

**Sexual Assault Investigation  
Review and Assessment  
Of  
The Cleveland Division of Police**

By



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## INTRODUCTION

The Police Executive Research Forum (PERF) was retained by the Cleveland Division of Police (CDP) to conduct a review and evaluation of the department's sexual assault investigation process. This included the agency's sexual assault investigation general police orders and unit-specific procedural manual, as well as the caseload of detectives assigned to the Sex Crimes/Child Abuse Unit. The purpose of the review was to examine existing policies and practices and recommend changes for the department, based on national benchmarks and "promising practices." The following CDP policies were provided for PERF review:

- General Police Order 1.2.01, Organizational Structure
- General Police Order 2.3.03, Prosecutor Consultations
- General Police Order 4.1.03, Crime Scene Preservation and Processing Request
- General Police Order 6.2.09, Sexual Assault Investigations
- CDP Sex Crimes/Child Abuse Unit Procedural Manual, January 2012
- CDP Divisional Notice, Administrative Units, 10-382 No Prosecution Form
- Numerous section-related correspondence and directives such as the Divisional Notice, which provides specific direction to a department unit, section or bureau.

To carry out this assessment, PERF conducted on-site and telephone interviews, and reviewed sexual assault investigative files, the department's General Police Orders related to sexual assault and the Sex Crimes/Child Abuse Unit, recommendations from previously conducted studies, agency training, and investigative workload data. Interview subjects included members of the CDP, the City of Cleveland Rape Crisis Center, the Rape Crisis Center's Sexual Assault Response Team (SART), and the City of Cleveland's Department of Law Criminal Division. The Department of Law Criminal Division provides felony case review to the CDP on sexual assault cases.

PERF obtained data from the Sex Crimes/Child Abuse Unit, the CDP computer aided dispatch system, and the records management system to assist in workload analysis.

PERF identified the current conditions in the CDP Sex Crimes/Child Abuse Unit and compared them against promising practices in police departments nationwide. This approach has resulted in the findings and recommendations contained in this report.

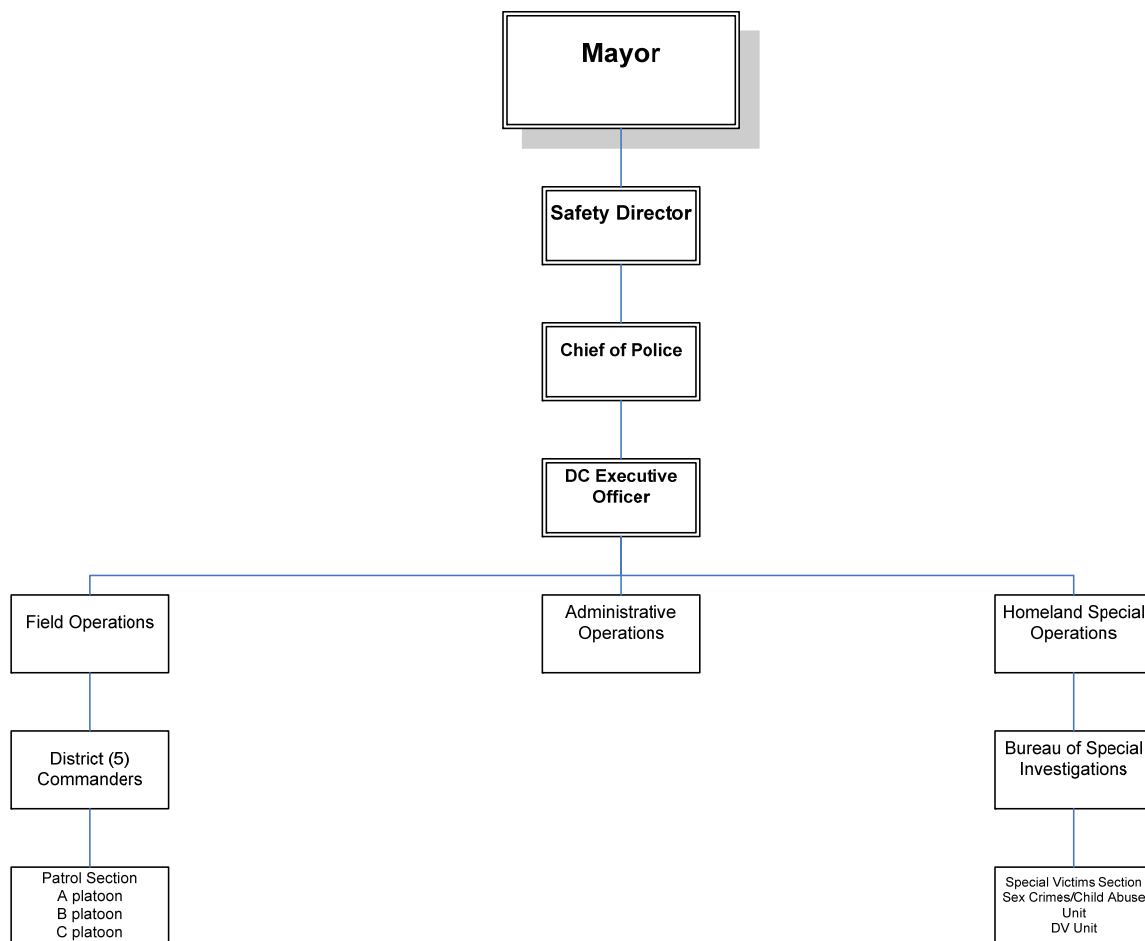
Assistance with this review was provided by Executive Director Carol Tracy and Managing Attorney Terry Fromson of the Women's Law Project, a Philadelphia-based nonprofit legal advocacy organization founded in 1974. The Women's Law Project is a national leader in the

protection of women's rights and the improvement of the police response to sexual assault investigations.

This report frequently uses the term "victim-centered approach" to sexual assault investigations. A victim-centered approach is a systematic focus on the needs of the victim to ensure that all sexual assault responders, including police officers, advocates, medical and mental health care providers, and prosecutors, are providing services in a compassionate manner. Ensuring the safety and well-being of the victim is the number one priority. All sexual assault responders should understand the impact of trauma and how it may impact the victim's behavior. Privacy and confidentiality are paramount to a sexual assault investigation. Professionalism and sensitivity are required throughout the investigative process.

## SEX CRIMES/CHILD ABUSE UNIT STRUCTURE & ORGANIZATION

The Sexual Assault/Child Abuse Unit is part of the Special Victims Section, Bureau of Special Investigations, Homeland Special Operations. The unit provides follow-up investigations of sex crimes and child abuse complaints initially handled by uniformed patrol officers. The following sections describe the unit's responsibilities, staffing and investigative process. The organizational chart below explains the reporting relationship of the Sex Crimes/Child Abuse Unit and the Patrol Section, which provides the initial sexual assault response.



## **Unit Responsibilities and Staffing**

The CDP Sex Crimes/Child Abuse Unit handles all felony sexual assaults regardless of the victim's age, misdemeanor sexual assaults committed against juveniles, and child pornography cases. The unit is currently staffed with one lieutenant, two sergeants, and 17 detectives. Of the 17 detectives, 13 detectives are assigned sexual assault cases that have been received for the first time by the unit. Three detectives handle only cases that have been returned to the CDP from the Combined DNA Index System (CODIS) with suspect information. One detective is solely assigned the task of managing the transportation and testing of rape kits for a CDP program designed to eliminate the backlog of older untested rape kit exams.

The current CDP bargaining unit contract with the Cleveland Police Patrolmen's Association requires that new detectives assigned to the Sex Crimes/Child Abuse Unit be selected in a contract-negotiated process. This process requires an alternating selection of applicants, with one selection based on seniority in the department and the next on unit supervisors' choice. The unit supervisors' choice is determined by an interview process and review of the applicant's knowledge, skills and abilities.

The unit is staffed seven days a week from 0800 to 2200 hours. On-call detectives are available during the ten overnight hours. Notifications during off-duty hours are directed to the lieutenant or one of the sergeants in the event the lieutenant is unavailable. Although CDP policy directs patrol staff to contact the Sex Crimes/Child Abuse Unit when handling a sexual assault complaint, PERF interviews and our review of case files indicate that there is inconsistency in the notification process.

A victim advocate, assigned part-time to the unit from the Cleveland Rape Crisis Center, works closely with detectives. The advocate reviews reports and provides victim support. The CDP has requested an additional victim advocate to assist with the current caseload. Current funding limits have prevented the Cleveland Rape Crisis Center from providing any additional resources at this time.

## **Unit Investigative Process**

Sexual assault complaints are initially handled by patrol officers. The department's General Police Order 6.2.09 (see Attachment) provides extensive direction for patrol officers on how to process a sexual assault complaint. Upon completion of the initial investigation, patrol officers prepare an initial report that is reviewed by patrol supervisors and then faxed to the Sex

Crimes/Child Abuse Unit. All reports received by the Sex Crimes/Child Abuse Unit are then reviewed that same day by one of the unit supervisors and assigned to a detective for follow-up investigation. Interviews and case review indicate that not all reports are immediately forwarded by patrol officers to the Sex Crimes/Child Abuse Unit. Delays in the unit receiving a report may be as long as several days or, on rare occasion, weeks. Detectives rarely respond to the scene or to the hospital to initiate an investigation.

Detectives attempt to make contact with the victim within 24 hours of receiving the assignment. When a detective is unable to make contact or locate a victim, a minimum of three attempts to contact a victim for follow-up investigation is mandated per unit policy. The first attempt is via the telephone. If no contact is made, the detective responds to the victim's residence and leaves a card with follow-up directions. If the initial attempts to locate the victim fail, the detective sends a certified letter to the victim's residence in an attempt to establish contact. If all three of these attempts fail, the unit consults with the Cleveland Department of Law Criminal Division. The Criminal Division serves as the unit's legal advisor for sexual assault cases. The investigation usually stops at this point if detectives are unable to locate the victim.

When a victim is contacted, detectives arrange an interview to obtain a statement from the victim. Interviews are normally conducted at the Sex Crimes/Child Abuse Unit office. (This facility has undergone renovations to improve the physical environment for victims.) Under unit policy, statements are obtained by the detective from any victim over the approximate age of ten. Officials interviewed by PERF indicated that the unit previously had a partnership with the Cleveland County Department of Social Services, which provided forensic interview<sup>1</sup> assistance with juvenile victims. This resource is no longer available, so these interviews are now handled by detectives.

Although all *suspect* interviews are documented using audio/video recording equipment, a CDP memorandum to unit staff requires detectives to obtain a written statement from the *victim*, unless the detective believes the use of the audio/video recording would be more compelling evidence for the case.

