

ARMSTRONG COUNTY, PENNSYLVANIA SEXUAL ASSAULT RESPONSE PROTOCOL

THE FOLLOWING IS THE APPROVED SEXUAL ASSAULT PROTOCOL FOR ARMSTRONG COUNTY, PENNSYLVANIA, SUBMITTED BY THE AUTHORITY OF THE ARMSTRONG COUNTY DISTRICT ATTORNEY'S OFFICE, ARMSTRONG COUNTY CHILDREN, YOUTH & FAMILY SERVICES (ACCYFS), and Helping All Victims in Need (HAVIN) IN CONJUNCTION WITH THE ARMSTRONG COUNTY VIOLENCE AGAINST WOMEN ACT TASK FORCE

A. Background and Purpose

Law Enforcement Response. Crimes of sexual violence are among the most difficult and most sensitive calls a law enforcement officer may receive. Often the intensity of the situation is determined by the emotional and physical condition of the victim. The goal of the responding law enforcement officer is to respond to the needs of the victim by utilizing all appropriate resources such as medical personnel and supportive services/social services, and to secure the crime scene. In the process of gathering evidence, facts, and building a strong case, the crime victim is often the best source of information. From the outset, it is the responsibility of the law enforcement officer to create an environment of safety and trust for the victim, in order for her/him to more comfortably describe what has happened to her/him. Without clear information from the victim, crimes of sexual violence are rarely solved or prosecuted. Therefore, the need for a sexual assault protocol has become a high priority for the District Attorney's Office, Armstrong County Children, Youth & Family Services (ACCYFS), law enforcement and HAVIN.

In sexual assault cases, the victim is frequently the only witness. It is important to note that if the alleged incident has occurred that it most likely has been a traumatic incident for the victim and for the victim's family. It is a common response for victims of sexual assault to experience symptoms related to the "Rape Trauma Syndrome". Due to these symptoms, a victim may present a wide variety of behaviors and reactions during the interview and investigative process. When working with a victim who has survived a sexual assault the goal is to obtain the necessary information without further traumatizing the victim. Valuable details may be obtained by patient, tactful questioning. Please keep in mind this approach may take more than one interview. The law enforcement officer's responsibility is to work with the victim and all involved agencies in each case in a respectful, professional manner.

The principal purpose of this protocol is to establish guidelines and procedures to be followed by law enforcement, medical personnel, and support services/social services in the response and investigation of sexual assault in Armstrong County, Pennsylvania.

Furthermore, the establishment of a sexual assault protocol helps to ensure that victims, and their families, are treated with dignity, respect, courtesy, and the sensitivity that they deserve.

Primary purposes and goals of this protocol are:

1. To establish a uniform response and procedures in the investigation of sexual assault cases by those agencies mandated to protect and serve victims of sexual assault.
2. To afford maximum protection and support to victims of sexual assault through a coordinated program of law enforcement, medical personnel, and support services/social services for victim assistance.
3. To ensure that law enforcement services are available in sexual assault cases as they are in other criminal cases.
4. To reaffirm the law enforcement officer's authority and responsibility to make arrest decisions in accordance with established probable cause standards.
5. To promote investigator safety by ensuring that all personnel are as fully prepared as possible in response to sexual assault calls.
6. To review and implement training activities for law enforcement, medical personnel and support/social services.
7. To reduce the incidence and severity of sexual assault by establishing arrest and prosecution as the preferred means of law enforcement response to sexual assault situations.
8. To establish and foster a close working relationship between the District Attorney's Office, law enforcement, HAVIN, Children, Youth and Families, and all other victim and social services.

B. Definition

1. Sexual violence violates a person's trust and feeling of safety. It occurs any time a person is forced, coerced, and/or manipulated into any unwanted sexual activity. The Pennsylvania Coalition Against Rape explains sexual violence: Sexual violence occurs on a continuum, including but not limited to the following acts or attempted acts: any unwanted sexual contact, blocked access to birth control and protections from disease, child sexual abuse, forced abortions and/or sterilization, incest, indecent/sexualized exposure, marital and partner rape, ritual abuse, sex trafficking, sexual exploitation, sexual harassment, stalking, statutory rape, stranger and non-stranger rape, voyeurism and rape resulting in murder.
2. Rape is a crime. It is motivated by the need to control, humiliate, and harm. It is *not* motivated by sexual desire. Rapists use sex as a weapon to dominate others.

