



Eric Hawkins
Chief of Police

ALBANY, NEW YORK
POLICE DEPARTMENT
165 HENRY JOHNSON BOULEVARD
ALBANY, NEW YORK 12210



1789

RESPONSE TO SEX CRIMES
GENERAL ORDER NO: 3.1.55

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- PURPOSE:** The purpose of this policy is to provide officers and investigators with guidelines for responding to reports of sexual assault, assisting victims, collaborating with local health and service agencies, and conducting interviews with victims, witnesses, and suspects.
- POLICY:** It is the policy of the Albany Police Department to treat all victims with dignity and respect, and to ensure that victims of sex crimes are provided a private setting where they are not visible and conversations cannot be overheard when being interviewed.
- DEFINITIONS:** **Victim Advocate** – Victim advocate applies to a wide range of service providers, rape crisis counselors, social workers, victim witness providers within a prosecutor's office, and law enforcement officers, including departmental victim advocates. Depending on the primary functions of these different advocates, the levels of confidentiality and privilege vary and should be communicated to the victim.

I. PROCEDURES

A. Dispatcher or Call Taker Response:

1. Due to the trauma of a sexual assault, a victim reaching out for assistance may be in crisis. The victim's behaviors may actually be symptomatic of this condition and can range from hysteria, crying and rage to laughter, calmness, and unresponsiveness. There is no one typical reaction, so it is important to refrain from judging or disregarding any victim.
2. When a caller reports a sexual assault, Communications personnel shall follow standard emergency response to include evaluating and properly prioritizing the call, securing medical assistance, inquiring about a suspect's current location, and obtaining detailed information to identify the suspect. Information about the relationship with the victim, weapon use, and history of violence shall also be obtained.
3. To ensure critical evidence is not lost, Communications personnel shall:
 - a. Ask whether the victim has bathed, urinated, or made other

- physical changes and advise against doing so.
- b. Ask the victim to use a clean jar to collect the urine should the victim have to urinate.
 - c. Let the victim know that other evidence may still be identified and recovered so the crime should still be reported if the victim has bathed or made other physical changes.
 - d. Preserve the communications recording and printout for the investigation.
 - e. Explain to the caller that these questions will not delay an officer's response to the caller's location.

B. Initial Officer Response:

1. The initial officer responding to the scene shall:
 - a. Make contact with the victim, as soon as possible, to address safety concerns and summon emergency medical assistance, if needed.
 - b. Evaluate the scene for people, vehicles, or objects involved, as well as possible threats.
 - c. Relay all vital information to responding officers and supervisors, including any possible language barriers.
 - d. Secure the crime scene to ensure that evidence is not lost, changed, or contaminated.
 - e. Request assistance from detectives, evidence technicians, crime, and the prosecuting attorney, when appropriate, and in accordance with current directives.
 - f. Begin a search for the suspect, when appropriate.
2. Assisting the victim, officers shall:
 - a. Show understanding, patience, and respect for the victim's dignity and attempt to establish trust and rapport.
 - b. Inform the victim that an officer of the same sex will be provided, if desired and available.
 - c. Contact a victim advocate, through the Albany County Crime Victim and Sexual Violence Center, as soon as possible, to provide assistance throughout the reporting and investigative process.
 - d. Supply victims of sexual assault, in writing, with the name, address, and telephone number of the nearest sexual assault crisis center:
 - i. Albany County Crime Victim and Sexual Violence Center
112 State Street – Room 1110
Albany, NY 12207
24 Hour Hotline (518) 447.7716
Administrative Office (518) 447.7100 or (518) 447.5500
 - a) This information is available on the present Albany Police Department Rights of Victims of Family Offenses Form, shown on pages 9 and 10 of this order.
 - b) Personnel shall provide the victim with a copy of said form,

as well as advise the victim of the information contained therein.