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<sup>1</sup> Forensic interviews are interviews of special victims, usually children, which consider the unique developmental and emotional needs of victims and witnesses. They are based on a set of research-based protocols that seek to balance what is best for the victim and what is best for the case.



In addition to interviewing the victim, detectives obtain statements from any potential witnesses, and include all information as part of the case file. Detectives visit the crime scene and ensure that all potential evidence has been processed. All final reports are prepared in the department's records management system.

Detectives are responsible for determining case closure in the CDP records management system. In situations where the victim does not wish to assist in the investigative process, the unit asks the victim to sign a form titled "No Prosecution Form" indicating their intent. (This policy is discussed in detail in the recommendations portion of the Sexual Assault Response Policy and Procedures section of this report.)

Upon completion of the investigative process, all unit cases are reviewed with the Cleveland Department of Law Criminal Division for case closure direction or appropriate criminal charges. Felony cases go to the Cuyahoga County Prosecutor's Office, while all misdemeanor cases are maintained by the Department of Law Criminal Division.

Most cases handled by the unit result in felony charges and are forwarded to county prosecutors. Although the Cuyahoga County Prosecutor's Office has a major trial team that handles the unit's cases, no formal arrangement or routine review process exists.

Over the last three years, the CDP, specifically the Sex Crimes/Child Abuse Unit, has initiated many changes to its policies and practices regarding sexual assault investigations. Key improvements include the following:

- Revisions to General Order 6.2.09, Sexual Assault Investigations, dated August 22, 2011 including definitions, information about victim trauma, and responsibilities of the Communications Control Center,
- Sex Crimes/Child Abuse Unit communication enhancements including the distribution of cellular phones for investigator use,
- The creation of a case management system,
- Renovations to the Sex Crimes/Child Abuse Unit facility to improve the physical environment for victims,
- The assignment of an administrative assistant to help with clerical responsibilities,
- The assignment of city prosecutors to assist with case review,
- The assignment of an advocate from the Cleveland Rape Crisis Center to the Sex Crimes/Child Abuse Unit,
- In-service and roll-call training for CDP officers,
- Initial sex crime case review and audits performed by components within and outside of the CDP, such as the CDP Inspection Unit and the Civilian Police Review Board, and

- Community awareness and education programs.

## **Unit Operation and Structure Benchmarks – “Best Practices” by the Philadelphia Police Department**

A series of newspaper articles in 1999 in Philadelphia documented that the Philadelphia Police Department (PPD) had been downgrading many sexual assault cases to non-criminal offenses. A series of reforms began and by 2010 the Philadelphia Police Department was considered by many to have a model process for handling sexual assault cases. In September 2010, Philadelphia Police Commissioner Charles Ramsey and Women’s Law Project Executive Director Carol Tracy testified at a Senate Judiciary subcommittee hearing titled “The Chronic Failure to Report and Investigate Rape Cases.” Commissioner Ramsey and Ms. Tracy discussed improvements implemented by the Philadelphia Police Department regarding its handling of sexual assault cases to ensure a thorough and effective investigative response.

### Immediate Response

One of the most significant reforms implemented in Philadelphia was the creation of sexual assault investigative process that involves the immediate response of the PPD’s Special Victims Unit along with victim advocates. The unit provides 24-7 coverage and immediately responds to the scene of a crime or to the hospital where the victim has been transported. If the victim does not need immediate medical attention, the victim is transported to a facility for a sexual assault forensic exam.

### Co-location and Coordination of Services

In September 2013, the Philadelphia Police Department’s Special Victims Unit moved to a facility shared with the Department of Human Services Child Sex Abuse Unit, and the Philadelphia Children’s Alliance. This single site will allow the three agencies to improve their coordination of investigations and services for victims of child abuse and adult sexual assaults. Additionally, a prosecutor will be present at least half of the time.

The site will also house an adult forensic unit is run by Drexel University School of Medicine and a child forensic unit for children under age 16, by run by St. Christopher’s Hospital for Children and Children’s Hospital of Philadelphia. Philadelphia is one of only a few jurisdictions which have co-located the forensic unit in the same facility as the SVU. This co-location was

initiated by the medical and victim advocacy community to reduce victim wait times in hospital emergency rooms, which had risen to as long as nine hours. Currently, Sexual Assault Nurse Examiners (SANE) nurses are on-call around the clock and the victim wait time is at most an hour. Depending on the circumstances, the detective may begin the interview during the wait, and the detective is immediately available at the conclusion of the examination to complete the interview if the victim's condition permits.

### Advocacy and Support Referrals

When a victim arrives at the forensic center, the staff asks if the victim would like a victim services advocate to meet them at the center. If the victim says yes, the staff contacts the hotline of Women Organized Against Rape (WOAR), Philadelphia's rape crisis center, and WOAR sends an available counselor. The staff also asks victims if they want follow-up assistance, and arranges contact with WOAR for support and services. From the time a victim contacts the PPD, the detectives, Sexual Assault Nurse Examiners<sup>2</sup> (SANE), and advocates work together to attend to the needs of the victim and provide an appropriate response. As a result of this team effort, an immediate relationship is created with the victim and detectives are able to move forward quickly in the investigative process.

### Victim Statements

A statement written and signed by the victim of a sexual assault is not usually required for prosecution, and a written statement may not be the most effective tool for the investigator. As described by End Violence Against Women International (a non-profit organization that has received Department of Justice funding), the trauma associated with a sexual assault can affect the victim's physical and psychological processes, and impair her or his ability to provide a coherent, complete, and accurate statement.

Listening to the victim, sensitively clarifying inconsistencies, corroborating all possible events, and documenting the case facts in an investigative report constitute an effective process for investigators. In many cases the victim later recalls additional details of the assault. Investigators should again record and corroborate the information as best they can to help strengthen the case. The use of audio recorded or audio/video recorded interviews can be useful to document the victim's statement. If the victim prefers not to be recorded, investigators can take steps to create

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<sup>2</sup> Sexual Assault Nurse Examiners are registered nurses who have specialized clinical training in the medical care of patients who have been the victims of sexual assault.

a coherent report of the event without taping the interview by recognizing the impact of trauma, reducing the number of unnecessary contacts with the victim, timing the victim interview appropriately, and piecing together a chronology while writing the report and contacting the victim for missing details and answers to questions if necessary.<sup>3</sup>

In the next section, PERF examines CDP policies and procedures and, when warranted, makes recommendations for improvement.

## Unit Structure and Operations Recommendations

Topic	PERF Recommendation
1. Unit Detective Selection Process	<p><b>The CDP should ensure that selection to the Sex Crimes/Child Abuse Unit is based on knowledge, skills and abilities and should move to eliminate the seniority-based unit selection mandate.</b></p> <p>This is a Cleveland Police Patrolmen’s Association contract issue, currently being discussed in contract negotiations, that should be eliminated. Assignment to this unit should be based on an individual’s skills, knowledge and abilities to perform the duties required and provide the sensitivity necessary in a sexual assault investigation. CDP should work to amend this contract issue.</p>
2. Detective Response to the Scene or Hospital	<p><b>The CDP should minimize the time lapsed between the time a report comes in and the time of the detective interview. The CDP should require detectives to respond to the scene of a sex crime when the victim is present, to respond to the hospital if the victim has been transported to the hospital, or to transport the victim from either the scene or the hospital to the Sex Crimes/Child Abuse Unit, in order to initiate a preliminary investigation.</b> This initial response can help to establish a relationship with the victim, provide adequate information to initiate the investigation, and reduce the fear and trauma associated with a sexual assault. (A policy recommendation on this topic is</p>

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<sup>3</sup> End Violence Against Women International-“ Incomplete, Inconsistent, and Untrue Statements Made by Victims: Understanding the Causes and Overcoming the Challenges,” Sergeant Joanne Archambault (Ret.) and Kimberly A. Lonsway, PhD, August 2008, [ovc.ncjrs.gov/sartkit/focus/heal-er-a.html#9](http://ovc.ncjrs.gov/sartkit/focus/heal-er-a.html#9)

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	cited later in this report.)
3. Victim Statement	<b>The CDP should clearly define the use of written statements, forensic interviews, and audio/video recording of interviews and interrogations in its Sex Crimes/Child Abuse Unit investigative process. The CDP Policy should encourage the use of forensic interviews by personnel who have been trained to interview persons of the victim's age (juvenile or adult), and should encourage the use of audio or audio/video taped victim statements.</b> An audio taped interview by well trained detectives provides an effective prosecutorial tool. Victims should be aware they are being recorded and made aware of the importance of the process.
4. Daily Computer Aided Dispatch Review	<b>The CDP should require a sergeant, or Sex Crimes/Child Abuse Unit designee with sergeant oversight, to conduct a daily review of the department's computer aided dispatch system to ensure the unit has received all sexual assault complaints from the previous day.</b> Interviews and case file review indicate that not all reports are being forwarded to the Sex Crimes/Child Abuse Unit per GPO 6.2.09. A daily CAD review by a sergeant or his/her designee will ensure cases are not missed and investigations can be initiated without unnecessary delay.
5. Forensic Interviews	<b>The CDP should re-establish relationships with the Cuyahoga County Department of Social Services, impacted by fiscal issues, to ensure detectives have forensic interview capabilities.</b> The use of forensic interview techniques with young victims is a necessary tool for the CDP. If the re-establishment of the relationship with Social Services is not feasible, the CDP should seek other partners to assist the department with forensic interviews or should train departmental personnel in these techniques.
6. Prosecutorial Case Review	<b>The CDP should re-examine the case review process currently taking place with the Cleveland Department of Law Criminal Division and should consider broadening this process to involve the Cuyahoga County Prosecutor's Office on felony cases that will handled by that office.</b> In Cleveland, as in most large U.S. cities, prosecutorial efforts are divided by the

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	<p>seriousness of the offense. Less serious offenses – misdemeanors – are handled by municipal prosecutors while felony crimes – usually more serious – are handled by county or state prosecutors. Currently, all cases developed by CDP’s Sex Crimes/ Child Abuse Unit are first reviewed by the city of Cleveland’s Department of Law Criminal Division. Felony cases are then passed on to the Cuyahoga County Prosecutor.</p> <p>According to interviewees, almost all of the Sex Crimes/ Child Abuse Unit’s cases are felonies. Efficiency could be achieved by moving sexual assault felony cases directly to the Cuyahoga County Prosecutor’s office for their consideration since they will prosecute such cases.</p> <p>Cases that will be prosecuted as misdemeanors would remain with or be returned to the Cleveland Division of Law Criminal Division. In order for this to be effective, each agency would have to ensure that any new process does not create a backlog or delay in investigative or prosecutorial efforts.</p>
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## **DEPARTMENT POLICY AND PROCEDURE**

The initial response to a sexual assault complaint made to the CDP is handled by a patrol officer assigned to Field Operations. Follow-up investigations for all felony sexual assaults and misdemeanors involving a juvenile are handled by the Sex Crimes/Child Abuse Unit of the Special Victims Section in the Bureau of Special Investigations. The sections below describe the policy and procedures of the CDP and Sex Crimes/Child Abuse Unit, sexual assault response benchmarks, and recommendations for improvement.