C. Offenses Under Title 18 *THE PENNSYLVANIA STATE CRIMES CODE*

In Pennsylvania, rape and sexual assault are gender neutral, and may be perpetrated against an adult or child victim. Both rape and sexual assault may be perpetrated against a spouse. The primary distinction between the crimes of rape and sexual assault is that sexual assault occurs when the complainant does not consent to sexual intercourse or deviate sexual intercourse; the use or threat of force need not be proven. For the purposes of this section, only the crimes of rape and sexual assault are described.

1. Rape is defined by 18 PA. Cons. Stat. Ann §3121. It is a first degree felony to engage in sexual intercourse with a complainant.
 - a. By forcible compulsion;
 - b. By threat of forcible compulsion that would present resistance by a person with reasonable resolution;
 - c. Who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occurring;
 - d. Where the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or deploying, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance; or
 - e. Who suffers from a mental disability which renders the complainant incapable of consent.
2. For the purpose of this protocol, sexual assault is defined as all of the following offenses or attempts under Title 18 of the *Pennsylvania State Crimes Code* including:
 - a. Rape or attempted rape
 - b. Statutory sexual assault or attempted statutory sexual assault
 - c. Involuntary deviate sexual intercourse or attempted involuntary deviate sexual intercourse
 - d. Sexual assault or attempted sexual assault
 - e. Indecent exposure or attempted indecent exposure
 - f. Aggravated indecent assault or attempted aggravated indecent assault
 - g. Corruption of minors

- h. Photographs, videotapes, computer depicting or filming of sexually explicit conduct
 - i. Prostitution
 - j. Endangering the welfare of a child
 - k. Incest or attempted incest
 - l. Aggravated assault
 - m. Simple assault
3. For the purposes of this protocol, a victim is defined as any person who has been sexually assaulted and/or abused as defined above. When a victim is under the age of 18, please refer to the Armstrong County Child Abuse Protocol.

NOTE: If the sexual assault of a child has not been reported, and occurred prior to the eighteenth (18) birthday, and if the incident is later reported prior to the child's twentieth (20) birthday, the Children, Youth & Family Services will be contacted.

In each of the instances described above, the appropriate LEO will be notified.

D. Policies Guiding the Law Enforcement Response

The crime of sexual violence, usually referred to as rape or sexual assault, represents one of the most violent and least reported crimes in the United States. According to documentation of the Pennsylvania Coalition Against Rape, sexual assault is an act that breaks a person's trust and/or safety and is sexual in nature. Sexual assaults are acts of violence where sex is used as the weapon. In today's society, men, women and children are all at risk of sexual assault, which recognizes no age or gender barriers.

- 1. Law enforcement should respond to sexual assault related incidents as they would any other crime, coupled with increased sensitivity to the psychological state of the victim. Law enforcement should also provide victims with special assistance, including efforts to ensure that victims of sexual assault are informed of services available to them.
- 2. Law enforcement should investigate cases of sexual assault and consult with the Armstrong County District Attorney's Office. If probable cause exists, prosecution shall be pursued with approval by the District Attorney's Office.
- 3. Law enforcement, medical personnel, victim services, and support services/social services (HAVIN) are encouraged to cooperate as fully as possible with each

other and follow the procedures set forth in this protocol to promote a timely response, thorough investigation, and coordination of services to sexual assault.

E. Protocol Mandates

1. The officer shall notify the Armstrong County District Attorney's Office as soon as possible of the sexual assault investigation. Investigating officers are urged to utilize officer's discretion; however, the D.A.'s office shall be notified prior to the filing of charges. All investigating officers may contact the District Attorney at his home if he is not in the office or through Armstrong 911. If the District Attorney cannot be reached, the investigating officer may contact an Armstrong County Detective.
2. Law enforcement officers must, at minimum, have a working understanding of the sexual assault law enforcement response protocol established by the District Attorney in order to become the LEO investigator on a sexual assault case. This training will be made available to all county law enforcement officials by the D.A.'s Office and the victim services agency, and will be conducted at a time and place convenient to the majority of the officers.

