

Somerset County Protocol Manual

(Applies to Crimes of Domestic and Sexual Violence)

Somerset County

Domestic Violence

Protocol

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Statement of Purpose

The principle purpose of this Protocol is to establish uniform policies and procedures to be followed by Somerset County law enforcement and others who are involved with response to domestic disturbance calls. This Protocol is not intended to supercede department policies; however, it is designed to assist departments in creating and recommending policies and procedures. If a department chooses not to accept this Protocol as their standard operating procedure, a copy of their policy shall be submitted to the District Attorney for review.

Scope of Coverage

Domestic Violence is defined by the relationship of the victim to the perpetrator, not by the crime committed. Domestic Violence includes any actual or threatened physical violence (Not Sexual Assault) between persons in a “Covered Relationship” to each other. This applies to offenses under 2711. Sexual Assault will be addressed in the Sexual Assault Protocol.

Covered relationships:

Person related by blood or marriage

Spouses, former spouses, or people who are living or have lived as spouses

Persons who live in the same household

Persons who are biological parents of the same child

Parents and children

Current or former sexual partners, which may include dating relationships or same gender couples

Procedure

Dispatcher

This Protocol cannot compel any dispatcher employed by Somerset County 911/Office of Emergency Management to adhere to this protocol. This protocol has been set forth to assist and provide the best possible practices.

Dispatchers should dispatch domestic violence calls in the same manner as any other high priority call for police assistance.

Dispatch recommendations:

- 1) The dispatcher should also dispatch a back-up unit whenever possible.
- 2) The dispatcher receiving a domestic violence call should attempt to gain from the caller as much information as possible, then relay this information to the responding units.

- a) Nature of the incident
- b) The address of the incident, including the apartment number, building description, cross street, and other pertinent information which will aid the responding units in locating the address
- c) Telephone number where the caller can be reached
- d) Number of persons involved
- e) The names of subjects involved
- f) Whether weapons were involved or present
- g) Any injuries, or if ambulance is going to be dispatched
- h) Whether the actor is present. If not, the actor's description (as complete as possible), the actor's direction of flight and the actor's mode of travel
- i) Whether minor children are present at the location, where are they located and if they are safe from harm
- j) Whether drugs and/or alcohol is involved
- k) If a PFA (Protection From Abuse) Order is in effect
- l) If the caller is the victim, confirm that he/she is safe
- m) If the victim is safe, the dispatcher should attempt to keep the victim on the telephone as long as possible, and keep the victim advised of the police officer's response.
- n) If the victim is not in a safe environment, the dispatcher should ask the victim where he/she could go to be safe (secured room, basement, attic, garage, neighbor's home etc.) If the victim goes to a "safe room," the dispatcher should advise the responding officers of this information.
- o) The dispatcher should find out if the police officer could gain entry to the house if the victim moves to a "safe room".
- p) The dispatcher should keep the responding officer(s) updated on all activity pertaining to the call.

- 3) If the caller is a witness to a domestic incident in progress, the dispatcher should keep the caller on the telephone and should relay ongoing information to the responding officer(s).
- 4) If the responding officer(s) has reason to believe that a valid PFA exists and requests verification, the dispatcher should access the Pennsylvania State Police Registry to verify the existence of the Order.

Police Response

The following shall be done in all domestic violence situations (this Protocol is not intended to supercede your department's policies pertaining to domestic violence situations):

- 1) Approaching the scene:
 - a) The responding officer(s) should approach the scene of a domestic incident as one of high risk. Whenever possible, two officers should respond to a domestic call.
 - b) The officer(s) should obtain all available information from the dispatcher before arriving at the scene and should notify the dispatcher upon arrival.
 - c) The responding officer(s) should approach the scene of a domestic incident with the view that he/she may be the only witness who will be testifying in court. It is crucial that the officer(s) document anything out of the ordinary.
 - d) The officer(s) should be alert for any person(s) leaving the scene and for weapons from doors, windows or nearby vehicles or surrounding areas.
 - e) If the actor is found outside, he/she shall be detained and not permitted into the residence.
 - f) Any statements taken from the actor or victim, should be done separately.
- 2) Initial contact with occupants:
 - a) The responding officer(s) should identify himself/herself as a police officer, explain why he/she is there and request entry into the residence.
 - b) The officer(s) should ask to see the victim of the incident, and shall not reveal the identity of the caller.

- 3) The officer(s) may enter and conduct a search of the residence if consent is given. This can be explained for officer(s) safety and that of the person(s) in the residence.
- 4) If entry is denied:
 - a) Be persistent about seeing and speaking alone with the victim of the incident.
 - b) Request the dispatcher contact the caller if the caller is the victim of the incident.
 - c) Officers may enter still denied if they have reasonable cause to believe someone is in danger. The officer(s) must then take one of the following courses of action:
 - i) If the officer(s) leaves the scene of the incident, the officer(s) should drive by, and observe the residence frequently.
 - ii) If the officer(s) remains at the scene of the incident, the officer(s) should move to a public area and observe the residence.
 - iii) The officer(s) may enter a private residence without consent; where there is probable cause to believe that a felony has been, or is being committed or where there is imminent danger of violence, which could result in death or serious bodily injury. The officer(s) should follow their department's policy regarding forcible entry.
- 5) Once inside the residence:
 - a) Identify potential weapons in the surrounding area.
 - b) Separate the victim from the actor. Officer(s) should remain within view of one another for officer safety and to avoid a claim of mistreatment/abuse by the parties involved.
 - c) Restrain the actor if necessary. The actor may be placed in the police unit for safety reasons, both his and the officer(s).
 - d) Assess injuries if indicated. If the officer(s) is unsure of injuries, it is recommended that the Emergency Medical Service be notified, and all victims be examined. The medical service should also be offered to the actor.
 - e) Gather information on the nature of the incident.

- f) Identify all occupants and witnesses. The officer(s) should note if any children were direct witnesses to the incident and the age of the child(ren). Witnesses should be separated from the victim(s) and the actor.
- 6) On-scene investigation:
- a) When an officer(s) responds to a domestic violence call, a report shall be prepared regardless of whether an arrest was made or not. The report shall be clearly identified as a domestic violence incident or a possible PFA violation.
 - b) The officer(s) shall interview the victim, the actor, and any and all witnesses as fully as possible. The officer(s) should keep in mind that this is a very stressful time for all parties involved including the officer(s). Follow up interviews may be required.
 - c) The officer(s) should interview the victim apart from the actor and witnesses. The officer(s) should ask the victim about past domestic incidents, including their frequency and severity. Witnesses should be separated from the victim(s) and actor while obtaining statements. If witnesses have information with regards to prior domestic violence, it shall be documented to establish a pattern and to assist in prosecution. At no time should the officer(s) advise the victim(s) what action he/she intends to take prior to obtaining all statements and information.
 - d) The officer(s) should obtain all statements in writing and have them signed by the party giving the statement. If the officer(s) takes the statement, the party should adopt such statement by initialing, signing and dating the statement. This will aid in the prosecution, if the victim(s) later becomes unable and/or unwilling to testify.
 - e) If the actor has been taken into custody prior to the interview, the actor shall be given his/her Miranda rights before taking his/her statement. The officer(s) should be alert to incriminating statements; particularly apologies made to the officer(s), victim(s) and/or witnesses. These statements shall be included in the officer's report.
 - f) Children should be interviewed in a manner appropriate to their age. Signs of trauma and apparent healing of abuse injuries on the child shall be noted in the officer's report. Children and Youth Services of Somerset County shall be notified as soon as possible.
- 7) The officer(s) shall determine if there is a valid Protection From Abuse Order between the victim(s) and the actor. If so, the officer(s) should ask the victim to provide a copy of the Order.

- a) If a valid PFA Order exists, and there is probable cause to believe the Order has been violated, the officer(s) should make an arrest in accordance with the PFA Order. The officer(s) shall give full faith and credit to PFA Orders issued in another county or state.
 - b) If the victim cannot produce a copy of the PFA Order, the officer(s) shall confirm the existence of the Order through the Pennsylvania State Registry, including the Order's expiration date and any written restrictions in the Order.
- 8) The scene of a domestic violence call is a crime scene and shall be treated as such.
- a) The officer(s) should collect and preserve all physical evidence, including evidence substantiating the victim's injuries and articles to substantiate the attack (weapons, torn cloths, blood samples, etc.). If possible, document the actor's appearance, including absence of observable injuries (to rebuttal later claims of self-defense).
 - b) The officer(s) should take photographs of the scene.
 - c) All physical evidence, which the officer(s) has collected, should be documented in the report and, if appropriate, sent to the Pennsylvania State Police Crime Lab for testing.
- 9) The officer(s) shall document all injuries.
- a) The officer(s) should ensure that photographs are taken of any and all injuries the victim(s) received as a result of the incident.
 - b) The officer(s) should be particularly aware of injuries which might become visible in the future (bruises) and should advise the victim to photograph such injuries. If at all possible, the victim should return to the police department/station to be photographed once the bruises become visible.
- 10) If the victim(s) seeks medical attention, the officer(s) should use appropriate means to obtain the victim's medical records after charges are filed.
- 11) The officer(s) should ask the hospital to also take photographs of the victim's injuries. Photographs taken by the hospital shall be treated as evidence with proper documentation.
- 12) The officer(s) shall obtain the address and telephone number(s) where the victim(s) can be contacted if the victim(s) decides to leave the residence. Such information shall not be given to the actor.

- 13) The officer(s) should inform the victim(s) that a no contact provision will be requested at the preliminary arraignment.
- 14) The officer(s) should ask the victim(s) if he/she knows if the actor is on probation or parole.

If actor is on either probation or parole, the officer(s) will contact the proper agency (County Adult/Juvenile Probation, State Probation/Parole). This will be done either if charges are filed or not. The officer will advise that there was law enforcement contact with the subject and whether charges were filed.

15) Arrest decision:

- a) The responding officer(s) shall arrest the actor whenever an arrest is authorized. If the primary aggressor can be determined, a dual arrest may not occur.
- i) If the victim(s) opposes the arrest, the reason should be documented in the report.
- ii) If the officer(s) determines that an arrest is not warranted, he/she shall document in the report a detailed explanation of the reason why an arrest was not made.
- b) Under current Pennsylvania Law, an arrest is authorized without a warrant in the following circumstances:
- i) When the officer(s) has probable cause to believe that the suspect has committed a felony.
- ii) When a felony or a misdemeanor offense is committed in the presence of the officer.

Under 18 Pa. C.S.A. 2711, when the officer(s) has probable cause to believe that the suspect has committed a domestic violence offense, **AND** the officer(s) observes recent physical injury or other corroborative evidence, **AND** the victim is the spouse of the suspect or a person with whom the suspect resides, formerly resided, or has/had a “covered relationship” with, the domestic violence offense need not have been committed in the officer’s presence.

- c) A warrantless arrest is authorized for the following offenses:
- i) Involuntary manslaughter

- ii) Simple assault
 - iii) Aggravated assault
 - iv) Recklessly endangering another person
 - v) Terroristic threats
 - vi) Stalking (2709.1 Relating to)
- d) Corroborative evidence may include, but is not limited to:
- i) Broken furniture, windows or telephones
 - ii) Holes in the wall
 - iii) The presence of weapons in the room where the alleged offense occurred
 - iv) Unusual items in inappropriate places of the house (i.e. kitchen utensils found in the living room or bedroom)
 - v) Torn clothing
 - vi) Threats made to the victim(s) in the presence of the officer(s)

When the officer has probable cause to believe that the actor has violated a valid Protection From Abuse Order, such arrest should be in accordance with the procedures set forth in the Protection From Abuse Order. The violation need not have occurred in the officer's presence, and no corroborative evidence is required (23 Pa. C.S.A. 6113(a)).

16) Procedure when arrest is authorized:

- a) Determination of Charges
 - i) The officer(s) should make every effort to determine which party was the primary aggressor. The officer(s) should try to determine if one party has self-defense injuries.
 - ii) Where there is a PFA violation, and probable cause for criminal charges, the officer(s) should not file both. Criminal charges should be filed.
 - iii) Indirect criminal contempt should only be filed in place of a criminal

charge in a summary violation such as harassment or disorderly conduct.

17) The arrest:

- a) The officer(s) shall file a criminal complaint, which is designated as a domestic violence incident. The criminal complaint shall be filed with the on-call District Judge.
- b) The officer(s) shall follow the same procedure for a Protection From Abuse Order. Except during courthouse hours, then the actor will be brought in front of a Judge of the Common Pleas.
- c) The officer(s) should emphasize to both the victim(s) and actor that the criminal action being initiated is an action of the Commonwealth and not an action of the victim(s).
- d) If the actor has fled the scene, the officer(s) shall initiate procedures to pursue and apprehend the actor as promptly as possible, since the risk is high in domestic violence cases that the actor will return to the residence or the location of the incident.
 - i) The officer(s) should contact Somerset 911 and advise that an alleged incident has occurred and issue a “stop and hold” for the actor.
 - ii) When the actor is arrested, the law enforcement agency shall make reasonable efforts to notify the victim(s) of the arrest. Notice of arrest should be made within 24 hours. The notification and/or attempts should be documented in the police report.
- e) The officer(s) shall confiscate all weapons used or threatened to be used in the incident. These weapons should be held as evidence for prosecution.
- f) If the arrest is a violation of a Protection From Abuse Order, the weapon(s) shall be delivered to the Somerset County Sheriff’s Department as soon as reasonably possible. The Sheriff’s Department will retain weapons until ordered by the court to return.
- g) When the actor is a juvenile, the provisions of this protocol shall be fully applicable, except that arrest should be pursuant to the Juvenile Act.
- h) The responding officer(s) should contact the local Crisis Unit if it is suspected that the actor may have mental health issues. The officer(s) should not allow the possibility of mental illness preclude a valid criminal arrest.