3. Evidence Collection:

- a. Victim-centered care is paramount to the success of the forensic examination of victims of sexual assault. A timely, professional forensic examination increases the likelihood that injuries will be documented and evidence collected to aid in the investigation and prosecution of sex offenders.
- b. Investigating Officer Actions: (If the victim wishes to go to a hospital, a medical professional will assist in explaining the below information to the victim.)
 - i. Ask the victim whether there is anyone who should be called or notified, and facilitate this contact.
 - ii. Address any special needs of the victim, such as communication or mobility, and notify the victim advocate of the special need.
 - iii. Explain the purpose of the forensic examination and its importance to the investigation and provide the victim with information on the procedure.
 - iv. Inquire whether the victim will consent to a forensic examination.
 - v. Inform the victim of the right to decline any or all parts of the examination.
 - vi. Encourage a victim who is unwilling to undergo a forensic exam to get medical attention including testing for pregnancy and sexually transmitted diseases.
 - vii. Notify a victim advocate to offer the victim support when a forensic examination is to be conducted.
 - viii. Advise the victim that the forensic examiner will collect any clothing that was worn during or immediately after the sexual assault.
 - ix. Assist in arranging for clothing the victim may need after the examination.
 - x. The officer shall accompany the victim to the hospital and relay relevant information to hospital staff, as well as arrange for pickup of the evidence collection kit upon completion.
 - a) Victims are entitled to choose the location these procedures are performed, including outside of the City of Albany, however it should be expressed to the victim that Albany Medical Center is best suited for these types of examinations because of the Sexual Assault Nurse Examiner (S.A.N.E.) program and established evidence collection procedures.
 - xi. When taking custody of the evidence collection kit from the hospital, officers shall complete an Albany Police

Department Property Report documenting the chain of custody and shall secure the kit in the refrigerator of the [REDACTED] Evidence Room, in accordance with current directives.

C. Stranger vs. Non-stranger Assaults:

1. Responding officers shall be familiar with common defenses to the charges of sexual assault.

a. The majority of non-stranger sexual assaults result in a consent defense. Thus, evidence of particular importance includes:

- i. Evidence of physical or verbal resistance on the part of the victim.
- ii. Evidence of genital or non-genital injury.
- iii. Detailed account of the victim's thoughts and feelings during the assault.
- iv. Information regarding the suspect's size and strength in comparison to the victim's.
- v. Information regarding the environment in which the assault took place (such as isolation, soundproofing).
- vi. Information regarding the victim's behavior after the assault, including posttraumatic stress.

b. Stranger Assault:

- i. Evidence in stranger sexual assaults often center on a question of identification pending the processing of DNA evidence. Therefore, investigative strategies must remain flexible. An identity defense will typically include latent fingerprints, line-ups, DNA, and trace evidence.

D. Identifying and Locating Witnesses and Suspects:

1. When interviewing the victim, officers shall take into consideration the victim's emotional and physical state, and shall ensure that the victim receives proper medical attention.
2. Responding officers must identify and interview any potential witnesses, bearing in mind that there may be multiple crime scenes. It is especially important that the first person the victim told about the sexual assault be identified and interviewed.

E. Victim Interviews:

1. Personnel shall provide a private setting for interviewing victims of a crime defined in article 130 or section 255.25, 255.26 or 255.27 of the NYS Penal Law.
 - a. Per NYS Executive Law Sec. 642 Sub. 2-a, a private setting is an enclosed room from which occupants are not visible or otherwise

identifiable, and whose conversations cannot be heard from outside such room.

- b. This shall include suspending all audio/video recording of the interview.

2. Only the following persons shall be present during the interview of the victim:

- a. Persons directly and immediately related to the interviewing of a particular victim (e.g., officers/detectives assigned to the case);
- b. The victim;
- c. A social worker, rape crisis counselor, psychologist, or other professional providing emotional support to the victim, unless the victim objects to the presence of such person and requests the exclusion of such person from the interview; and
- d. Where appropriate, the parent or parents of the victim, if requested by the victim, shall be present during the interview of the victim.

F. Preliminary Victim Interview:

1. Sexual assault investigations typically include both a preliminary and subsequent in-depth interview with the victim. The preliminary interview is intended to establish whether a crime has occurred.
2. In the initial response, the officer shall first establish the elements of the crime(s) and identify any and all witnesses, suspect(s), evidence, and crime scene(s). The officer must understand, and the report shall indicate, that the preliminary interview is not intended to be a comprehensive or final interview. Additional interviews will be needed as the investigation develops.
3. Involve a Victim Advocate:
 - a. Every effort shall be made by the investigating officer to contact a victim advocate as soon as possible. If the victim declines assistance from an advocate, personnel shall provide the victim with written referrals for community resources specifically designed to help victims of sexual assault, as described in this policy.