F. Dispatcher Responsibilities

1. Ensure investigator safety by gathering information from complainant.
2. Dispatchers serving multiple law enforcement departments should accord sexual assault the highest priority classification. Dispatchers should ask responding law enforcement unit if they require a back-up unit, and when requested and available, assign a back-up unit. **It is recommended that two police officers respond, preferably one a female. If no female officer is available, an advocate from HAVIN could assist with the interview process.
3. The dispatcher receiving a sexual assault call should elicit from the caller, and communicate to the responding officer, the following information:
 - a. The nature of the incident.
 - b. Telephone number and address where the complainant can be contacted.
 - c. Whether weapons are involved.
 - d. Whether an ambulance is needed.
 - e. Whether the suspect is present, and if not, the suspect's description, direction of flight, and mode of travel.
 - f. Whether there are children are at the scene and how many.

4. Whether the caller is the victim or a witness, the dispatcher should:
 - a. Attempt to keep the caller on the telephone as long as possible.
 - b. Tell the caller that help is on the way.
 - c. Advise when the caller can expect the law enforcement to arrive.
 - d. Relay ongoing information provided by the caller to the responding officer.

G. Law Enforcement Response to Adult Sexual Assault Incidents

The Statute of Limitations in Pennsylvania allows reporting and prosecution of sexual assaults long after the crime was actually committed. This protocol addresses law enforcement response to a victim who immediately reports after an attack has occurred, and law enforcement response to a delayed report. However, regardless of the time of the report, the officer's responsibilities remain essentially the same. These are to:

1. Ensure the victims safety.
2. Attend to the victim.
3. Offer medical assistance.
 - a. If immediate medical attention is necessary, arrange for the victim to be taken to the nearest hospital.
 - b. Inform the victims that she/he will receive treatment at the hospital, and she/he may also be examined for evidence that can be used later to prosecute the incident.
4. Gather vital information regarding the crime and carefully obtain the facts necessary to support the charge or charges for the report of the investigation. This vital information shall include a legal search of the crime scene premises, if necessary.
5. Secure the crime scene and protect the integrity of the evidence. Officers may enter private premises where there is probable cause to believe that a felony has been, or is being committed or that there is imminent danger.
6. Notify the District Attorney's Office of the alleged crime and request assistance as needed.

7. Explain to the victim the officer's role throughout the pending investigation.
8. Advise the victim not to bathe, shower or douche before going to the hospital.
9. If the victim is able to give a statement, ask the victim to tell the officer, in her/his own words, what has happened. Obtain this statement in writing or audio taped.
10. Let the victim know it may be necessary to talk to more than one investigator as the investigation proceeds, and if there is an arrest, support cooperation with the District Attorney's Office.
11. The officer will discuss the issue of confidentiality with the victim.
12. Offer to call a family member or friend of the victim, and contact HAVIN where there is 24-hour counseling and accompaniment available.
13. The responding officer should avoid the use of sirens and emergency lights in the vicinity of the incident. **Sirens and lights should be employed only when speed is essential.**
14. The officers, otherwise, should always employ the **standard precautionary measures** in approaching the scene of the incident.
15. **REMEMBER: All physical evidence should be collected, noted in reports, and vouched for as in any other criminal investigation.**

H. Adult Victims – Immediate Reports

All reports of sexual assaults that have occurred within 72 hours of the report shall be treated as an Immediate Report.

1. Required Immediate Notification:
 - a. Contact shall be pursuant to procedures as outlined above.
 - b. Advise the victim that it would be in her/his best interest to obtain an examination at the emergency room, not only for evidence collection procedures, but also
 1. To assure any injuries sustained by the victim are identified and treated and
 2. To assure that the victim is tested and treated for any unwanted pregnancies (if victim is female) and/or sexually transmitted diseases.

- c. Notify the hospital emergency room and HAVIN that a victim of a sexual assault will be transported to the facility.
 - 1. To assure the victim will not be exposed to public view or seated in the waiting room awaiting treatment.
 - 2. To notify the hospital staff to prepare for the possible use of a Rape Kit.
 - 3. If the assault occurred within 72 hours of presentation, advise that a RAPE KIT is recommended even if the victim has showered, bathed, or changed clothes, because;
 - a. The possibility, no matter how slight, of evidence of sperm, trace evidence of bruising, lacerations, etc.
 - b. In the event a condom was used, trace evidence of a condom may still be present within the vagina.
 - c. Medical follow-up is recommended, in regard to the testing for sexually transmitted diseases.
 - 4. If any visible marks are found, to make arrangements for injuries to be documented and photographed.
 - 5. Hospital staff shall notify HAVIN and a medical advocate will be dispatched.
- d. If possible, prior to presenting the victim at the hospital for examination and treatment, secure all information and interview the victim to determine:
 - 1. Jurisdiction
 - 2. Name of Suspect
 - a. Location of suspect
 - b. Relationship to suspect
 - 3. Presence and location of physical evidence

