

APPENDIX "A.1"



FORCE CIRCULAR MEMO

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These guidelines are issued pursuant to the powers of the Chief Commissioner under the Police Regulation Act 1958 and in the exercise of his Office under the Public Service Act 1958.

They will remain in force until 31 December 1993 unless earlier revoked or incorporated in Standing Orders or the Police Manual.

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POLICE CODE OF PRACTICE**FOR****SEXUAL ASSAULT CASES**

This Code of Practice has been compiled in conjunction
with the Law Reform Commission of Victoria and
Victorian Centres Against Sexual Assault

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**POLICE CODE OF PRACTICE
FOR
SEXUAL ASSAULT CASES**

Introduction

These guidelines are designed to inform all members of the Victoria Police of the procedures to be followed when a sexual assault is reported.

They deal primarily with cases where an assault is very recent. However the principles on which they are based - providing a co-ordinated and supportive police service to sexual assault victims - apply regardless of when an assault occurred.

**K. GLARE
CHIEF COMMISSIONER**

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POLICE CODE OF PRACTICE FOR SEXUAL ASSAULT CASES**Aims of the Code**

1. The main aims of this Code are to:
 - * provide a co-ordinated approach to the handling of sexual assault cases by police, Centres Against Sexual Assault (CASA) and other victim assistance programs
 - * increase the confidence of sexual assault victims and the public in police management of sexual assault cases so as to increase reporting of sexual offences
 - * increase the apprehension of offenders
 - * maximise successful prosecutions
 - * minimise trauma experienced by sexual assault victims during the investigative process.

OVERVIEW - ALL MEMBERS**Functions of the Victoria Police**

2. Members of the Victoria Police have three main functions in sexual assault cases:
 - * to protect and support victims
 - * to establish that a crime has been committed by gathering evidence, including interviewing the victim and arranging an immediate medical examination where necessary
 - * to identify, apprehend and prosecute the offender(s).

Caring for the Victim

3. The first priority in sexual assault cases is care for the victim. Every officer involved in the investigation must be sympathetic and supportive to the victim.
4. Police sensitivity to victims will:
 - * help the victim recover from the assault trauma

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- * assist in the gathering of evidence to produce a stronger court case
- * lead to victim co-operation with investigations and involvement in court proceedings.

Ensuring Prompt Medical Attention

5. Members must consider the victim's immediate medical needs and take them to the nearest CASA or Hospital Crisis Care Unit (HCCU) as soon as possible. This is an absolute PRIORITY in cases of recent sexual assault and should occur within TWO hours of the reporting of the assault.

Monitoring Adherence to the Guidelines

6. If a member is concerned about the performance of workers or procedures adopted in a CASA or HCCU, contact the local Community Policing Squad who will initiate follow-up action with the Centre's Co-ordinator to address these concerns.
7. Note that a similar procedure applies where a CASA or HCCU wishes to raise concerns about police involvement. Should this relate to Criminal Investigation Branch (C.I.B.) involvement, the matters will be raised with the Officer in Charge, Rape Squad. For CPS members, concerns will be addressed to the Officer in Charge of that member's Community Policing Squad.

GUIDELINES FOR MEMBERS WHO RECEIVE THE INITIAL REPORT**Listen carefully and be supportive**

8. A recent sexual assault victim is likely to be distraught and a description of events may not appear logical. Be patient and reassuring. Encourage the victim to tell you the information you need to take further action. Assure the victim of your support.
9. Consider the victim's physical circumstances and safety. They may be injured or still in danger.
10. First find out if the victim is safe or needs immediate medical attention. If the victim has telephoned, find out their location and offer immediate assistance. Also offer to contact a friend or relative of the victim.

Quickly Obtain Brief Details About What has Happened

11. Find out, if possible:
 - * the nature of the offence
 - * the victim's current location and contact number

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- * the victim's name, address and telephone number (if different to above)
- * the time and place of the offence
- * the number of offenders
- * the name (if known) and a description of each offender
- * the direction and means of departure of the offender(s)
- * if weapons were used.

Contact Relevant Police and Emergency Units

12. Once the necessary information has been obtained:

- * request an ambulance if urgent medical attention is required
- * dispatch a response unit
- * notify CPS and CIB members to attend
- * notify the on-call Forensic Medical Officer.

