

HONOLULU POLICE DEPARTMENT

POLICY LAW ENFORCEMENT OPERATIONS

April 24, 2015

Policy Number 4.20

SEX CRIME INVESTIGATIONS

POLICY

The Criminal Investigation Division (CID) shall be responsible for the investigation of all felony sexual assault cases and the follow-up investigation of any open misdemeanor sexual assault-, open lewdness-, or indecent exposure-type cases. The Professional Standards Office (PSO) shall investigate those cases in which a departmental employee is named as a suspect. A sex crime detective shall assist the PSO investigator upon request.

PROCEDURE

I. PROCEDURES

A. Victim Interview

1. Special care should be exercised because sexual assault investigations are very sensitive in nature.
2. As soon as practicable, the first officer at the scene shall conduct a cursory, verbal interview with the victim and only to the extent necessary to:
 - a. Determine if the case meets the elements of a sexual assault;
 - b. Determine if the crime is a misdemeanor or felony;
 - c. Identify and secure the scene of the sexual assault and any evidence;
 - d. Determine the time element; and
 - e. Identify and locate the suspect.

3. If the victim of the sexual assault is a young child (less than ten years old) and the reporting person is a reliable adult (e.g., school teacher, parent, counselor, etc.) who the child disclosed the assault to, it is not necessary to reinterview the child.

B. Misdemeanor Offenses

1. If the case is determined to be a misdemeanor sexual assault, indecent exposure, or open lewdness case, a complete and thorough interview of the victim(s) and all witnesses shall be conducted. Written statements shall be completed utilizing the Statement, HPD-252 form, and the Suspect, Weapon, and Vehicle Description, HPD-458 form.
2. If the suspect is located and identified and probable cause for the arrest exists, the suspect should be arrested and booked in accordance with Policy 7.01, ARRESTS AND ARRESTED PERSONS.
3. If the suspect cannot be identified or located or no probable cause for an arrest exists, the case shall be left open with the disposition pending the CID Sex Crimes Detail. All open cases shall be forwarded to the CID Sex Crimes Detail for follow-up investigation.
4. All closed cases shall be forwarded to the CID Sex Crimes Detail for use in crime pattern analysis.

C. Felony Offenses

1. The on-call Sex Crimes Detail detective shall be notified as soon as possible after it has been determined that a felony sexual assault has occurred.
2. In felony cases, patrol officers shall not obtain written statements from the victim and need only get enough information to initiate one initial case. The assigned detective will conduct an in-depth forensic interview with the victim at a later time and will initiate any additional cases as needed.

3. Reasonable efforts shall be made to locate the scene of the sexual assault and to preserve any evidence.

[REDACTED]

4. Complete and thorough interviews of all witnesses shall be conducted. Written statements shall be completed utilizing the HPD-252 and HPD-458 forms.

5. If the suspect is located and identified and probable cause for the arrest exists, the suspect should be arrested and booked in accordance with Policy 7.01, ARRESTS AND ARRESTED PERSONS.

[REDACTED]

D. Transporting Victims to the Hospital

1. The victim of a sex crime, regardless of sex or age, shall be referred to the Kapiolani Medical Center for Women and Children for an acute forensic examination if the sexual assault occurred within 72 hours of the report or if the victim has injuries or symptoms as a result of the assault.
2. The responding sex crimes detective shall be consulted prior to having the victim transported to the Kapiolani Medical Center for Women and Children for a sexual assault examination, unless the victim insists on going to the hospital immediately. This section does not preclude providing the victim immediate medical attention for any other injury, illness, or medical condition.
3. Two officers shall be present whenever a female sex assault victim is transported to a hospital in a police vehicle, unless the transporting officer is a female.

4. Any officer transporting a sexual assault victim to a hospital shall complete a hospitalization follow-up report.

E. Examination

1. The Sex Abuse Treatment Center shall be notified as soon as possible by the assigned detective so that the Sex Abuse Response Team can be dispatched to meet the victim at the hospital.
2. During the examination, medical personnel will recover evidence and pertinent information. All evidence and information, documented or otherwise, will be made available to the police upon the written consent of the victim or person legally qualified to give consent on behalf of the victim.
3. If a victim goes to the hospital prior to reporting the incident to the police, the victim will be encouraged by the crisis worker or other hospital personnel to file a report with the police.
4. If the victim refuses to report the incident to the police, the crisis worker will later forward the case information directly to the CID Sex Crimes Detail for use in crime pattern analysis only.
5. A crisis worker will be present during the entire examination of a victim.

F. Evidence Collected by the Sex Abuse Treatment Center

1. [REDACTED] will be turned over to the police [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

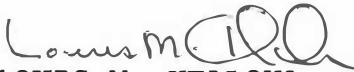
2. In most cases, a sexual assault evidence collection kit will be used in the collection and preservation of evidence. The kit will be recovered and submitted into evidence by the Scientific Investigation Section. The medical-legal report, which documents the examination and findings, will be transferred to the CID Sex Crimes Detail.
3. Deoxyribose Nucleic Acid (DNA) samples may be collected when required.

G. Medical/Social Work Personnel

1. The examining physician will assist in the investigative process by posing questions concerning sexual history and other sensitive details of the act or acts involved in the assault.
2. Physicians, crisis workers, nurses, and technicians of the center will be available to testify in court or pretrial interviews with the prosecutor.

II. RIGHTS OF VICTIM

Nothing in this directive shall be construed as grounds for preventing a victim or person legally qualified to give consent on behalf of a victim from seeking treatment or examination by a physician or hospital of that person's choice.


LOUIS M. KEALOHA
Chief of Police

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board for one week

Policy first issued
August 3, 2001