- e. Notify HAVIN.
 - 1. A supportive crisis counselor will be available, even if the victim does not wish to receive counseling services.
 - 2. A supportive crisis counselor will be present during the examination if the victim requires emotional support.
- f. Unless specifically requested by the victim, keep family members outside of the room where the victim is being treated and examined. HAVIN staff can provide support for victim's family members and significant others.
- g. Make arrangements for the victim to have other clothing, underwear, shoes, etc., brought to the hospital to replace those taken as evidence.
- h. Prior to releasing the victim, ask the victim to execute a "Release of Information" form so that all hospital records of the examination may be released without prior warrant and/or subpoena.
- i. While the victim is being examined, obtain names of all hospital personnel who have had contact with the victim.
- j. Determine to what extent the victim wants friends or family notified of what has happened to her/him. Be sure to obtain permission from the victim before disclosing any information about the incident to family or friends who may subsequently arrive at the hospital or the law enforcement station.
- k. If access to the scene of the assault is available, arrangements should be made for photographing and/or video taping the scene during evidence collection. These arrangements will be done by either:
 - 1. A signed consent of the victim or
 - 2. A search warrant
- l. Upon completion of the examination and the interview, ensure that the victim has a safe place to go, either with family or friends, or make arrangements through HAVIN or other community resources for shelter.
- m. Always discuss with the District Attorney's Office the need for necessary warrants for the collection of further evidence, arrest of the suspect, and collection of physical evidence from the suspect for comparison. The District Attorney's Office can assist in these matters.

- n. If time constraints permit, ARRANGE TO INTERVIEW THE SUSPECT, IF POSSIBLE. COMMIT HER OR HIS STATEMENT TO WRITING, AND IF POSSIBLE, AUDIO OR VIDEO RECORD SUSPECT'S STATEMENT (per District Attorney's approval).

I. Adult Victims – Delayed Reports (more than 72 hours).

- 1. Upon receipt of report:
 - a. Immediately notify the District Attorney's Office that a victim has presented with the report of a sexual assault.
 - b. Advise victim that an advocate is available through HAVIN and that the advocate can be present during the interview.

Notify HAVIN if the client requests an advocate, and wait for the advocate to appear prior to the initial interview.
 - c. Determine the jurisdictional issues.
- 2. During the initial interview:
 - a. Determine if the victim would rather speak to the interviewer alone, without family or friends present. If so, advise the family or friends that it is better to interview alone, thus relieving the victim of the responsibility of denying family or friends access to details.
 - b. The statement rendered by the victim will be included in the narrative of the report.
 - c. Determine if original clothing, bedding, or other evidence from the original assault is still intact and not washed. Determine whether these items can be obtained via:
 - 1. Consent of the victim or
 - 2. Warrant, if in possession of the suspect.
 - d. Determine if the victim is still at risk from the suspect.
 - 1. If so, advise the victim that emergency shelter is available at HAVIN.
 - 2. If they have a qualified relationship meaning they are related by blood or marriage, or they are an intimate partner or former intimate partner they may pursue a Protection From Abuse order.

3. Did the suspect threaten the victim or victim's family in any way?
 - a. If so, charge appropriately.
 - b. If a court protective order is applicable in the situation, advise the District Attorney's Office immediately, and process will be instituted.
- e. Determine if there are any visible marks on the victim. If there are restraint marks, abrasions, lacerations, bruises, or any other visible signs of the assault, obtain permission from the victim and take photographs.
- f. Make note of any person accompanying the victim to the law enforcement station.
 1. Relationship to the victim.
 2. Knowledge of events or information about the assault.
- g. Compile all reports as soon as possible, as District Attorney's Office approval is required prior to filing charges, and all reports must be in order before filing.