- i) If the responding officer(s) determines that the actor needs medical attention, he/she should be transported either by ambulance or police unit to the nearest medical facility for treatment.

18) Procedure when no arrest is made:

- a) The officer(s) should explain to the victim(s) the reasons that an arrest is not being made.
- b) The officer(s) should not become involved in the disposition of personal property when ownership is in dispute. In the absence of a warrant or probable cause to believe a crime has occurred, the officer(s) should remain neutral and be concerned primarily with maintaining the peace and safety of those present.
- c) The officer(s) shall prepare an incident report even though an arrest was not made.

19) Other on-scene assistance to victims and dependents:

- a) Pursuant to 18 Pa. C.S.A. 2711 (d), notice of rights must be given to the victim(s) whether an arrest is made or not.
 - i) The responding officer(s) shall notify the the victim(s) orally and in writing of the availability of the Woman’s Help Center Inc., which can be contacted at (800) 999-7406 or (814) 443-2824, and/or other services in the community.
 - ii) The responding officer(s) is required to notify the victim orally and in writing of the following statement:

“If you are the victim of domestic violence, you have the right to go to court and file a petition requesting an Order of protection from domestic abuse pursuant to the Protection from Abuse Act/23 Pa. C.S. Ch.61, which includes the following:

An order restraining the abuser from further acts of abuse.

An order directing the abuser to leave your household.

An order preventing the abuser from entering your residence, school, business or place of employment.

An order awarding you or the other parent temporary custody of or temporary visitation with your child or children.

An order directing the abuser to pay support to you and/or the minor children, if the abuser has a legal obligation to so.”

- b) If the victim(s) does not speak English, the officer(s) should arrange for translation of the foregoing notices and advice.
- c) Whether an arrest is made or not, the responding officer(s) shall not leave the scene of the incident until the situation is under control and the likelihood of further violence has been eliminated. If necessary, the officer(s) should:
 - i) Stand by while the victim(s) gathers necessities for short-term absence from the residence.
 - ii) Assist in the arrangements for temporary lodging for the victim(s) and, if necessary, any children (relatives, friends or emergency shelter). It is imperative that the officer(s) obtain and document an address and telephone number where the victim(s) can be contacted.
 - iii) If necessary, arrange transportation for the victim(s) and any children to the temporary lodging or medical facility.
 - iv) Stand by until the victim(s) and any children have left for temporary lodging.
- d) The officer(s) should advise the victim(s) of what procedure will happen next, including the probability that the actor will be in custody for only a short period of time.

20) Departmental obligations:

- a) The law enforcement agency shall comply with the Pennsylvania Crime Victims Act (18 P.S. 11.101 et seq), in regards to responsibilities of state and local law enforcement agencies including, but not limited to:
 - i) All officers and employees are familiar with Crime Victims Compensation (11.212(a)).
 - ii) A notice to the victim or family member, provided within 48 hours of report regarding compensation. This notice will be in writing according to Victim Services Inc. (11.212 (b)(1)).
 - iii) Basic information on the rights and services available for crime victims provided in writing within 24 hours of the first contact, and in a manner and form developed by Victim Services Inc.(11.212 (b)(2)).
 - iv) An application form for crime victims' compensation provided with subsection 11.212 (b)(1) notice (11.212(c)).

- v) A form, developed by Victim Services Inc. with victim check off, signifying receipt of information, attached to the report (11.212 (e)).
 - vi) The agency making a reasonable effort to notify personal injury crime victims of suspect arrest, within 24 hours of an arrest, filing or forwarding of a complaint (11.212(f)(1)).
 - vii) The agency notifies personal injury crime victims if the suspect escapes the agency's custody (11.212 (f)(2)).
- b) Other obligations:
- i) The responding officer shall notify the victim(s) of SAVIN and its uses and options.
 - ii) The responding officers shall administer a lethality assessment with the victim(s). This form will be approved by the Somerset County District Attorney.

21) Elder victims and their dependent(s)

- a) When a victim(s) of domestic violence is elderly (60 years or over), and the actor is the sole caregiver, or when the victim of domestic violence is the sole caregiver of a physically dependent elder, and the victim can no longer provide care for whatever reason, the responding officer(s) should determine whether the elder is physically endangered, either as a result of the abuse, a pre-existing medical condition, or the removal of a caregiver. If the elder is physically endangered and mentally alert, the officer(s) should ask the elder for a name of a relative or friend who can be contacted to assist the elder. The officer(s) should also advise the elder of the availability of protective services through the Somerset County Area Agency on Aging.
- b) If there is no one available to assist the elder, or the elder appears not to be mentally alert, the officer(s) should make an emergency referral to the Somerset County Area Agency on Aging. The officer(s) should remain at the residence until the protective service caseworker arrives, or should have the elder transported to a medical facility or other appropriate location where the elder can wait for the caseworker.

22) Child victims and dependents:

- a) When the victim(s) of the abuse is a minor child
 - i) The officer(s) shall arrest the actor upon probable cause to believe that a crime has been committed.

- ii) The officer(s) shall make a report to Somerset County Children and Youth Services as required by the Child Protective Services Law.
 - iii) If the child is physically injured, the officer(s) should escort the child to the nearest hospital for treatment.
 - iv) The officer(s) should provide victim notification to an adult caregiver of the child, who is not the perpetrator of abuse.
- b) If the actor is arrested and was the sole caregiver of a child, and/or if the victim is the sole caregiver of a child and can no longer provide care for whatever reason, the officer(s) shall contact Somerset County Children and Youth Services. The officer(s) should stand by until the caseworker arrives, or should take the child into custody pursuant to the Juvenile Act and/or Child Protective Services Law.

23) Processing the accused:

- a) Preliminary arraignment
 - i) Any actions contained in this section in which the District Judge's actions are described as being mandatory are in reference to those actions so defined by the Pennsylvania Rules of Criminal Procedure and the officer should not infer that he/she has any authority to mandate the District Judge to execute those actions.
 - ii) Once an arrest has been made, the defendant shall be afforded a preliminary arraignment without unnecessary delay.
 - 1) If the defendant is arrested for criminal charges, the officer(s) shall take the actor before the District Judge for an arraignment. In no case shall the arresting officer(s) release the defendant from custody rather than taking the defendant before the District Judge.
 - 2) If the defendant is arrested for indirect criminal contempt charges for violation of a PFA Order, the officer(s) shall follow the procedure outlined in the Protection From Abuse Order.
 - iii) The officer shall bring to the attention of the District Judge any circumstances noted in the police report or known to the officer(s) that requires special conditions of bail.
 - iv) In determining whether to admit the defendant to bail, the District

Judge shall consider whether the defendant poses a threat of danger to the victim(s).

- 1) If the District Judge determines that the defendant poses a threat to the victim(s), the District Judge shall require the following conditions:

The defendant shall refrain from entering the residence or household, school and workplace of the victim(s).

The defendant shall refrain from committing any further criminal conduct against the victim(s), including abusing, harassing, or intimidating the victim(s).

The defendant shall refrain from contacting the victim(s) and witnesses, directly or indirectly.

- v) The District Judge may impose additional conditions of bail bond necessary, including the following:

The defendant shall refrain from any consumptions/use of alcohol or illegal drugs. The defendant may be required to submit to drug or alcohol testing. The defendant may be required to undergo counseling and/or treatment when the defendant has a history of mental illness or drug and/or alcohol addiction.

- vi) The District judge shall state with specificity on the bail bond and special conditions of bond which are imposed upon the defendant.

24) Preliminary hearing

- a) Any actions contained in this section in which the District Judge's actions are described as being mandatory are in reference to those actions so defined by the Pennsylvania Rules of Criminal Procedure and the officer should not infer that he/she has any authority to mandate the District Judge to execute those actions.
- b) If the victim(s) appears at the preliminary hearing and will not testify, and the victim's testimony is necessary to establish a prima facie case, the District Attorney or Assistant District Attorney or prosecuting officer shall:
 - i) Have a discussion with the victim(s) out of the hearing of the defendant, and defense attorney to determine the victim's reason for not testifying. Specifically request whether the victim(s) has been a recipient of other criminal acts by the defendant or subsequent

harassment or threats from the defendant or others due to the pending charges.

- ii) Remind the victim(s) of the sentencing options, which will mandate the defendant's compliance with counseling or other bail conditions.
 - iii) Obtain a history of past incidents between the victim(s) and defendant; information about the incident, and any subsequent acts.
 - iv) If the victim(s) has given a written statement, the prosecuting officer(s) and the District Attorney or Assistant District Attorney will determine whether to proceed with the prosecution despite the victim's unwillingness to cooperate.
- c) If the charges are dismissed or withdrawn, the victim(s) shall be asked to execute the appropriate Stop Prosecution Form.
- d) If the charges are held for Court, the District Judge shall set bail as permitted by law or shall continue or modify the existing bail order. Any special conditions of bail shall be stated with specificity on the Bail Bond Form.
- i) If the defendant posts bond at that time, the District Judge or officer(s) should notify the victim of the defendant's release.
 - ii) If the defendant is incarcerated, the District Judge or officer(s) should advise the victim(s) of the opportunity for enrollment in a victim notification program. The victim(s) may contact the Victim/Witness Coordinator who is located in the District Attorney's Office for an enrollment packet.
 - iii) The District Judge or Common Pleas Court will determine whether Somerset County Adult Probation Department will provide bond supervision via the pre-trial services unit for defendants whose charges are bound over to court.

Somerset County

Domestic Violence Protocol

Forms

Forms Complements of Somerset Borough Police Department

- 1) Domestic Violence Investigation Procedures
- 2) 911 Request Form
- 3) Somerset County District Attorney's Office Victim Services Referral
- 4) Digital Photo Identifier and Log
- 5) Property Receipt
- 6) Statement Form
- 7) Statement Continuation
- 8) Consent to Allow Search
- 9) Receipt and Inventory from Consent to Search
- 10) Domestic Violence Investigative Checklist
- 11) Property Record/Release
- 12) Victim/Witness Statement
- 13) Domestic Violence Lethality Screen for First Responders

Domestic Violence Investigative Procedure

- Step 1:** Did either or both parties use force?
Step 2: If both parties used force did either use force in self-defense?
Step 3: If neither party used force in self-defense was either party the predominate/primary aggressor?

Self-Defense

- Did either person believe they were in danger of being harmed?
- If yes, was it a reasonable belief?
- Was the harm imminent?
- Was the responding force reasonable?

Predominant/Primary Aggressor Considerations

Severity of harm/injury	Who is most afraid?	Relative size/strength
Credibility of each of the parties	Prior history	Likelihood of future harm

Dangerousness Assessment

Ask the victim these questions and include the response in your report:

- Do you think the suspect will seriously injure or kill you? Why or why not?
- What concerns do you have that the suspect will use a weapon?
- Has the suspect threatened suicide? When?
- Has suspect demonstrated behavior that s/he is obsessed with you or stalking you?
- What reaction has the suspect had to a recent PFA, divorce or separation?
- Has the suspect made threats against the children, new lover, police or he workplace?

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Domestic Violence Investigative Checklist

- > **Scene Description/Management**
 - o Photograph scene, victim, suspect, children
 - o Collect and inventory evidence, e.g.:

Broken phone	Torn clothing	Bloody items
Damaged walls	Furniture	Doors

- > **Victim/Suspect (Separate)**
 - o State relationship of victim to suspect
 - o What does suspect say happened?
 - o What does victim say happened?
 - o What did you observe related to the accounts of the events and any injuries?
 - o Describe the injuries to each party:

Type	Size	Location	Color
------	------	----------	-------

- o Describe physical/emotional state of each party:
- | | | |
|--------|---------|--------------|
| Crying | Shaking | Flushed face |
|--------|---------|--------------|
- o Obtain name, address and phone of someone who will know how to reach victim at all times.

- > **Witnesses (children, neighbors, etc.)**
 - o Children present or involved? How?
 - o Interview away from parties.
 - o What did the witness see and/or hear?
 - o Obtain thorough contact information.

- > **General Follow-up**
 - o Is there a PFA?
 - o Is the suspect on probation or wanted?
 - o Is the suspect or the victim intoxicated? Describe.
 - o Is medical attention required?
 - Facility?
 - Release signed?
 - o Is the suspect GOA?
 - Ascertain whereabouts.
 - Assess dangerousness.
 - o Safety planning with victim.

Domestic Violence Investigative Checklist

- > **Scene Description/Management**
 - o Photograph scene, victim, suspect, children
 - o Collect and inventory evidence, e.g.:

Broken phone	Torn clothing	Bloody items
Damaged walls	Furniture	Doors

- > **Victim/Suspect (Separate)**
 - o State relationship of victim to suspect
 - o What does suspect say happened?
 - o What does victim say happened?
 - o What did you observe related to the accounts of the events and any injuries?
 - o Describe the injuries to each party:

Type	Size	Location	Color
------	------	----------	-------

- o Describe physical/emotional state of each party:
- | | | |
|--------|---------|--------------|
| Crying | Shaking | Flushed face |
|--------|---------|--------------|
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Type	Size	Location	Color
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- | | | |
|--------|---------|--------------|
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 - o Is the suspect on probation or wanted?
 - o Is the suspect or the victim intoxicated? Describe.
 - o Is medical attention required?
 - Facility?
 - Release signed?
 - o Is the suspect GOA?
 - Ascertain whereabouts.
 - Assess dangerousness.
 - o Safety planning with victim.



Police Department

Date:

Mr. David Fox
Somerset County Emergency Management Agency
111 E. Union St.
Somerset, PA 15501

Dear Mr. Fox,

Please accept this official request for copies of recordings of certain radio transmissions and/or telephone conversations that occurred between the Somerset County 911 Center and other parties as listed in reference to [INSERT NAME] Police Incident # :

Date	Time	Type (Radio or Phone)	Brief Description

We will be happy to accept the above-requested copies either in digital or tape form and stand ready to reimburse the Center for the cost of any medium used.

