

**Montana Department of Justice**  
**Sexual Assault Kit Initiative**  
**Course “Documenting Sexual Assault Investigations”**

## Intro

**Slide 2:** Welcome to the course, Documenting Sexual Assault Investigations.

**Slide 3:** Content Warning: We will be talking about sexual violence which may trigger personal feelings. Please remember to take care of yourself and do what you need to help yourself.

**Slide 4:** Disclaimer: This project was supported by Grant No. 2017-AK-BX-0022 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice."

**Slide 5:** In this course, you will learn about the critical steps of documenting a sexual assault investigation from the moment you receive the call to the conclusion of the investigation.

**Slide 6:** You have learned that conducting a sexual assault investigation in a uniform manner may give you a better chance of not missing crucial steps. Documentation is just as critical. By documenting a sexual assault investigation in the same fashion, you are less likely to miss critical steps and important evidence, thus protecting the integrity of the investigation.

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## Law Enforcement Response

**Slide 8:** Every phase of the investigation yields important details. When you receive the call, you should begin documenting – from how the call was received to the conclusion of the investigation. Depending on the case, you might use some or all of the methods below:

- **Dispatch Notes and Calls:** Dispatch notes and recordings often contain important information.
- **Memory:** Your own recollection of the crime scene and initial investigation can help you recognize important facts or discrepancies as new information comes to light.
- **Field Notes:** Rely on the field notes taken during your response to the crime scene and investigation.
- **Sexual Assault Checklist:** Use the Sexual Assault Checklist in the field guide to take notes, prompt your memory, and remind yourself about each investigative phase and step that should follow.
- **Video:** Make sure your body camera and digital recording devices are working and turned on. You might also rely on security or surveillance cameras, so keep your eyes open for cameras and

ask to see relevant videos. Using cell phones and other mobile devices, people often video themselves, others, or abnormal situations. Seek access to these recordings to aid your investigation.

- **Photography:** Take photos to document the evidence.
- **Technology Reports:** You may have access to technology reports from forensic examinations, social media, and ISP or ESP providers.
- **Electronic Communication:** You may find important documentation in the form of electronic communications, including text messages, voicemail, social media posts, screen captures, etc.
- **Lab Reports:** Access toxicology reports, drug screens, DNA reports, or physical evidence reports.

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## Investigation

**Slide 9:** Once the investigation has begun, you will make critical decisions about information that must be documented. Some of the methods may include:

**Slide 10: Officer/Investigator Observations:** On-Scene arrival:

- Document the location of the survivor
- Document your first impressions of the survivor, for example their physical appearance, the clothing, their state of medical treatment and their emotional state.
- Were there any witnesses?

**Slide 11: Survivor Investigation:** Focus your attention on the survivor:

- Describe the appearance
  - What's the demeanor and response to your introduction
  - The style of speech
  - Verbal comprehension
  - Expressions
  - And emotions
- Does the survivor have any injuries, and do they need medical attention?
  - Describe any outward signs of injury, such as bruises, abrasions, cuts, scrapes
  - Describe how you encouraged the survivor to get help from a medical professional for examination, documentation, and treatment.
- How did you suggest advocate Intervention?
  - How and when did you approach offering the services of an advocate?
  - What is the name of the advocate and the advocacy program offered to the survivor?
- Describe your interaction with the survivor:
  - How did you build rapport?
  - Use your interview notes and/or digital recording of the interview.

## Slide 12:

- What about the identification of the crime: use your notes in the Officer's Checklist to determine if criminal elements were met, including sexual contact, sexual intercourse, sexual assault, signal of non-consensual activity?
- Were you able to identify the suspect? Such as name, physical description, clothing description, social media identity, vehicle description, and residence description.
- Describe your interaction with the SANE: The name and official title of the SANE, as well as the conversation you had about medical observations.
- Describe the survivor's Diagnosis and Treatment:
  - What was their statement to the medical provider?
  - What about the Sexual Assault Kit findings, evidence, and paperwork?
  - Drug facilitation
  - Chain of custody of the sexual assault kit
  - Medical records with the release from the survivor, or either a subpoena or search warrant
- What about the collected evidence? Such as photography, clothing, biological, as well as storage and submission.
- Do you have any concerns for the survivor? Document how you addressed mental health concerns, as well as who arrives to take responsibility of the survivor and their relationship to the survivor. Address the Victim's Rights Packet.