4. Victim Interview Protocol:

- a. Based on the length of time between the assault and report of the crime and the individual's personal history, the victim may be in crisis and experiencing posttraumatic stress disorder or rape trauma syndrome and exhibiting a range of behaviors that will likely change over time.
- b. The victim's response to the trauma of a sexual assault shall not be used in any way to measure credibility. When drugs or alcohol are involved, the victim may have limited recollection or be unable to give a complete account of the crime. Not knowing the details of what happened may exacerbate the trauma experienced by the victim.
- c. Interviews shall be conducted promptly if the victim is coherent and

consensual.

- d. Proceeding with or conducting a thorough investigation shall not be contingent upon laboratory findings.

5. Prior to initiating the interview, the officer shall:

- a. Interview any witness who might have seen or spoken with the victim before, during, or after the assault.
- b. Accommodate the victim's request for a rape crisis advocate or support person, whenever possible.
- c. Secure a private location for the interview that is free from distractions.
- d. Express sympathy to the victim and an interest in the victim's well-being.

6. During the interview, the officer shall:

- a. Obtain contact information for the victim, including temporary accommodations.
- b. Explain the nature of the preliminary interview and the need for follow-up contacts.
- c. Ask victims to explain what they remember and how they felt.
- d. Revisit the possibility of a support person for victims who initially declined the offer.
- e. Explain that other professionals such as forensic examiners, detectives, evidence technicians, and prosecutors may have additional questions.

7. At the conclusion of the initial interview, the officer shall:

- a. Give the victim the investigating detective's contact information.
- b. Encourage the victim to contact the detective with any additional information or evidence.
- c. Remind the victim that visible evidence of injury may appear later, and to contact the investigators for additional photographs or other documentation.
- d. Ensure that requests for victim protection orders are made, where allowed.
- e. Provide written referrals for victim service organizations.
- f. Provide transportation when reasonably possible.
- g. Inform the victim about next steps in the investigation.

G. Protecting Victim Rights:

1. Throughout the investigation of the case, officers shall protect the confidentiality of the victim's information to the maximum extent possible by law and policy.
2. In addition, victims should be provided information on:
 - a. The rights of a crime victim, personnel shall refer to procedures outlined in GO 2.5.15 – Victim/Witness Assistance.

- b. How to contact police if harassed or intimidated by the suspect(s).
- c. How to obtain written permission from the victim prior to releasing information.
- d. The definitions of information that is part of the public record and confidential.
- e. The possibility of media coverage and information the media has access to regarding sexual assault crimes.
 - i. This information can be located in GO 2.5.00 – Public Information.

H. Follow-Up Interview Protocol:

1. An in-depth follow-up interview shall be conducted after the victim has been medically examined and treated, and personal needs have been met.
2. In the event that the victim is still under the influence of drugs or alcohol, has been injured, or as a result of the assault has not slept, and barring exigent circumstances requiring an arrest or identification, the interview shall be delayed.
3. The interview shall be conducted in a location that is convenient, accessible, and comfortable for the victim. The detective shall provide or arrange for transportation for the victim, when needed.
4. At the start of the follow-up interview, the detective shall:
 - a. Accommodate the victim's request for a rape crisis advocate or support person, whenever possible.
 - b. Discuss the purpose and scope of the interview.
 - c. Review contact information for both the victim and detective that may need to be updated.
 - d. Explain the victim's rights, including confidentiality.
 - e. Address arrest decisions, including an explanation of the status of the case.
5. While conducting the follow-up interview, the detective shall:
 - a. First allow the victim to describe what occurred without interruption;
 - b. Relay what he or she heard for accuracy, identify new information or developments, and ask questions.
 - c. Clarify any inconsistencies with earlier accounts of the sexual assault in a nonthreatening manner.
 - d. Document the victim's actions in response to the attack, the victim's state of mind during the attack, specific statements made by the perpetrator, and the nature of any relationship with the suspect and explain the importance of these questions from a prosecutorial standpoint.
 - e. Inquire about any circumstances that may indicate the use of a drug to facilitate the sexual assault (such as whether the victim experienced any loss of memory, disorientation, severe illness, or hallucinations).
 - f. Assist the victim in developing a safety plan, in the event safety

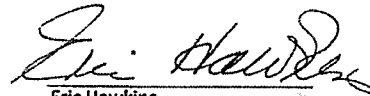
concerns exist, and encourage the victim to call police if the suspect violates any existing criminal or court orders or if the suspect contacts the victim in any way.

I. Arrest and Prosecution Decisions:

1. In the immediate aftermath of a sexual assault, a victim shall not be expected or encouraged to make decisions regarding the investigation or charges related to the offense. Officers shall not introduce any forms for a victim to sign to decline an investigation.