### **Patrol Response Policy**

The initial response to an investigation of a sexual assault complaint handled by the Cleveland Division of Police is conducted in accordance with General Police Order (GPO) 6.2.09, updated August 22, 2011. A review of the policy indicates that it:

1. Clearly states the department will accept all sexual assault reports, and stresses the potential victim trauma and psychological factors that may prevent the victim from assisting in the investigation,
2. Defines common terms,
3. Provides procedures for dispatchers and first responding officers,
4. Describes the use of victim advocacy components,
5. Describes the Sexual Assault Nurse Examiner process,
6. Describes the process for notification to the Sex Crimes/Child Abuse Unit,
7. Describes crime scene handling, evidence collection, and photographs, and
8. Defines the use of rape evidence kits.

With few exceptions, GPO 6.2.09 provides overall sexual assault objectives and clear and concise direction for CDP dispatchers and patrol officers. Shortcomings identified in the GPO review include:

- No stated roles and responsibilities for patrol supervisors,
- No stated roles and responsibilities for the Sex Crimes/Child Abuse Unit.

Interviews and observations also indicate that the notification process described under GPO 6.2.09, Procedures II, Sections Z and AA, which requires the notification of the Sex Crimes/Child Abuse Unit, happens inconsistently.

The remaining general police orders reviewed related to sexual assault response or the Sex Crimes/Child Abuse Unit in a broad sense, and no major concerns were observed.

## **Investigative Response Procedures**

The Sex Crimes/Child Abuse Unit utilizes a specific procedural manual dated January 2012. The procedural manual provides the following information:

- Unit goals and objectives,
- Duties and responsibilities of the officer-in-charge, administrative sergeant, field/ investigative sergeant, civilian office personnel, and detectives,
- Unit assignments,
- The use of a detective assignment book,
- Definitions of case dispositions, such as “No Further Investigative Leads,” “Inactive,” “Unfounded,” and “Case Cleared for Prosecution,”
- Victim notification,
- Statement preparation,
- Grand jury packages, and
- Search and seizure warrants.

In addition, there are several unit correspondence-type attachments regarding the use of audio/video equipment in the interview and interrogation process. As previously described, detectives are currently required to audio and videotape all suspect interviews. This is not required for victim statements but is permitted. A correspondence from command to the unit requires the use of a written victim statement. A November 9, 2010 CDP Divisional Notice 10-382, mandates the use of a “No Prosecution Form” when the victim does not wish to participate in a criminal investigation.

The “Victim Notification” process of the procedural manual describes the mechanism by which the unit follows up with a sexual assault victim. It states that detectives must attempt two phone calls, then attempt personal notification at the victim’s residence leaving a business card and direction. If no response is received, detectives then send a certified letter. If the detective is unable to make victim contact, the procedural manual then states the detectives will confer with the City’s Department of Law Criminal Division. Study interviews indicate that when no victim contact is established, the case is no longer actively investigated, and may be closed, depending on case circumstances.

The definitions of case dispositions in the procedural manual do not include definitions for case dispositions of “Clearance by Arrest” and “Exceptional Clearance,” dispositions which must be reported to the FBI’s Uniform Crime Reporting System. The CDP’s use of the term “Case Cleared for Prosecution” can be confused with the use of clearance under the UCR. The case file review moreover indicated inconsistency in use of the term “clearance by exception,” which is



not defined in the manual and is not used according to the UCR's "exceptional clearance" definition<sup>4</sup>.

## **Policy and Procedures Benchmarks**

In September 2011, the Police Executive Research Forum hosted a conference on "Improving the Police Response to Sexual Assaults" in Washington, D.C. The conference brought together roughly 150 participants from law enforcement, victim advocacy groups, medical and mental health providers, and the U.S. Department of Justice to discuss the many challenges that remain for an effective sexual assault response. Lessons learned and shared at the summit along with the research, experience and promising models and programs developed by the participants provide the background for many of the benchmarks and recommendations identified herein.<sup>5</sup>

Policy and procedure regarding sexual assault investigations should provide step by step guidelines throughout all aspects of an investigation from the initial call-taker response to the follow-up investigation. The policy should be clear that the department will respond to and accept ALL sexual assault reports. The policy should reflect the special needs of sexual assault victims and the trauma suffered. Policy protocol should clearly describe the victim interview and suspect interrogation process, collection of evidence, and report documentation requirements. The victim interview should use a victim-centered approach that includes the utilization of a victim advocacy component.

The criminal investigation process, per policy, must be offender-focused. An offender-focused investigation understands that offenders knowingly and purposefully target victims whom they believe they can successfully sexually assault. The use of a checklist at both the initial response and investigative levels can assist in ensuring that all steps are complete.

**Policy and practice should make certain that all investigations are fully conducted regardless of victim cooperation or willingness to prosecute.** This should be specifically cited in any sex crime unit's procedural manual. Policy should recommend the use of audio/video

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<sup>4</sup> For definitions and additional guidance regarding UCR case closure refer to [http://www.fbi.gov/about-us/cjis/ucr/additional-ucr-publications/ucr\\_handbook.pdf/view](http://www.fbi.gov/about-us/cjis/ucr/additional-ucr-publications/ucr_handbook.pdf/view)

<sup>5</sup> Police Executive Research Forum Summit: Critical Issues in Policing Series, Improving the Police Response to Sexual Assault, March 2012. [http://policeforum.org/library/critical-issues-in-policing-series/SexualAssaulttext\\_web.pdf](http://policeforum.org/library/critical-issues-in-policing-series/SexualAssaulttext_web.pdf)

recording for both the suspect interrogation and the victim statement, in cases where the victim is willing. The victim must be notified of the intent to record the process. Uniform policy regarding the interview of child victims and witnesses should include an age-based criterion requiring the involvement of social services and forensic interviewers.

Requiring victims to sign a form that they do not wish to go forward with an investigation or prosecution can be a deterrent to the victim changing his or her mind and re-contacting the police, as well as an excuse for the detective to stop any further investigation. If a victim does not wish to participate in a sexual assault investigation or prosecution, the information should simply be documented in the investigative report.

### Policy and Procedures Recommendations

Policy	Topic	PERF Recommendation
7. General Police Order 6.2.09	Roles and Responsibilities	<b>The CDP should add language to GPO 6.2.09 citing the responsibilities of patrol supervisors and the Sex Crimes/Child Abuse Unit with regards to a sexual assault complaint.</b> Policy language regarding the background and definitions along with the responsibilities of dispatchers and patrol officers is well explained. Adding the roles and responsibilities of sergeants and the Sex Crimes/Child Abuse Unit would ensure all roles and responsibilities are identified for accountability purposes.
8. General Police Order 6.2.09	Sexual Assault Notification Process	<b>The CDP should provide roll call training reiterating to both officers and supervisors departmental policy regarding notification to the Sex Crimes/Child Abuse Unit of a sexual assault complaint.</b> GPO 6.2.09 specifically cites the notification process to the Sex Crimes/Child Abuse Unit for sexual assault complaints. Persons

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		<p>interviewed for this study indicated that practice does not consistently follow policy. The CDP should provide immediate roll call training to clarify this issue and should ensure that the notification protocol is followed.</p>
<p>9. Sex Crimes/Child Abuse Unit Procedural Manual</p>	<p>Victim Notification</p>	<p><b>The CDP should eliminate the “Victim Notification” policy in the Sex Crimes/Child Abuse Unit Procedure Manual that describes the manner and number of times a detective will attempt to contact a victim. Policy should be changed to state ALL sexual assault cases will be fully investigated regardless of victim cooperation or participation. The CDP policy describes a three-step process for attempting contact with the victim. It includes two calls, going to the residence, and sending a certified letter. Based on study interviews, cases are subsequently closed when no victim contact is made. However, according to national best practices, every sexual assault case should be investigated regardless of victim participation. The elimination of this notification policy, and the inclusion of a statement that cases will be investigated regardless of victim participation, will add to the investigative workload but will</b></p>

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		<b>provide safeguards that repeat sexual offenders are less likely to be missed.<sup>6</sup></b>
10. Divisional Notice, Administrative Units, 10-382, November 9, 2010	Use of a “No Prosecution Form”	<b>The CDP should discontinue the use of the “No Prosecution Form” on all sexual assault investigations, and simply identify in the report any information regarding the victim’s willingness to assist in the investigation or prosecution of a suspect. The use of a “No Prosecution Form” can be a deterrent to victims changing their mind and re-contacting police, as well as an excuse for the detective to conduct no further investigation. Detectives should simply document victim assistance or lack of assistance in the investigative report.</b>
11. Sex Crimes/Child Abuse Unit Procedural Manual	Role and Responsibility Clarification	<b>The CDP should improve the Sex Crimes/Child Abuse Unit Procedure Manual by identifying the rights of victims, describing the role of victim advocates, clarifying the use of audio/video recording and notification to the victim of the recording process, and highlighting the need for a victim-centered investigative approach. The Sex Crimes/Child Abuse Procedural Manual is the guideline for describing the unit’s response. It should be an in-depth description of the unit’s responsibilities, including information about a victim-centered investigative</b>

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<sup>6</sup> Police Executive Research Forum Summit: Critical Issues in Policing Series, Improving the Police Response to Sexual Assault, March 2012

		<b>approach, the use of an advocacy component, and the role advocates play in an investigation. And it should clarify information regarding victim interviews and suspect interrogations (as detailed elsewhere in this report).</b>
12. Sex Crimes/Child Abuse Unit Procedural Manual	Scene and Hospital Response	<b>The CDP should modify the Sex Crimes/Child Abuse Unit Procedure Manual to require detectives to respond to the scene of a sex crime when the victim is present, or to the hospital if the victim has been transported there, to initiate a preliminary investigation. GPO 6.2.09 requires the notification of the Sex Crimes/Child Abuse Unit for all sexual assault complaints. Study interviews indicate this does not consistently occur. As a result, detectives rarely respond to the scene or the hospital to initiate contact with the victim and start a preliminary investigation. This initial response can establish a good relationship with the victim, provide adequate information to initiate the investigation, and help reduce the fear and trauma associated with a sexual assault and the investigative process.</b>
13. Sex Crime/Child Abuse Unit Procedural Manual	Case Disposition Definitions	<b>The CDP should use UCR case disposition terms “unfounded,” “clearance by arrest,” and “exceptional clearance” as defined by the UCR. It should replace its current term “case cleared for prosecution” with “case referred for prosecution” and eliminate use of the term found in</b>