**Slide 13: Suspect Investigation:** A common defense includes scrutinizing whether the suspect was identified through proper procedures. Document in detail the following:

- Were you able to identify the suspect?
- Identify the suspect's background?
- Do you need to perform undercover operations?
- How did you contact the suspect?
- What about suspect considerations, such as custodial arrest, protective custody and release?

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## Crime Scene

**Slide 14:** Document the following:

- Number of scenes: the original location of the assault and alternate locations
- Legal basis: Such as jurisdiction, consent, search warrant, and exigent circumstances
- Security of the crime scenes: such as law enforcement personnel and contamination issues or prevention tactics.
- Who was included in the search: Personnel and location, item or person searched.
- Evidence Documentation: Identification, photography, collection, and storage.

**Slide 15: Photography:** When documenting photos:

- Describe the content of the photos
- Maintain a photo log for all photos taken, including the date, time, location, who took the photo, and content
- Use a measurement device to show the scale of evidence: Take the first photo of an evidence item with nothing else in the shot. Then, take a second virtually identical photo with an item for scale to demonstrate the size, for example, use a ruler beside the item.
- Store the evidence properly: Digital photos should not be stored on the camera, but on an external device, such as a thumb drive or external hard drive. You must keep original photos on an external device placed into secure evidence.
- Supplemental Photos from witnesses or security cameras: document the chain of custody, such as the source, how you obtained the photo, and how you stored it.

**Slide 16: Video:** When documenting video, consider:

- Body camera: ensure that the body camera footage is downloaded and stored in accordance with department policy.
- In-car camera: Ensure that relevant footage is downloaded and stored in accordance with department policy.
- Surveillance: Ensure that surveillance video obtained from outside entities is documented, including
  - Who gave you the video?
  - A description of the contents
  - The name and location of the establishment
  - Date and time
  - How you stored the video in evidence
- Supplemental Videos from witnesses and security cameras:
  - Where the video originated
  - Who gave you the video?
  - The type of device used
  - A description of the contents
  - How you stored the video
- Legal considerations: such as who provided consent and if a search warrant was obtained.

**Slide 17: Lab Submission:** Submitting evidence to an agency-approved crime lab is an important aspect of any sexual assault investigation. When receiving and submitting sexual assault evidence kits, remember to submit these kits to the crime lab, including a police report, within 30 days as provided in MCA 46-15-404. Be familiar with what your state laws require regarding handling sexual assault evidence kits, and tracking evidence using the DOJ Kit Track System.

- Sexual Assault Kit Submission: When you submit a Sexual Assault Kit to the crime lab, you will document:
  - Date and time of submission
  - Delivery service used (require a signature from the crime lab upon delivery) and document when the kit was accepted

- Attach a copy from the submission form to your report
  - Enter kit submission into the DOJ Kit Track System
- Other relevant evidence submission:
  - Date and time of submission
  - Delivery service used (require a signature from the crime lab upon delivery) and document when the kit was accepted
  - Attach a copy from the submission form to your report

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## Report Writing

**Slide 18:** As the investigation comes to completion, it's time for you to prepare an offense report about the investigation. Learn more about report writing in our course: Report Writing.

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## Follow-Up

**Slide 19:** Before you complete the initial offense report, consider whether you need to do any follow-up, including what may be required by a specialized division. You might include the following statements in your report:

Specialized Investigation: "I have completed my initial investigation and report which will be forwarded to Detective Dee for any further follow-up. Jane Doe was advised of Detective Dee's desk phone and that she should call on January 20, 2019, to give Detective Dee time to review the case. I advised Jane Doe that she could call me with any questions or if she couldn't get in touch with Detective Dee."

Interviews: "I have completed my initial investigation into the matter and will need to conduct follow-up interview with Jane Doe and Ms. Smith about the night of the incident. I also learned during Mr. Suspect's interview that an interview may need to be conducted with Mr. Suspect's ex-wife. I will attempt to complete those interviews in a timely fashion."

Social Media: "I will be following up with a subpoena to Instagram for connection information for Mr. Suspect's Instagram account."

"I will be following up with Facebook by making a preservation request for Mr. Suspect's account."

"I will be applying for a search warrant for Mr. Suspect's Google e-mail account for videos made by Mr. Suspect and submitted to an amateur revenge pornography site."

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## **Prosecution Submission**

**Slide 20:** When you have reached the end of your investigation you will be submitting the case to prosecution. Learn more about how to submit your case in our course, "Case Submission."

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## **End of Course**

**Slide 21:** In this course, you have learned about the critical steps of documenting a sexual assault investigation from beginning to end.

**Slide 22:** Thank you for completing this course. Select "Close" to exit.

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