J. Delayed Reports:

1. Due to the trauma and fear experienced by victims, delayed reporting of sexual assaults is common and should not deter a thorough investigation. Officers shall not pose questions that could be perceived as judgmental or accusatory regarding a delayed report.



Eric Hawkins
Chief of Police

If you are the victim of domestic violence, you may request that the officer assist in providing for your safety and that of your children, including providing information on how to obtain a temporary order of protection. You may also request that the officer assist you in obtaining your essential personal effects and taking you, or assist in making arrangements to take you, and your children to a safe place within such officer's jurisdiction. This may include a domestic violence program, a family member's or a friend's residence, or a similar place of safety. If you or your children are in need of medical treatment, you have the right to request that the officer assist you in obtaining such medical treatment. You have the right to seek legal counsel of your own choosing and if you proceed in family court, and if it is determined that you cannot afford an attorney, one must be appointed to represent you without cost to you.

You may ask the law enforcement officer how to proceed in order to prosecute this criminal complaint. You have the right to file a petition in family court when a family offense has been committed against you. Either or both, Family court and Criminal court may issue an order of protection when a family offense has been committed. You may also petition Family court for temporary child support and/or custody of your children.

The resources available in this community for information relating to domestic violence, shelters and referrals are listed on this form. The New York State Coalition Against Domestic Violence Hotline is (English) 1-800-942-6906, (Spanish) 1-800-942-6908.

Officer: _____
 Incident#: _____
 Complainant's Name _____
 Complainant's Signature: _____
 Date: _____

FILING A CRIMINAL COMPLAINT OR A FAMILY COURT PETITION CONTAINING ALLEGATIONS THAT ARE KNOWINGLY FALSE IS A CRIME.

ALBANY POLICE DEPARTMENT
 DOMESTIC VIOLENCE PROGRAM
 Public Safety Building
 1 Morton Ave., Albany 12202
 (518) 447-8770

EQUINOX INC.
 DOMESTIC VIOLENCE SERVICES
 95 Central Avenue, Albany 12206
 24 Hour Hotline (518) 432- 7865

HOMELESS AND TRAVELER'S AID
 138 Central Ave, Albany 12206 (518)463-2124
 162 Washington Ave, Albany (518)447-7285

ALBANY COUNTY CRIME VICTIM AND
 SEXUAL VIOLENCE CENTER
 112 State Street - Room 1110, Albany 12207
 24 Hour Hotline(518) 447-7716
 Administrative Office (518) 447-7100 (518)447-5500

UNITY HOUSE DOMESTIC VIOLENCE SERVICES
 504 Broadway, Troy 12180
 24 hour Hotline (518) 272-2370
 Administrative Office (518) 272-5917

UNITED WAY 211 NORTHEAST REGION
 Call 211
 Monday -- Friday 9:00am -- 5:00pm

IN OUR OWN VOICES
 CAPITAL REGION LGBT ANTI-VIOLENCE PROJECT
 245 Lark St
 Albany, NY 12210
 Support line (518)432-4341 Office (518) 432-4188

INCIDENT/ACCIDENT REFERRAL

Date of Incident/Accident: _____ Incident #: _____
 Name: _____ DOB: _____
 Address: _____
 License Plate: _____ State: _____ Insurance Code: _____
 Location: _____
 Officer: _____ Shield/Pin: _____

Type of Accident / Report

<input type="checkbox"/> PDAA	<input type="checkbox"/> PIAA
<input type="checkbox"/> HIT & RUN	<input type="checkbox"/> FATAL
<input type="checkbox"/> SIR	<input type="checkbox"/> NO REPORT

For Copies of Reports Online:
 Secure copies of reports are available online after 3-5 business days at: www.crashdocs.org/albany.
 Locate your report using your last name, incident number, and date of incident. For help, contact us at 462-8019.

Other Albany Police Department Numbers:

Emergency: 911
 Non-Emergency438-4000
 Chief of Police:462-8012
 South Station:462-8049
 Center Station:458-5661
 Traffic/Special Operations:462-6593
 Detective Office:462-8039
 Inquiries about active criminal case investigations should be directed to:
 CCCIU462-8075
 E-mail inquiries to.....ccciu@albanv-ny.org

For Paper Copies of Reports:
 Copies of reports are available after 2-3 business days at the following location:
 Albany Police Headquarters
 Administrative Services
 165 Henry Johnson Boulevard
 Albany, NY 12210
 (ANY ADJUSTMENTS MUST BE MADE BY THE ORIGINAL OFFICER)
 PHOTO ID IS REQUIRED i.e. (License, Employee ID, etc)
 \$0.25/page. Contact us @ 462-8019.



