Victims should be apprised of applicable [victim's rights](#) provisions, as outlined in the Victim and Witness Assistance Policy.

601.7 ARREST AND SEARCH WARRANTS

Members shall receive prior approval from the Allegheny County District Attorney's Office for arrest or search warrants. Juvenile identifiers will not be listed on any search warrant or charging document.

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601.8 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable. Members may consult with the Pennsylvania State Police (PSP) to ensure analysis of samples for trace amounts of any date rape drug (35 P.S. § 10172.3).

Subject to the requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for biological testing. Victims who choose not to assist with an investigation, do not desire that the matter be investigated or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

In cases where victims have not provided consent to testing, the evidence must be preserved and stored for a period of no less than the statute of limitations, unless consent is provided before that period.

Victims shall be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

601.8.1 COLLECTION AND TESTING REQUIREMENTS

Members investigating sexual assaults or handling related evidence for reported and unreported assaults are required to (35 P.S. § 10172.3):

- (a) Take possession of sexual assault evidence, including sexual assault kits, within 72 hours of receiving notice from a medical facility that the evidence has been collected.
- (b) Within 15 days of receipt of written consent for testing from a victim or victim advocate, submit the evidence to an approved laboratory. If the laboratory is not a part of the Mt. Lebanon Police Department, the evidence shall be forwarded with a certification indicating that:
 1. For reported cases, the evidence is being submitted by the Mt. Lebanon Police Department in connection with a report of sexual assault.
 2. Testing of any evidence must be completed within six months of receipt by the laboratory.

Additional guidance regarding evidence retention and destruction is found in the Evidence Room Policy.

601.8.2 DNA TEST RESULTS

Members investigating sexual assault cases should notify victims of any DNA test results and the results of any DNA profile comparison as soon as reasonably practicable, unless disclosure would interfere with the ability to investigate and prosecute an offense. Where disclosure is delayed

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due to investigative or prosecutorial concerns, victims shall be provided with an estimated date of disclosure (35 P.S. § 10172.5).

For cases involving victims who do not wish to make a report or wish to remain anonymous, members should provide notice of DNA test results to victims who have provided contact information. The contact information for anonymous victims who request notification should not be used for any other purpose (35 P.S. § 10172.5).

A sexual assault counselor should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits) (35 P.S. § 10172.5). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

Members investigating sexual assault cases should ensure that DNA results are entered into databases when appropriate and as soon as practicable.

601.8.3 RECORDS OF BIOLOGICAL EVIDENCE SUBMISSION

The Investigative Services Unit supervisor should ensure that a list is maintained of all sexual assault cases for which evidence has not been submitted to a laboratory for analysis and should facilitate cooperation with the Pennsylvania Department of Health (DOH) to ensure that all evidence awaiting testing is submitted in a timely fashion (35 P.S. § 10172.3).

The Investigative Services Unit supervisor shall ensure that an annual list of all evidence that has been awaiting testing for more than 12 months is submitted to the DOH by Jan. 31 of each year (35 P.S. § 10172.3).

601.9 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Investigative Services Unit supervisor.

Classification of a sexual assault case as unfounded requires the Investigative Services Unit supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

601.10 CASE REVIEW

The Investigative Services Unit supervisor should ensure cases are reviewed on a periodic basis. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.

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- Submissions of biological evidence for lab testing.

601.11 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Chief of Police, or the authorized designee, should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

601.12 TRAINING

Subject to available resources, periodic training should be provided to:

- (a) Members who are first responders. Training should include:
 1. Initial response to sexual assaults.
 2. Legal issues.
 3. Victim advocacy.
 4. Victim's response to trauma.
- (b) Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:
 1. Interviewing sexual assault victims.
 2. Medical and legal aspects of sexual assault investigations.
 3. Serial crimes investigations.
 4. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
 5. Techniques for communicating with victims to minimize trauma.

601.12.1 REQUIRED TRAINING

The Department shall provide members with initial training related to the Protection of Victims of Sexual Violence or Intimidation Act, including instruction concerning orders issued pursuant to this Act (42 Pa.C.S. § 62A04).

Attachments

Victims Rights and Services.pdf



RIGHTS AND SERVICES AVAILABLE TO VICTIMS OF CRIME IN PENNSYLVANIA

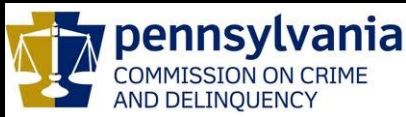
**Mt. Lebanon Police Department
555 Washington Road
Pittsburgh, PA 15228**

Officer/Detective

Telephone Number

Incident Number

**WHEN THIS PACKET IS PRESENTED TO A
VICTIM, COMPLETE AND RETAIN THE
LAST PAGE OF THIS PACKET.**



PENNSYLVANIA CRIME VICTIMS

Your Local Service Agencies and How They Can Help You

THE CENTER FOR VICTIMS OF VIOLENCE AND CRIME

24-Hour: 412-392-8582

24-Hour and Toll Free: 866-644-CVVC (2882)

Victim and witness information and assistance in the following types of cases: Adult and Child Sexual Assault, Aggravated and Simple Assault, Homicide, Child Abuse, Elder Abuse, Robbery, Burglary and Drunk Driving.