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		<p><b>case files of “clearance by exception” to eliminate any confusion with the UCR clearance terminology. The case file review indicated inconsistency in use of the term “clearance by exception” within case files and as compared to the nationally used UCR term.</b></p>
<p>14. Sex Crimes/Child Abuse Unit Procedural Manual</p>	<p>Case Closure Review</p>	<p><b>The CDP should require supervisory review and final case closure in the department’s record management system.</b> The use of the term “clearance by exception” was identified as an issue for the CDP. In addition, other police departments have found this to be an area of concern in terms of questionable determinations that sexual assault complaints were “unfounded,” and thus supervisory oversight is required. Currently, detectives assigned to the Sex Crimes/Child Abuse Unit close their own cases in the CDP record management system. <b>The directive should require that a supervisor review all case closures to ensure the agency is utilizing the proper closure classification.</b></p>
<p>15. Sex Crimes/Child Abuse Unit Procedural Manual</p>	<p>Use of an Investigative Checklist</p>	<p><b>The CDP Sex Crimes/Child Abuse Unit should create a checklist for use by detectives in the investigative process to ensure review and/or completion of all aspects of the sexual assault investigative process.</b> Interviews, case file review, and observation indicates that investigators assigned to the unit could use a consistent and more standardized</p>

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		<p>approach in the investigative process. To ensure that detectives have not missed any investigative opportunities, a checklist should be developed and maintained as part of the investigative case file.</p>
16. Sex Crimes/Child Abuse Unit Procedural Manual	Forensic Interviews	<p><b>The CDP should clarify the use of forensic interviews in the Sex Crimes/Child Abuse Unit.</b> Policy should identify specifically when the technique should be used, the environment the interview should take place in, the qualifications required to conduct these interviews, the use of audio/video recording, and interview guidelines. The CDP should establish these guidelines by reviewing forensic interview recommendations provided by the National Children’s Advocacy Center<sup>7</sup> in consultation with the Cuyahoga County Prosecutor’s Office.</p>
17. Sex Crimes/Child Abuse Unit Procedural Manual	Overall Procedural Manual Updates	<p><b>The CDP Sex Crimes/Child Abuse Unit should initiate an overall Procedural Manual update.</b> The improvements would include the addition of the following:</p> <ul style="list-style-type: none"> <li>• Specific information regarding the seriousness of the offense and the trauma to the victim,</li> <li>• Information regarding a victim-centered investigative approach,</li> <li>• The role of victim advocates in the</li> </ul>

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<sup>7</sup> The National Children’s Advocacy Center provides service, education and leadership for child abuse response. It provides training and practice recommendations specifically regarding forensic interview applications. Guidelines can be found at <http://www.nationalcac.org/events/bfi-training.html> .

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		<p>investigative process,</p> <ul style="list-style-type: none"><li>• Information regarding an offender-focused response,</li><li>• The role of SART,</li><li>• Clarification regarding written victim statements,</li><li>• Clarification on the use of audio/video recording for all interviews and interrogations, and</li><li>• Follow-up investigative techniques in a checklist type format.</li></ul> <p>The Baltimore City Police Department Sex Offense Unit has created an effective unit manual, which is available through PERF for review and guidance.</p>
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## **SEXUAL ASSAULT TRAINING**

The dynamics of a sexual assault investigation and the traumatic impact on the victim require a victim-centered law enforcement response. The sections below will briefly describe the current training provided by the CDP, identified response benchmarks, and recommendations for improvement.

### **Cleveland Division of Police Sexual Assault Training**

Based upon a review of the CDP recruit training schedule dated April 14, 2013, the CDP provides two hours of recruit training specific to sexual assault investigations. The training is provided in the same time period as other investigative functions such as homicide, child abuse, and crime scene processing.

In response to recommendations from a previous study conducted by a Cleveland Special Commission<sup>8</sup>, the CDP implemented in-service and roll-call training for officers in 2011 and again in 2012.

Specific to the Sex Crimes/Child Abuse Unit, supervisors attempt to provide new detectives with specific training on sexual assault investigation using outside agency training seminars. The department must rely upon other agencies for this instruction, which limits the opportunities and availability of classes.

### **Sexual Assault Response Training Benchmarks**

Continuous departmental training is an essential component of an effective sexual assault investigative process. Officers, detectives and supervisors should have a clear understanding of their role and responsibilities. In addition, all officers should understand the complex nature of a sexual assault investigation, including the emotional impact of the crime on its victim. A comprehensive training program designed for recruit, in-service and specialty training levels should include all aspects of an investigation, including the following:

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<sup>8</sup> December 9, 2009. Cleveland Mayor Frank Jackson appointed a Special Commission on Missing Persons and Sex Crimes Investigations. Members included Teresa Beasley of Vorys, Seymour and Pease LLP, City of Cleveland Assistant Director of Public Safety Mary Bounds, and the President/CEO of the Cleveland Rape Crisis Center, Megan O'Bryan.

- Identify roles and responsibilities,
- Identify the dynamics of a sexual assault investigation, including victim trauma, delayed reporting, and any involvement of drugs and alcohol,
- Crime scene assessment and processing,
- Identify interview techniques and protocols,
- Describe and discuss victim rights,
- Identify the role of advocates,
- Report writing, and
- Proper case closure.

One source of police training standards on sexual assault has been established by the U.S. Department of Justice. In a 2012 consent decree,<sup>9</sup> the U.S. Department of Justice and the City of New Orleans agreed that the New Orleans Police Department will implement specific sexual assault response training of no fewer than four hours at the recruit level and ongoing annual in-service training for all officers. In addition, the consent decree requires training for all officers on the proper definition and designation of cases as unfounded (false or baseless) and it requires that sex crimes detectives receive initial sexual assault investigative training upon assignment to the unit. These specifications along with the practices of other progressive major police departments form the basis of the following recommendations.

### Sexual Assault Training Recommendations

Topic	PERF Recommendations
18. Recruit Training	<b>CDP should provide an additional one to two hours of <i>recruit level training regarding sexual assault response</i>.</b> Based on the significance of the crime and the need for a victim-centered investigative approach, the CDP should increase the recruit level training provided and ensure recruit officers understand the significance of the initial officer response. The additional training hours should be used to further educate recruits on a victim-centered approach to sexual assault response and investigations.
19. Sex Crimes/Child Abuse Unit Training	<b>CDP should provide approximately 40 hours of specialized sexual assault investigative training for all current detectives</b>

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<sup>9</sup> U.S. Department of Justice, New Orleans Police Department Consent Decree, Case No. 12-1924, U.S. District Court, Eastern District of Louisiana. [http://www.justice.gov/crt/about/spl/documents/nopd\\_agreement\\_1-11-13.pdf](http://www.justice.gov/crt/about/spl/documents/nopd_agreement_1-11-13.pdf)

	<p><b>who have not received specialized training and all newly assigned detectives to the unit.</b> Specialized training for detectives assigned to the Sex Crimes/Child Abuse Unit should be in-depth, based on current training protocols, and should include topics in the following areas;</p> <ul style="list-style-type: none"> <li>• The purpose of a victim-centered investigative approach,</li> <li>• Dynamics of sexual assault, including physical and emotional trauma,</li> <li>• Reasons for delayed reporting of incidents by victims,</li> <li>• Requirements for “unfounding,” “clearing by arrest,” and “exceptionally clearing” a case</li> <li>• Officer perceptions regarding false/unfounded allegations, specifically addressing “date rape” type scenarios,</li> <li>• Drug- and alcohol-facilitated sexual assault,</li> <li>• Interviewing/interrogation, including the use of recorded mock scenarios,</li> <li>• Report writing,</li> <li>• Role of victim advocacy and the Sexual Assault Response Team (SART),</li> <li>• Victim notification and inclusion in the investigative process,</li> <li>• Sexual assault forensic exams,</li> <li>• Use of forensic interviews,</li> <li>• Prosecutorial process, including use of the grand jury, evidence standards, and discovery,</li> <li>• Collection, preservation, and submission of evidence in sexual assault cases, and</li> <li>• Departmental-specific philosophy and expectations.</li> </ul> <p>Training for new detectives should include a variety of instructional formats including lecture, electronic learning, role play, and field training and observation.</p>
20. In-Service Officer	<b>CDP should continue to provide a one hour block of yearly in-</b>

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Training	<p><b>service instruction regarding sexual assault response and investigations and the protection of victim rights.</b> The CDP has been providing in-service training updates on sexual assault investigations since 2011. CDP should continue this practice to ensure that the department’s response and culture toward sexual assault complaints do not erode over time. Special attention should be given to the department policy on prompt notification of investigators of reports of sexual assaults.</p>
21. In-Service Officer Training	<p><b>CDP should stress consistency in reporting during in-service training to ensure that all victims receive the same professional level of police response.</b> Persons interviewed by PERF for this review indicated that victims have described drastically different experiences from one district to another. This information should be shared and discussed at in-service training as well as with district commanders.</p>
22. Sex Crimes/Child Abuse Unit and CDP Police Academy Train-the-Trainer Instruction	<p><b>CDP should train one or two experienced sex crime detectives as Ohio Peace Officer Training Commission (OPOTC) approved trainers and utilize these detectives to devise and provide the specialized training for each new unit detective.</b> The OPOTC, a unit of the Ohio Attorney General’s Office, establishes training and standards for instructor certification and offers an advanced course in Sexual Assault Investigations. Training and certifying CDP personnel would allow newly assigned detectives to be trained immediately upon assignment to the unit and would provide agency-specific practice and procedure that is crucial for consistency in an agency as large as CDP.</p>
23. Peer-to-Peer Mentoring and Observation	<p><b>The CDP should initiate a peer-to-peer unit review by partnering CDP Sex Crimes/Child Abuse Unit detectives with investigators from the Philadelphia Police Department’s Special Victims Unit. PERF could provide assistance with establishing this process.</b> The Philadelphia Police Department (PPD) initiated a number of reforms over the last decade to correct the mishandling and misclassification of sexual assault complaints. Today PPD is well-known for having pioneered a more effective response to sexual assault investigations.</p>

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	<p>Providing the opportunity for CDP detectives and/or supervisors to work side by side PPD Special Victims Unit investigative staff to observe the patrol and investigative level of response, observe the interaction with victim advocates, and learn from peers would be invaluable to CDP.</p>
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## PROPER SEXUAL ASSAULT CASE CLOSURE

The improper closing or downgrading of sexual assault cases has been a long-term issue in law enforcement. A number of agencies, including the Philadelphia Police Department in 1999 and the Baltimore City Police Department in 2010, have been subjected to extensive news media review for downgrading sexual assault calls and inappropriately closing sexual assault cases as “unfounded.”

