

PBP FORM 290  PITTSBURGH BUREAU OF POLICE <i>"...honor, integrity, courage, respect, and compassion."</i>		SUBJECT: "SEXUAL ASSAULT INVESTIGATIONS"	ORDER NUMBER: 43-3
		PLEAC STANDARD: 4.13.1 and 4.13.1	PAGE 1 OF 3
RE-ISSUE DATE: 9/7/2017	EFFECTIVE DATE: 10/18/04	ANNUAL REVIEW DATE: AUGUST	RESCINDS: ALL PREVIOUS
			AMENDS: 43-3

1.0 POLICY/PURPOSE

- 1.1 In all cases of sexual assault allegations, Major Crimes shall be notified immediately. Major Crimes personnel shall respond to the scene and assume complete command of the investigation.
- 1.2 Ensure that sexual assault cases are properly and ethically investigated in an unbiased and truth seeking manner that will support a fair and accurate decision in the criminal justice system.
- 1.3 Reduce the physical and psychological trauma to the victim of sexual violence by responding in a compassionate, sensitive, and non-judgmental manner.
- 1.4 Incorporate comprehensive investigation practices that focus on the actions and choices of the offender, not the actions or inactions of the victim.
- 1.5 Encourage a coordinated community response to sexual assault through coordination of the criminal justice response with medical and supportive services for victims of sexual assault.

2.0 ZONE PERSONNEL - DUTIES AND RESPONSIBILITIES

- 2.1 Whenever a sexual assault occurs, the police officer(s) receiving the initial call shall respond and shall:
 - 2.1.1 Provide immediate medical assistance if needed.
 - 2.1.2 Ask if there is anyone that the victim would like to contact.
 - 2.1.3 Convey your understanding of the seriousness of the crime. Often a victim may view reporting a sexual assault as a risk. They do not know how they will be treated or if they will be believed. It is critical that responding officers communicate appreciation to the victim for reporting, regardless of the officer's initial impression of the case.
 - 2.1.3.1 Individuals respond to trauma in a variety of ways. Victims may display a range of demeanor and emotions from crying and distress, to extremely calm and/or seemingly cheerful.
 - 2.1.3.2 Trauma can affect a victim's ability to give a detailed or chronological statement. A person experiencing trauma often will recall and/or disclose information over a period of time as memories are triggered and as trust is established with responders.
 - 2.1.3.3 Do not make judgments about credibility based on a victim's demeanor or inability to articulate a chronological narrative.
 - 2.1.4 Secure the crime scene and preserve evidence.
 - 2.1.5 Convey the victim to the hospital (of the victim's choice if practical) for the collection of physical evidence from the victim's body, i.e. rape kit. Major Crimes personnel will collect this evidence from the hospital.
 - 2.1.6 Detain and separate all witnesses, if possible.
 - 2.1.7 Prevent unnecessary police personnel and civilians from contaminating or entering the crimescene.
 - 2.1.8 Notify the Zone supervisor.
 - 2.1.9 Contact and notify desk personnel at Police Headquarters immediately.
 - 2.1.10 Write the initial report. Initial responding officers will not conduct an extensive interview with the victim, but will ensure that the information contained within the initial report indicates a sexual assault has occurred to include specific elements of a crime.
 - 2.1.11 Officer(s) shall comply with Section 6311 of the *Pennsylvania Child Protective Services Law* (23 Pa.C.S.A. §6301, et seq.) in regard to persons required to report suspected child abuse per section 6313(a), either
 - 2.1.11.1 Immediately via oral report to the Department of Human Services of the Commonwealth via the established Statewide, toll-free number (Childline), AND a written report, which may be submitted electronically, within 48 hours to the department or county agency assigned to the case OR
 - 2.1.11.2 Immediately via the electronic reporting procedure (Childline Portal) as established in accordance with

section 6305 in satisfaction of all notification requirements.

- 2.2 The Zone supervisor will ensure Major Crimes personnel are notified immediately about the sexual assault.
- 2.3 Upon the arrival of Major Crimes personnel, the initial responding officers shall turn the investigation over to them.
- 2.4 The initial responding officer(s) will relay any information that may have been obtained and will transfer the custody of any evidence that may have been discovered to Major Crimes Personnel as well.
- 2.5 If a person of interest is detained or an on-view arrest is made, Major Crimes personnel shall be notified immediately.
- 2.6 [REDACTED]
- 2.7 [REDACTED]
- 2.8 Zone Personnel will render assistance to Major Crimes personnel as requested.

