

Arizona Peace Officer Standards and Training

Basic Curriculum Model Lesson Plan

LESSON TITLE: SEX CRIMES INVESTIGATION 5.6

SUBJECT:	Sex Crimes Investigations
AZ POST DESIGNATION:	5.6
HOURS:	4
COURSE CONTENT:	An overview of the techniques for investigating the more common sex crimes, including interviewing victims and securing evidence.
PERFORMANCE OBJECTIVES:	<p>Upon completion of this course of instruction, students using notes, handouts and other support materials as references, within the allotted time, will:</p> <ul style="list-style-type: none">5.6.1 Identify the following special considerations for conducting an interview and establishing rapport with the victim of a sexual assault:<ul style="list-style-type: none">A. Be empathetic.B. Be sensitive to the victim’s emotional needs.C. Help the victim regain “self-control.”D. Offer assistance to the victim through family, friends and appropriate social service resources. 5.6.2 Identify the following special considerations for conducting an interview and establishing rapport with a victim of child molestation:<ul style="list-style-type: none">A. Maintain a non-threatening posture/tone of voice.B. Avoid the use of leading questions.C. Assess the need for specialized assistance. – Consider consulting with Investigator(s).D. Avoid actions that could lead to feelings of self-blame.E. Be sensitive to the emotional needs of the child.F. Assess the need to place a child in protective custody through consultation with the Department of Child Safety.

- 5.6.3 Identify the following procedures and considerations for securing evidence from the victim of a sexual assault:
- A. Common items of evidence.
 - B. Use of evidence collection kit.
 - C. Collection and preservation of evidence with consideration for the victim's feelings.
- 5.6.4 Identify the responsibilities of a field officer upon responding to an alleged sexual assault to include:
- A. Obtaining complete and accurate suspect information.
 - B. Dealing with the victim's trauma.
 - C. Preserving the scene.
 - D. Requesting appropriate assistance (e.g., investigative, etc.).

DATE FIRST PREPARED: November 2000

PREPARED BY: SME Committee

REVIEWED – REVISED: Instructors: NARTA, SALETC, MCSO DATE: January 2001
REVIEWED – REVISED: SME Committee, ALEA Instructors DATE: January 2002
REVIEWED – REVISED: AZ POST (Word) DATE: March 2003
REVIEWED – REVISED: SME Committee DATE: November 2005
REVIEWED – REVISED: POST Staff Reference HB 2024
Child Crimes Committee Information

DATE: March 2009

REVIEWED – REVISED: Lt. Dave Kelly, ALEA DATE: November 2009

REVIEWED – REVISED: Lt. Casey Tornberg, Phoenix PD

Lt. Jeff Benza, Phoenix PD.

DATE: April 2019

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APOST (DocX)

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Det. Mary Pekas, TPD

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AZ POST – APPROVAL:

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DATE: July 2020

AZ POST – APPROVAL:

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DATE: December 2021

AZ POST – APPROVAL:

Lori Wait

DATE: September 2022

INSTRUCTOR REFERENCES:

CLASS LEVEL: Student

TRAINING AIDS: <http://www.azleg.gov/ArizonaRevisedStatutes.asp>

INSTRUCTIONAL STRATEGY: Interactive lecture and class discussions.

SUCCESS CRITERIA: 70% or higher on a written, multiple-choice examination.

COMPUTER FILE NAME: 5.6 Sex Crimes Investigation

DATE RELEASED TO THE SHARE FILE: September, 2022

I. INTRODUCTION

- A. Instructor – (self) introduction.
- B. Preview of performance objectives.

II. LEGAL CONSIDERATIONS

- A. A.R.S. §13-1400, et seq.
- B. A.R.S. §13-3806.
- C. A.R.S. §§13-3821 through 13-3827.