Please feel free to contact me at your earliest convenience if you have any questions or comments concerning this matter.

Sincerely,



Somerset County District Attorney's Office
Victim Services Referral

Instructions

When charges involving any of the following offenses are being investigated or prosecuted, it is the officer's responsibility to complete this form and forward it to District Attorney Office via FAX at 814-445-1458.

Rape & All Sexual Crimes, Domestic Violence, Aggravated & Simple Assault, Child Abuse/Neglect, DUI w/ Injury or death, Stalking, Homicide, Harassment or Intimidating a Witness, Elder Abuse, Robbery & Theft, Burglary, Terroristic Threats, Kidnapping, Arson, Dating Violence and Fraud.

Police Information

Officer	Department	Incident	Date
---------	------------	----------	------

Victim/Suspect Information

Victim Name	Address	Phone(s)
DOB	SS#	Email

Check all appropriate boxes

Victim suffered physical injury Victim fears for safety Victim hospitalized Victim advised of Rights

Suspect Name(s)	Juvenile <input type="checkbox"/>	Address	Phone(s)
DOB	SS#	Email	

Offenses/Charges (Check box if charge filed)

1. <input type="checkbox"/>	2. <input type="checkbox"/>	3. <input type="checkbox"/>	4. <input type="checkbox"/>	5. <input type="checkbox"/>
6. <input type="checkbox"/>	7. <input type="checkbox"/>	8. <input type="checkbox"/>	9. <input type="checkbox"/>	10. <input type="checkbox"/>

Comments _____

CONFIDENTIAL – NOT SUBJECT TO DISCOVERY



Incident	Date	Time	Place	Officer/Badge:
----------	------	------	-------	----------------

Subject
 Subject Name
 Subject DOB Subject SS# Subject's Phone(s)
 Subject's Address

Health/Fitness Evaluation (Check only if status does *not* appear to be normal; explain in Comments)
 Alert/Oriented Visible Injury/Condition Ease in Movement Bleeding Violent
 Visible Handicap Broken Bone(s) Withdrawn Under Influence of Alcohol and/or Controlled Substance
 Complaint of Pain Prescribed Medication(s) Behavior involving state of consciousness and mental status

Comments:

Advisement & Acknowledgement

I am _____ of the [INSERT NAME] Police Department. I wish to advise you that you have an absolute right to remain silent; that anything you say can and will be used against you in a Court of Law; that you have a right to speak with an attorney before and have an attorney with you during questioning; that if you cannot afford to hire an attorney, one will be appointed to represent you without any charge before any questioning, if you so desire. If you decide to answer any questions, you may stop at any time you wish.

Q. Do you understand your rights as I have explained to you?
 A.

Q. With these rights in mind, do you now wish to make a statement?:
 A.

Q. Can you read and write the English language?
 A.

To be completed at conclusion of Statement

Q. Is the information contained in this _____ page statement true and correct to the best of your knowledge and belief?
 A.

Q. Was this statement given of your own free will and accord, without any promises, threats, coercion or duress?
 A.

Under § 4904 (b) of the Pennsylvania Crimes Code, Unsworn Falsifications to Authorities, a person commits a misdemeanor of the third degree if he/she makes a written false statement which he/she does not believe to be true. The meaning of § 4904 (b) has been explained to me as it pertains to me. I understand that if I provide a false written statement to a [INSERT NAME] Police Officer that I may be prosecuted for a third degree misdemeanor.

Subject's Signature _____ Date _____

Witness' Signature _____ Date _____

Statement

Lined writing area with multiple horizontal rows for text entry.

Check and initial here if additional sheets are attached:



[INSERT NAME] Police Department
Consent to Allow Search

Occurrence Number: _____

Date: _____ Time: _____

Place: _____

I, _____, having been informed of my constitutional rights not to have a search made of the vehicle and/or premises and/or my person here and after without a search warrant, and of my rights to refuse to consent to such a search, hereby authorize _____ of the [INSERT NAME] Police Department to conduct a complete search of my vehicle and/or premises and/or person described herein:

These officers are authorized by me to search for and to take from my vehicle and/or premises and/or person any and all property which they may desire, including, but not limited to, weapons, money, clothing, furnishings, objects, liquids, bottles, junk, personal effects, letters, papers, materials, or other property which they may desire. This written permission is being given by me to the above named officer(s) voluntarily and without threats or promises of any kind.

Signature

Officer's Signature

Officer's Signature



[INSERT NAME] Police Department
Receipt & Inventory from Consent to Allow Search

Occurrence Number: _____

Item	Description	Location

*Signature of Officer Performing Search
Consent to Search*

Signature of Person Granting

Date/Time Search Commenced: _____

Date/Time Search Ended: _____



Incident	Date	Time	Place	Officer/Badge:
----------	------	------	-------	----------------

Victim				
Name				
DOB	SS#	Phone(s)		
Address				

Suspect				
Name				
DOB	SS#	Phone(s)		
Address				

Witness/Associate				
Name				
DOB	SS#	Phone(s)		
Address				

Witness/Associate				
Name				
DOB	SS#	Phone(s)		
Address				

Witness/Associate				
Name				
DOB	SS#	Phone(s)		
Address				

Address				
---------	--	--	--	--

Victim Health/Fitness Evaluation (Check only if status does *not* appear to be normal; explain in Comments)

Alert/Oriented <input type="checkbox"/>	Visible Injury/Condition <input type="checkbox"/>	Ease in Movement <input type="checkbox"/>	Bleeding <input type="checkbox"/>	Violent <input type="checkbox"/>
Visible Handicap <input type="checkbox"/>	Broken Bone(s) <input type="checkbox"/>	Withdrawn <input type="checkbox"/>	Under Influence of Alcohol and/or Controlled Substance <input type="checkbox"/>	
Complaint of Pain <input type="checkbox"/>	Prescribed Medication(s) <input type="checkbox"/>	Behavior involving state of consciousness and mental status <input type="checkbox"/>		

Comments:

Suspect Health/Fitness Evaluation (Check only if status does *not* appear to be normal; explain in Comments)

Alert/Oriented <input type="checkbox"/>	Visible Injury/Condition <input type="checkbox"/>	Ease in Movement <input type="checkbox"/>	Bleeding <input type="checkbox"/>	Violent <input type="checkbox"/>
Visible Handicap <input type="checkbox"/>	Broken Bone(s) <input type="checkbox"/>	Withdrawn <input type="checkbox"/>	Under Influence of Alcohol and/or Controlled Substance <input type="checkbox"/>	
Complaint of Pain <input type="checkbox"/>	Prescribed Medication(s) <input type="checkbox"/>	Behavior involving state of consciousness and mental status <input type="checkbox"/>		

Comments:

Domestic Violence Investigative Procedure

Step 1: Did either or both parties use force?	
Step 2: If both parties used force did either use force in self-defense?	
Step 3: If neither party used force in self-defense was either party the predominate/primary aggressor?	

Self-Defense

Did either person believe they were in danger of being harmed?	
If yes, was it a reasonable belief?	
Was the harm imminent?	
Was the responding force reasonable?	

Predominant/Primary Aggressor Considerations

Severity of harm/injury	
Who is most afraid?	
Relative size/strength	
Credibility of each of the parties	
Prior history	
Likelihood of future harm	

Dangerousness Assessment (Ask the victim these questions and include the response in your report:)

Do you think the suspect will seriously injure or kill you?	
What concerns do you have that the suspect will use a weapon?	
Has the suspect threatened suicide? When?	
Has suspect demonstrated behavior that s/he is obsessed with you or stalking you?	
What reaction has the suspect had to a recent PFA, divorce or separation?	
Has the suspect made threats against the children, new lover, police or he workplace?	

Scene Description

Photograph scene <input type="checkbox"/>	Collect and inventory evidence <input type="checkbox"/>				
Broken phone <input type="checkbox"/>	Torn clothing <input type="checkbox"/>	Bloody items <input type="checkbox"/>	Damaged walls <input type="checkbox"/>	Furniture <input type="checkbox"/>	Doors <input type="checkbox"/>
Out of place items <input type="checkbox"/>	Alcohol/drugs <input type="checkbox"/>	Weapons <input type="checkbox"/>	Other <input type="checkbox"/>		

Victim/Suspect (SEPARATE)

	Victim	Suspect
Relationship		
Statement Obtained		
Statement Corroboration		

Injuries

	Victim	Suspect
Type		
Size		
Location		
Color		

Emotional/Physical State

	Victim	Suspect
Crying		
Shaking		
Flushed		
Intoxicated		
Cooperative		

Witnesses

Children present/involved <input type="checkbox"/>	Interview away from parties <input type="checkbox"/>	Statement obtained <input type="checkbox"/>	Contact Info <input type="checkbox"/>
--	--	---	---------------------------------------

Witnesses

Is there a PFA Suspect on Probation/Wanted Safety Planning with Victim Victim Rights Notification

Medical Attention Required Suspect Victim Release signed Facility: _____

Suspect GOA Ascertain Whereabouts: _____ Assess Dangerousness _____



[INSERT NAME] Police Department
Property Record/Release

Evidence

Property

Date:	Occurrence:	Custodial Officer/Badge:
Time Recovered:	Date Recovered:	Recovered by:
Date Placed in Temp. Evidence	Time Placed in Temp. Evidence	<input type="checkbox"/> Check here if continued on reverse
Location Recovered:		<input type="checkbox"/> Check here if additional sheets attached

Received by Evidence Custodian				
Received by:	Signature:	Date:	Time:	Placement:

Release of Property				
Released to:	Signature:	Date:	Time:	
Released by:	Signature:	Date:	Time:	
Item(s) Released: 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67				

Inventory				
Item	Quantity	Color	Size	Description
1				



[INSERT NAME] Police Department
Victim/Witness Statement

Date:	Time:	Occurrence #:	Location:
-------	-------	---------------	-----------

Name of Subject:	Officer:
Address	SS#:
Phone(s):	DOB:

To be completed at conclusion of Statement

Under § 4904 (b) of the Pennsylvania Crimes Code, Unsworn Falsifications to Authorities, a person commits a misdemeanor of the third degree if he/she makes a written false statement which he/she does not believe to be true. The meaning of § 4904 (b) has been explained as it pertains to me. I understand that if I provide a false written statement to a [INSERT] Police Officer that I may be prosecuted for a third degree misdemeanor.

Subject's Signature	Date
Witness' Signature	Date

Statement

Lined area for writing the statement.

Check and initial here if continued on reverse:

Lined writing area for notes or details.

Check and initial here if additional sheets are attached:

Appendix C

DOMESTIC VIOLENCE LETHALITY SCREEN FOR FIRST RESPONDERS

Officer:	Date:	Case #:
Victim:	Offender:	
<input type="checkbox"/> Check here if victim did not answer any of the questions.		
▶ A "Yes" response to any of Questions #1-3 automatically triggers the protocol referral.		
1. Has he/she ever used a weapon against you or threatened you with a weapon?	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Not Ans.
2. Has he/she threatened to kill you or your children?	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Not Ans.
3. Do you think he/she might try to kill you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Not Ans.
▶ Negative responses to Questions #1-3, but positive responses to at least four of Question #4-11, triggers the protocol referral.		
4. Does he/she have a gun or can he/she get one easily?	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Not Ans.
5. Has he/she ever tried to choke you?	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Not Ans.
6. Is he/she violently or constantly jealous or does he/she control most of your daily activities?	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Not Ans.
7. Have you left him/her or separated after living together or being married?	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Not Ans.
8. Is he/she unemployed?	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Not Ans.
9. Has he/she ever tried to kill himself/herself?	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Not Ans.
10. Do you have a child that he/she knows is not his/hers?	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Not Ans.
11. Does he/she follow or spy on you or leave threatening messages?	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Not Ans.
▶ An officer may trigger the protocol referral, if not already triggered above, as a result of the victim's response to the below question, or whenever the officer believes the victim is in a potentially lethal situation.		
Is there anything else that worries you about your safety? (if "yes") What worries you?		
Check one: <input type="checkbox"/> Victim screened in according to the protocol <input type="checkbox"/> Victim screened in based on the belief of officer <input type="checkbox"/> Victim did not screen in		
If victim screened in: After advising her/him of a high danger assessment, did the victim speak with the hotline counselor? <input type="checkbox"/> Yes <input type="checkbox"/> No		

Note: The questions above and the criteria for determining the level of risk a person faces is based on the best available research on factors associated with lethal violence by a current or former intimate partner. However, each situation may present unique factors that influence risk for lethal violence that are not captured by this screen.

Although most victims who screen "positive" or "high danger" would not be expected to be killed, these victims face much higher risk than that of other victims of intimate partner violence.

Somerset County

Protection From Abuse

Protocol

Grant No. 2009/2010/2011-VA-06-20586 awarded by The Pennsylvania Commission on Crime and Delinquency for the STOP Formula Grant Program supported the development of this Protocol. The opinions, findings, conclusions, and recommendations expressed in this Protocol are those of the author(s) and do not necessarily reflect the views of the state or the U.S. Department of Justice Office on Violence Against Women.

Statement of Purpose

The principle purpose of this Protocol is to establish uniform policies and procedures to be followed by Somerset County law enforcement and others who are involved with Protection From Abuse (PFA) Orders. This Protocol is not intended to supercede department policies; however, it is designed to assist departments in creating and recommending policies and procedures. If a department chooses not to accept this Protocol as their standard operating procedure, a copy of their policy shall be submitted to the District Attorney for review.

