

SEXUAL ASSAULTSIntroduction

- 1 When a report of a sexual assault is received, Police will:-
  - 1.1 spend a minimum of time with the victim during the initial interview before the victim receives prompt medical attention.
  - 1.2 adopt an attitude that each case is a 'human crisis situation' and regard the complaint as a medical emergency to reduce the traumatic effect on the victim.
  - 1.3 obtain and utilize the contents of a Sexual Assault Investigation Kit. (See also paragraphs 9 and 32). The kits have been issued to all Police Stations and are also available from the Forensic Science Section and hospitals at Darwin, Nhulunbuy, Katherine, Tennant Creek and Alice Springs.

Initial Action

- 2 Members of the Criminal Investigation Branch and a woman police member are to be called to interview the victim.
- 3 If the victim's condition indicates an obvious requirement for immediate medical treatment then this is to be provided without delay.
- 4 Investigating members will spend a minimum of time with the victim at the initial interview.
- 5 Following completion of this interview the victim is to be immediately conveyed to hospital for medical examination and treatment subject to the victim's consent.
- 6 The member who receives the initial report will obtain basic particulars from the victim, and enter them on the 'Initial Interview and Time Sequence Form'.

Medical Examination

- 7 A medical examination of the victim should be carried out as soon as possible after the sexual assault to ensure that possible important evidence is not lost. (For instance, evidence of vaginal or anal entry may be lost if the victim urinates or defecates before the examination, and evidence of oral entry may be lost if the victim drinks before being examined.)
- 8 The victim must agree to have a medical examination carried out on his/her person if a successful investigation is to be completed.

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9. Suitable 'Consent to Medical Examination' and 'Consent to Release of Information to Police' forms are contained in the Sexual Assault Investigation Kits and are required to be completed by the victim.
10. If these forms are not available, suitable forms should be prepared for signature by the victim.
11. Subject to the consent of the victim a woman police member should accompany the victim to the hospital and receive all exhibits from the examining medical practitioner.
12. The member will ensure that all exhibits are properly identified and initialled by herself and the attending medical practitioner.
13. The member will retain possession of exhibits until they can be delivered personally to the laboratory staff.
14. The 'Initial Interview and Time Sequence' form will accompany the victim to the place where the medical examination is conducted.
15. The portion of the form headed 'Time Sequence' will be completed by the member conveying the victim to hospital for medical treatment/examination.
16. The senior investigating detective will ensure that this form is collected and has been completed.
17. A written statement should be obtained from the victim after the completion of the medical examination.

#### Explain Procedure

18. The victim should be informed of the type of police questioning needed to result in a successful investigation and meet the requirements of the Court.
19. The victim is to be kept fully informed and constantly reminded in relation to these matters.
20. If the victim wishes to have a friend present at any stage of the examination/interview all necessary arrangements should be made in this regard. As an interim measure the attendance of a counsellor from a Woman's Crisis Centre may suffice. Persons present at any interview are to be advised that they can be required to attend as witnesses at any subsequent Court hearing to give evidence.

#### Treat As Genuine

21. Some reports may be false but all reports are to be treated as genuine until such time as evidence of proof to the contrary is clearly established.

The Complaint

22. Members are to be conversant with Court requirements concerning 'evidence of complaint is sexual cases'.
23. The complaint does not amount to corroboration.
24. Evidence of a complaint tends to show consistency of behaviour and non-consent by the victim.
25. Regardless of where the victim reports an alleged sexual assault, it is important that the manner and wording of this first 'complaint' is properly recorded and reduced to writing as soon as possible.

Courtesy

26. Regardless of any situation or the victim's station in life, members are to extend every care and consideration.
27. The services of an experienced woman police member are to be obtained where practicable.
28. Interviews with a victim are to be conducted in quiet interview facilities away from busy police operational areas.
29. If possible, the victim should not be cross-examined by a male member when making the initial report unless it is obvious the offender will escape justice if immediate action is not taken.
30. Arrangements are to be made for clean clothes to be supplied to the victim to replace those worn at the time of the offence and required for forensic examination or evidentiary purposes.
31. Every care is to be taken that the clothing seized is placed in clean containers and does not become contaminated.
32. "Sexual Assault Investigation Kits" provide facilities for the collection of the following specimens:-
  - Vulval swab and smear.
  - Low vaginal swab and smear.
  - High vaginal swab and smear.
  - Perianal swab and smear.
  - Rectal swab and smear.
  - Oral swab and smear.
  - 10ml blood.

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Saliva (Saturated cotton wool ball)(should be frozen).

Nail scrapings - separate containers for right and left hand.

Head hairs, plucked - (10) - if tolerated.

Pubic hairs, plucked - (10) - if tolerated.

Pubic hairs, combed with a new comb on to a sterile paper towel.

- 33 The victim is to be made aware why these specimens are required and must complete the consent forms contained in the kit or a prepared form to this effect.
- 34 Photographs of injuries sustained by the victim may be required but again these should only be taken with the full consent of the victim.

#### Statement

- 35 No complete set of guidelines of statement taking can be established as every case must be treated on its merits; however the details as set out below should be contained in an indecency statement:-

Personal particulars of victim.

Events prior to, and including, offence.

Conversation with offender.

Full details of specific indecent acts (anal, oral etc)

Full description of offender.

Relationship to victim (if any).

Offender's knowledge of victim's age (For evidentiary purposes in carnal knowledge, indecent assault cases, etc).

Location and time of offence.

Injuries suffered by victim.

Injuries sustained by attacker.

Weather.

Lighting.

Type of Location.

Was offender smoking.

Any bleeding at scene.

Non-consent.

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