III. INITIAL RESPONDERS**P. O. 5.6.4**

- A. Utilize proper police procedures when responding.
 - 1. Upon arrival, check the scene and immediate area for persons who may pose a threat or a suspect who may be hiding.
 - 2. Has the victim armed himself/herself fearing the suspect's return?
- B. Utilize officer safety (especially since there is no predicting the victim's reactions to the assault).
- C. Ascertain whether or not the victim has injuries requiring immediate medical attention.
- D. Sensitivity considerations.
 - 1. Check your morality at the door; do NOT be judgmental!
 - 2. Deal with your own emotions so that you can establish a rapport with the victim in order to do a more thorough investigation.
 - 3. Recognize that the victim may display any of the range of human emotions in response to the assault:
 - a. Quiet.
 - b. Matter of fact.
 - c. Angry.
 - d. Giggling.
 - e. Hysterical.

P. O. 5.6.4B

4. Recognize that the victim's compliance with the suspect's demands is often the best survival tool and should not be an indication of validity of the allegation.

IV. INITIAL INTERVIEW**P. O. 5.6.1**

- A. Officers need to be empathetic, sensitive to the victim's emotional needs and attempt to assist the victim in regaining "control."

P. O. 5.6.1A**P. O. 5.6.1B**

- B. Obtain the victim's name and ask how he/she prefers to be addressed. ***INSTRUCTOR NOTE:*** *Allow simple choices that do not interfere with the investigation. Establish a relationship with the victim.*

- C. Maintain a non-threatening posture and tone of voice.

- D. Obtain a thorough description of the suspect, including weapons, and broadcast it to back-up units conducting an area search.

P. O. 5.6.4A

- E. Continuing the interview.

1. Be aware of the victim's reactions while being interviewed.

2. Help the victim regain dignity and control.

P. O. 5.6.1C

3. Establish a rapport with the victim.

4. Interviews should be private, one-on-one.

- a. Family and friends' presence tends to suppress facts that would embarrass the victim.

- b. Others present also can set up a problem with exculpatory statements due to their faulty recall.

- c. Be patient, non-threatening, empathetic and professional.

- d. Avoid cop jargon and street slang.

- e. Give the victim opportunities to make decisions that do not compromise the integrity of the case.

5. Conduct an interview to establish the elements of the crime(s).

- a. Locate any evidence at the scene.

- b. Do NOT use leading questions.
- 6. Obtain witness information and establish to whom the victim first disclosed.
- 7. Preserve the crime scene. Do not allow the victim to shower, bathe, or drink anything. **P. O. 5.6.4C**
- 8. Notify supervisors and detectives/investigators. **P. O. 5.6.4D**
- 9. Special considerations for conducting interviews and establishing rapport with a victim of child molestation. **INSTRUCTOR NOTE: See section below.** **P. O. 5.6.2**
 - a. Utilize and maintain a non-threatening posture and tone of voice. **P. O. 5.6.2A**
 - b. Avoid the use of leading questions **P. O. 5.6.2B**
 - c. Assess the need for specialized assistance. **P. O. 5.6.2C**
 - d. Avoid actions that could lead to feelings of self-blame. **P. O. 5.6.2D**
 - e. Be sensitive to the emotional needs of the child. **P. O. 5.6.2E**
 - f. Assess the need to place a child in protective custody. **P. O. 5.6.2F**

V. WHEN DETECTIVES/INVESTIGATORS ARE NOT RESPONDING**P. O. 5.6.1**

- A. If abuse is believed to be caused by a caregiver/person of trust, a report must be made with the Department of Child Safety Hotline.
- B. Maintain contact with the victim. He/she is part of your crime scene.
- C. Conduct a thorough investigation. It may not be necessary or prudent to interview a child outside of a forensic interview. **INSTRUCTOR NOTE: Audio or video tape the interview.**
- D. Take, or arrange to have taken, extensive photographs of the scene.
- E. Properly collect and preserve all evidence. **INSTRUCTOR NOTE: Note the victim's general appearance (broken nails, disheveled, hair mussed, torn clothes, missing shoes, jewelry broken, etc.)** **P. O. 5.6.1D**
- F. Transport the victim to the forensic examination facility.
- G. After the initial interview is completed, officers should offer assistance through family, friends and appropriate social service resources.