Services include the following: Crisis intervention, individual, family and group counseling, medical and legal advocacy and court accompaniment, information and referrals, Crime Victim Compensation Assistance, County Jail Release Notification and Mediation.

PITTSBURGH ACTION AGAINST RAPE

24-Hour and Toll Free: 866-END-RAPE (363-7273)

Victim and witness information and assistance in cases involving adult and child sexual assault.

Services include the following: Crisis intervention, counseling, medical and legal advocacy and accompaniment to court proceedings.

DOMESTIC VIOLENCE AGENCIES

WOMEN'S CENTER AND SHELTER OF GREATER PITTSBURGH

24-Hour: 412-687-8005

24-Hour and Toll Free: 877-338-8255

WOMANSPLACE, INC. (Mon Valley)

24-Hour: 412-678-4616

CRISIS CENTER NORTH (North Hills)

24-Hour: 412-364-5556

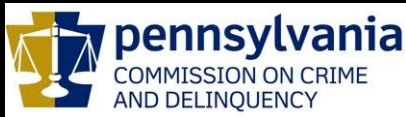
Toll Free: 866-782-0911

ALLE-KISKI HOPE CENTER (Alle-Kiski Valley)

24 Hour and Toll Free: 888-299-4673

Victim and information assistance for intimate partner violence.

Services include the following: Crisis intervention, safe housing, court accompaniment, legal options counseling, assistance with filing Protection From Abuse (PFA) orders, referral information, medical advocacy and supportive counseling services.



PENNSYLVANIA CRIME VICTIMS

Your Local Service Agencies and How They Can Help You

MERCY HOSPITAL OF PITTSBURGH

A CHILD'S PLACE AT MERCY

412-232-7200

A Child's Place provides comprehensive forensic evaluations (medical and psychosocial) for children and adolescents who may be victims of physical or sexual abuse or neglect.

CHILDREN'S HOSPITAL OF PITTSBURGH

412-692-8664

The center provides comprehensive forensic evaluations (medical and psychosocial) for children and adolescents who may be victims of physical or sexual abuse or neglect.

MOTHERS AGAINST DRUNK DRIVING

**24-Hour Recorded Messages: 866-828-1660 or
724-256-5600**

MADD provides victim and witness information and assistance for cases involving driving under the influence (DUI). Services include the following: Counseling, monitoring of court cases and referrals for victims and surviving significant others.

FAMILY RESOURCES

412-363-1702

Assistance for child physical and sexual abuse. Services include the following: Counseling, support groups for victims and their family members and adult survivors.

ALLEGHENY COUNTY DEPARTMENT OF HUMAN

SERVICES: OFFICE OF CHILDREN, YOUTH AND FAMILIES (CYF)

24-Hour: 412-473-2000

PA CHILDLINE / Toll Free: 800-932-0313

Provides child abuse and neglect services including the following: Protective services, assessment and investigation of child abuse reports, information and referrals.

ALLEGHENY COUNTY DEPARTMENT OF HUMAN

SERVICES: AREA AGENCY ON AGING

24-Hour: 412-350-4234, 350-6905 or 350-5460

Toll Free: 800-344-4319

Statewide Hotline: 800-490-8505

Provides services for elderly persons (age 60 and over) who are victims of abuse, exploitation, abandonment and neglect.

PA COMMISSION ON CRIME AND DELIQUENCY: VICTIMS COMPENSATION ASSISTANCE PROGRAM

800-233-2339

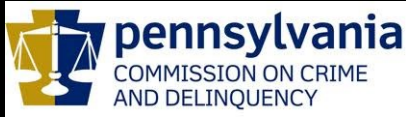


ALLEGHENY COUNTY

DISTRICT ATTORNEY'S OFFICE

412-350-4401

Ask for the Victim's Rights/Services Liaison



PENNSYLVANIA CRIME VICTIMS

Receipt of Information

*I acknowledge receiving my basic rights as a crime victim
and information on related services available to me.*

NAME

SIGNATURE

_____/_____/_____
DATE

TIME

INCIDENT NUMBER

OFFICER

ADDRESS

SAFE CONTACT NUMBER(S)

*(The completed and signed copy of this form
Shall be retained by Law Enforcement.)*