The Federal Bureau of Investigation (FBI), with oversight of the Uniform Crime Reporting (UCR) program, identifies an “unfounded”<sup>10</sup> case as one determined through investigation to be false or baseless, which means that no offense occurred or was attempted. A case closed as “unfounded” is not considered a crime and is not counted in national crime statistics.

The FBI also identifies clearance of offenses. An offense is **Cleared by Arrest** when at least one person is 1) arrested, 2) charged with the commission of the offense, and 3) turned over to the court for prosecution (whether following arrest, court summons, or police notice).<sup>11</sup>

If agencies can answer all of the following questions in the affirmative, they can **clear the offense exceptionally** for the purpose of reporting to UCR.

1. Has the investigation definitely established the identity of the offender?
2. Is there enough information to support an arrest, charge, and turning over to the court for prosecution?
3. Is the exact location of the offender known so that the subject could be taken into custody now?
4. Is there some reason outside law enforcement control that precludes arresting, charging, and prosecuting the offender? .<sup>12</sup>

### CDP’s Sexual Assault / Child Abuse Unit Case Closure Process

The Sex Crimes/Child Abuse Unit handles all felony sexual assaults and some misdemeanors when the victim is a juvenile. At the conclusion of the investigation, the detective assigned the case provides case closure information from a list of choices in the CDP record management

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10 U.S. Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services (CJIS) Division Uniform Crime Reporting (UCR) Program Summary Reporting System (SRS) User Manual 111 (6/20/2013).

11 *Id.* at 112.

12 *Id.* at 115-116.

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system. Based on PERF's interviews and review of CDP's procedural manual, there is no formal review process of case closure other than general supervisory report review.

## Sexual Assault Response Benchmarks

In the CDP and other police departments, the investigating officer often is responsible for the proper closure of a criminal case. In order to prevent the misclassification of sexual assault cases, a number of steps can be put in place to ensure accuracy and provide transparency in the process. Below is a list of improved practice benchmarks. More detailed discussions of these benchmarks follow.

- Provide case closure training at the recruit, in-service, and specialty training levels to ensure that officers, supervisors and commanders have a clear understanding of UCR definitions and reporting requirements,
- Require supervisory oversight and verification in the case closure process, and
- For sexual assault cases, develop a mechanism for the routine (i.e., monthly or quarterly) use of external audits that verify proper case closure and provide transparency in the process.

## Proper Sexual Assault Case Closure Recommendations

Topic	PERF Recommendation
24. Case Closure	<b>The CDP should establish a policy requiring supervisory review and verification for any case being closed as unfounded or exceptionally cleared.</b> Although no problem with determinations as to unfounding has been identified as an issue in the CDP, supervisory review is a recommended practice. PERF's case file review indicated inconsistency in use of the term "clearance by exception" between cases and as distinct from the nationally known UCR term "cleared by exceptional means." Mandating supervisory review in policy and ensuring a check and balance system is in place will provide the necessary safeguards to ensure improper classifications do not become an issue in CDP. In addition, such reviews provide the necessary assurances that the department takes its response to all sexual assault complaints very seriously.

## EXTERNAL AGENCY AUDIT

While it is common practice for law enforcement agencies to conduct internal reviews of specific units and processes, it is far less common for police departments to give access to police files to an outside advocacy or audit agency. This section describes previous audits of CDP sexual assault investigative case files and model practices initiated between the Philadelphia Police Department and a victim advocacy partner.

### CDP use of External Audits for Sexual Assault Investigations

As recommended by Cleveland's 2009 Special Commission report on *Missing Persons and Sex Crime Investigation*<sup>13</sup>, the CDP utilized a private contractor (Wilson Research Strategies) to conduct an initial audit and survey of the Sex Crimes/Child Abuse Unit case files. In addition, the City's Office of Professional Standards previously conducted a quarterly random case review of the unit's work as well. Interviewees indicate limited feedback was provided to the Sex Crimes/Child Abuse Unit as a result of these reviews. There is no formal mechanism currently in place to conduct routine audits and case file review.

### External Audit Benchmarks

One of the most successful partnerships created between law enforcement and a victim's advocacy group is the partnership between the Philadelphia Police Department (PPD) and the Women's Law Project of Philadelphia.<sup>14</sup> The partnership was created in 1999 to assist the PPD with sexual assault investigation reform. A major step in that reform process is the Women's Law Project's periodic review of a sample of the department's sex crime files.

Based on a 2011 PERF survey of police agencies regarding their sexual assault policies and practices, only 35% of law enforcement agencies utilize some type of external agency review for sexual assault cases.<sup>15</sup> But working with an advocacy or audit component to routinely review sexual assault cases helps to ensure that investigations will consistently be conducted in a

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13 December 9, 2009 City of Cleveland Mayor Frank Jackson appointed a Special Commission on Missing Persons and Sex Crimes Investigations. Members included Teresa Beasley of Vorys, Seymour and Pease LLP, City of Cleveland Assistant Director of Public Safety Mary Bounds, and President/CEO of the Cleveland Rape Crisis Center Megan O'Bryan.

14 Women's Law Project Policy Brief, February 2013, Advocacy to Improve Police Response to Sex Crimes

15 August 2011 PERF survey of police agencies about their sexual assault policies and procedures.  
[http://policeforum.org/library/critical-issues-in-policing-series/SexualAssaulttext\\_web.pdf](http://policeforum.org/library/critical-issues-in-policing-series/SexualAssaulttext_web.pdf). See page 2.



professional manner. External audits also provide agency accountability. Once established, external audits should be an ongoing process, with frequent interaction between the auditing entity and the police department's sexual assault unit command. The review process should be initiated twice a year to ensure cases are reviewed quickly and efficiently and then adjusted to an annual basis once the process is confidently established.

In February 2013, the Women's Law Project authored a policy brief titled *Advocacy to Improve Police Response to Sex Crimes*.<sup>16</sup> The brief discusses the 1999 *Philadelphia Inquirer* article that brought to light the thousands of rapes and sexual assaults that the Philadelphia Police Department (PPD) had downgraded to a non-criminal category over the course of 20 years. The brief explains the reasons the cases were mishandled, the new partnership that was created between the PPD and victim advocacy components, and the improvements that came from the response to the crisis more than a decade ago.

Of significance in Philadelphia was the start of a case file review process between the PPD and its victim advocate partners. This process has now been going on for 12 years, resulting in improvements to report documentation, proper case closure classification, and overall investigative thoroughness.

## External Audit Recommendations

Topic	PERF Recommendations
25. Establishment of an External Review Process	<b>The CDP should establish an independently organized external review process, in which twice a year, an entity outside the CDP will review a random sample of all open cases, all unfounded cases, and all exceptionally cleared cases for the same time period of the year prior. This will help ensure that no active cases are being discussed. The CDP should establish this review and audit relationship with the City of Cleveland's Rape Crisis Center Sexual Assault Response Team (SART). Efforts should be made to involve child advocates and other experts in child and adult sexual</b>

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16 Women's Law Project Policy Brief, February 2013, *Advocacy to Improve Police Response to Sex Crimes*.  
[http://www.womenslawproject.org/resources/Policy\\_Brief\\_Improving\\_Police\\_Response\\_to\\_Sexual\\_Assault\\_Feb2013\\_FINAL.pdf](http://www.womenslawproject.org/resources/Policy_Brief_Improving_Police_Response_to_Sexual_Assault_Feb2013_FINAL.pdf)

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	<p><b>abuse.</b> The SART is well established in the CDP. This review and audit process will serve as a sign of department transparency. Although this type of process is not yet widespread among law enforcement agencies, it is the hallmark of a department focused on using a victim-centered approach. This audit process must include guidelines and a confidentiality agreement between all members. See Women’s Law Project Policy Brief (Feb. 2013) for information on the formation and operation of such a review<sup>17</sup>.</p>
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17 Ibid.

## **SEXUAL ASSAULT RESPONSE TEAM (SART)**

A coordinated team approach helps ensure effective responses to sexual assault complaints. Law enforcement agencies alone cannot provide the resources necessary for a victim-centered approach. Many non-law enforcement components play an important role at various times throughout the investigative process. In order a team approach to be successful, strong partnerships among the respondents should be established.

The SART is a multi-disciplinary team of professionals who seek to coordinate the response of police, prosecutors, sexual assault victim advocates, Sexual Assault Nurse Examiners, and others. The goal is to improve investigative services and support to sexual assault victims.

### **CDP and the Sexual Assault Response Team**

The Cuyahoga County Sexual Assault Response Team was initiated approximately 10 years ago. A Cuyahoga County Prosecutor's Office Victim Advocate is chairperson of the group. The CDP Sex Crimes/Child Abuse Unit is a member of the SART, along with professionals from the Cleveland Rape Crisis Center, the County Prosecutor's Office, the Cuyahoga County Witness/Victim Service Center, and mental health care providers. Additional financial support is provided by the Cleveland Rape Crisis Center. The SART provides training and funding for team members to attend conferences and seminars but otherwise plays a limited role in immediate response to sexual assaults.

The Cleveland Rape Crisis Center presents the goal of SART as to improve communication and coordination among the disciplines represented on the team, establish more SANE Units throughout the county, enhance the evidence collection process so it is admissible at trial, increase prosecution rates and advocate for greater understanding within the public of SART and how it operates.

### **SART Benchmarks**

The Sexual Assault Response Team (SART) is the sexual assault team approach most often found in law enforcement agencies. A successful program should include law enforcement, prosecutors, victim advocates, and Sexual Assault Nurse Examiners (SANE). The combined efforts of the team provide an improved victim-centered response and a greater likelihood of an arrest and successful prosecution.

SARTs improve the quality of investigations through increased training opportunities, development of investigative skills, improve evidence collection and increased understanding of victim trauma which may lead to improved victim interviews, resulting in more effective prosecutions<sup>18</sup>.

In many law enforcement agencies, the SART conducts regularly scheduled reviews of sexual assault cases. SARTs have provided a variety of perspectives and oversight of the entire sexual assault investigative process in different agencies.

### **Sexual Assault Response Team Recommendations**

Interviewees indicated that Cleveland's SART could use reinvigoration. The CDP should enhance its relationship with SART by seeking to add a CDP representative to the SART Executive Committee. CDP should also take the initiative to develop a Memorandum of Understanding that would describe the operations of the SART and roles and responsibilities of each member agency.

