

Louisville Metro Police Department

<h2>Standard Operating Procedures</h2>	SOP Number: 8.50
	Effective Date: 11/23/15 Prv. Rev. Date: 02/24/20 Revised Date: 12/19/22
	Accreditation Standards:
Chapter: Field Operations	
Subject: Sexual Assaults	

8.50 SEXUAL ASSAULTS

8.50.1 PURPOSE

The purpose of this policy is to establish procedures for the investigation of sexual assaults, including the collection of biological evidence and Sexual Assault Evidence Kits (SAEKs), which includes deoxyribonucleic acid (DNA) evidence, by Sexual Assault Nurse Examiners (SANEs) and/or emergency room (ER) personnel. Collecting and entering DNA evidence increases the likelihood of a successful prosecution. DNA evidence may also connect the perpetrator to other past or future crimes. This policy provides officers with procedures for responding to reports of sexual assault, assisting victims, collaborating with local health and public service agencies, conducting interviews with victims, witnesses, and suspects, and the proper collection, documentation, transportation, and storage of SAEKs.

8.50.2 POLICY

It is the policy of the Louisville Metro Police Department (LMPD) to thoroughly investigate all incidents of sexual assault. In incidents where a Sexual Assault Forensic Examination (SAFE) is necessary and/or required, such an examination will be conducted by a SANE, whenever feasible. If a SANE is not available, the examination will be conducted by appropriate ER personnel.

When a notification of an alleged sexual assault is received from a collecting facility (e.g. hospital, clinic, medical provider), the procedures and timelines outlined in this policy will be utilized (refer to SOP 8.50.7).

A victim's distress may create an unwillingness or psychological inability to assist in the investigation. Investigators play a significant role in the victim's willingness to cooperate in the investigation and the victim's ability to cope with the emotional and psychological after-effects of the crime. It is important that these cases be handled from a nonjudgmental perspective so the victim does not feel that he/she is, in any way, to blame for the crime.

8.50.3 DEFINITIONS

Kentucky State Police (KSP) Forensic Laboratory: The state forensic laboratory is responsible for analyzing and classifying all SAEKs within 60 days of receipt (Kentucky Revised Statute (KRS) 17.175). Priority may be given to SAEKs when a suspect standard for comparison is provided with the kit.

Sexual Assault: As referenced in this policy, refers to felony crimes of sexual violence. Crimes of felony sexual assault include one (1) of the following:

- Rape (KRS 510.040, 510.050, 510.060)
- Sodomy (oral and/or anal sex with a person who does not consent or is incapable of consenting)
- Sexual abuse

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8.50.4 INITIAL OFFICER RESPONSIBILITIES (CONTINUED)

- Request assistance from the Office of Sexual and Physical Investigations (OSPI), as appropriate.

8.50.5 DETECTIVE RESPONSIBILITIES

The investigating detective will:

- Show understanding, patience, and respect for the victim's dignity and attempt to establish trust and rapport.
- Conduct a thorough investigation and gather evidence, as appropriate.
- Conduct a thorough follow-up on the case.
- Complete appropriate forms and transfer the SAEK and any other items of evidence to the Crime Scene Unit (CSU).
- Contact the Victim Services Unit as soon as possible to provide assistance throughout the reporting and investigative process. The Victim Services Unit can be contacted at (502) 574-8788. If the victim declines assistance from the Victim Services Unit, the detective will provide the victim with written resources and/or referrals for community resources specifically designed to help victims of sexual assault (refer to SOP 8.29).

Detectives are prohibited from requiring victims of sexual offenses to submit to a polygraph examination as a requirement for pursuing the investigation or prosecution of the offense (refer to SOP 8.28).

Detectives will respect a victim's inability or his/her decision to not be involved in criminal justice proceedings and always be willing to offer continued assistance and referrals.

Throughout the investigation of the case, detectives will protect the confidentiality of the victim's personal information.

In addition, victims should be provided information regarding:

- The Kentucky Crime Victim's Bill of Rights.
- Information on accessing the KSP public portal for victim access to SAEK data (refer to KRS 16.132).
- How to contact the department if he/she is harassed, or intimidated, by the suspect(s) or anyone related to the case.
- How to contact the Victim Services Unit at (502) 574-8788.
- Which information is part of the public record and which information will remain confidential.
- The possibility of media coverage and information to which the media has access regarding sexual assault offenses.

In the immediate aftermath of a sexual assault, a victim will not be expected or encouraged to make decisions regarding the investigation or charges related to the offense. Detectives will not present any forms for a victim to sign to decline an investigation. Delayed reporting is common in sexual assault cases due to the trauma and fear experienced by victims and should not deter a thorough investigation. Detectives will inquire about any

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8.50.5 DETECTIVE RESPONSIBILITIES (CONTINUED)

delayed reporting and document the reasons for the delay, while avoiding questions that could be perceived as judgmental or accusatory.

