

OGDEN CITY POLICE

Office of the Chief

Policy No: 75

Subject Sexual Assault Investigations	Effective Date January 16, 2025
Department Police	Replaces Policy Dated N/A
Division All Police Personnel	Review Date January 2029
Authorized Signature 	

NOTE: This rule or regulation is for internal use only and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this agency, and then only in a non-judicial administrative setting.

I. PURPOSE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines aim to ensure a thorough, sensitive, and victim-centered approach while addressing the complexities inherent to these types of case.

II. POLICY

It is the policy of the Ogden City Police Department to respond to reports of sexual assaults in a manner that minimizes trauma to victims, aggressively investigates these cases, expedites the apprehension and conviction of perpetrators, and ensures the safety of victims and the community.

III. DEFINITIONS

A. Restricted sexual assault kit - A sexual assault kit collected from a victim who is at least 18 years old at the time of collection and declines to have the kit processed or to have the examination form shared with any entity outside of the collection facility (Utah Code 53-10-902).

- B. **Sexual assault** - Any crime or attempted crime of a sexual nature, to include but not limited to offenses defined in Utah Code, Title 76, Chapter 5, Part 4 (Sexual Offenses).
- C. **Sexual assault kit** - A package of items that is used by medical personnel to gather and preserve biological and physical evidence following an allegation of sexual assault (Utah Code 53-10-902).
- D. **Sexual Assault Response Team (SART)** - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

IV. PROCEDURE

- A. **INVESTIGATORS:** Investigators should be available for assignment of sexual assault investigations. These investigators should:
 - 1. Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.
 - 2. Conduct follow-up interviews and investigation.
 - 3. Present appropriate cases of alleged sexual assault to the prosecutor for review.
 - 4. Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.
 - 5. Provide referrals to victim advocates and support for the victim.
 - 6. Participate in or coordinate with the SART or other multidisciplinary investigative teams as applicable.
- B. **REPORTING:** In all reported or suspected cases of sexual assault, a report shall be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

C. **RELEASING INFORMATION TO THE PUBLIC:** In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing investigative leads. The Investigation Bureau supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent additional crimes.

V. VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to Dispatch, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

Victims should not be asked or required to take a polygraph examination (34 USC § 10451).

Victims should be apprised of applicable victim's rights provisions.

VI. AGENCY RESPONSIBILITIES

Upon written request from the victim, or their designee, agencies investigating or receiving a report of an alleged sexual assault shall inform the victim or their designee of their rights in accordance with Utah Code 77-37-3.

VII. NOTIFICATION UPON ARREST OR ISSUANCE OF A CITATION

When an officer arrests or issues a citation to a person 18 years of age or older for a qualifying sexual offense, the officer shall provide the individual with the written notice required by Utah Code 78B-7-802.

VIII. COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

Subject to the requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

IV. DNA TEST RESULTS

Agencies investigating sexual assault cases should ensure that a victim, or their designee, is notified of any DNA test results as soon as reasonably practicable (Utah Code 77-37-3).

Agencies investigating sexual assaults cases should ensure that DNA results are entered into databases when appropriate and as soon as practicable.

X. COLLECTION AND TESTING REQUIREMENTS

Agencies investigating sexual assaults or handling related evidence are required to:

1. Notify the victim, or the victim's designee, if evidence will not be analyzed in a case involving an unknown perpetrator (Utah Code 77-37-3).
2. Take possession of sexual assault kits within one business day after receiving notice from a collecting facility (Utah Code 53-10-904; Utah Code 53-10-907).
 - a. The Agency taking possession of the kit should ensure that the required information is entered into the statewide sexual assault kit tracking system within five days of receiving the kit from a collection facility
3. Transfer the kit to the appropriate law enforcement agency within 10 days in cases where the incident occurred in another jurisdiction (Utah Code 53-10-904).
4. Submit the kit to the Utah Bureau of Forensic Services within 30 days of obtaining possession of the kit except for cases involving restricted kits in accordance with standards described in Utah Code 53-10-904.