Responding Officer

- 1) The responding officer shall provide the victim with both a written and oral notice mandated by law as well as contact information for a safe shelter and domestic violence services in Somerset County.
 - a) The written notice shall include the following statement:

“If you are a victim of domestic violence, you have the right to go to court and file a petition requesting and Order for protection from domestic abuse pursuant to the Protection From Abuse Act (23 Pa.C.S. Ch.61), which may include the following:

 - An Order restraining the abuser from further acts of abuse
 - An Order directing the abuser to leave your household
 - An Order directing the abuser to abstain from entering your residence, school, business or place of employment
 - An Order awarding you or the other parent temporary custody of or temporary visitation with your child(ren)
 - An Order directing the abuser to pay support to you and/or the minor child(ren), if the abuser has a legal obligation to do so.”
 - b) The Women’s Help Center has an emergency shelter and a 24-hour hotline. They can be contacted at (814) 443-2824 or (800) 999-7406.
 - c) If the victim has been sexually assaulted, he/she may also call Victim Services’ 24-hour hotline at (800) 755-1983.
- 2) If the victim has a current PFA Order, see Violation of Protection From Abuse Orders Protocol.
- 3) If the victim does not have a valid PFA Order, the officer shall provide the victim with the following information:
 - a) The Women’s Help Center phone number: (800) 999-7406
 - b) Southwestern Legal Services phone number: (888) 855-3873

Obtaining a PFA Order

- 1) If there is an immediate and present danger of abuse to the victim and/or any minor children, during business hours, Monday through Friday, between 9:00 am and 4:00 pm, when the Court of Common Pleas is available, the victim may seek a Temporary PFA Order by contacting Southwestern Legal Services and filling out a petition. If it is not during business hours, see Emergency PFA for assistance with filing a PFA petition.
 - a) The petition shall be filed in the Prothonotary's Office.
 - b) The same day the petition is filed, the court will conduct an ex parte proceeding (conducted for the benefit of only one party) to determine whether a Temporary PFA is necessary to protect the victim and/or their minor child(ren).
- 2) The cost for filing a petition is \$74.00 (2012). The cost for service of the Order by the Sheriff's Office varies per location and attempts. If the Order is granted, the Judge shall place costs on the abuser. The Judge will assign costs at the hearing. The victim cannot be charged costs unless the Judge makes a finding that the victim filed in bad faith.
- 3) If a Temporary PFA Order is granted.
 - a) The Court Administrator shall set a hearing date. The Temporary PFA will remain valid until a hearing is held by the court to determine if a Final PFA Order should be granted or the Temporary Order expires.
 - b) The Temporary PFA and the Protection From Abuse Data Sheet will be filed in the Prothonotary's Office. Copies of the Temporary PFA and Order should be provided to the victim, the police department within the jurisdiction of the victim's residence, Somerset 911 and the Sheriff's Office.
 - c) The Sheriff's Office will be responsible for service of the Temporary PFA to the actor. The Order shall specify the actor's social security number and date of birth, if known. Any costs related to the service shall be submitted to the Judge at the time of the PFA hearing.
 - d) The Prothonotary's Office will provide a copy of the Temporary PFA and the PFA Data Sheet to the Pennsylvania State Police so that the Order can be entered into the statewide registry.

Obtaining an Emergency PFA Order

- 1) If a victim requests a PFA on a weekday between 4:00 pm and 9:00 am, or on a weekend or holiday, when the Court of Common Pleas is unavailable, the victim must go before the on-call Magisterial District Judge to seek and Emergency PFA. The police will determine and access the on-call Magisterial District Judge.
- 2) The Magisterial District Judge will furnish a copy of the AOPC Form 307-83, Petition for Emergency Relief From Abuse and Notice to Defendant to the victim to complete.
- 3) The District Judge may grant an Emergency PFA if he/she deems it necessary to protect the victim and/or minor children from abuse upon good cause shown in an ex parte proceeding. Immediate and present danger of abuse to the plaintiff and/or minor children shall constitute good cause.
 - a) The District Judge can only grant the following relief with an Emergency PFA:
 - i) Direct the actor to abstain from abusing the victim and minor children.
 - ii) Grant the victim possession of the residence or household to the exclusion of the actor by evicting the actor or restoring possession to the victim.
 - iii) Prohibit the actor from having any contact with the victim and minor children, including, but not limited to, restraining the actor from entering the place of employment, business or school of the victim and/or the victim's relatives and/or minor children.
 - b) If an Emergency PFA is granted, the District Judge shall fill out a Protection From Abuse Data Sheet as completely as possible. The District Judge should also obtain a telephone number for the victim.
 - i) The District Judge shall have his/her Constable serve the PFA on the defendant.
 - ii) Law enforcement may be asked to serve the PFA.
 - c) The District Judge shall provide the victim with the following instruction and information:
 - i) The victim shall contact Southwestern Legal Services to complete a petition, and then file it in the Prothonotary's Office upon the next availability of the Court of Common Pleas. The Judge will review the

petition along with the Emergency PFA and decide whether to grant a Temporary PFA.

- ii) Written and oral referrals to the Women's Help Center and Victim Services.
 - iii) The procedure regarding a charge for indirect criminal contempt if the actor violates the Protection Order.
 - d) The District Judge shall fax a copy of the Emergency PFA and the Protection From Abuse Data Sheet to the Court Administrator.
- 4) Upon the next availability of the Court of Common Pleas, the plaintiff shall present the Emergency PFA and the petition to the Court. The Judge will review to determine if there is an immediate and present danger of abuse to the victim and any minor children that justifies granting a Temporary PFA.
- a) If a Temporary PFA is granted, see: If a Temporary PFA Order is granted under Obtaining a PFA Order.
 - b) If the Judge denies the Temporary PFA.
 - i) The Court Administrator will notify the Victim/Witness Coordinator (VWC) in the District Attorneys Office and an advocate from the Women's Help Center that the Temporary PFA was not granted. The VWC and advocate shall be provided with the victim's address and telephone number from the PFA Data Sheet.
 - ii) The Emergency PFA and the PFA Data Sheet will be filed in the Prothonotary's Office.

PFA Hearing

- 1) A hearing will be set within ten (10) days of the filing of the petition with the Court of Common Pleas at which time the victim must prove the allegation of abuse by the preponderance of the evidence.
- 2) The Sheriff's Office, by serving the petition on the actor, shall give the actor notice of the hearing date and time, and advise the actor of his/her right to be represented by counsel.
- 3) The victim and counsel will be given notice of the hearing date and time.
- 4) The court signs the petition.

- 5) If the court grants a PFA or approves any consent agreement to bring about a cessation of abuse, a copy of such Order shall be issued to the victim, the actor, the police department within the jurisdiction of the victim's residence, the District Attorney's Office, as well as filed with the Prothonotary's Office.
- 6) The Prothonotary's Office shall provide a copy of the Order and the appropriate information to the Pennsylvania State Police so that the Order may be entered into the statewide registry.
- 7) If an Order is issued without the actor's presence, a copy will be served upon the actor by the Sheriff's Office. Any Order pursuant to these subsections shall specify the actor's social security number and date of birth, if known.

Somerset County

Violation of Protection From Abuse Orders

Protocol

Grant No. 2009/2010/2011-VA-06-20586 awarded by The Pennsylvania Commission on Crime and Delinquency for the STOP Formula Grant Program supported the development of this Protocol. The opinions, findings, conclusions, and recommendations expressed in this Protocol are those of the author(s) and do not necessarily reflect the views of the state or the U.S. Department of Justice Office on Violence Against Women.

Statement of Purpose

The principal purpose of this Protocol is to establish uniform policies and procedures to be followed by Somerset County law enforcement and others who are involved with enforcing violations of the Protection From Abuse Orders. This Protocol is not intended to supercede department policies; however, it is designed to assist departments in creating and recommending policies and procedures. If a department chooses not to accept this Protocol as their standard operating procedure, a copy of their policy shall be submitted to the District Attorney for review.

Violations of PFA Orders

- 1) When a plaintiff or victim believes that a violation has occurred or that the actor is acting in an endangering or illegal manner, he/she should call Somerset 911 and request emergency assistance from law enforcement.

Enforcing Violations of PFA Orders

- 1) Arrest for violation of PFA Orders:
 - a) The police may arrest for violation of a PFA Order without a warrant upon probable cause, whether or not the violation is committed in the presence of a police officer, in circumstances where the actor has violated a provision of such Order consistent with 6108(a)(1),(2),(3),(4),(6) or (7) (relating to relief) and Som.R.C.P. 1903.
 - b) The violation need not be another act of abuse in order for the officer to arrest. Acts such as entering the family residence from which the actor has been excluded or harassing the petitioner's family in an attempt to get the Protection Order dropped are violations for which the actor can be arrested.
 - c) Obtain a copy of the PFA from the victim or, if necessary, verify the existence of an Order through Somerset County 911. The police **SHALL** arrest an actor for violating a valid Order issued either by a court in Somerset County, another county in the Commonwealth of Pennsylvania, or an Order issued by another state.
 - d) PFA violations can either be filed in the jurisdiction where the violation occurred or the jurisdiction of the court that issued the original Order. (See enforcing PFA Orders from other counties/states).
 - e) Seizure of weapons:
 - i) It is a violation of the Federal Firearms Act to possess firearms while under the restraint of a Protection From Abuse Order.
 - ii) Subsequent to an arrest, the officer shall seize all weapons used or threatened to be used during the violation of the Order or during prior incidents of abuse.
 - iii) As soon as it is reasonably possible, the arresting officer

shall deliver the seized weapons to the Somerset County Sheriff's Office. The Sheriff shall maintain possession of the weapon(s) until the court issues an Order (contempt hearing) specifying the weapons to be relinquished and the person to whom the weapons shall be relinquished to.

- f) If the actor flees the scene of the alleged violation, the arresting officer shall contact Somerset 911 and advise that an alleged PFA violation has occurred and issue a "stop and hold".

Procedure Following Arrest Pursuant to Som. R.C.P. 1903

- 1) During business hours, Monday through Friday, between 9:00 am and 4:00 pm, when the Court of Common Pleas is available.
 - a) The arresting officer shall bring the actor without unnecessary delay before the Court of Common Pleas.
 - b) If available, the officer may contact the Sheriff's Office or the County Detectives for assistance and access to a holding cell.
 - c) The District Attorney's staff shall assist the officer, with the Judge and Court Administrator to set the arraignment.
- 2) The Court of Common Pleas shall arraign the actor and set bond without unnecessary delay in the same manner as required under Pa. R. Crim. P. 104. If the actor cannot post bond at that time, an officer of the Sheriff's Office shall transport the actor to the Somerset County Jail.
 - a) The Court or officer, by phone or in person, shall notify the Victim/Witness Coordinator located in the District Attorney's Office of the conditions of the bond.
 - b) The Victim/Witness Coordinator shall contact the victim and inform him/her as to the bond conditions and whether the actor is incarcerated.
- 3) The officer shall prepare the criminal complaint. The District Attorney's Office staff shall make required copies and deliver to the proper offices.
- 4) The Court Administrator shall set a hearing date within ten (10) days and notify the actor or counsel by mail, the District Attorney's Office, and the officer of the hearing date and time. The District Attorney's Office shall confirm with the officer that he/she has been notified of the hearing date and time.

- a) If the actor is in jail, the Court Administrator must notify the Sheriff's Office so that the actor may be transported from the jail.
 - b) The District Attorney's Office shall advise the arresting officer to subpoena the victim and witnesses, if any, and advise of the hearing date and time and that they are required to be present.
- 5) When the Court of Common Pleas is unavailable:
- a) The officer shall file the charge of indirect criminal contempt with the District Judge.
 - b) The officer shall take the actor to the "on-call" District Judge without unnecessary delay, who shall arraign the actor, set bail if appropriate, and place any conditions on the bond to protect the victim during the investigation and criminal proceedings.
 - c) If the actor cannot post bond at that time, the officer shall transport the actor to the Somerset County Jail.
 - d) The officer shall make all reasonable efforts to contact the victim regarding the bond placed on the actor and whether he/she has made such bond.
 - e) The District Judge shall send a copy of such complaint to the Clerk of Courts and the Court Administrator's Office at the beginning of the next working business day. No other action needs to be taken by the District Judge; there is no need to schedule a Preliminary Hearing on the PFA contempt.
 - f) The Court Administrator shall schedule a hearing within ten (10) days of the "filing" of the charge of indirect criminal contempt and notify the actor or actor's counsel by mail. The District Attorney's Office shall be notified of the date and time of the hearing. The District Attorney's Office shall confirm with the officer the date and time of the hearing. If the actor is in jail, the Court Administrator must notify the Sheriff's Office so that the actor may be transported from the jail.
 - g) The District Attorney's Office shall advise the arresting officer to subpoena the victim and witnesses, if any, and advise of the hearing date and time and that they are required to be present.

Indirect Criminal Contempt Hearing pursuant to Som. R.C.P. 1903

- 1) For the PFA Orders issued in Somerset County, if possible, the issuing Judge of the original Order shall preside at the contempt hearing.
- 2) The District Attorney's Office shall represent the plaintiff/victim.
- 3) If the actor cannot afford an attorney, the Public Defender's Office shall represent him/her.
- 4) The prosecuting officer along with the victim and witnesses, if any, shall be present for this hearing.
- 5) Cost shall be paid to the Clerk of Courts when a police complaint alleging indirect criminal contempt is filed and to the Prothonotary's Office when a private complaint is filed.
- 6) The Somerset County District Attorney's Office shall be responsible for notification to the victims as required by Section 6114(c) of the PFA Act. Notice shall be given in advance of the release of an actor from incarceration and shall otherwise meet the requirements of Section 6114.

Arresting the Plaintiff

- 1) The plaintiff of a PFA Order **CANNOT** be arrested for a violation of that PFA Order. To arrest the plaintiff, an officer needs probable cause that a crime has taken place, as he/she would in any other criminal matter or as set forth in the domestic violence procedures of 18 Pa. C.S.A. 2711. This is so even if the plaintiff, in spite of the PFA Order, consensually has contact with the actor.
- 2) The plaintiff should be advised however, that the actor shall be arrested for a violation of the PFA Order until the plaintiff has such Order vacated.
- 3) The plaintiff should also be given information regarding the Women's Help Center, Victim Services, and other agencies that may be of service.
- 4) If both parties have been issued separate orders, and both parties have violated their Order, then it is appropriate to arrest both parties.