Additionally, SART should update its information on the Cleveland Rape Crisis Center's website (<http://www.clevelandrapecrisis.org/services/sexual-assault-response-team>). The meeting notices refer to meeting dates in 2011. The flyer for the "Annual Conference on Sexual Assault" refers to a conference held on July 30, 2011.

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18 State of New Hampshire, Governor's Commission on Domestic and Sexual Violence, Office of the Attorney General, "A Model Protocol for Response to Adult Sexual Assault Cases," 2012 Edition, page 3.

## VICTIM ADVOCACY

The role of a victim advocate in a sexual assault case is to provide emotional support the victim needs throughout the investigative and prosecutorial processes. The victim advocate is available to provide this assistance during the interview, contact with the SANE, medical care and court proceeding process. Confidentiality is a critical component of the advocate process.

### Cleveland Division of Police Victim Advocacy

The CDP has one part-time victim advocate working approximately 20 hours per week assigned to the Sex Crimes/Child Abuse Unit. The advocate is an employee of the Cleveland Rape Crisis Center. The CDP advocate works collaboratively with the police unit. Currently, the advocate assists in reviewing all reports with the detectives and meeting victims' needs. This one position supports the caseload handled by the entire Sex Crimes/Child Abuse Unit.

### Sexual Assault Response Benchmarks

Victim advocates assist a victim by explaining options, being present during the SANE exam, accompanying and staying with the victim during police interviews, and arranging follow-up counseling and support. The advocate's role is to support the victim's decision-making process, but not provide direction on what victims should do.

The advocate provides a critical service to the victim and to the entire response team. Victims tend to be more cooperative and at ease through the various investigative processes when they are provided this resource. It is imperative that this link be provided in the initial stages of a sexual assault complaint and maintained throughout the criminal justice process. Advocates can continue to provide support long after the case is closed, helping to make resources available to the victim such as long-term counseling.

### Victim Advocacy Recommendations

Topic	PERF Recommendation
26. Additional Advocate Support	<b>CDP and the City of Cleveland should seek funding for the City of Cleveland Rape Crisis Center for one additional victim advocate to work the evening shift.</b> The current caseload of reviewing over 1,000

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	<p>sexual assault cases is not feasible with one victim advocate. In addition, advocate coverage can only be provided on one shift. The addition of another full-time dedicated advocate would reduce the workload and provide an additional eight hours of coverage five days per week.</p>
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## **WORKLOAD ANALYSIS**

The number of personnel assigned to the CDP Sex Crimes/Child Abuse Unit is dependent upon a number of variables, including: the desired level of investigations completed by detectives as established by the department; the types and complexity of cases followed up on by detectives; and the availability of time to investigate cases.

### **Sex Crimes/Child Abuse Unit Analysis**

PERF received a database of recent sex offense cases assigned to the Sex Crimes/Child Abuse Unit. The database contained records of 1,027 cases worked from June 1, 2012 through August 14, 2013, of which 640 were reported rapes.<sup>19</sup> The nature of the cases is shown in the following table.

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<sup>19</sup> For the one year period from June 1, 2012 through May 31, 2013 there were 937 total cases and 585 rapes cases.

**Sex Offense Cases Assigned to the Sex Crimes/Child Abuse Unit  
June 1, 2012 – August 14, 2013**

Statute Description	Count
Rape	581
Rape-Forcible or Threat of Force	15
Rape-Impaired Judgment	35
Rape-Mental/Physical Disability	1
Rape-Under 13-No Force	4
Attempted Rape	4
<b>Total Rape and Attempts</b>	<b>640</b>
Gross Sexual Imposition <sup>20</sup>	211
Sexual Imposition	49
Unlawful Sexual Conduct with Minor	33
Importuning <sup>21</sup>	24
Public Indecency	13
Pandering Obscenity	11
Voyeurism	10
Disseminating Matter Harmful to Juveniles	9
Promoting Prostitution	7
Compelling Prostitution	6
Sexual Battery	6
Pandering Sex Oriented Matter Involving a Juvenile	3
Soliciting; Soliciting After Positive HIV Test	2
Displaying Matter Harmful to Juveniles	1
Illegal Use of Minor In Nudity Oriented Matter or Performance	1
Procuring	1

All of the sex offenses worked by the unit are covered under Chapter 2907: Sex Offenses from the State of Ohio Revised Code.

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20 Gross Sexual Imposition refers to an offender forcing someone to have sexual contact with the offender or another person, or when the victim is impaired, under age 13, or unable to consent because of a physical or mental disability. Sexual Imposition is a lesser offense that occurs when the victim finds the contact offensive, is substantially impaired, or the victim is between 13 and 16 and the offender is 18 or older and more than four years older than the victim.

21 Importuning refers to someone soliciting a person who is younger than 13 to engage in sexual activity. It also refers to solicitation when the offender is 18 or older and more than four years older than the victim, who is between ages 13 and 16.



Members of the unit also worked 489 child abuse cases from June 1, 2012 through August 14, 2013, with 434 cases being assigned for the year period from June 1, 2012 through May 31, 2013. The 12 month caseload (June 2012 through May 2013) for the 13 detectives<sup>22</sup> working active cases totals 1,371—434 child abuse cases and 937 sex offense cases. The annual caseload per detective is approximately 105 cases. Each detective receives about 9 new cases per month. The Sex Crimes/Child Abuse Unit caseload varies from year to year. Unit records indicate that yearly caseloads have fluctuated over the last ten years, averaging 1,488 cases per year. Utilizing the 1,488 average caseload per year increases the yearly case total to 114 cases per detective per year, or nine to ten new cases per detective per month.

### **Comparable Agency Workload**

The comparable sex crimes unit in the Philadelphia Police Department (PPD) has 48 detectives and works some 5,300 cases per year, for an annual cases per detective rate of approximately 111 per year, with just over nine new cases a month. The PPD Special Victims Unit is seeking to add 14 additional detectives to the unit, which would reduce the yearly caseload to approximately 85 cases per year, or seven new cases per month. PERF recently conducted a full staffing study in Austin TX and recommended 15 sex crimes unit detectives for an annual case load of 1,400, a level of 94 cases per detective, with eight new cases a month.

Based on caseload, while the current staffing of the Cleveland Division of Police is within the parameters of other large police agencies (that are trying to reduce detective caseload), in order to improve the CDP victim-centered approach, **additional detectives should be added to the Sex Crimes/Child Abuse Unit.** The number of detectives and the appropriate assignment are identified below.

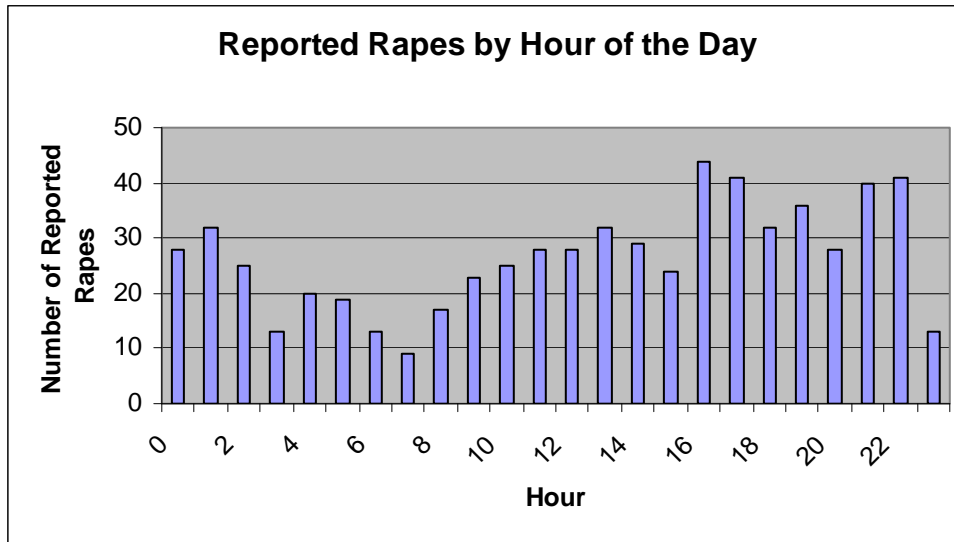
### **Current Sex Crimes/Child Abuse Hours vs. Sexual Assault Complaints**

Currently Sex Crimes/Child Abuse detectives are assigned to work seven days a week from 0800 to 2200 hours. PERF has recommended that detectives respond immediately to reports of sexual assault, either to the crime scene or the hospital. **Approximately one-third of all rapes are reported when no detective is scheduled,** as shown in the graph below.

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22 CDP's Sex Crimes/Child Abuse Unit has 17 total detectives but only 13 assigned to new investigations. Three detectives are assigned to CODIS follow-up cases, and one detective strictly handles the transportation and storage of Rape Kits.

Reported Rapes: June 1, 2012 through August 14, 2013



Of the 640 rapes reported from June 1, 2012 through August 14, 2013, 213 (33%) were reported between the hours of 2200 and 0800 when no detectives are scheduled. A similar pattern exists for all of the reported sexual offenses worked by the unit. Of the 1,027 reported crimes (including rapes), 299 (29%) were reported between 2200 and 0800.

### **Recommendation for Increased Staffing**

The CDP should increase staffing in the Sex Crimes/Child Abuse Unit by four detective positions. These positions should be assigned to a permanent midnight shift working ten hour shifts from 2200 to 0800 hours. Using a schedule of four ten-hour shifts, followed by three days off, will allow scheduled coverage by two detectives five days a week and by three detectives two days a week. Although absences will reduce this scheduled coverage, supervisors should be able to manage leave time so that at least one detective is always working this midnight shift for direct response. Daily supervision would be shared among the two currently assigned sergeants. Detectives responding directly to crime scenes or the hospital during the midnight tour will keep the case and conduct the complete follow-up investigation. This can be accomplished through the use of flexible shift start and end times, reasonable use of overtime when necessary, and cooperative investigative efforts between the various Sex Crimes/Child Abuse Unit shifts.

The addition of these four detective positions, versus spreading out the current number of detectives over all shifts for 24-hour coverage, will reduce detective workload on average to 88 cases per year or seven to eight cases per month. **This should provide the Sex Crimes/Child**

**Abuse Unit the opportunity to implement a more victim-centered investigative approach, provide 24-hour per day response and coverage, and reduce the current workload, allowing more time for detectives to conduct follow-up investigations on cases that would have been previously closed due to lack of victim participation.**

## CONCLUSION

Concerns regarding the proper handling of sexual assault investigations and victim rights are significant issues in the law enforcement profession. Investigative practices can change rapidly, and one department's lesson learned can lead to improvements for all.