VI. WHEN DETECTIVES/INVESTIGATORS ARE RESPONDING

- A. Remain with the victim at all times. Obtain only enough information to complete documentation.
 - 1. Just establish the elements.
 - 2. There is no need for a detailed statement if detectives will be interviewing. **INSTRUCTOR NOTE:** *If the victim declines at the initial report, offer services again as the investigation proceeds.*
- B. “Freeze” the scene.
- C. Establish as many leads as possible for immediate follow-up apprehension of the suspect.
- D. Do not transport to the examination facility unless there is an emergency. Absent exigency, contact the Department of Child Safety to obtain a Court Authorized Removal of the child(ren). **INSTRUCTOR NOTE:** *Follow department policy.*
- E. The victim should remain at the scene pending detective arrival – unless instructed otherwise.

VII. CRIMES AGAINST CHILDREN – LAW ENFORCEMENT PROTOCOLS

- A. Four (4) things to determine during the reporting source interviews:
 - 1. Obtain the facts of the reported crime.
 - 2. Determine if the child is in imminent danger.
 - 3. Determine if the victim may require medical attention.
 - 4. Determine jurisdiction.
 - a. If within departmental jurisdiction, continue per the protocol. (Every County in the State has specific protocol for the investigation of child abuse.)
 - b. If not within department jurisdiction, patrol officers (first responders) will document their actions and coordinate with the appropriate jurisdiction.
- B. Four (4) specific questions patrol officers (first responders) are limited to asking child physical abuse victims:
 - 1. What happened?
 - 2. Who did this?

3. Where were you when this happened?
 4. When did this happen?
- C. Identify two (2) considerations for patrol when determining the need for the immediate arrest of a suspect:
1. The suspect's risk of flight to avoid prosecution.
 2. The suspect's danger to the community.
- D. Four (4) things that a DCS Specialist or Law Enforcement officer may do at his/her discretion:
1. Enter the school grounds and investigate cases of suspected abuse without unnecessary disruption of normal school activities.
 2. Interview the child victim and all other children residing in the home or on school grounds outside of the presence of school personnel.
 3. School personnel may only be present during the interview at the request of the DCS Specialist and/or law enforcement officer. (Note: Law enforcement first responders are limited to the "four questions" listed above in VII.2.)
 - 4.. Conduct the interview of the child without permission from, or notice to, parent(s) and/or guardian(s). (Note: Law enforcement first responders are limited to the "four (4) questions" listed above in VII.2.)
 5. Remove the child from the school (take temporary custody), if necessary, to further the investigation.
 6. Verbally identify who is responsible to notify parent(s) if a child is taken into temporary custody.
 7. Refer to P.O's 2.8.8, 2.8.9 and 2.8.16 in 2.8 Juvenile Law & Procedures Lesson Plan for further information regarding Juveniles, interrogation and Temporary Custody of Juvenile

VIII. WITNESS INTERVIEWS

- A. Determine their relationship to the victim and crime scene.
- B. Determine whom the victim first told and anyone else he/she told.
- C. Conduct a neighborhood survey of possible witness/ suspect information.