Juvenile Actors

- 1) Where a juvenile is the actor in a PFA and has allegedly violated an Order, arrest should be made and contempt proceedings held in accordance with the Juvenile Act.
- 2) Contact the District Attorney's Office with questions regarding this procedure.
- 3) After hours, the office should have Somerset 911 contact the on-call attorney and Juvenile Probation Officer.

No Arrest for a PFA Violation pursuant to Som. R.C.P. 1903

- 1) If, after a diligent investigation of the scene, the officer determines that an arrest for a PFA violation is not warranted, the officer must include in his/her report of the incident, a detailed explanation of the reason why an arrest was not made.
- 2) The officer should also advise the plaintiff that he/she may file a private criminal complaint against the actor, alleging criminal contempt for a non-economic violation of any provision of the PFA Order. This may be accomplished by contacting the District Attorney's Office and obtaining an appointment with a County Detective. The plaintiff should also be advised to contact his/her attorney who helped him/her file the original petition seeking the PFA Order.
 - a) When a private criminal complaint alleging indirect criminal contempt is presented to the Court or the District Attorney's Office as authorized by the provisions of the PFA Act, the complaint may be presented for issuance to a Judge in accordance with the Motion Judge's practice or, if not available, to the District Judge in whose district the violation occurred or other assigned District Judge when applicable. If the complaint is filed with the District Judge, the District Judge shall act as issuing authority.
 - b) The issuing authority shall forward the complaint to the Clerk of Courts for filing without prepayment of fees or costs.
 - c) If a warrant of arrest is not issued, the complaint shall be served on the defendant in the same manner as a PFA petition. If the complainant so elects, the complaint shall be served by the Sheriff's Office. In this event the Clerk of Courts shall provide a copy of the complaint to the Sheriff's Office for service.

- d) It shall be the complainants responsibility to provide copies of the complaint for service.
- e) He/she may contact the Victim/Witness Coordinator at the District Attorney's office or the Women's Help Center for assistance.

Enforcing PFA Orders from Other Counties/States

- 1) The Court shall have jurisdiction over indirect criminal contempt charges for violation of a PFA Order in the county where the violation occurred or where the original PFA was filed.
- 2) The arresting officer should follow the same procedures as set out in enforcing violations of PFA Orders if the violation is filed in Somerset County. If the PFA violation is filed in the jurisdiction of origin, officers shall cooperate with law enforcement in the jurisdiction of origin to facilitate prosecution.
- 3) If the actor is not arrested on scene and the officer has reason to believe that the actor has fled to another county, or the actor lives in another county, he/she can request the other county to assist in apprehension.

PFA Violation and Criminal Charges

- 1) When responding to a domestic call where there is an active PFA Order, and the officer has determined that bodily injury has occurred, the officer should file criminal charges; otherwise, the officer should file an indirect criminal contempt charge for a PFA violation.
- 2) If an officer arrests for violation of a PFA, and also determines that criminal charges should be filed from the same incident.
 - a) Take the actor before the District Judge to have bond set for the criminal charges.
 - b) Inform the District Attorney's Office as to both sets of charges so that he/she may address the double jeopardy issues.
 - c) If the actor is arrested for a PFA violation only, but the officer intends to file criminal charges, the officer must inform the District Attorney's Office of his/her intention so that the contempt hearing may be delayed.

Double Jeopardy

- 1) If the actor is found guilty of indirect criminal contempt for a PFA violation, then double jeopardy may bar prosecution of criminal charges stemming from the same incident (*Commonwealth v. Yerbv*, 679 A, 2nd 217, 544 Pa. 578 (1996)).
- 2) The specific contempt Order must be reviewed and compared to the elements of the offense actually deemed to have been violated in the contempt proceeding against the elements of the criminal offense.
- 3) If the actual PFA violation does not included all the elements of the criminal offense, double jeopardy does not preclude prosecution.

Example: If the Judge held in the contempt proceeding that the actor violated the PFA by causing bodily injury to the victim, then the charge of simple assault is barred. However, if the Judge does not find the PFA was violated by the actor entering the victim's residence, then the criminal trespass charge would not be barred.

Somerset County

Stalking

Protocol

Grant No. 2009/2010/2011-VA-06-20586 awarded by The Pennsylvania Commission on Crime and Delinquency for the STOP Formula Grant Program supported the development of this Protocol. The opinions, findings, conclusions, and recommendations expressed in this Protocol are those of the author(s) and do not necessarily reflect the views of the state or the U.S. Department of Justice Office on Violence Against Women.

Statement of Purpose

The principle purpose of this Protocol is to establish uniform policies and procedures to be followed by Somerset County law enforcement and others who are involved in responding to stalking calls. This Protocol is not intended to supercede department policies; however, it is designed to assist departments in creating and recommending policies and procedures. If a department chooses not to accept this Protocol as their standard operating procedure, a copy of their policy shall be submitted to the District Attorney for review.

Initial Police Response

- 1) Any time a victim reports any type of harassing, threatening, or menacing behavior, the responding officer should be thinking about the possibility of stalking. Inquiry must be made to determine whether this is an isolated incident or repeated conduct.
 - a) It is not uncommon for a victim to put up with harassing behavior for a period of time before calling law enforcement, therefore, whenever a report is made, the officer should consider that there may be a past history of this type of behavior.
- 2) Guidelines for investigation and evidence collection should be followed at the scene of the incident, to avoid the potential destruction of evidence by the actor. The responding officer should be aware of the possibility of violence, past history of violence and mental illness. The officer shall refer the victim to the Women's Help Center for safety training.

Police Investigation and Reporting

- 1) Investigation and documentation at the time of the incident are critical to the successful prosecution of a stalking case. Officers shall work together with the victim.
 - a) Document the course of conduct:
 - i) Obtain telephone records, answering machine tapes and any call trace data, letters or other written or electronic communications from the actor to the victim.
 - ii) The above items may be sent/communicated to the victim's family, friends and/or place of employment. The officer shall gain this information from those parties.
 - iii) The officer shall obtain any evidence of telephone tapping, along with items sent to the victim or others by the actor.
 - iv) The officer shall obtain any log or journal kept by the victim along with past police reports or court documents that the victim may have in their possession.

- b) Establish the existence of prior incidents of violence for the purpose of proving that the stalking demonstrated the actor's intent to frighten or distress the victim.
 - i) In addition to the incident charges as stalking, all of the actor's prior violent conduct shall be documented.
 - ii) Any violent acts against the victim, or victim's family, friends and/or co-workers shall be documented by obtaining police reports, court documents and/or Protection From Abuse Orders.
 - iii) Repeated telephone calls, following either on foot or by vehicle, repeated passing of the victim's home or place of employment, with no legitimate destination or purpose will aid in establishing the timeframe and the actor's familiarity with the actions taken by the victim.
- c) Establish prior convictions for the purpose of upgrading the offense to a felony.
 - i) Obtain records of any prior convictions for stalking and/or any crime of violence involving the victim or family and/or household members. This includes convictions for violations of Protection Orders and/or Protection From Abuse Orders.
- d) Interview witnesses to the impact of stalking on the victim and the victim's family and/or friends.
 - i) Interview the victim, the victim's family, friends and co-workers
 - ii) Eyewitnesses to the actual stalking
 - iii) Witnesses to the response of the victim to the stalking
 - iv) The victim's child(ren)
 - v) Any person who witnessed the victim's attempts to avoid the actor or was advised by the victim that he/she wished to have no contact with the actor.

Warrantless Arrest

- 1) Where the victim has a valid Protection From Abuse Order, which prohibits stalking and/or any type of contact, a warrantless arrest is authorized and is mandatory in a Protection From Abuse violation case.

Filing Charges

- 1) Elements of the offense:
 - a) In determining whether to file stalking charges, the officer must decide whether the actor's action constitutes a course of conduct, which the statutes define as "a pattern of actions composed of more than one act over a period of time, however short, evidencing a continuity of conduct."
 - i) The occurrence of at least two (2) separate incidents of intimidating behavior or one (1) intimidating activity which continued over a period of time, such as following someone for several hours.
 - b) In the case where there are at least two separate incidents, the statute does not require that they occur within any particular time period or within the same county or state. Additionally, as long as the most recent incident took place since the passage of the law, the other incident(s) could have occurred prior to June 23, 1993.
 - c) The officer must decide whether the actor intended to place the victim in substantial emotional distress or in reasonable fear of serious bodily injury.
 - i) Prior bad acts that create an interference, that the defendant caused the victim to fear for his/her safety or to cause him/her substantial emotional distress and a clear statement by the victim that the contact or communication with the actor is not desired or invited.
- 2) Grading of the offense:
 - a) The officer must be aware of the different grading of the offense of stalking. While stalking is generally a first degree misdemeanor, it rises to the level of a felony of the third degree, where the actor has a prior conviction for stalking or for any crime of violence against the same victim or member of his/her family or household, including violations of Protection From Abuse Orders or other Protection Orders.
 - i) The existence of a PFA or other Protection Order against the actor is not sufficient to raise the offense to a felony; there must be an actual conviction/finding of indirect criminal contempt for violating the Order. A contempt action for violation of a PFA Order which was settled by agreement and which does not stipulate to a violation, or merely resulted in the issuance of another PFA Order, may not qualify as a prior conviction for the purpose of enhancing the penalty.

3) Related charges:

- a) Other charges against the actor, which involve the same victim, should always be filed at the same time so as to avoid potential double jeopardy. Additionally, the officer should discuss with the District Attorney or Assistant District Attorney if the charge of stalking should be filed against the actor for the victim's child(ren), family and/or friends when applicable. In most domestic violence cases, stalking can be charged in addition to the underlying offenses.

Bail and Conditions of Release

- 1) Stalking is potentially lethal conduct. Officers should argue for significant bail. Any history of mental illness, including suicidal/homicidal ideations, as well as a history of violence and/or stalking, should be brought to the District Judges attention. A 1998 amendment to the Pennsylvania Constitution allows the District Judge to hold the actor when "...no condition or combination of conditions other than imprisonment will reasonably assure the safety of any person and the community when the proof is evident or presumption great..." (Pa. Const. Art 1 Sec. 14). Where appropriate, the actor should be held.
- 2) The officer should suggest that the District Judge impose conditions, which should include prohibiting contact with the victim in person or on the telephone or other forms of communication, either directly or indirectly (third party), barring the actor from the victim's residence, school or place of employment, the relinquishment of firearms and other weapons and any other condition tailored to protect the victim and his/her family and/or friends. The possibility of electronic monitoring or house confinement should be considered.

Proof at Trial

- 1) In addition to the establishment of the course of conduct, prosecutors must be prepared to prove that the actor's conduct demonstrated either "intent to place the person in reasonable fear of bodily injury" or "intent to cause substantial emotional distress to the person."
 - a) Intent should be considered an objective standard.
 - i) Although Pennsylvania courts have not yet made a definitive interpretation of the intent section of the stalking law, the statute appears to create an objective standard proof of intent. Therefore, the prosecutor should not be required to prove the actor's actual intent;

rather, the prosecutor need prove only that a reasonable person would conclude that the actor's conduct was intended to frighten or distress the victim, however, until an appellate ruling addressing this point has been issued, prosecutors should also introduce evidence of the actor's actual intent, if available.

- b) History of abuse can establish intent.
 - i) Testimony and documented evidence which establish a history of abuse toward the victim and/or his/her family by the actor can demonstrate the actor's intent to frighten or distress, as it places the stalking conduct within the context of a campaign of violence and intimidation which has occurred over time. Especially if the stalking itself could appear relatively harmless; mere watching, following, letters sent and/or the history of prior abuse is critical to proving that the stalking demonstrates an intent to frighten or distress the victim.
- c) The defendant's knowledge of the victim's fear can establish intent.
 - i) Evidence that the actor was aware that his/her conduct was frightening the victim can also be presented to establish the objective intent standard. The testimony of witnesses to encounters between the victim and the actor in which the victim exhibited fear, fled for his/her safety, or told the actor to stop his/her stalking conduct could be presented to establish that a reasonable person would know that this conduct would frighten or distress the victim.
- d) Substantial emotional distress is an objective standard.
 - i) The statute defines emotional distress as a "temporary or permanent state of mental anguish." This too, is an objective standard. The prosecutor need prove only that a reasonable person would conclude that the stalker's conduct was intended to cause substantial emotional distress, not that the victim did in fact suffer it. Therefore, psychiatric or psychological testimony on the behalf of the victim is not needed. Nonetheless, the victim's testimony about his/her fear and distress and any physical symptoms he/she suffered as a result, such as inability to sleep or eat is important.

Sentencing

- 1) Prosecutors should use the sentencing hearing as an opportunity to have the victim and/or other witnesses testify about past violent incidents, which may not

have been admissible at trial. A clear enumeration of aggravating factors will enhance sentencing to protect the victims from recurring violence.

- 2) Where a defendant is to be placed on probation, prosecutors should ask that contact, be it direct, indirect, or third party, be prohibited as a condition of probation. The conditions of probation may be specifically tailored to protect the particular victim, his/her family and/or friends.