In September 2011, the Police Executive Research Forum hosted a conference on "Improving the Police Response to Sexual Assaults" in Washington, D.C. The conference brought together roughly 150 participants from law enforcement, victim advocacy groups, medical and mental health providers, and the U.S. Department of Justice to discuss the many challenges that remain for an effective sexual assault response. Many important issues were discussed, including:

- A long-overdue update to the Uniform Crime Reporting definition of rape,
- The improper closing of sexual assault cases as "unfounded,"
- Improved training for officers handling sexual assault investigations,
- The use of external agency partners to conduct routine audits of sexual assault cases,
- Sexual assaults on college and university campuses,
- The use of DNA testing and evidence in sexual assault cases, and
- The use of Sexual Assault Response Teams.

Participants of the summit provided departmental experiences and lessons learned from law enforcement, advocacy and medical/mental healthcare providers from across the country. In March 2012, PERF published *Improving the Police Response to Sexual Assault* as useful tool for law enforcement agencies.<sup>23</sup>

The guidelines and recommendations published in this report form part of the basis for the recommendations listed here. The issues identified in the March 2012 PERF report and the lessons learned have provided law enforcement agencies with the awareness and background necessary for continued improvement in the response to sexual assaults. **CDP has demonstrated a commitment to improving its sexual assault response and continues to seek review of its policy and practice.** The recommendations included in this report are designed to

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23 Police Executive Research Forum Summit: Critical Issues in Policing Series, Improving the Police Response to Sexual Assault, March 2012. [http://policeforum.org/library/critical-issues-in-policing-series/SexualAssaulttext\\_web.pdf](http://policeforum.org/library/critical-issues-in-policing-series/SexualAssaulttext_web.pdf)

improve the team response, provide transparency to the process, and incorporate promising practices and training techniques that are based on a victim-centered approach.

CDP has taken significant steps to improve its sexual assault response and investigation. This includes improvements to the Sex Crimes/Child Abuse Unit physical environment for improved victim comfort, distribution of cellular telephones to detectives for improved communication capabilities, the creation of a case management system, and the addition of civilian clerical support personnel. These are significant steps forward, with additional improvements still ahead.

PERF's Sexual Assault Investigation Review and Assessment has identified a number of impediments to progress, including inconsistency in the timeliness of notifying the Sex Crimes/Child Abuse Unit of new sexual assault complaints, and the limited response of detectives to the crime scene or hospital as soon as possible following a sexual assault. These issues can limit the unit's success in victim cooperation and investigative participation. Agencies such as the Philadelphia Police Department have observed significant improvements in this area due to the establishment of relationships between the victim and detectives early in the investigation.

Department General Police Order 6.2.09 received significant modification in 2011 that clarified roles and responsibilities of dispatchers and patrol officers as well as clearly describing the emotional trauma that can be experienced by the victim. The addition of a section describing patrol supervisors' roles and responsibilities along with the role and responsibility of the Sex Crime/Child Abuse Unit will further enhance the department's policy.

The Sex Crimes/Child Abuse Unit Procedural Manual should be a focus for unit improvement. Recommendations for improvement include clearly identifying a victim-centered investigative approach, removing the Victim Notification process that traditionally closes a case when detectives are unable to reach a victim in three attempts, and the elimination of the "No Prosecution Form." Detectives should simply document victim assistance or lack of assistance in the investigative report.

Training is essential to improving the police response. Recommendations include an increase in recruit training with additional focus on a victim-centered investigative approach, victim trauma, and role-play scenarios. In-service training should be continued yearly, with a constant reminder to ensure that notifications to the Sex Crimes/Child Abuse Unit are quickly made. The development of a Sex Crimes/Child Abuse Unit training program will bring consistency to the investigative process and help ensure high-quality investigations.

The initiation of a Sex Crimes/Child Abuse Unit external case file review process, preferably using a core group of SART members, will provide transparency to the unit and help produce thorough and objective investigations. The SART and its members can play a significant role in the success of sexual assault investigations. Collaboration and mutual respect and understanding for each component's role and responsibility are essential for success. Trust and transparency are the hallmarks of a model process for dealing with sexual assault.

The CDP's current efforts to improve sexual assault response are encouraging. Promising new practices can emerge quickly, creating training and execution challenges. The implementation of these recommendations should further assist the CDP in its efforts to improve its policy, practice and overall sexual assault response.

ATTACHMENT:  
CLEVELAND DIVISION OF POLICE,  
GENERAL POLICE ORDER 6.2.09  
SEXUAL ASSAULT INVESTIGATIONS



# GENERAL POLICE ORDER CLEVELAND DIVISION OF POLICE



EFFECTIVE DATE: <b>MARCH 1, 2002</b>	REVISED DATE: <b>August 22, 2011</b>	NO. PAGES: <b>1 of 11</b>	NUMBER: <b>6.2.09</b>
SUBJECT: <b>SEXUAL ASSAULT INVESTIGATIONS</b>			
ASSOCIATED MANUAL: <b>Sex Crimes Unit, Communications Control Section</b>		RELATED ORDERS: <b>4.1.01, 4.1.03, 4.1.13, 6.2.08</b>	
CHIEF OF POLICE: <b><i>Michael McGrath, Chief</i></b>			

*Substantive changes are in italics*

**PURPOSE:** *To provide members of the Division of Police guidelines for responding to reports of sexual assault, assisting victims, collaborating with local health and service agencies, and conducting interviews with victims, witnesses, and suspects.*

**POLICY:** The Cleveland Division of Police shall accept all reports of sexual assault. Furthermore, being that victims of sexual assault often suffer an emotional trauma that is distinctive to that particular type of crime, officers shall demonstrate a heightened degree of sensitivity to such victims so as to promote the victim’s emotional well-being and aid in the subsequent investigation and prosecution of the crime.

*A victim’s distress may create an unwillingness or psychological inability to assist in the investigation. Officers and investigators play a significant role in both the victim’s willingness to cooperate in the investigation and ability to cope with the emotional and psychological after effects of the crime. Therefore, it is especially important that these cases be handled from a nonjudgmental perspective so as not to communicate in any way to a victim that the victim is to blame for the crime.*

The Division of Police also recognizes that trace evidence is one of the most important factors to a successful sexual assault investigation and prosecution. Therefore, a timely and uniform standard of collecting, submitting, and preserving sexual assault evidence shall be considered a high priority.

**DEFINITIONS:**

*Sexual assault - is any sexual conduct or sexual contact in violation of Chapter 2907 Sex Offenses of the Ohio Revised Code.*



*Sexual conduct - is vaginal intercourse between a male and female; anal intercourse, fellatio, and cunnilingus between persons regardless of sex; and, without privilege to do so, the insertion, however slight, of any part of the body or any instrument, apparatus, or other object into the vaginal or anal opening of another. Penetration, however slight, is sufficient to complete vaginal or anal intercourse. (Reference - Ohio Revised Code 2907.01 Sex Offenses General Definitions)*

*Sexual contact - is any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person. (Reference - Ohio Revised Code 2907.01 Sex Offenses General Definitions)*

Trace evidence - evidence that is often invisible to the human eye. It may be found on condoms, tampons, feminine pads, washcloths, clothing, bedding, or criminal tools and may be comprised in part by body fluids, hairs, fibers, and fingerprints.

*Victim Advocate - is a generic term that applies to a wide range of service providers, rape crisis counselors, social workers, victim witness providers within a prosecutor's office, and law enforcement officers, including departmental victim assistants.*

## **PROCEDURES:**

### **I. Communications Control Section (CCS) Responsibilities**

- A. *Call takers shall know that due to the trauma of a sexual assault, a victim reaching out for assistance may be in crisis. The victim's behaviors may actually be symptomatic of this condition and can range from hysteria, crying and rage to laughter, calmness, and unresponsiveness. There is no one typical reaction, so it is important to refrain from judging or disregarding any victim.*
- B. *When a caller reports a sexual assault, CCS personnel shall follow standard emergency response to include evaluating and properly prioritizing the call, securing medical assistance, inquiring about a suspect's current location, and obtaining detailed information to identify the suspect. Information about the relationship with the victim, weapon use, and history of violence shall also be obtained.*
- C. *To ensure critical evidence is not lost, communications personnel shall:*

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1. *Ask whether the victim has bathed, douched, urinated, or made other physical changes and advise against doing so.*
2. *Ask the victim to use a clean jar to collect the urine should the victim have to urinate.*
3. *Let the victim know that other evidence may still be identified and recovered so the crime should still be reported even if the victim has bathed or made other physical changes.*
4. *Preserve the communications for the later investigation.*
5. *Explain to the caller that these questions will not delay an officer's response to the caller's location.*

## II. *First Responding Officer Responsibilities*

- A. *First responding officers shall accept all reports of sexual assaults regardless of the lapse of time between the last occurrence and the date of reporting. It is not unusual for victims to wait hours, days, or even years to report a sexual assault. Officers may ask for a reason for the delay as it may relate to the investigation (e.g. victim did not feel safe or comfortable to report it earlier because victim was a minor, was employee at business/student at the school/member at church at the time of occurrence ...), but officers shall not use the delay to color their handling of the victim's report.*
- B. *First responding officers shall accept information of sexual assaults reported by third parties such as a Cuyahoga County Department of Children and Family Services social worker, school principal, day care center manager, nursing home or other group home manager. If there is insufficient information for an RMS report, officers shall make an informational Form-1 and forward same through the chain of command to the Sex Crimes Unit for further investigation.*
- C. *First responding officers shall ensure that the victim's immediate medical needs are addressed. Any refusal of medical care must be documented in any subsequent report.*
- D. *If there is no immediate need to remove the victim from the crime scene for medical care, officers shall stay on the scene with the victim to gather as*

*much information about the crime scene as possible and protect same if necessary.*

- E. *Officers shall strive to demonstrate understanding, patience, and respect for the victim's dignity and attempt to establish trust and rapport in order to address the victim's immediate trauma and to maximize a successful investigation and prosecution.*
- F. *Officers shall offer to the victim the opportunity to speak to an officer of the same gender as the victim. Supervisors shall make every effort to ensure that the victim's request is honored.*
- G. *Officers shall refrain from asking leading questions to prevent responses that may not be indicative of the details of the sexual assault.*
- H. *Officers shall avoid using police, medical, or legal jargon, but instead use simple terminology appropriate to the victim's age, intelligence, and sophistication.*
- I. *Officers shall note that victims of sexual assault are often traumatized causing a state of mind where the victims' recollections are fragmented and the descriptions of the incident leaves gaps and seeming contradictions in their statements. Officers shall record all victim statements accurately "as is" thus permitting later investigators to build on the initial victim's statements.*
- J. *Officers shall obtain the names and contact information of other persons to whom the victim talked to before, during or after the assault. This information may become vital to the follow up investigation.*
- K. *When interviewing the victim, officers shall ensure that when gathering information of an intimate sexual nature from the victim that those matters are addressed in as private a setting as possible.*
- L. *Officers shall take special care when interviewing elderly persons who may be victims of sexual assault. Elderly victims may admit to being a victim of a burglary but may not admit to an accompanying sexual assault. Some elderly victims may not be able to find the words or phrases to describe the acts that took place.*

