Office of the Texas Governor
Sexual Assault Survivors' Task Force

"An officer's duty to uphold the oath includes the commitment to provide a survivor-centered, trauma-informed response to sexual violence through a multi-disciplinary, collaborative and coordinated approach."

SEXUAL ASSAULT SURVIVORS' TASK FORCE

Your initial focus, as a first responder, is for the survivor's safety and well-being.

This guide provides best practices for initial interactions with an adult sexual assault survivor that is a trauma-informed, survivor-centered, and offender-focused response. An empathetic and trauma-informed law enforcement response in the first moments of a survivor's attempt to get help can have a positive impact on the survivor's ability to participate in the investigative process and can contribute to the survivor's healing and recovery.

Trauma-Sensitive Response

The first interactions between you and a survivor will heavily influence all future interactions — **building rapport and trust is key** to keeping the survivor engaged with the criminal justice system and the judicial process. Recognize how your response and approach, both verbal and non-verbal, may affect a survivor's ability to recover from the trauma.

Additionally, minimizing the number of officers the survivor is asked to interact with will help strengthen the rapport and relationship between you and the survivor.

It is important to understand the trauma the survivor will be experiencing and to be mindful of how trauma affects the brain's ability to record and store memories while recounting the details of the assault — **a survivor may not be able to recollect details in chronological order**. This may seem counterintuitive and confusing to both you and the survivor, but it is actually quite common for trauma to present this way.

1. ARRIVAL TO SCENE / INITIAL SURVIVOR CONTACT

SECURE THE CRIME SCENE(S) for safety of all persons present.

IDENTIFY THE SURVIVOR(S) and any suspects.

Evaluate immediate survivor needs (Medical and Safety).

Remove the survivor from the crime scene(s).
If possible, move the survivor to a safe, private location.

TAKE THE SURVIVOR'S STATEMENT:

- Listen to the survivor
- Do not interrupt — obtain a basic verbal statement allowing the survivor to completely articulate what happened.
- If follow-up questions are needed, use open-ended language such as "can you tell me more about that?" or "can you help me understand...?"
  Avoid asking "why" questions, as they may be interpreted as blaming.
- When asking follow-up questions, be mindful of the survivor's emotional well-being. Explain your line of questioning — so as to not appear that you're questioning the credibility and believability of their experience, but to establish what crime was committed, what evidence needs to be collected, possible identity of the suspect, etc.
- Allow the survivor to use their own words and primary language (when possible) to describe the assault.

EXPLAIN TO THE SURVIVOR ABOUT:

- Advocacy and Service Providers.
  If available in your jurisdiction, introduce an advocate at the scene — it may help you build rapport and encourage survivor engagement.
- Crime Victim's Rights resources
- Pseudonym Forms and Protective Orders for Sexual Assaults

EXPLAIN THE FOLLOW-UP PROCESS TO THE SURVIVOR. Provide a case number and contact number so they have the ability to follow-up with someone if they choose.
Your initial report helps establish the elements of the offense (penetration vs contact, issue of consent, delayed report or just occurred, etc.), identity of suspect, other witnesses, and physical location of the crime scene(s).

ADDITIONAL RESOURCES

FIRST RESPONDER'S GUIDE

ADULT SEXUAL ASSAULT INVESTIGATIONS

2. NOTIFYING CHAIN-OF-COMMAND AND INVESTIGATIVE ELEMENTS

Consider your agency protocol for notifying investigative units and supervisors upon confirmation of an in-jurisdiction offense and location.

CHAIN OF COMMAND:

- Notification of an immediate supervisor prompts potential need for assistance and facilitates investigative support
- Notification of immediate supervisor allows for the supervisor to help prioritize the responding officers' actions upon arrival and prevent loss of evidence and items with evidentiary value
- Prompts a report

INVESTIGATIVE RESOURCES (internal or external agency):

- Prompts a possible response by an investigator
- Provides investigative guidance before arriving on scene

LAW ENFORCEMENT AGENCY SURVIVOR SERVICES:

- Provides guidance for survivor care

3. CONTINUING THE INVESTIGATION

SEXUAL ASSAULT FORENSIC EXAM (SAFE):