Inform the Victim about Retaining Forensic Evidence

13. Tell the victim that they should be careful to retain any evidence which may be useful in court. Encourage the victim not to wash, change clothes or touch anything from which evidence may be collected. Reassure the victim that a decision about whether to be involved in a prosecution does not have to be made immediately.

If the victim has contacted you by telephone, they may want to retain someone on the line until help arrives. This is a critical time to offer support and make the victim feel secure.

DO NOT continue questioning. Just having an open line may provide the necessary feeling of security.

Victims Who do not Want Further Police Involvement

14. Sometimes a victim may not want to become involved in a police investigation and may notify the police only to make them aware of the assault. If that is the case, try to find out as much about the offence as possible, in particular:

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- * the nature of the offence (e.g., vaginal, oral or anal intercourse)
 - * the name or a description of the offender(s) including identifying marks or traits
 - * the time and place of the assault
 - * whether weapons were used
 - * whether any other violence was involved
15. Attempt to obtain this information even if the victim does not want to give their name and address.
16. After obtaining as much information as possible, thank the victim for informing the police and advise them to contact their local CPS or CASA. Tell the victim it is important for their well-being to attend a sexual assault centre, hospital or doctor for a medical examination. Let the victim know that during the medical examination forensic evidence may be collected, which would help the police investigation if the victim should change their mind at a later stage.
17. CPS members and sexual assault counsellors will also be able to provide advice on:
- * application procedures for the Crimes Compensation Tribunal.
 - * support and counselling services.

GUIDELINES FOR MEMBERS WHO ARE FIRST ON THE SCENE**Protect and Support the Victim**

18. The victim may be in shock or experiencing extreme trauma. Tell the victim your name and assure the person they are safe, and that they should not blame themselves for the assault. Show your concern about the events.

Confirm or Establish Details to Identify the Offender

19. Though the member may have some information there may be need to confirm or establish:
- * the victim's name
 - * the time and place of the assault
 - * the name and/or a description of each offender.

*the direction and means of the offender(s)' departure.

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Do not attempt to go into great detail or obtain a lengthy statement from the victim - this should be a brief interview. You should not attempt to go into detail to determine if the allegation is "real".

Never presume an allegation is false until it is thoroughly investigated.

20. Initiate a search for the offender by relaying the relevant information to the nearest Police Communications Centre or D24.
21. Do not allow unnecessary patrol units to gather.

Preserve the Crime Scene

22. If attending to the victim, make sure another member is responsible for preserving the crime scene. When the crime scene involves a dwelling, include the complete dwelling and its surrounds.
23. Stay with the victim until a CPS or CIB member is available to take charge. Continue to provide support to the victim.
24. If there are no CPS members available, comply with the guidelines in the next section.

GUIDELINES FOR COMMUNITY POLICING SQUAD MEMBERS

Care for the Victim

25. When you are with the victim, be sensitive to their immediate physical and emotional needs.

Provide Information About a Medical Examination and Other Support Services

26. Advise the victim that you will take them to the nearest CASA or HCCU for a medical examination. Explain that a forensic medical officer will:
 - * assess and treat any immediate medical needs
 - * do tests for sexually transmitted diseases and pregnancy
 - * collect evidence for use in the investigation and possible prosecution.
27. A counsellor or advocate should be at the crisis care unit to provide emotional support for the victim and explain medical and legal options available.

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28. Emphasise that decisions about how to proceed are for the victim but that you, other police and the support people are there to help.

Organise a Change of Clothing

29. Before you take the victim to a CASA or HCCU, assist the victim to obtain a change of clothing if possible. Explain that the clothing worn at the time of the offence will be required for forensic evidence. Clothing must be carefully handled and individually packaged. If it is not possible to obtain a change of clothing before you go, it may be provided at the unit or hospital.

In cases of recent sexual assault, the victim should be conveyed to the nearest CASA or HCCU as soon as possible and in any event no later than TWO hours after reporting the assault to police.

30. Notify the appropriate CASA or HCCU and the Forensic Medical Officer that a victim is being brought in for examination and support.
31. During weekends and public holidays, access to the relevant CASA can be obtained through the After Hours Service Against Sexual Assault (see para 61).

