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# KANSAS CITY, KANSAS POLICE

## GENERAL ORDER

SUBJECT: Sexual Assault Victims

ORDER NUMBER: 50.02

ISSUED DATE: 12/29/2014

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CROSS REFERENCE:

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#### I. PURPOSE

- A. To inform all sworn police personnel of the procedure for treatment and transportation of sexual assault victims.

#### II. POLICY

- A. Officers should be cognizant of the trauma caused by sexual assault and shall at all times protect, aid and comfort the victim of a sexual assault. The officer shall explain to the victim that an examination is necessary for evidence collection and if delayed, evidence could be lost, and apprehension and prosecution of the offender may be adversely affected.

- B. Unless requested by the victim, all victims of sexual assault, attempted sexual assault or alleged sexual assault 16 years of age and older will be taken to The University of Kansas Hospital for medical treatment and the obtaining of medical evidence of the crime (K.S.A. 65-448). When the victim is a juvenile or an adult with developmental disability/cognitive impairment, Section III A-D procedures shall be followed.

1. Examinations at The University of Kansas Hospital for sexual assault victims may be conducted within 7 days (168 hours) from the assault. If it has been more than 7 days (168 hours) since the assault, the victim may be referred to Shawnee Mission Medical Center for an examination up to 30 days after the assault.
2. Costs of conducting an examination of a victim as herein provided shall be charged to and paid by the county where the alleged offense was committed.
3. The officer should also have the Criminal Investigations Bureau notified of the incident. In cases of serious injury to the victim, the Commander of the Crimes Against Persons Unit should be notified and an Investigator assigned for immediate follow-up.
4. The Field Sergeant/Detective will notify Crime Scene Investigation to respond as appropriate to collect evidence and take photographs.

- C. Officers, when feasible, will accompany the victim into the Emergency Room and quietly advise the supervisor that

the victim has arrived. The officer will communicate with the Sexual Assault Nurse Examiner (SANE) regarding the case and other information that would affect the medical/legal examination. The officer will ensure that the Nurse has activated a Metropolitan Organization to Counter Sexual Assault (MOCSA) Hospital Advocate.

- D. If the victim's examination and treatment is not completed when the officer has completed the initial report, the officer is not required to wait. The officer will request that the emergency room staff call the Department when the victim and rape kit are ready. The first available officer will respond back to the hospital for further appropriate action.

- E. Law Enforcement Officers cannot request or require a victim of sexual assault to submit to a polygraph examination or similar truth telling device as a condition for proceeding with an investigation or completing an initial report ( K.S.A. 22-4614).

- F. A victim of sexual assault may request an examination at the hospital without reporting the assault to law enforcement. The evidence will be sent to KBI by the hospital and held for five (5) years, during which the victim may report the offense to law enforcement. If a victim reports the assault after having an anonymous kit, the officer will request the anonymous kit number and include in the report if possible. Hospitals are mandated to report children and elderly victims of sexual assault (K.S.A.).

### III. JUVENILE VICTIMS OF SEXUAL ASSAULT/ABUSE

- A. Juvenile victims 15 years of age or younger who have been a victim of sexual assault/abuse, shall be taken to Children's Mercy Hospital (2401 Gillham Road, Kansas City, MO) or Children's Mercy South (5808 W. 110<sup>th</sup> St. Overland Park, Kansas for medical treatment and the obtaining of medical evidence of the crime (KSA 65-448) if the following conditions apply:

1. Any skin to skin contact within the past 7 days (168 hours).
2. There is active genital or rectal bleeding.
3. There is visible genital or rectal trauma; or
4. There is visible physical injury from abuse.
5. If the juvenile victim is to be placed in police protective custody, the preferred location for the medical examination is Children's Mercy South (5808 W. 110<sup>th</sup> St., Overland Park, KS).

- B. Juvenile victims 15 years of age or younger who have been a victim of sexual assault/abuse, shall be referred to the Victim Services Unit if the following conditions apply:

1. Any skin to skin contact that occurred more than 7 days ago (168 hours).
2. The victim might be pregnant; or

3. The physical abuse has healed, there is no active bleeding or infection, and the victim is not in pain.
- C. Juvenile victims 16 years of age and older who have been a victim of sexual assault/abuse shall be referred to The University of Kansas Hospital or Children's Mercy for medical treatment and the obtaining of medical evidence of the crime (KSA 65-448) if the following conditions apply:
1. Any skin to skin contact within the past 7 days (168 hours).
  2. There is active genital or rectal bleeding.
  3. There is visible genital or rectal trauma; or
  4. There is visible physical injury from abuse.
- D. Juvenile victims 16 years of age and older who have been victims of sexual assault/abuse shall be referred to The University of Kansas Hospital or Children's Mercy if the following conditions apply:
1. Any skin to skin contact that occurred more than 7 days ago (168 hours).
  2. There are only complaints of genital or rectal bleeding.
  3. The victim might be pregnant; or
  4. The physical abuse has healed, there is no active bleeding or infection and the victim is not in pain.
- E. If a child is taken into protective custody, pursuant to an officer's reasonable belief that the child will be harmed if not immediately removed from the place or residence in which the child has been found, and the child is transported to Children's Mercy Hospital in Kansas City, Missouri or other hospital in the State of Missouri for medical treatment, the officer and/or the supervisor shall inform medical staff of the circumstances surrounding the determination that the child should be taken into custody as a CINC and the need for temporary court orders from the Jackson County Circuit Court pursuant to RSMo. 210.125. The officer then shall contact the law enforcement agency within the hospital's jurisdiction. In cases within the jurisdiction of the Kansas City, Missouri Police Department contact should be made with the Crimes Against Children unit at 816-234-5150 or 816-234-5152. The officer shall not transport the child from Children's Mercy Hospital or any other hospital in the State of Missouri to JIAC, but rather must allow for the Missouri Department of Social Services to transfer the CINC case to Kansas Department for Children and Families.

#### IV. VICTIM SERVICES

- A. The Victim Services Unit is charged with acting as a liaison between victims and the Department, and will assist victims in ensuring that their rights are upheld and needs are met. This includes providing emotional support, assisting with Victim's Compensation applications where aid is available, assisting with monitoring the status of their case and with referrals to appropriate community and government services.
- B. The Victim Services Unit has appropriate informational forms for victims which list referral, support, and assistance available to them by the Unified Government, state and private agencies for their assistance during the investigation.

1. The Victim Services Unit will also make available to victims information as to compensation programs, counseling programs, restitution procedures, and victim advocacy programs provided by the state, county and city.
- C. Victim Advocates are on-call twenty four (24) hours a day, seven (7) days a week. Advocates shall respond to assist victims of rape or sexual abuse as directed.