

Sexual Assault Investigations

601.1 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.

601.1.1 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 NRS 200.364 et seq.

Sexual Assault Response Team (SART) / Child Abuse Response and Evaluation (CARES)-

A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

601.2 POLICY

It is the policy of the Reno Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community. All investigations related to this policy will be conducted in accordance with Nevada Revised Statute Chapter 178A (Sexual Assault Survivors' Bill of Rights).

601.3 QUALIFIED INVESTIGATORS

[Reno Police Department Procedures Manual: 600.4 QUALIFIED SEXUAL ASSAULT INVESTIGATORS](#)

601.4 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.

601.5 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to Dispatch, should be the health and safety of the victim, the preservation of evidence, and

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preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, a member of the SART should be included in the initial victim interviews (NRS 178A.200).

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 personal opinion of whether the case is unfounded should be included in a report. All conclusions and recommendations contained in the report should be based on facts and evidence known at the time of the report.

Victims should not be asked or required to take a polygraph examination (34 USC § 10451; NRS 178A.290).

Victims should be apprised of applicable victim's rights provisions, as outlined in the Crime Victim Compensation and Rights Policy.

601.5.1 INTERVIEW GUIDELINES

Before commencing the interview, the victim should be provided a copy of the Nevada Attorney General's Sexual Assault Survivors' Bill of Rights document by the officer conducting the interview. The officer should sign a written acknowledgment that the victim received the document and place it in the victim investigation file (NRS 178A.200).

The officer conducting the interview may, in good faith, exclude a victim's designated support person if his/her presence would be detrimental to the purpose of the interview (NRS 178A.200).

An officer interviewing a minor victim may, in good faith, exclude a support person if the officer has specialized training in interviewing minor victims and determines that the presence of the support person would be detrimental to the interview (NRS 178A.170).

Victims should not be discouraged from receiving a forensic medical examination (NRS 178A.200).

601.6 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

[Reno Police Department Procedures Manual: 600.9 COLLECTION OF EVIDENCE](#)

601.6.1 COLLECTION AND TESTING REQUIREMENTS

Members investigating sexual assaults or handling related evidence are required to do the following:

- (a) Take possession of the sexual assault kit upon receiving notice of the kit from a medical provider or other law enforcement agency (NRS § 200.3786).

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- (b) Determine whether the Reno Police Department has jurisdiction over the investigation and if not, notify the appropriate law enforcement agency within five days after taking possession of the sexual assault kit (NRS 200.3786).
- (c) Assign a case number to the sexual assault kit within five days of receiving notice of the kit (NRS § 200.3786).
- (d) Submit a sexual assault kit to the appropriate forensic laboratory for analysis within 30 days of receiving notice of the kit unless:
 - 1. The victim requests to remain anonymous (NRS 200.3786).
 - 2. The victim requests in writing in advance that the laboratory defer testing of the kit (NRS 178A.220).
- (e) Ensure that biological evidence is entered in any statewide sexual assault kit tracking system (NRS 200.3788).

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

601.6.2 VICTIM NOTIFICATIONS

Members investigating sexual assault cases should:

- (a) Notify the victim when the Reno Police Department takes possession of the sexual assault kit and it has been submitted for testing (NRS 200.3786).
- (b) Provide information the victim requests concerning a sexual assault kit. This information includes (NRS 178A.220; NRS 178A.230):
 - 1. The timeline of the kit analysis.
 - 2. Whether a DNA sample was obtained from the kit.
 - 3. Whether there is a match between that DNA profile and a person accused or convicted of a crime against the victim.
 - 4. Whether there is a match with a DNA profile already in the Combined DNA Index System (CODIS).

601.7 STATE LAW ON USE OF BIOLOGICAL EVIDENCE

Biological evidence obtained from a sexual assault forensic evidence kit of a victim, or any biological evidence secured in connection with the investigation or prosecution of the alleged victim, shall not be used (NRS 178A.260):

- (a) To prosecute the victim for any crime.
- (b) As a basis to search for further evidence of any criminal offense that may have been committed by the victim.
- (c) For any other purpose that is not directly related to the investigation or prosecution of the alleged sexual assault of the victim.

Additionally, biological evidence from a victim shall not be shared or disclosed to any person or entity, including any other law enforcement agency except as provided in NRS 178A.265.

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601.8 STATE LAW ON USE OF DNA PROFILE AND RECORDS

The DNA profile of a sexual assault victim obtained from the sexual assault forensic evidence kit shall not be included in any database that allows for the storage and exchange of DNA records unless the Department is authorized to include the DNA profile in CODIS pursuant to 34 USC 12592(b) (NRS 178A.265).

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 Investigations Division supervisor.

Classification of a sexual assault case as unfounded requires the Investigations Division 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 Investigations Division supervisor should ensure cases are reviewed on a periodic basis, at least annually. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

The SART and/or victim advocates should be considered for involvement in this review.

601.11 RELEASING INFORMATION TO THE PUBLIC

[Reno Police Department Procedures Manual: 600.10 RELEASING INFORMATION TO THE PUBLIC](#)