Conduct a Preliminary Interview

32. Before the medical examination begins, find out what information has already been obtained from the victim. Then ask the victim for any other information about the offence that you (or they) think may assist the investigation or the forensic medical officer.
33. Advise the victim that a more detailed statement will need to be taken later (see paragraphs 40-46 for guidelines on interviewing sexual assault victims).

Allow the Victim as Much Control as Possible over their Situation

34. Explain all the necessary procedures - for example, that it is highly desirable that a medical examination be conducted and a statement taken. Also explain the investigative steps that are likely to follow. This will help the victim to make informed decisions about what to do and to regain a sense of control which they may have lost as a result of the assault.

Victims are far more likely to agree to be involved in police investigations if they have been properly briefed and treated as valuable witnesses at this early stage.

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Check that all Possible Evidence has Been Secured

35. This includes evidence at the crime scene, any medical evidence and the victim's clothing. Make sure exhibits are properly labelled and taken to the State Forensic Science Laboratory without delay.
36. Make notes of the victim's physical condition. Where appropriate, and the victim consents, ensure that photographs are taken of any injuries inflicted during the assault.

Provide the Victim with Information About Support Services

37. Make sure that the victim is given written information about sexual assault counselling, V.O.C.A.L., Crimes Compensation, the Victorian Court Information and Welfare Network and other relevant agencies.

Complete Paperwork and Give Your Name and Contact Number to the Victim

38. Complete a Sexual Offence Report (Form 284) and a Crime Report (Form 220). Provide the victim with your name and the telephone number for the nearest CPS.

Follow up When Preliminary Investigations Have Been Completed

39. Make sure that the victim is contacted within 10 days. This will enable you to obtain any further information about the offence that the victim might recall, as well as making sure that appropriate support and advice has been provided.

GUIDELINES FOR MEMBERS INTERVIEWING A SEXUAL ASSAULT VICTIM**Conducting the Interview**

40. Unless the victim otherwise requests, a CPS member of the same sex should conduct the interview and take a full statement.
41. Conduct the interview in a private and comfortable setting and limit the persons present. Gain the confidence of the victim - explain how and why the interview is to be conducted and assure them of your concern.
42. Take into account the physical and emotional state of the victim. Consult with the attending forensic medical officer and the victim or a sexual assault counsellor acting on the victim's behalf.
43. If the victim is intellectually disabled, conduct the interview with the assistance an independent third person. If necessary, contact the Office of Intellectual Disability Services (phone (03) 412 7495) for assistance.

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Take a Detailed and Accurate Statement

44. Allow the victim to describe the assault in their own words without interruptions. Phrase the questions sensitively. Try to reduce any embarrassment, shame or self blame. Remind the victim that it is the offender who has committed the crime.
45. Provide the victim with a copy of their statement as soon as possible after it has been completed.
46. Liaise with the investigator to provide information and support to the victim throughout the investigation and prosecution process.

GUIDELINES FOR INVESTIGATORS**Make an Initial Assessment**

47. When you arrive:
 - * find out who is in charge, and note their name, rank, and station
 - * find out what has been discovered about the incident so far and what action has been taken
 - * make sure the crime scene is identified. It should be adequately protected from contamination and guarded. If it has already been contaminated, find out what has been touched
 - * find out if any witnesses have been located. If so, find out if they have been recorded, isolated and are awaiting interview
 - * find out if any suspects have been apprehended. If so, determine whether they have been separated, searched and secured
 - * check who has been notified of the incident, e.g. Forensic Medical Officer, Rape Squad, CPS, CASA or HCCU.

Consider the Victim

48. Introduce yourself to the victim and explain your role as the investigator on the case.
49. Make sure priority is given to the physical and emotional welfare of the victim.
50. Do not attempt to undertake extensive investigative procedures involving the victim until a medical examination has been conducted.

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In cases of recent sexual assault, the victim should be taken to the nearest CASA or HCCU as soon as possible and in any event no later than TWO hours after reporting the assault to the police.

51. Remember that people react differently to traumatic events. A victim may appear very composed and be able to calmly discuss the incident. You should not infer from this that the victim is unaffected by the assault or is lying - the victim may be able to control their true feelings or may be suffering from physical exhaustion. Alternatively, a victim may be in a very distressed state, (crying, shaking etc) and may not be able to relate details of the incident in an accurate or chronological manner. You should not infer from this that you are being given false or misleading information.