**ALWAYS REMEMBER WITH ALL SEXUAL ASSAULT VICTIMS
NEVER PHYSICALLY TOUCH A VICTIM
WITHOUT FIRST ASKING AND OBTAINING PERMISSION
NO MATTER HOW EMOTIONAL THE VICTIM**

J. Incidents Involving Law Enforcement Officers or Elected Officials

Sexual Assault incidents involving elected officials or law enforcement officers may present particular difficulties for the responding officer(s). In such circumstances the responding officer (s) should:

1. Request that a supervisor or senior officer respond to the scene.
2. If the incident involves a supervisor or senior officer, it is strongly suggested that the District Attorney or his designee be notified.
3. In accordance with established SA protocol, the investigating officer shall take whatever action necessary to protect the victim.
4. When there is reasonable suspicion to believe that the accused has committed a crime, the procedure followed upon the arrival of the investigating officer should be the same as it would be in any other SA incident.

5. When a SA investigation is in progress or when an arrest has been made, the investigating/arresting department shall immediately notify the supervisor within the involved officer's department. The officer's department will then take appropriate action as per their departmental policies.
6. In SA incidents involving a law enforcement officer or elected official, it is recommended that the District Attorney or his designee be notified and kept apprised of the situation.
7. If a law enforcement officer is named a defendant in a PFA, he/she shall notify their supervisor immediately and the department will follow departmental policies.

K. Initial Investigation

1. Prior to contact with the victim, the LEO should contact the individual who initially reported the incident. This will not be necessary if complainant is at the scene. The purpose is to obtain as much background information as possible prior to the arrival at the scene.
2. In adult sexual assault cases: The responding LEO shall conduct a comprehensive interview of the victim and of the assailant. (There shall be two LEO's conducting the investigations whenever the victim and the assailant are both present at the scene, one female is preferable. If a female officer is unavailable, request an advocate from HAVIN to assist with the interview process.) The LEO will strive to obtain written statements from all parties.
3. Drug Facilitated Sexual Assault – if it is suspected that the assailant utilized date rape drugs the LEO should refer to the appendix on Date Rape Drugs.
 - a. LEO should be sensitive to the effects of date rape drugs and the impact they have on the victim's ability to report the crime.
 - b. LEO should encourage the victim to report to the emergency room for a toxicology screen.
4. All physical evidence should be collected, noted in reports, and vouched for as in any other criminal investigation.
5. Introduce yourself to the victim. Explain to the victim the importance of a prompt interview recognizing that the victim may need a moment to collect her or himself. Explain that information is needed to identify the assailant, establish the parameters of the crime scene, and ascertain that the victim is now safe. Explain that at a later time, the victim may have to repeat their story to another officer who will take a formal statement.

6. When possible, the interviewing officer should sit down with the victim and ask the victim to explain what happened in the victim's own words, and ask the victim where the incident occurred.
7. Listen carefully and take accurate notes. Ask questions that will help establish elements required by the Crimes Code. If something is unclear, ask questions to clarify the issues.
8. When the victim has finished telling her or his story, ask if there is anything else she/he wishes to tell you. Obtain a written and/or audio taped statement from the victim.
9. It is important to remember to:
 - a. Avoid asking questions that are not assailant-specific about the victim's past sexual history.
 - b. Safety plan with the victim in case the assailant returns.
 - c. Ask the victim to keep the Law Enforcement department informed of any new information, remembered or discovered, related to the incident. Provide the victim with the officer's name and the Law Enforcement department's name and telephone number.
 - d. Thank the victim for his/her help and advise them that it may be necessary for the officer to speak with him/her again regarding the allegations.
10. In a situation where the accused has been arrested prior to the interview, the accused must be given his/her Miranda warnings before being questioned. If the accused has fled the scene, the LEO should solicit as much information as possible, as to the whereabouts of the accused.
11. Give the victim or a family member information cards to help in contacting HAVIN, Inc. available 24-hours per day.
12. Advise the victim to keep the law enforcement department informed of any changes of address, telephone number, etc.

L. Gather Vital Information

Evidence Packaging and Submission Recommendations

The gathering, securing, documenting and processing of evidence is equally important for the law enforcement officer, the prosecutor and the victim. The officer must be able, in court, to demonstrate that every potential piece of evidence was sought and secured. The victim needs that evidence to corroborate her/his account of events, and the prosecutor needs that evidence to prove, beyond a reasonable doubt, that the alleged offender did commit the crime. In addition,

with strong physical evidence, the prosecutor is often able to plea bargain the case to ensure a conviction without the victim having to take the stand.