Related Statutes

- 1) Protection From Abuse Act:
 - a) The Protection From Abuse Act, 23 PA C.S. 6101 etc. Seq., provides a civil remedy to victims of domestic violence. Many stalking victims will be eligible for, and may already have a PFA Order against the actor, however, obtaining a PFA Order should never be a prerequisite to the filing of stalking or any other criminal charge.
 - b) Where the stalking victim has a PFA Order, police and prosecutors should review the Order to determine if it clearly states that the actor is to refrain from stalking the victim or if the stalking conduct otherwise violates the terms of the Order, if so, the actor can be charged with violation of the Order along with other criminal charges.
 - c) Any victim, who seeks a PFA Order, even where no stalking is alleged, can ask the court to include in its Order an anti-stalking condition. However, not all stalking victims can get a PFA Order, as not all conduct prohibited by the stalking law constitutes “abuse” as defined in the PFA Act.
- 2) Victim/Witness Criminal Protection Orders:
 - a) The stalking law amended 18 Pa. C.S. 4954, so as to authorize the court to include a condition in any Victim/Witness Protective Order be issued during the course of criminal prosecution that the actor also refrains from stalking the victim. As with PFA Orders, police or prosecutors should determine whether the stalking victim has such an Order so that its violation can be charged as well.

- 1) As with domestic violence, stalking victims are at a heightened risk of intimidation and retaliation during the investigation and the prosecution of the case in the court system. Police and prosecutors should consider the following:
 - a) Work with victim advocates
 - i) Police and prosecutors handling stalking cases should make every effort to work closely with victim advocates, either staff of local advocate groups, advocates employed by the District Attorney's Office, or those working with independent agencies. In Somerset County, victim advocates are available 24 hours a day through the Women's Help Center and Victim Services. Working with an advocate who has an ongoing relationship with the victim greatly increases communication between law enforcement and the District Attorney and/or Assistant District Attorneys. This communication not only provides information, which will aid in prosecution, but will help ensure the safety of the victim, which is a key factor in any stalking case.
 - ii) Victim safety is largely dependent upon confidentiality and planning. For this reason, advocates are required by law to protect all information shared during their relationship with the victim (23 Pa. C.S. 6116). This confidentiality has been upheld and interpreted by the Pennsylvania Supreme Court as an absolute privilege.
 - iii) Advocates may appear unwilling to share information with law enforcement and prosecutors. For this reason, advocates, law enforcement and prosecutors should work together to clarify each person's role in the investigation and prosecution. Victim/witness service providers are not bound by the domestic violence privilege. Therefore, careful consideration should be given to balancing the need for safety planning with the victim and securing a conviction to hold the actor accountable for his/her actions.
- 2) Notify the victim:
 - a) Victim's statutory rights to notification are especially important in stalking and other domestic violence cases. Both the Crimes Code and the Protection From Abuse Act require that law enforcement notify victims of domestic violence of the availability of a safe shelter, domestic violence service providers and relief available under the Protection From Abuse Act. Notice must be both oral and written, in both English and Spanish (23 Pa. C.S. 6105; 18 Pa. C.S. 2711).

- b) Where an arrest is made for violation of a PFA Order or any personal injury crime, law enforcement agencies must make reasonable efforts to notify the victim as soon as possible but not more than 24 hours after the preliminary arraignment (23 Pa. C.S. 6105(b); 11.212(f)(1)). Where an actor is incarcerated as a result of violation of a PFA Order, the appropriate releasing authority, as designated by local rule, must notify the victim in advance of any release from custody (23 Pa. C.S. 6114 (c)).
- c) Pennsylvania's Bill of Rights for crime victims, law enforcement agencies and District Attorney's Office have a specific obligation to all crime victims. Law enforcement must notify victims of personal injury crimes and/or the actor's escape from the custody of any law enforcement agency (18 Ps. 11.101 et. Seq.).
- d) Prosecutors must notify victims of personal injury crimes of the opportunity to submit a non-confidential victim-impact statement, the opportunity to submit input into state correctional release decisions, and the right to receive notice of commitment to state mental health institutions.
- e) Prosecution must also make reasonable efforts to provide victims of personal injury crimes with advance notice of any dispositional proceedings and, if requested by the victim, must make reasonable efforts to notify the victim as soon as possible when the actor is released from incarceration at sentencing. Prosecutors must advise victims that they have a right to file a claim with the Crime Victim's Compensation Board. Victim Services will assist victims in filing this claim. The prosecutor shall also provide notice of the disposition and sentence of the actor, including any sentence modifications, when the victim has requested that information (18 P.S. 11.212 & 11.213(e)).

Somerset County Sexual Assault Protocol

and Anonymous Reporting of Sexual Assault Protocol

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Thank you to all of the individuals and organizations who support SomersetCounty's efforts to improve the services available to individuals impacted by the crime of sexual assault.

Statement of Purpose

Sexual assault is a crime of violence against a person's body and will. Sex offenders will use psychological and physical aggression to victimize, often threatening a victim's sense of privacy, safety and well-being. Sexual assault can result in physical trauma and significant mental anguish and suffering for years after the assault.

Yet less than one third of all sexual assaults are ever reported to law enforcement.

Victims may be reluctant to report and to seek medical attention for a variety of reasons. For example, victims may blame themselves for the sexual assault and feel embarrassed. They may fear their assailants or worry about whether they will be believed. A victim may also lack easy access to services. Those who have access to services may perceive the investigation and medical forensic examination as yet another violation because of its extensive nature in the immediate aftermath of the assault. Rather than seek assistance, a sexual assault victim may simply want to go somewhere safe to clean up and forget the assault ever happened.

The first contact after a sexual assault is critical to the victim's recovery.

Responders at every point of contact can dramatically impact the victim's emotional well-being and ability to accept and respond positively to continued investigative efforts. Sexual assault investigations must focus on the medical care of the victim first and the investigation second.

It is the expectation of our community that all sexual assault victims will be treated with respect and appropriate attention will be given to their emotional and physical needs, regardless of their decision whether or not to participate in the criminal justice process.

It is also the expectation of the community that:

- Investigations will be based on facts presented.
- Interviewers will use techniques specially designed for sexual assault cases.
- Evidence will be properly identified, sensitively collected and preserved.
- Law Enforcement Officers, Victim Advocates, and SANEs will work closely as a team.
- Efforts will be directed toward the respectful and sensitive treatment of victims and successful prosecution of sex offenders.

Our community understands that every effort made to relieve a victim's feelings of shame and/or self-blame, to regain a sense of control of their lives, and to ensure that all victims are treated professionally and with dignity, will enable victims to provide the clearest and most thorough information about the crime.

It is our hope that this protocol will assist Somerset County responders to simultaneously address the immediate health care and support needs of a victim and the future needs of the criminal justice system in the most competent, compassionate and effective manner possible.

This protocol was developed with input from the Somerset County Office of the District Attorney, Somerset County Bureau of Investigation and other law enforcement agencies across the county, The Women's Help Center, Victim Services, Inc., Conemaugh Memorial Medical Center, and the Pennsylvania State Police Crime Lab at Greensburg.

Specifically, this protocol has the following goals:

1. Facilitate a countywide coordinated community response to sexual violence and standardize the quality of care and evidence collection and documentation as supported by the *Violence Against Women Act of 2005*. Such a response can help victims gain access to comprehensive immediate care, minimize trauma, and encourage use of community resources.
2. Address the needs of victims while promoting the criminal justice system response. Stabilizing, treating, and engaging the victim as an essential partner in the criminal investigation are central aspects of this protocol. It is for this reason that our protocol includes an option of **Anonymous Reporting**, giving victims, **18 years of age and older**, needed time to decide if and when they are ready to engage in the criminal justice process. The objective is to promote better and more victim-centered care, support, and evidence collection, in order to increase reporting and ultimately hold more offenders accountable.
3. Delineate the separate roles and responsibilities of responders and establish procedures for interagency coordination and collaboration, thus strengthening relationships between agencies and creating objective uniform standards that will improve overall victim care, and investigation and prosecution of sexual assault cases.

Guiding Principles

Sexual assault has a devastating and long-term impact on individuals from all walks of life. All members of society are vulnerable to this crime, regardless of race, age, gender or social standing.

When sexual assault does occur, victims deserve a coordinated, competent and compassionate response from the community. For individuals who experience this horrendous crime, having a positive experience with the criminal justice system, medical professionals, and victim advocates can contribute greatly to their overall healing.

This protocol is guided by the following key principles that support a victim-centered response to the crime of sexual assault:

- Recognition that responders at every level play a significant role in both the victim's ability to cope with the emotional and psychological after effects of the crime and the decision to cooperate in the investigation;
- Awareness that a victim's acute distress may create an unwillingness or psychological inability to assist the criminal justice system;
- Understanding that providing victims with information of available resources, and about the possible outcomes of choosing one option over another, will help a victim make informed decisions and will assist in their healing;
- Respect for the right of victims **18 years of age and older**, to make the choice *not to participate or to delay participating* in the criminal justice system.

A Victim-Centered, Trauma-Informed and Offender-Focused Response

Above all else, a collaborative response to sexual assault must be victim-centered.

This means that responders at every level recognize that they are accountable to the victim. This is particularly important since one reason victims give for not reporting a sexual assault is the fear of not being believed. It is important to the safety of the entire community that victims regard reporting to Law Enforcement and participating in the criminal justice system a safe and viable option.

It is also crucial that every responder in every discipline is informed about the effect of trauma on an individual.

Trauma can affect an individual's memory and ability to give detailed information. For all responders, this means being educated about the effect of trauma on an individual and treating each victim with consideration, professionalism, and compassion.

Common reported reactions that may occur during an assault, immediately following an assault, and for a considerable time period after the assault may include, but are not limited to:

- Anger
- Anxiety
- Hyper-vigilance
- Fear for the safety of self or loved ones
- Preoccupation with circumstances surrounding the assault
- Flashbacks in which the individual mentally re-experiences the event
- Physical symptoms including muscle aches, headaches, fatigue
- Disbelief at what has happened, feeling numb
- Problems with memory (especially concerning the traumatic event)
- A misperception of time
- Increased startle response
- Misplaced feelings of guilt, shame and/or self doubt

Responders must also be offender-focused in response to sexual assault.

An offender-focused response acknowledges that offenders purposefully, knowingly and intentionally target victims whom they believe they can successfully assault. Responders must recognize that offenders often choose victims based on the victim's accessibility, vulnerability and a perception by the perpetrator that the victim's report of the attack will lack credibility. This is seen by the offender as an assurance of their ability to escape accountability for the offense.

Perpetrators hope that community responders will participate in victim blaming, not educate themselves about offenders, and not have a solid understanding of the effects of trauma. All of these can combine to allow the offender to continue to re-offend.

If Somerset County's collaborative response to the crime of sexual assault can balance the needs of the of the victim with the expectations of the criminal justice system, while maintaining focus on holding offenders accountable, the goals of a victim-centered response will be met.

Initiating a Collaborative Response

The Sexual Assault Response Team/SART Approach

The team approach to sexual assault seeks to lessen the traumatizing nature of the Medical Forensic Exam. Through coordination of the medical, support services and investigation process, SART works to reduce unnecessary questioning of the victim, to ensure the physical and psychological well-being of the victim, and to increase effective collection and documentation of evidence.

SART consists of a core team of responders:

- Law Enforcement Officer
- Sexual Assault Nurse Examiner
- Victim Advocate

This core team provides immediate collaborative response to adult victims of sexual assault.

The Primary Objectives of SART are:

- To provide victims with immediate advocacy and support during the medical examination and throughout the investigative and legal process.
- To provide victims with immediate and compassionate medical care and follow-up.
- To provide timely and professional forensic evidence collection and preservation and a responsive and thorough investigation by law enforcement.

It is as important for each responder to understand the specific role and responsibilities of each SART member, as it is to know each other's motivations. The goal is for responders at every level to call on each other for assistance and direction as well as to hold each other accountable on behalf of the victim.

Overview

Of Anonymous Reporting of Sexual Assault

Many sexual assault victims report the crime immediately to law enforcement. Reporting provides Somerset County's criminal justice system the opportunity to offer immediate protection to the victim, collect evidence from all crime scenes, prosecute if there is sufficient evidence and hold the offender accountable for crimes committed. Equally important, reporting gives law enforcement the chance to identify patterns of sexual violence in our county.

Some victims, however, are unsure, unwilling or unable to make an immediate decision about whether or not to participate in the criminal justice system in the traumatic aftermath of an assault. Any real or perceived pressure put on these victims to report immediately may in fact discourage future or continued involvement in the judicial system.

A countywide method for **Anonymous Reporting** provides for the collection and maintenance of time-sensitive evidence while allowing the victim time to become stable, consider his/her options, or even arrange for safe accommodations and economic provisions in the case of intimate partner sexual violence/domestic violence.

Victims who receive compassionate support and appropriate care at the time of the exam are more likely to engage fully with law enforcement and prosecution in the future.

In June of 2011, a collaborative effort across Somerset County was initiated to create a countywide systemic response to sexual assault that closely follows the victim's process of trauma, disclosure and recovery.

Recognizing the importance of a victim-centered response, this interagency protocol establishes clear procedures and documents to collect, maintain and track evidence from an **adult victim** of sexual assault who wishes not to participate in the criminal justice system or to delay participating.

Roles and Responsibilities of Responders

The Somerset County Sexual Assault Protocol mainly addresses the roles and responsibilities of responders with regard to victims age 18 years and older.

The protocol mainly addresses the following responders:

- Sexual Assault Nurse Examiners (SANE) and other health care providers
- Victim Advocates
- Law Enforcement Representatives

Each of these professions has a role in responding to and caring for patient/victims, investigating the crime, and/or holding offenders accountable. Together, these responders form the core Sexual Assault Response Team (SART) and respond to immediate disclosures of sexual assault.

Each responder should be able to explain to victims the roles of other team members.

A victim of sexual assault in Somerset County who is age 18 years or older has the option to speak with one, two, three or *none* of the SART members.

While this protocol addresses the role of the core SART team, it is important to recognize that responders at every level play a significant role in the recovery process of survivors of sexual assault and in helping to recover a sense of peace and security in the life of the survivor and the community at large.