Monitor the Progress of the Victim's Statement

52. The victim's statement will be taken by a CPS member. Do not stay in the same room but remain where you can be contacted by the CPS member. This will mean you can be told details of the statement which may be important for the investigation. You will also be able to ask the CPS member to obtain more information on specific matters without disturbing the taking of the statement.

Keep the Victim Informed About the Investigation

53. Let the victim know if an alleged offender is caught and whether charges have or will be laid. If no progress is made, you should advise the victim within 7 days of the initial report. After that time, contact should be made every week (or more frequently where appropriate) until the offender is located or the investigation discontinued.
54. Arrange with CPS members to provide support for the victim throughout the investigation and prosecution process.
55. In co-operation with the CPS member(s), make sure:
- * the victim is made aware of available counselling services and their right to apply for crimes compensation
 - * the victim is advised about what may be required of them at subsequent court hearings. Assistance can be obtained from the Court Information and Welfare Network (see para 62)
 - * arrangements are made, if necessary, for:
 - child minding facilities; and
 - transport for the victim to and from court hearings.

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56. Advise the victim of the outcome of bail applications and any conditions of bail which are designed to protect the victim from the accused.

You are responsible for providing information and support to the victim throughout the investigation and prosecution process.

Close liaison with the CPS will result in an efficient and professional investigation and will help the victim be a better witness in the courtroom.

Make Sure the Victim is Told if a Decision is Made Not to Continue Investigations or not to Lay Charges

57. Make sure that the decision and reasons for it are communicated to the victim both verbally and, if requested, in writing.
58. Tell the victim that they have a right to request the Director of Public Prosecutions for a review if a decision not to charge has been made.

SUPPORT SERVICES

Centres Against Sexual Assault

59. CASA's operate throughout Victoria. These services have been established to provide both crisis and ongoing counselling support to recent and past victims of sexual assault. Not all operate on a 24 hour basis.
60. All victims of sexual assault have the right of access to sexual assault services. Police members should provide victims with information regarding the existence of such centres and the services offered. These include:
- * immediate crisis counselling and support
 - * follow-up, longer term counselling and support
 - * information regarding the victim's options and rights within the legal system
 - * information regarding medical options, including follow-up medical treatment
 - * assistance in the management of sexually transmitted diseases and/or pregnancy arising from the assault

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- * assistance in the management of other practical consequences of the assault such as emergency housing, compensation, etc.
- * support and information to friends and family members.

Contact Numbers61. **Metropolitan** (24 hour service)

After Hours Service Against Sexual Assault	(03)349 1212
	(Weekends & Public Holidays only)
C.A.S.A. House (Royal Women's Hospital)	(03) 344 2210
Royal Children's Hospital	(03) 345 5522
Monash Medical Centre	(03) 550 2289
North East CASA (Austin Hospital)	(03) 450 5770

Country (if no answer, ring After Hours Service)

Rape Crisis Centre Geelong	(052) 22 4802
Goulburn Valley CASA	(058) 31 2343
Loddon Campaspe Sexual Assault Service (Bendigo Base Hospital)	(054) 41 0430
Ballarat Sexual Assault Centre (Ballarat Base Hospital)	(053) 32 1771
Kalparrin CASA Morwell	(051) 34 3992
Mallee Sexual Assault Unit	(050) 22 3444
Warrnambool Sexual Assault Centre	(055) 64 9400
Horsham Sexual Assault Service	(053) 81 9111

Victorian Court Information and Welfare Network

62. The Court Information and Welfare Network offers assistance in the form of support and non-legal information to all people in contact with the courts. Court Network services are available at a number of metropolitan and country Magistrate's Courts, and at the County, Supreme and Coroner's Courts.
63. The Network's headquarters are at 241 William Street, Melbourne. Telephone (03) 670 6977.

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Office of Forensic Medicine

64. The Office of Forensic Medicine is available 24 hours a day to offer advice on medical or forensic issues relating to sexual assaults and can be contacted on (03) 667 1657 or via D24.

Victim Liaison Officer

65. The Victim Liaison Officer for the Victoria Police is located at Hamilton House, 102 Jolimont Road, Jolimont and can be contacted on (03) 655 9340 for advice on:

- * assistance for victims
- * Crimes Compensation procedures and entitlements.

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