The investigating detective will, in conjunction with the KSP Forensic Laboratory, prosecutor, and/or the victim advocate, provide the victim with notification on the progress of the testing and whether the testing resulted in a match to other DNA samples. The investigating detective is not required to disclose the identity of any DNA matches. Victims will be notified when any of the evidence is going to be destroyed.

Investigating detectives are required to complete the 40-hour sexual assault investigation training course in accordance with KRS 15.334.

8.50.6 EVIDENCE COLLECTION

A timely and professional SAFE increases the likelihood that injuries will be documented and evidence will be collected to aid in the investigation and prosecution of sex offenders. Evidence may normally be collected up to 92 hours after the assault, but evidence can be gathered and injuries documented beyond that time, especially if the victim is injured, bleeding, or experiencing pain.

When it is determined that a SAFE will be conducted, a victim advocate or a support person of the victim's choosing will be allowed to be present in the room during the interview, unless it would be harmful to the investigation. The investigating detective will brief the examining nurse or physician about the details of the sexual assault, as they are known at that time, **out of the presence of the victim, if possible.**

The investigating detective will pick up the SAEK from the collecting facility after it has been properly sealed and labeled, within five (5) days of notification. Upon receiving a SAEK from a collecting facility, the detective will sign that he/she received the SAEK and maintain proper chain of custody by documenting the date, time, and name of the person who turned over the SAEK to him/her. The detective will deliver the kit to the CSU. A CSU technician will complete the necessary paperwork and deliver the SAEK to the Evidence and Property Unit (EPU) for temporary storage in the sexual assault area. The CSU will deliver the SAEK to the KSP Forensic Laboratory, within 30 days, in order to have the kit tested.

All evidence received from a collecting facility relating to an incident which occurred outside of the jurisdiction of the LMPD will be transmitted to a department with jurisdiction within ten (10) days of its receipt by the LMPD.

Once the SAEK has been tested and returned to the LMPD, it will be stored in the EPU in the sexual assault area. The Property Room Supervisor is responsible for verifying that the evidence is stored in such a manner to preserve the integrity of the evidence. The Special Victims Unit (SVU) Lieutenant may conduct audits of stored SAEKs to verify compliance with LMPD Standard Operating Procedures (SOPs) and applicable laws.

Along with the SAEK, the suspect's samples and/or clothes, and the victim's clothes, may also be submitted to the KSP Forensic Laboratory for testing. If the suspect's samples are not available at the time of evidence submission, they will be submitted as soon as practical after collection.

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8.50.6 EVIDENCE COLLECTION (CONTINUED)

When an investigating detective suspects that a sexual assault may have been facilitated with drugs or alcohol, he/she should determine the time of the incident as soon as possible in order to make decisions regarding the collection of urine and/or blood samples.

8.50.7 NOTIFICATION FROM A COLLECTING FACILITY

Collecting facilities must notify law enforcement that an SAEK has been collected within 24 hours of the collection. When the department receives notification that a SAFE has been conducted by a collecting facility performed pursuant to KRS 216B.400 and a SAEK has been completed and is ready for pickup, a detective must retrieve the SAEK from the collecting facility within five (5) days of this notification. In cases where a collecting facility notifies the LMPD that a SAEK has been collected, and no criminal report has yet been generated, the receiving detective will generate a departmental case number. The SAEK will be documented, transported, and stored in accordance with SOP 8.50.6.

8.50.8 PROTOCOL FOR SUSPECT EXAMINATION

Immediately after the preliminary suspect interview, the investigating detective will determine whether a SAFE should be obtained from the suspect. A search warrant may be needed to collect any evidence from the body of the suspect or even to collect clothing. If the suspect consents to such evidence collection procedures, the documentation of voluntary consent will be noted in the police report. The investigator should clearly document the suspect's freedom to decline any part of the examination, **except in the case of a pending search warrant**, and **that he/she may** leave at any time, **if there is no current probable cause to arrest**.

8.50.9 SUPERVISOR RESPONSIBILITIES

Supervisors will verify that a thorough and complete investigation of all felony sexual assault cases **is conducted**. This includes SAEK analysis, **proper** forms completion, and victim updates. Supervisors will respond to assist detectives who are investigating felony sexual assaults, as needed.

8.50.10 DISPOSAL OF BIOLOGICAL EVIDENCE

Prior to the disposal of biological evidence, a Property Room Supervisor will consult with the Office of the Commonwealth's Attorney. The disposal of biological evidence will be in accordance with KRS 524.140 and SOP 11.6.