The Role of the Law Enforcement Officer

Law Enforcement Agencies in Somerset County

The first contact after a sexual assault is critical to the victim's recovery.

Law Enforcement Officers are often the point of first contact for the victim. Responding officers can dramatically impact the victim's ability to accept and respond positively to continued investigative efforts. Sexual assault investigations must focus on the medical care of the victim first and the investigation second.

Officers should be aware that their actions as the first responder have a vital impact on the future psychological well-being of the victim. Every effort made to relieve victims' feelings of shame and/or self-blame, to regain a sense of control of their lives, and to ensure that all victims are treated professionally and with dignity, will enable victims to provide the clearest and most thorough information about the crime.

The role of an officer responding to sexual assault focuses on the following:

- protecting the safety and well-being of the victim;
- ensuring the victim receives proper medical attention;
- initiating a collaborative response;
- collecting and preserving evidence, including initial witness statements;
- identifying whether a crime has occurred; and
- conducting an investigation.

Initiating the Collaborative Response

When a victim presents to a responding officer and indicates that a sexual assault has occurred, the officer will initiate the multidisciplinary response/SART by ***promptly*** contacting Victim Services, Inc. at **814-288-4961** and will request that an on-call Advocate be dispatched.

Victim Services, Inc. should be contacted in every case of sexual assault whether or not a victim chooses to have a sexual assault exam.

The victim of sexual assault needs prophylaxis to prevent sexually transmitted infection and pregnancy. ***The victim should always be referred to SANE for assessment and care.***

When a forensic examination is indicated, the responding officer should promptly contact the hospital Emergency Department and request that a SANE be dispatched. The responder can reach the SANE Program at Conemaugh Memorial Medical Center at **814-534-9101** and the SANE Program at Meyersdale Medical Center at **814-634-5911.**, Somerset Hospital at **814-443-5249** and Windber Hospital at **814-467-6419.**

Role of Law Enforcement During the Forensic Exam

The Law Enforcement Officer **Will Not Be** present and participate with the SANE during the taking of the assault and forensic history. However, the victim should always be allowed to determine who is present during the forensic exam.

Conducting an Initial Victim Statement Interview

The initial victim statement is typically taken upon first contact with the victim and law enforcement. The initial victim statement is the opportunity for law enforcement to obtain basic information and establish the location and elements of the crime. The Victim Advocate should be available to sit in on the initial victim statement if the victim chooses. The initial victim statement is **not** a comprehensive interview – the initial statement is used to assess safety and health needs, ascertain jurisdiction, identify and preserve sources of evidence and determine next steps.

Conducting a Comprehensive Interview/Assault History

If available, officers who have specific training in sexual assault interviews and investigations should perform the interview with the victim.

The interview should take place *after* the forensic exam has been completed and the victim has been allowed to shower (if desired) and dress. An Advocate should be present during the interview, if the victim consents. The Advocate and the Law Enforcement Officer should work together to minimize re-victimization during the interview process.

Victim interviews take time to complete. Law enforcement should allow ample time to conduct a thorough victim interview. The comfort and needs of the victim should be taken into consideration throughout the course of the interview process.

Law Enforcement Officers should consider that trauma, cultural differences, cognitive ability, fear, self-blame and other factors can influence the victim's ability to provide concise details about the assault. Law enforcement and the Advocate should work together to ensure the victim's comfort in order to facilitate the disclosure of as many relevant details as possible.

The purpose of the interview is to develop a fuller picture of the circumstances of the sexual assault. The interview presents an opportunity for the victim to provide additional information she/he may not have remembered, may have been afraid or embarrassed to share, or may have suppressed immediately following the assault. It presents an opportunity for law enforcement to:

- Verify, clarify and expand on the initial interview;
- Confirm and establish the elements of the crime;
- Develop supporting details related to the circumstances surrounding the assault.

Victims may fear not being believed. A victim-centered approach to interviewing acknowledges these factors and attempts to make the victim comfortable by:

- Establishing a rapport before beginning the interview.
- Explaining the investigative process and why certain questions are necessary.
- Avoiding victim-blaming questions – such as *why did you?* or *why didn't you?*
- Encouraging the victim to provide a comprehensive statement of the event from beginning to end – with only minimal interruption but with the understanding that follow up questions will be necessary for clarification
- Acknowledging the impact of trauma on the victim during the interview.

Reluctant and/or Recanting Victims

It is not uncommon for sexual assault victims to be reluctant about reporting to law enforcement and participating in the criminal justice system.

Victims who are reluctant often feel they have no other choice but to recant in an effort to disengage from the criminal justice system.

A victim centered approach by law enforcement recognizes the tremendous cost to a victim who proceeds with the criminal justice system and understands that recantation of one or more aspects of a prior statement doesn't necessarily mean false reporting.

Various influences affect a victim's willingness to participate and/or recant. Among those influences are:

- A victim's feeling of embarrassment, fear, and shame
- A victim wanting to put the assault behind them,
- Anxiety over having to face the perpetrator in court
- Pressure from offender, friends, family or community
- Pressure from cultural and/or religious communities
- Concern or confusion about the likely outcome of a prosecution
- Concern that the victim will not be believed



*In Somerset County, victims 18 years of age or older reporting sexual assault may choose not to interact with law enforcement. The medical forensic examination will be performed, if the patient consents to Anonymous Reporting. This method will provide for time-sensitive evidence collection without revealing identifying information to law enforcement. Please refer to Anonymous Reporting Protocol on **page 19** for more information.*

The Role of the Victim Advocate

Victim Services, Inc.

Women's Help Center, Inc.

The Victim Advocate provides essential support to victims of sexual assault and **must be called to each and every sexual assault investigation and prosecution**. They are trained to assess victim needs and to provide counseling, advocacy, information, referrals and support. Additionally, they serve as important liaisons with SANEs, law enforcement officers and prosecutors throughout the entire criminal justice process.

Victim advocates are an important resource for explaining victim's rights. They assess ongoing victim safety issues and provide referrals to medical, counseling and social service resources. Advocates assist prosecutors in identifying expert witnesses and assisting victims in court.

In Somerset County, Advocates from Victim Services, Inc. are on call 24 hours a day.

The role and responsibilities of the Victim Advocate are defined below.

- The Victim Advocate, **in coordination with the attending SANE**, will assess and accommodate the special needs of the patient/victim including but not limited to any needs relating to language or culture, physical or mental ability, age or gender.
- The Victim Advocate, **in coordination with the attending SANE**, will provide supportive, unbiased information concerning available options about emergency contraception, follow-up counseling, and reporting methods.
- The Victim Advocate will provide crisis intervention, support, and referrals to the patient/victim, and with consent, to family and friends. This consent may be verbal and or written.
- The Victim Advocate will determine the need for safety planning and will assess whether the patient/victim is in need of food, clothing, shelter, transportation, and will access or support in accessing services and/or resources.
- The Advocate will be present while the SANE conducts medical and forensic history, and the exam, if the patient consents.
- The Advocate will be present while the Officer conducts the interview victim statement and the comprehensive interview, if the victim consents.
- In the event that the patient/victim chooses the anonymous reporting method, the advocate will provide information, **in coordination with the attending SANE**, on evidence collection, evidence holding period and timeline, method for future contact, and how anonymous reporting may affect any possible future prosecution.
- In cases of Anonymous Reporting, three weeks prior to the end of the **180-day evidence-holding period**, Victim Services or the SANE program will contact the victim, if consent was given, to remind the victim of the evidence holding period and timeline.

Victim Advocate continued

- In the event that a victim who has reported anonymously chooses to convert to a standard report by contacting Law Enforcement or another agency and indicates that she/he has previously had evidence collected anonymously, the responder must immediately contact or instruct the victim to contact Victim Services, Inc. or the SANE Program at the medical facility where the exam was completed.
- Victim Services or SANE will then provide the victim who is reverting from Anonymous Report to a Standard Report with necessary information regarding the kit storage or will contact SCBI directly and relay the information, such as the SANE number from the front of the kit, the name of the attending SANE, the name of the responding officer who picked up the kit, and the date and time of kit retrieval.
- SCBI will then link that information to the Anonymous Forensic Rape Kit stored in the evidence room and to the informational police report.
- SCBI will then determine the jurisdiction where the assault took place and how the victim will report to the appropriate law enforcement agency.
- SCBI will arrange for transfer of evidence to the proper jurisdiction.
- The jurisdictional Law Enforcement Agency will proceed with the investigation as in a standard report.

The Role of the Sexual Assault Nurse Examiner (SANE)

Conemaugh Memorial Medical Center

Meyersdale Medical Center

Somerset Hospital

Windber Hospital

The Sexual Assault Nurse Examiner (SANE) is an advanced trained nurse who serves the patient/victim by providing prompt, objective, compassionate and comprehensive medical treatment and forensic evaluation within a coordinated community response.

NO Law Enforcement Office will be present during the Forensic Medical Exam or during gathering of Medical History by the SANE.

The victim of sexual assault needs prophylaxis to prevent sexually transmitted infection and pregnancy, and may need other medical attention. **The victim should always be referred to SANE for assessment and care.**

The SANE examination of the victim of sexual assault may assist with the investigation and prosecution of the case but is foremost intended to assist the survivor of sexual assault in her/his recovery. The physical and psychological well being of the sexual assault patient is always given precedence over forensic needs.

Assessment, examination, evidence collection and documentation should be performed by trained SANEs. The examination and evidence collection of the victim which follows a sexual assault is complicated and time consuming. If done by healthcare providers who have a limited understanding of the many needs and concerns of sexual assault victims, it is sometimes as intrusive, invasive and as traumatizing as the assault.

The collection of evidence and the documentation of injury cannot be done in retrospect. If the evidence collection is done improperly or the chain of custody not properly maintained, the result may be a thwarted investigation and unsatisfactory prosecution. Expertise is also important to establish credibility when testifying in a court of law.

A SANE does not provide an opinion on the merits of the case, although a SANE will conduct and document each examination knowing that fact and/or expert testimony in court may ultimately be required.

Adult victims of sexual assault in Somerset County have the following reporting options:

- Reporting the assault to law enforcement and having evidence collected.
- Choosing NOT to report and NOT having evidence collected.
- Choosing to have evidence collected anonymously and stored for 180 days.

Whatever decision is made by the victim should be supported by the SANE. The victim who decides not to report or who is undecided should be assessed and treated in the same manner as the victim who is reporting.

In Somerset County, on call SANES are available 24 hours a day.

SANE continued

The roles and responsibilities of a SANE are outlined below.

- A victim will often report sexual assault first to medical personnel. In the event that a patient indicates that there has been a sexual assault, hospital staff will immediately contact the on-call SANE. The SANE, or designated hospital staff will then contact Victim Services, Inc. immediately to dispatch a Victim Advocate to the medical facility.
- The SANE will first assess the patient/victim for acute medical needs and provide stabilization, treatment for acute injuries and/or consultation. At times, treatment of other injuries may be delayed to ensure that evidence is preserved.
- The SANE will conduct a physical medical and forensic examination in a supportive and objective manner in order to treat the patient and collect evidence according to the Commonwealth's forensic rape examination protocols.
- The SANE will provide supportive, unbiased information concerning available options about medical care, emergency contraception, follow-up counseling and reporting methods.
- In the event that the patient/victim chooses the anonymous reporting method, the attending SANE, **in coordination with the Victim Advocate**, will provide information on the evidence holding period and timeline, method for future contact if and when the patient/victim chooses to revert to the standard reporting method, and how anonymous reporting may affect any possible future prosecution.
- The SANE will conduct a medical history of the patient/victim. The medical interview provides information necessary to complete the subsequent physical examination. The SANE will allow the Advocate to be present, if the victim consents.
- The SANE will also conduct an assault history to guide the forensic examination, focusing on information about the assault, day and time of the assault, and characteristics of the assault such as penetration of any orifice, weapons, forms of violence and resulting injuries, the patient/victim's level of consciousness during the assault and whether the patient/victim has bathed, showered, douched, urinated, etc. since the assault. The SANE will allow the Officer and/or Advocate to be present, if the victim consents.
- If the victim consents, the SANE will photograph the patient/victim's injuries
- A SANE does not attempt to gather detailed investigative information such as the height or weight of the perpetrator, for example, but will document what is necessary to guide the forensic exam and treat the patient/victim.

- The SANE coordinates with the Victim Advocate to determine whether or not the victim is safe both physically and emotionally and will assist as needed in determining the need for safety planning.

SANE continued

- Upon completion of a standard medical forensic examination, the SANE will transfer the completed kit to the responding Law Enforcement Officer for transport.
- In the event of an Anonymous Report and upon completion of the medical forensic examination and after the patient/victim has left the hospital, the attending SANE will place the completed kit in the SANE evidence locker according to procedure.
- In the event of an Anonymous Report, SANEs at Conemaugh Medical Center, Meyersdale Medical Center, Somerset Hospital and Windber Hospital will contact Somerset County Bureau of Investigation and ask that an officer be dispatched to retrieve a completed Anonymous Forensic Rape Exam Kit.
- The SANE will then give the Anonymous Forensic Rape Exam Kit to the responding officer or detective who will transport the kit to SCBI's evidence room and log it in as evidence according to departmental procedure.
- Somerset County Bureau of Investigation was chosen as the county's repository for Anonymous Kits because of County Wide Jurisdiction.
- Three weeks prior to the end of the 180-day evidence-holding period, Victim Services or the SANE program will contact the victim, if consent was given, to remind the victim of the evidence holding period and timeline.
- If and when a victim chooses to revert to a standard method of reporting, the victim may contact either Victim Services, as advised at the time of the exam, or the victim may choose to contact the SANE program, Law Enforcement, or some other agency.
- In the event that a victim who has reported anonymously chooses to revert to a standard report by contacting Law Enforcement or another agency and indicates that she/he has previously had evidence collected anonymously, the responder must immediately contact or instruct the victim to contact Victim Services, Inc. or the SANE Program at the medical facility where the exam was completed.
- Victim Services or SANE will provide the victim with necessary information regarding Anonymous Kit storage or will contact SCBI directly and relay the information, such as the SANE number from the front of the kit, the name of the attending SANE, the name of the responding officer who picked up the kit, and the date and time of kit retrieval.
- SCBI will then link that information to the Anonymous Forensic Rape Kit stored in the evidence room and to the informational police report.