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- M. *Officers shall note in their report if the victim is suspected to have been under the influence of drugs or alcohol (voluntary or involuntary) during the time of the assault and during the time of reporting. In either instance, officers shall make the requisite report with as much detail as the victim can remember as long as the primary elements of the crime are present.*
- N. *Officers shall explain to the victim that the officers are taking only the initial report and that the victim can expect to repeat the details of the sexual assault again to a follow-up investigating officer.*
- O. *In order to encourage the victim to provide vital investigative details necessary for the initial report, officers may explain to the victim that case law [Bloch v. Ribar, 156 F.3d 673 (6th Cir. 1998)] protects the victim's privacy as it relates to the police reporting of intimate details of the sexual assault.*
- P. *When investigating non-stranger sexual assaults, officers shall take particular note of the victim's verbal or physical resistance, evidence of injury, physical state of the crime scene (e.g. broken furniture, knocked over items), relative size/strength of victim/suspect, the suspect's position of authority or relation over victim, and the victim's thoughts during the attack if the victim acquiesced simply for fear of incurring greater harm.*
- Q. *When investigating non-stranger sexual assaults, officers shall ensure that the questioning of the victim is done in manner where the alleged suspect (e.g. spouse, sibling, caretaker, relative, family friend, other person of authority) is not present to intimidate or refute the victim's allegations.*
- R. *In the instances of non-stranger sexual assault, officers shall ensure that the victim is not returned to the environment where the alleged suspect may have access to the victim, but rather officers shall identify alternative shelter for the victim if possible.*
- S. *Officers shall ensure that the victim is made aware that the victim is not to bathe, shower, douche, urinate, brush their teeth, use mouthwash, cut any of their hair, perform any acts of personal hygiene or discard underwear or other clothing, or otherwise take any action that may destroy sexual assault evidence. Any such actions that the victim has already taken shall be noted in the initial report.*

- T. Officers shall ensure that the victim or victim's parent/guardian is made aware that resources exist outside the Division of Police to assist the victim. *Specifically, the Cleveland Rape Crisis and Support 24/7 hotline, (216) 619-6192, provides advocacy and assistance to victims of sexual assaults. Additional resources include the Witness/Victim Center, 1275 Ontario Street, (Justice Center); and First Call for Help (216) 436-2000 that can direct the victim to a shelter if necessary.*
- U. *Officers shall contact the Rape Crisis hotline and, in consultation with the victim, determine if a sexual assault advocate is to respond to the scene. Officers shall note in their report if a sexual assault advocate was contacted and also if the victim declined the services of a sexual assault advocate.*
- V. Officers shall advise victims that hospitals have medical personnel (Sexual Assault Nurse Examiner [SANE] nurses) specifically trained to aid victims of sexual assault. *Officers shall encourage victims to avail themselves to a medical examination to examine and treat for injuries, sexually transmitted diseases, and pregnancy; as well as to gather forensic and photographic evidence to aid in the investigation and prosecution of the sexual assault. Officers shall advise victims that their clothing may be seized and entered into evidence, and that the victim shall be advised to bring a change of clothes with them to the hospital.*
- W. *Officers shall not coerce a victim to receive medical treatment, provide forensic evidence, or submit to a blood/alcohol screen. Victims need to provide informed consent prior to any such examination or treatment. EMS protocols require that their ambulances transport sexual assault victims to a hospital with a SANE nurse either on-duty or on-call.*
- X. *Officers shall communicate to the SANE nurse any suspicions they may have that alcohol or drugs were used to facilitate the sexual assault. The SANE nurse will use this information to perform a blood or urine test of the victim to screen for those substances.*
- Y. Officers shall make the RMS report *(to include sufficient detail for detectives to follow up and/or establish if the crime may be one of several perpetrated by a single suspect)*, issue a Form-42 to the victim if the suspect is unknown, and fax a copy of the report to the Sex Crimes Unit. Officers shall note in the report if the Sex Crimes Unit was notified and if victim was seen by a SANE nurse (when this information is available).

- Z. *Between 0800 and 2200 hours* uniformed officers shall immediately notify their supervisor if they determine a sexual assault has occurred. The supervisor shall contact the Sex Crimes Unit by telephone.
- AA. *Between 2200 and 0800 hours*, if conditions warrant (brutality of crime, physical and emotional state of victim, age of victim), the supervisor on scene may notify the Chief Dispatcher to contact the Sex Crimes Unit supervisor who in turn shall determine the appropriate response.
- BB. In all instances when the Sex Crimes Unit is notified of a sexual assault, a Sex Crimes Unit supervisor shall determine if additional resources or actions are necessary due to the brutality of the crime, the age or physical state of the victim, result of a home invasion, or an act of a serial offender.
- CC. Sector supervisors shall pay particular attention to the circumstances of the sexual assault for evidence that it may be part of a larger criminal enterprise, such as organized prostitution or human trafficking, and take follow-up action as appropriate. Follow-up options include contacting the appropriate district Vice Unit or, in the case of human trafficking, refer to GPO 4.1.13 Investigation of Human Trafficking.
- DD. Officers shall notify 696-KIDS in all cases where a juvenile is the victim of a sexual assault. Officers shall note this action in their initial police report.

### III. Crime Scene:

- A. *Officers shall determine if there may be more than one crime scene arising from the same incident (e.g. alley, vehicle, bedroom, basement, hallway...).*
- B. *When gathering evidence from a crime scene, officers shall be mindful of the possible need to gain consent, a waiver or search warrant before proceeding to search a crime scene.*
- C. Initial on-scene officers shall preserve all items of evidentiary value including soiled bedding, towels, etc, which contain or appear to contain trace evidence, *taking care to not cross contaminate the items or adding their own DNA by bare-handed touching, or talking, sneezing, or coughing over the evidence.*

- D. At least one officer shall remain at the scene containing evidence until Crime Scene and Record Unit (CS&RU) personnel arrive to process the scene. If CS&RU personnel are not available within a reasonable amount of the time, the officer shall collect the evidence.

IV. Evidence Collection (*protective latex or similar non-porous gloves shall be used when gathering evidence*):

A. Clothing

1. Clothing and articles that appear to or are likely to contain trace evidence (or are torn or damaged which may indicate the use of force) shall be collected for evidence.
2. Hospital personnel may give the victim's clothing to officers at the time of the emergency room examination. Line four of the property tag, "FOUND BY", shall contain the name of the actual hospital personnel giving the clothing to the investigating officer.
3. If a suspect is apprehended shortly after the crime, officers shall ensure that the suspect's clothing is seized as evidence at the time of booking. *DNA evidence may still exist on the suspect or suspect clothing up to 96 hours after an alleged assault.*
4. Officers shall always keep victim and suspect clothing separate from each other.

B. Items of evidence obtained from the victim, suspect, and crime scene shall be marked, tagged and packaged in a clean paper bag (never plastic).

1. Items from each source shall be placed in a separate bag. Items from the victim and suspect shall also be kept separate.
2. To prevent cross contamination, each individual item shall be wrapped separately before being placed in a paper bag.
3. If possible allow wet items to dry before packaging, otherwise print "WET ITEMS" in large letters on the outside of the bag for conveyance to the Forensic Unit. Any such items shall be conveyed to the Forensic Unit on the very next business day.

4. If a stain is wet, place a piece of paper over it or fold it so the stained area does not transfer material to another portion of the clothing or fabric.
5. Officers seizing evidence shall log the evidence in the district or unit property book.

### C. Crime Scene

1. All evidence must be placed in clean paper bags. Evidence shall not be placed in plastic bags. Biohazard evidence shall be double-bagged in paper bags. Biohazard evidence shall be clearly marked "BIOHAZARD" in large letters using red ink. (Refer to GPO 3.2.11 Contacting Blood and Body Fluid for guidance on same). If an officer has doubt about sexual assault evidence leaking, the bag(s) shall be placed in a leak-proofed box or container.
2. All evidence shall be marked, tagged, and logged into the property book.
3. *Special care shall be taken to ensure that victim and suspect evidence is not comingled or comes in contact with each other in any way, either during collection or securing. Each evidentiary item shall be segregated from the other collected items (e.g. underwear, t-shirt, bed sheet, etc... shall each be bagged separately.)*
4. For an *assault occurring in a motor vehicle*, officers shall make an initial observation for stained upholstery or seats, discarded clothing, condoms or wrappers, items belonging to the victim, or any other items used by the suspect or described by the victim. Vehicles containing trace evidence or otherwise reported as the location of the assault (vehicle as the crime scene itself) shall be towed for processing.
5. The officer completing Form C of C 71-1081 (Process Tow) shall indicate on the form what type of trace evidence is being sought and the most likely location to find it.
6. First responding officers shall note possible areas at a crime scene location where fingerprints *or other forensic and biometric (blood, semen, saliva, urine) evidence* may be found, as well as provide special



instructions to assist crime scene detectives in processing the crime scene.

D. Photographs

1. Officers shall note if there are signs of scratches, bruises, or marks of violence on the victim or suspect, and request that the CS&RU respond to take photographs as appropriate. These indicators of violence shall also be noted in the police report.
2. *Officers shall advise the victim that the extent of bruising injuries may not become fully evident until days after the assault, and that additional photographs may be taken as needed.*
3. Officers shall note in their report if the hospital has a procedure for photographing a victim's injuries by their personnel at the time of examination and if any evidentiary photographs were taken.
4. Any photographs taken by district personnel shall be placed into evidence envelopes and logged into evidence. Officers shall note in their report that photographs were taken and logged into evidence.

E. Rape Evidence Kits

1. Hospital personnel preparing rape evidence kits shall turn custody of same over to the Division for processing by the Forensic Unit.
2. The first responding officers handling the initial investigation shall accept the rape kit if it is ready prior to the completion of their assignment.
3. Officers accepting the rape kit shall ensure that it is sealed. Officers shall sign and place their badge number in the "chain of evidence" or "received by" line on the box and on the chain of evidence form.
4. Officers shall describe the box on the property tag as a "sealed rape evidence kit" and enter the name of the actual hospital employee who transferred the rape kit to them on the line marked FOUND BY on the evidence tag.

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5. The rape kit, with a copy of the RMS report attached to it, shall be logged into the property book.
  
6. Rape kits received from hospital personnel as a “Jane Doe” victim shall be the subject of a Property Found report. The rape kit evidence shall be handled in the same manner as a named victim rape kit.