As technology advances, crimes of sexual violence will become easier to prove in terms of locating an offender at a scene of the crime, and proving that there was physical contact. However, all of technology is worthless if the proper procedures are not followed for identification, collection, securing, documenting and processing of evidence.

1. A thorough initial investigation will include an examination of the scene where the assault occurred, and interviews of witnesses, if any.
 - a. All areas where evidence may be collected must be absolutely secure.
 - b. Document all facts and observations.
 - c. If possible, get a description and/or identification of the assailant, including any vehicle that was involved, and, if applicable, the direction of the assailant's departure.
 - d. The officer should also:
 1. Interview people at the scene.
 2. Interview neighbors (when warranted).
 3. Interview those persons who pass through the area regularly.
 4. Photograph the victim, when appropriate.

M. Secure the Crime Scene/Protect the Integrity of the Evidence

1. When responding to a complaint of sexual violence, the officer must assure that all areas where evidence is collected are absolutely secure. A successful prosecution often depends upon the physical evidence to corroborate the victim's statement. When reporting has been delayed, the officer should assess the case, and remember that some physical evidence may remain regardless of the time that has elapsed.
2. The LEO should collect and preserve all physical evidence reasonably necessary to support prosecution, including evidence substantiating the victim's injuries, evidentiary articles that substantiate the attack (weapons, torn clothing, etc.), and evidence recording the crime scene. The LEO should ensure that photographs are taken of visible injuries to the victim and of the crime scene.

3. LEO shall secure all of the victim's clothing worn at the time of the incident.
***If/when hospital personnel are assisting with the collection of evidence, LEO shall request they also follow these procedures.*

Each article of clothing should be:

- a. Placed in a separate **PAPER BAG** and tagged for identification.
***Hospital/medical personnel shall place each article of clothing in a separate paper bag prior to turning over to the LEO.*
 - b. LEO shall air dry if needed in a secure environment.
 - c. LEO shall submit to the crime lab for analysis.
4. When the victim disrobes, request that the hospital personnel place the victim on paper, and collect that paper for analysis.
 5. Obtain the RAPE KIT from the hospital personnel, and forward it to the crime lab. Establish and maintain a chain of custody.
 6. If the crime occurred inside of a vehicle, the search for the evidence should include the vehicle and the location of the vehicle when the attack occurred (if known). If not the victim's vehicle, a search warrant should be obtained.

N. Sources of Evidence

1. The Victim:
 - a. Interview
 - b. Clothing
 - c. Medical Exam
2. The Crime Scene:
 - a. Location
 - b. Items at the scene
 - c. Evidence of forcible entry
 - d. Fingerprints
 - e. Bedding or other material upon which assault took place

- f. Photographs or videotape evidence
3. The Offender:

Search warrants can be obtained to collect the following sources of evidence from the suspect:

- a. Blood samples
 - b. Scalp and/or pubic hairs
 - c. Penile swabs
 - d. Fingernail scrapings
 - e. Fingerprints
 - f. Saliva
4. Additional sources of evidence may be obtained from suspect:
- a. Clothing
 - b. Vehicle
 - c. Home

It cannot be emphasized too strongly: in sexual assault cases, these small bits of physical evidence can make the difference between conviction and acquittal.

O. Types of Evidence

The types of evidence that may be collected include, but are not limited to, the following:

- 1. Body Fluids
 - a. **Blood:** Items containing blood and other body fluids should be packaged carefully, in paper, with each item wrapped separately. Moist stains must be air dried prior to packaging.
 - b. **Semen:** Identification of these stains by chemical and microscopic examination of vaginal smears or swabs is important.
 - c. **Saliva:** If found, may be used in establishing blood type.

2. Hair

To collect hair, garments should be wrapped separately and hair, when recovered, should be gathered with forceps. Recovered hair should be placed in a clean container. If hair is placed in an envelope, all corners must be sealed to prevent hair from falling out.

Hair may be recovered from the body of the victim and the suspect. Hair can be “picked off” as well as recovered with rape kit combings. Hair must be pulled, never cut from the subject. Hair shall be recovered from different areas of the subject, i.e. head, pubic area.