- When the assault occurred less than 120 hours ago, discuss and arrange for a SAFE if survivor consent is obtained, sign the OAG's Law Enforcement Request for Sexual Assault Exam Form and arrange for an advocate to be present with the survivor, if one is not provided by the medical facility conducting the SAFE. Follow up with Sexual Assault Nurse Examiner (SANE) to obtain detailed information to aid any ongoing investigation and documentation.
- When the assault occurred greater than 120 hours ago, arrange for an advocate to be present with the survivor. *120 hours is a guideline — when the survivor has injuries, bleeding etc., consideration should be given to request a SAFE outside of the 120 hours.*
- When a forensic medical exam is needed and the survivor consents, arrange for transportation to the designated facility. When you are providing transportation to the exam do not transport the survivor in the back of your patrol car; utilize advocates or other means to transport (e.g. EMS).
- When possible, ask the survivor to pack a change of clothes, as the clothes they are wearing may be collected as evidence.

Do not require or suggest the survivor complete a written statement. *Audio/Video recording of the survivor's statement is a better practice.*

INVESTIGATIVE INTERVIEWS:

- Follow agency protocol regarding referring the survivor to investigators to conduct investigative interview.
- Provide an advocate before an investigative interview is conducted. The goal is to avoid repeated interviews.

CRIME SCENE(S):

- Secure crime scene(s) when appropriate.
- Secure digital evidence (phones, computers, etc.), from suspect, when available.
- Do not seize survivors' phone, instead, with the survivor's consent, utilize other less intrusive methods to collect potential electronic evidence pertinent to the investigation (e.g., photographs, emails, text, etc.).
- Establish search authority (consent vs. search warrant).
- Perform initial canvassing of the area
- Search for witnesses, surveillance cameras, evidence, etc.

SUSPECT(S):

- Consider detention of the suspect(s) to preserve evidence when warranted.
- Determine if/when a statement from the suspect(s) can be obtained.
- Ensure due process (consent, exigent circumstances, or search warrant).

4. ASSOCIATED INTERVIEWS / EVIDENCE COLLECTION

DOCUMENT ALL WITNESSES' (direct witnesses, ear and eye witnesses, first person survivor contacted about the event) identification information:

- Name
- Phone number
- Email address (people change phone numbers, but keep email addresses)
- Address (work and home)
- DOBs

5. EVIDENCE

- Audio/Video (recorded 911 call)
- Photographs (digital preferred) / surveillance images
- Crime scene sketches
- Social media content
- Body-worn camera footage
- Suspect's buccal swab, penile and/or finger swabs, clothing, photographs, etc.

6. COMPLETING THE REPORT

WRITTEN OFFENSE REPORT:

- Recreate the reality of the sexual assault from the survivor's perspective using the survivor's and the suspect's words verbatim.
- Do not sanitize the survivor's account; use their words. Clarify and confirm with the survivor any vague statements to ensure language that may be considered consensual is properly documented in a non-consensual manner where appropriate. Language should focus on the perpetrator of a sexual assault, rather than the survivor.
- Clearly document elements of the offense.
- Include details that establish elements such as premeditation, coercion, threats and/or force, and traumatic reaction during and after the incident (e.g., demeanor, emotional response, changes in routines or habits).
- Include details that establish why a survivor was physically unable to resist including being impaired due to drugs or alcohol, mental or physical disabilities, threats, coercion, force, or fear.
- It is important to remember that you are a neutral fact finder and there is no "appropriate" response to sexual assault. Emotional responses can range from sadness, fear, anger, numb, irritability, overwhelmed, laughter, giggling, smiling, anxious, etc.

INFORMATION REPORT:

- When the incident happened in a different jurisdiction gather the elements of the offense and document as mentioned above.
- Complete the OAG's Law Enforcement Request for Sexual Assault Exam Form and arrange for a SAFE when you take a report outside your jurisdiction to expedite evidence collection.
- Forward the report to the appropriate jurisdiction via e-mail or fax and ensure it was received.

7. BEFORE YOU CLEAR THE SCENE

Coordinate with all personnel involved to ensure the scene can be released.

Release the crime scene using cleanup protocols per agency policy.

ENSURE THE SURVIVOR'S AND WITNESSES' SAFETY BEFORE LEAVING THE SCENE.

ADDITIONAL RESOURCES