3.0 MAJOR CRIMES PERSONNEL - DUTIES AND RESPONSIBILITIES

- 3.1 Upon receipt of notification of a sexual assault, the Sex Assault Sergeant or Major Crimes Supervisor shall determine who shall be assigned to the Investigation.
- 3.2 Sexual Assault Testing and Collection Act (SATEC) 35 P.S. ss 10172.1-10172.4, ACT 27 OF 2015)
 - 3.2.1 Major Crimes personnel shall take possession of Sexual Assault Kits within 72 hours of being notified of its existence.
 - 3.2.2 For those cases in which the victim or a victim advocate acting as the victim's direction has provided written notice of consent to the forensic testing, the PBP must submit evidence awaiting testing to the Allegheny County Crime Lab within fifteen (15) days.
 - 3.2.3 For those cases in which a victim has not provided consent to testing, the evidence must be preserved and stored for a period of no less than two (2) years, unless consent is provided before that period.
 - 3.2.4 The sexual assault kit shall be stored in compliance with policy developed as per the Act. (*Pennsylvania State Police Storage and Preservation Policy for Sexual Assault 46 Pa.B. 7927 12-17-2016*)
 - 3.2.5 Annual reports must be filed each year as per requirements of the Pennsylvania State Police via [REDACTED]. This function will be completed by the Major Crimes Commander or his/her designee.
- 3.3 Major Crimes personnel will collect all evidence from the body of the actor, i.e. saliva sample, blood samples, and the actor's underwear or other clothing, if necessary.
- 3.4 If Sex Assault or MCU Detectives are not available, a Major Crimes Supervisor will be notified to make the determination on how to proceed with the on-view arrest for sexual assault.
- 3.5 If a sexual assault occurs between 2400 and 0800 hours, the initial investigation and/or arrest will be handled by Night Turn MCU Detectives personnel. Night Turn MCU Detectives duties will include interviewing victim(s), suspects and witnesses, and evidence collection.
- 3.6 The Night Turn MCU Supervisor will ensure that all reports are completed before the end of the detectives' tour of duty and will forward copies to the Sex Assault Sergeant.
- 3.7 If necessary, the Night Turn MCU Supervisor will notify the Sex Assault Sergeant for assistance. The Sex Assault Sergeant will assist in any way deemed appropriate.
- 3.8 The Investigation shall then proceed according to internal Major Crimes procedures.

4.0 PROTECTION OF VICTIMS OF SEXUAL VIOLENCE OR INTIMIDATION (Title 42 Chapter 62A)
(PLEAC Standard 4.13.1)

- 4.1 The Protection of Victims of Sexual Violence or Intimidation Act allows for the issuance of orders or protection for victims of sexual violence or intimidation. This is very similar to the PFA Statute. The following conditions apply to this act:
- 4.1.1 Victims and perpetrators cannot be related or household members.
 - 4.1.2 Intimidation only applies to cases where the conduct is committed by a person 18 years of age or older against a person under 18 years of age.
 - 4.1.3 A parent, household member or guardian of a minor child can apply for an order.
 - 4.1.4 A guardian or person of an adult who has been declared incapacitated under 20 Pa.C.S Chapter 55, can also apply for an order.
 - 4.1.5 A victim of intimidation must be under 18 years of age in order to seek relief and the perpetrator must be 18 years of age or older.
- 4.2 The PBP will provide training to all officers to make them familiar with this Act on an annual basis.
- 4.3 The Allegheny County Sheriff's Department is responsible to make a reasonable effort to notify, as soon as possible, any person protected by an order issued under Title 42 Chapter 62 A, of the arrest of the defendant for violating the subject protection order.
- 4.4 The Allegheny County Sheriff's department will provide notice of the violator's arrest to the protectee(s) if the protectee (s) location is known, not more than 24 hours after the defendant's preliminary arraignment.
- 4.5 The PSP will be responsible for establishing a statewide registry for all temporary and final orders issued.

Approved by:



Scott Schubert
Chief of Police