****Head hair:** 25 samples 5 front, 5 back, 5 top, 5 right side, 5 left side

****Pubic hair:** 25 samples from different locations in the pubic area

This must be completed by medical personnel.

- a. The scene of the incident
- b. Objects at the scene
- c. Clothing of the victim or suspect
- d. Vehicle
- e. Weapon
- f. Tool or other instrument used in the crime

3. Soil

Soil on garments and shoes of a suspect may be similar to the make-up in soil recovered or deposited at the crime scene.

P. Chain of Evidence

The chain of evidence in all criminal cases must be kept as short as possible. Each person handling the evidence must be included in the chain. An investigator must be able to:

1. Positively identify the particular evidence;
2. Discuss the circumstances of discovery;
3. Accurately describe what happened since the discovery; and
4. Prevent contamination of the evidence.

Q. The Arrest Decision

1. ***The responding LEO shall arrest the assailant whenever an arrest is authorized.*** If the LEO decides not to arrest, he/she must include in his/her report of the incident detailed explanation of the reasons why an arrest was not made.
2. Under the current Pennsylvania law, arrest is authorized in the following circumstances:
 - a. When the LEO has probable cause to believe that the suspect has committed a felony.
 - b. When the LEO observes the commission of a felony or a misdemeanor.
 - c. When a misdemeanor has been committed and the LEO has obtained an arrest warrant.
3. It is the LEO's sole responsibility to determine whether an arrest should be made. If the LEO arrests, he/she should emphasize to both the victim and the accused that the criminal action being taken is of the Commonwealth and not an action of the victim.
4. When the accused is a minor, the provisions of this order shall be fully applicable, except that the arrest should be effectuated and the juvenile processed pursuant to the Juvenile Act.
5. If an arrest is not authorized because the abusive act is a summary offense, the LEO should issue a citation.
6. As in all major cases, the District Attorney's Office shall be notified for approval of charges. The D.A.'s office will be involved in the investigation and the decision as to whether or not the case will be prosecuted.
7. LEO shall make every attempt to have two officers present during interviews, preferably one officer shall be female. In the event that a female officer is unavailable, a female victim advocate from HAVIN can serve as the substitute.

R. Effectuating the Arrest

1. The responding officer should take the accused into custody as soon as the officer determines that the arrest without a warrant is appropriate. If a warrant is necessary, the officer should obtain and execute the warrant as soon as practical.
2. When the accused has fled the scene, after a diligent search in which the accused is nowhere to be found, a warrant shall be requested from the appropriate

Magisterial District Judge as soon as practical. However, the criminal complaint application for warrant of arrest shall be prepared and/or completed prior to the end of the duty shift during which the incident occurred.

S. Building the Case for Court

1. A thorough investigation includes:
 - a. Sufficient physical evidence
 - b. Witnesses
 - c. Proving elements of crime
 - d. Admissions or confessions
 - e. Circumstantial evidence
 - f. Ability of victim to provide information and to testify
 - g. Arrest
2. As in all major cases, the District Attorney's Office shall be notified for approval of charges.

T. Preliminary Hearing

1. The arresting officer should request the Magisterial District Judge to schedule the hearing on a block hearing day.
2. The arresting officer shall provide a copy of the law enforcement report and attachments to the District Attorney's Office prior to the preliminary hearing. An Assistant District Attorney and Victim/Witness Advocate and/or HAVIN, Inc. counselor/advocates shall be present at the proceeding.
3. The Victim/Witness Advocate shall notify HAVIN, Inc. of the date, time and location of the preliminary hearing.
4. If the victim does not appear at the preliminary hearing, and there is sufficient evidence to support a prima facie case without the victim's testimony, the hearing should be held. If the victim's testimony is necessary, the Assistant District Attorney or the arresting officer should request a continuance of the hearing.
5. If the hearing is continued because of the failure of the victim to appear, and a continuance has been granted, it is recommended that HAVIN be notified.

HAVIN staff will make contact with victims reluctant to testify to help encourage and facilitate the victim being present on the new preliminary hearing date.

U. Periodic Review

This protocol shall be reviewed from time to time by the District Attorney's Office, Children, Youth & Family Services, and the Violence Against Women Act Task Force, and HAVIN to ensure that the intent of the Protocol is being achieved and to allow for amendment to ensure continued compliance with the applicable provisions of Pennsylvania Law.