Albany Police Department
Safety Tips

PERSONAL SAFETY

- When walking, try not to walk alone.
- At night, walk in well-lit areas.
- Always be alert to your surroundings.
- Trust your instincts. If you see someone that makes you uncomfortable, try to walk away and get help.
- Use a safety whistle to scare away a potential criminal and to summons help.
- A free Albany Police whistle is available by calling: 438-4000. Ask for the Community Services Officer.

VEHICLE SAFETY

- When parking, be certain to lock your car.
- Secure and hide your valuables. Thieves are frequently attracted to items such as cell phones, change holders, laptop computers, etc. that are left exposed in a vehicle.
- When possible, please take any valuables with you.
- During night hours, please be certain to park your car in a well-lit area.
- Have your key ready when you go back to your car.
- Do not leave your car running and unattended!
- Thieves will easily steal an unlocked and unattended vehicle with the keys inside it.
- The driver of an unattended running vehicle is subject to a violation, with penalties as high as \$100.00 and additional traffic court fees.

HOME SAFETY/BURGLARY PREVENTION

- When at home, keep all your house doors locked.
- Never answer/open a door before you are certain that you know who is knocking.
- At night, always have an outside light on.
- When away, try to leave both an interior and exterior light on. A motion defector/timer light is suggested.
- Be certain to use deadbolt locks.
- Try to lock/secure windows. Window pins are helpful.
- Call APD, 438-8000 for a free security survey.

SCAMS

- Home repair scams are frequent. Never agree to pay for home repairs/improvements without fully checking on the contractor. Ask for references before you give any money.
- Telephone telemarketers are very aggressive and are often fraudulent.
- Never give your credit card number.
- Always ask for more information by mail.
- Don't be afraid to just say no and hang-up.

SAFETY TIPS FOR KIDS

- Work out a safe route to school with your parents. Choose the quickest way with the fewest street crossings and use intersections with crossing guards. Stay away from places where there aren't many people around.
- Whenever possible walk to and from school with a friend, neighbor, brother or sister. Don't go by yourself.
- Be sure you know your home phone number (including area code) and address, the numbers of your parents at work and of another trusted adult and how to use 911 for emergencies.
- Never talk to strangers or accept rides or gifts from strangers. Remember, a stranger is anyone you or your parents don't know well and trust.
- If you bike or stoke to school, wear a helmet, and don't forget to lock up your bike with a sturdy lock wherever you leave it.
- If you're home alone after school, check in with a parent or neighbor as soon as you walk in the door.
- Let parents and friends know if you stay late after school. Get permission first if you want to play with a friend instead of going home.
- If you see anyone doing something that makes you uneasy or you think isn't right -- a stranger hanging around the school playground, a bigger kid bullying younger children, vandalism or graffiti for example -- tell your parents, a teacher, or another trusted adult.
- HELP McGRUFF TAKE A BITE OUT OF CRIME!



**NEW YORK STATE
CRIME VICTIMS BOARD**

For a claim application, the location of your local victim assistance program, or for any questions, contact the Crime Victims Board at:

Albany
1 Columbia Circle
Suite 200
Albany, NY 12203-6383
(518) 457-8727

New York City
55 Hanson Place
Room 1000
Brooklyn, NY 11217-1523
(718) 923-4325

Buffalo
65 Court Street
Room 308
Buffalo, NY 14202-3406
(716) 847-7992

1-800-247-8035
www.cvb.state.ny.us
TTY: 1-888-289-9747

Local Victim Assistance Program:
Albany County Crime Victims
(518) 447-5500

CRIME VICTIMS CAN GET HELP

1. You may be eligible for compensation from the New York State Crime Victims Board for items such as: lost wages, medical expenses, counseling, funeral expenses, essential personal property, occupational rehabilitation, moving expenses or crime scene clean-up.
2. Police and District Attorney can help protect you against harassment and intimidation.
3. Compensation applications, informative brochures and information cards on crime victim compensation may be found in every police station, precinct house and any location in New York State where a crime may be reported.

See the reverse side of this card for CRIME VICTIMS BOARD contact information. The Crime Victims Board can provide information on compensation and services offered to crime victims and the location of your local victim assistance program.

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