IX. VICTIM EXAMINATION

- A. The examination is paid for by the county, except for “morning-after” medication, STD testing and treatment of injuries. **INSTRUCTOR NOTE:** *Unless these tests become evidentiary in the investigation.*
- B. The purpose of a forensic exam is to collect evidence which:
1. Assists in developing probable cause.
 2. Is used for court presentations.
 3. May help to substantiate the assault.
- C. Encourage the victim to not inadvertently destroy evidence.
- D. The examination generally needs to be authorized by a supervisor.
- E. The examination is for the collection of evidence and must be done within 120 hours of a vaginal assault, anal assault or oral assault. With emerging technologies, evidence can be present and detectible much longer than in the past.
- F. Items collected include: Semen, saliva, blood, hairs, debris and any other relevant evidence. **P. O. 5.6.3A**
- G. Document vaginal, anal and/or oral injuries as appropriate.
- H. Medical treatment of injuries will be completed by hospital staff.
- I. Non-covered expenses may be paid by victim compensation funds/private insurance. **P. O. 5.6.3B**
- J. The state-approved Sexual Assault Kit.
1. Components. **INSTRUCTOR NOTE:** *Discuss/show contents, if available. DPS lab statewide supplies to the forensic site. Officers should not carry in their patrol car. There can be possible contamination and heat destruction of the kit.*
 2. Provided by the law enforcement agency.
 3. Usually kept at the forensic examination site.
 4. Needs to be frozen/refrigerated (departmental policy) within two (2) hours of collection.
 5. Establish and maintain the chain-of-custody.
- K. Victim clothing.
1. Identify and collect clothing worn prior to the assault.

2. Identify and collect clothing worn immediately after the assault.
3. Have the victim remain in his/her clothing until it is removed and collected by the examiner at the hospital.
4. Have the victim bring a change of clothes to the hospital.

L. Victim photographs.

P. O. 5.6.3C

1. Utilize the department photographer and have a “same gender” person present, if available.
2. Be sensitive to the embarrassment/privacy of the victim.
3. Ask the victim’s permission.
4. Photographs document the location and severity of injuries and the victim’s overall physical appearance.
5. Arrange for follow-up photographs a day or several days after the initial examination.

X. CRIME SCENE

- A. Locate, preserve and limit access to the scene.
- B. Find all locations the suspect passed or touched, including access and egress.
- C. Note items that are out of place or do not belong to the victim.
- D. Note information and items that tend to support and/or not support the victim’s statements.
- E. Typical crime scene items include:
 1. Fingerprints, glove and clothing marks, footprints, tire tracks, tool marks, etc.
 2. Clothing or other items left by the suspect. **INSTRUCTOR NOTE:** *Including condoms and wrappers.*
 3. Debris and fibers.
 4. Bedding or other items involved with the victim at the time of the assault. **INSTRUCTOR NOTE:** *Washcloths, tissues, paper towels, towels, seat covers, etc.*
 5. Weapons.
 6. Hygiene products, condoms and wrappers, lubricants, etc.

7. Biological evidence including: Semen, saliva, hairs, blood, urine, feces, etc.
- F. Crime scene photographs.
1. Overall photographs. ***INSTRUCTOR NOTE: Sketch, if applicable.***
 2. Photograph evidence prior to moving it.
 3. Show evidence's relationship to the scene.
 4. Close-ups of evidence.
 5. Use of scale or ruler and/or numbers.
 6. Use of digital photographs with color charts.
- G. Sources of DNA.
1. Direct sources:
 - a. Hair with follicles.
 - b. Saliva.
 - c. Blood.
 - d. Semen.
 - e. Skin cells.
 - f. Tissue.
 - g. Mucus.
 - h. Fingernails.
 - i. Urine.
 - j. Feces.
 - k. Perspiration left at the scene.
 2. Indirect sources:
 - a. Cigarette butts.

- b. Drink containers.
- c. Clothing and hats.
- d. Eyeglasses.
- e. Facial tissues.
- f. Toilet tissue.
- g. Toothpicks.
- h. Used condoms and wrappers.
- i. Bite marks.
- j. Licked area.
- k. Fingernail swabs.
- l. Bedding.

H. Date rape drugs:

- 1. Rohypnol.
- 2. GHB.
- 3. Other drugs with similar effects.

XI. SUSPECT INTERVIEW

- A. Establish a rapport.
- B. Establish means, motive and opportunity.
- C. Establish the elements of the crime(s).
- D. Obtain evidence from the suspect's person.
- E. If the suspect has not changed clothes, take his/her clothing.

XII. CONCLUSION

- A. Review of performance objectives.

- B. Final questions and answers.
- C. Instructor closing comment(s).