- SCBI will coordinate the information with SANE or Victim Services to determine the jurisdiction where the assault took place and how the victim will report to the proper law enforcement agency.

The Role of the Prosecutor

Office of the District Attorney of Somerset County

The District Attorney is the Chief Law Enforcement Officer for Somerset County. The primary responsibility of the District Attorney is to see that justice is accomplished within the framework of the United States Constitution, the Constitution of the Commonwealth of Pennsylvania and the laws of the Commonwealth.

In Somerset County, the District Attorney along with a staff of well trained, highly qualified Assistant District Attorneys handle all criminal cases filed by local law enforcement officers including sexual assault cases.

The District Attorney is committed to ensuring the public safety and the safety of victims through effective and efficient prosecution of cases. It is the role of the prosecutor to lead victims through the criminal justice process and be their voice in the pursuit of justice, recognizing that every case and every victim is unique. It is very important to the prosecutor to seek convictions that will hold offenders accountable for their actions, and to seek sentences that adequately punish the actor for the crime committed while at the same time protecting the constitutional and legal rights of the accused.

Prosecutors play a pivotal role in the outcome of sexual assault complaints with the most critical decision being the decision to prosecute or not prosecute after evaluating whether there is enough evidence to proceed in court.

If charges are filed, the victim is afforded many rights pursuant to the Victims Rights Act. The District Attorney's Office, with assistance from Victim Advocates, strives to keep the victim notified and informed on all developments in the case. The victim has the opportunity to appear and be heard in court proceedings and has a direct line of communication with prosecutors.

Although the ultimate decision of how the case will proceed rests within the sole discretion of the Prosecutor's Office, input from the victim is an important component in the decision-making process and carries considerable weight in determining the best course of action.

Victims should feel comfortable that prosecutors will explain the various stages of the court proceedings to them and prepare them to testify in court should it become necessary. Steps are taken to ensure that the victim is safe in the courtroom setting. Each victim presents with unique circumstances of victimization. The District Attorney's Office strives to listen to what each victim of sexual assault has to say, answer any questions and address any concerns each victim may have, and make the best possible decision on how to proceed on behalf of the victim.

Somerset County's team approach to prosecuting offenders best serves victims while promoting accountability and punishment for perpetrators of sexual abuse.

Sexual Assault Protocol Checklist

Dispatcher Protocol Checklist:

- Check safety of victim (weapons, injuries, direction of travel of suspect, etc.)
- Check special language access or needs.
- Confirms victim's safety and medical needs; activate Emergency Medical Services as needed.
- Seek suspect information, description, direction of travel, vehicle, etc.
- Ask if they have bathed or showered, if they have not, ask them not to. If they have do not comment and ask if they have change clothes, comb hair, brush teeth, smoke, urinate, etc.
- Dispatch an officer.
- Remain on line with victim until officer arrives on scene as in all calls with a victim(s).

Responding Law Enforcement Officer Protocol Checklist:

- Re-evaluate safety of victim and any other person at potential risk.
- Activate Emergency Medical Services as needed.
- Identify crime.
- Establish jurisdiction.
- Preserve evidence/secure scene.
- Determine if offender is known and possible locations.
- Activate SART—Officer, SANE, Advocate.
- If the victim is a juvenile, contact CYS at 814-445-1600 / Somerset 911 for on Call Case Worker or Child Abuse Hotline at 1-800-932-0313.
- If adult victim falls under mandated reporting, contact Adult Protective Services at 814-443-2681/ after hours 800-452-0218.
- Conduct initial victim statement with Advocate present, if victim consents.
- Follow up with comprehensive interview after SANE exam with Advocate present, if victim consents.
- Determine need for search warrant and execute search warrant as needed.
- Conduct witness interviews including disclosure witnesses.
- Conduct suspect interview, obtain statement not an interrogations.
- Promptly and completely document case.
- Conduct comprehensive review of all documents, statements, etc. before sending case to DA.

SART Collaborative Protocol Checklist:

- Officer, Advocate, SANE will work together to determine safety needs of victim.
- Officer, Advocate, SANE will work together to determine special needs of victim.
- Officer, Advocate, SANE will work together to provide victim with information on Victim Rights.
- Officer will conduct initial victim statement with Advocate present, if victim consents.
- SANE will conduct forensic history with Officer and/or Advocate present, if victim consents.
- Officer will leave the room for forensic examination at the victim's, SANE's, or Advocate's request.
- Officer will conduct comprehensive victim interview with Advocate present, if victim consents.

Role of Law Enforcement with Regard to Anonymous Reporting

All Somerset County Law Enforcement Agencies

Law Enforcement Representatives (including 911 dispatchers, patrol officers, and investigators) respond to initial complaints, secure safety for the victim, arrange for transportation to and from the exam site as needed, interview the victim and witnesses, coordinate collection and delivery of evidence to designated labs or evidence facilities, investigate cases, apprehend suspects, and prepare reports for prosecutors.

In the case of **Anonymous Reporting** of Sexual Assault, the *initial* role of Law Enforcement is very different.

The majority of victims of sexual assault who receive medical care, initially present to law enforcement.¹ However, some victims first present at a medical facility or advocacy center. For a variety of reasons, many victims are reluctant to speak with law enforcement.

The goal of this protocol is to reach those victims, **age 18 years and older**, who might not otherwise receive medical attention because of their reluctance to report, and offer treatment, support, information and referrals, and in the process, with the victim's consent, gather critical and time sensitive evidence through a medical forensic exam.

The role and responsibilities of Law Enforcement in the case of Anonymous Reporting of Sexual Assault is defined below.

- In the event of an **Anonymous Report** in Somerset County, upon completion of the medical forensic examination and after the patient/victim has left the hospital,
 - the attending SANE at Conemaugh Medical Center, Meyersdale Medical Center, Somerset Hospital and Windber Hospital will contact Somerset County Bureau of Investigation.
- The SANE will request an officer or detective to be dispatched to retrieve a completed **Anonymous Forensic Rape Exam Kit** to be taken to SCBI Evidence Room.
- Somerset County Bureau of Investigation was chosen as the county's repository for these kits because of County Wide Jurisdiction
- A detective will respond to the Emergency Department and ask to see the attending SANE or designated staff member. The SANE will then release the **Anonymous Forensic Rape Exam Kit** to the responding officer who will transport the kit to SCBI evidence room and log it in as evidence according to departmental procedure.

¹ US Department of Justice, Office of Violence Against Women, *A National Protocol for Sexual Assault Medical Forensic Examinations*, September 2004, page 8.

- The detective will prepare a Call Report and indicate in the report the SANE number from the front of the kit, the name of the attending SANE, and the date and time of retrieval on the report.
- **Law enforcement will not investigate this matter unless and until a standard report is initiated.**
- The **Anonymous Forensic Rape Exam Kit** will remain in the evidence room for up to **180 days** unless the victim reverts to a standard report before **180 days**. At the end of **180 days**, SCBI will address the final disposition of the evidence according to departmental procedure.
- Three weeks prior to the end of the **180-day evidence-holding period**, the designated SANE will contact the victim, if consent was given, to remind the victim of the evidence holding period and timeline.
- If and when a victim chooses to revert to a standard method of reporting, the victim may contact either Victim Services, as advised at the time of the exam, or the victim may choose to contact the SANE program, law enforcement, or some other agency.
- In the event that a victim who has reported anonymously chooses to revert to a standard report by contacting Law Enforcement or another agency and indicates that she/he has previously had evidence collected anonymously, the responder must immediately contact or instruct the victim to contact Victim Services, Inc. or the SANE Program at the medical facility where the exam was completed.
- Victim Services or SANE will provide the victim with necessary information regarding the kit storage or will contact SCBI directly and relay the information, such as the SANE number from the front of the kit, the name of the attending SANE, the name of the responding officer who picked up the kit, and the date and time of kit retrieval.
- SCBI will then link that information to the **Anonymous Forensic Rape Kit** stored in the evidence room and to the Call Report Number.
- SCBI will coordinate the information with SANE or Victim Services to determine the jurisdiction where the assault took place and how the victim will report to the proper law enforcement agency.
- SCBI will arrange for transfer of evidence to the proper jurisdiction.
- The jurisdictional Law Enforcement Agency will proceed with the investigation as in a standard report.

Law Enforcement Protocol with Regard to Anonymous Reporting

Overview

If an individual 18 years of age or older, presents to the Emergency Department reporting sexual assault but is reluctant to speak with law enforcement, he/she will be offered the option of Anonymous Reporting. The forensic medical examination, including the Forensic Rape Exam collection kit, will be performed.

Upon completion of the exam, the attending SANE will contact Somerset County Bureau of Investigation or Somerset 911 to have a detective dispatched. The detective will transport the Anonymous Forensic Rape Exam kit to the SCBI evidence room. No identifying information will be released to law enforcement at this time.

A consent form for the collection of evidence under Anonymous Reporting will be obtained by the SANE. The consent form will review benefits and drawbacks of Anonymous Reporting.

The kit will be stored for 180 days following the date of the forensic exam. During those 180 days, the victim may decide that she/he would like to revert to a standard report. After 180 days, if the victim has not issued a standard report, SCBI will address the final disposition of the evidence according to procedure.

Evidence:

- Upon completion of an Anonymous Forensic Rape Exam, and after the patient/victim has left the hospital, a SANE will contact SCBI requesting that a detective be dispatched to retrieve an Anonymous Forensic Rape Exam Kit at the Emergency Department.
- The responding officer will ask for the attending SANE (or designated staff member) and retrieve the Anonymous Forensic Rape Exam Kit. The kit box will be marked with a unique SANE Number. No other identifier will be provided.
- The responding detective will transport the kit to SCBI's Evidence Room and complete an informational Call Report which will include the SANE Number from the kit box, the name of the attending SANE, and the date and time the kit was retrieved.
- If the kit requires refrigeration (contains a sanitary napkin or tampon) the kit will be stored in a refrigerator at the SCBI evidence room.
- If the kit does not require refrigeration, the kit will be stored in the SCBI evidence room in an evidence cabinet.
- The kit will be stored for 180 days.
- Three weeks prior to the end of the 180-day period, Victim Services, Inc. (or if designated, the SANE Program) will contact the victim, if consent was given, informing her/him of the three-week period remaining to report.

Decision to Prosecute:

- At anytime during the 180-day period, if the victim decides to initiate a standard report, it is recommended that he/she first contact Victim Services, Inc. or the SANE Program at the facility where the exam was performed.
- Any entity contacted by a victim who indicates that evidence has been collected anonymously will immediately contact or instruct the victim to contact the SANE Program or Victim Services and relay any identifying information they have received (ex. victim name, SANE Number, date/ time of exam, etc.).
- SANE will then use that information to match the SANE Number and the individual reporting the assault. The information will then be given to SCBI.
- SCBI will use the SANE Number to locate the kit in the evidence room.
- SCBI will then coordinate with SANE to determine location of the assault to ascertain jurisdiction.
- SCBI will contact the jurisdictional law enforcement agency, provide them with the report, and arrange for transfer of the evidence.
- The jurisdictional law enforcement agency will proceed with the investigation as in a standard report.

Documentation:

Documentation will include an informational police incident report, completed by the responding SCBI Detective, which will indicate that an Anonymous Forensic Rape Exam Kit was retrieved, the name of the attending SANE, the date and time of retrieval, and the SANE Number from the front of the Kit Box.

Victim Advocacy Protocol with Regard to Anonymous Reporting

Interview

If an individual 18 years of age or older presents to the emergency department of a medical facility in Somerset County as a result of sexual assault, the SANE or designated staff will immediately contact Victim Services, Inc. and request that an on-call Advocate be dispatched to the Emergency Department.

If a victim presents to the Emergency Department of a medical facility in Somerset County reporting sexual assault but is reluctant to speak with law enforcement, the Advocate will offer her/him the following options:

- Receive a forensic exam with immediate report to police,
- Receive a forensic exam as an Anonymous Report, or
- Receive medical treatment only.

If the victim selects the Anonymous Report option, the victim shall be fully informed of the following:

- The benefits and drawbacks of Anonymous Reporting.
- The length of time for which evidence will be stored, which is 180 days from the date of the exam.
- The methods for future contact and for reverting from an Anonymous Report to a Standard Report.

Procedure:

- Assess and accommodate the special needs of the patient/victim including but not limited to any needs relating to language or culture, physical or mental ability, age or gender.
- Assess the safety of the victim both physically and emotionally and determine the need for safety planning.
- Offer referrals for shelter as needed.
- Provide supportive, unbiased information concerning available options about the examination process, emergency contraception, follow-up counseling, and reporting methods.
- Provide crisis intervention, support, and referrals to the patient/victim, and with permission, to family and friends.
- Provide information, in coordination with the attending SANE, on evidence collection, evidence holding period and timeline, method for future contact if and when the patient/victim chooses to revert to the standard reporting method, and how anonymous reporting may affect any possible future prosecution.
- Assess whether the patient/victim is in need of food, clothing, shelter, transportation, and access or assist in accessing services and/or resources.
- In the event that a victim contacts an Advocate to revert to a standard report, the Advocate should immediately contact or instruct the victim to contact the SANE Program and give identifying information in order that the Anonymous Forensic Rape Exam Kit might be located at SCBI.
- Approximately 159 days after the medical forensic examination, the Victim Advocate in coordination with the SANE Program, will attempt to contact the victim, if the victim has provided consent, to provide notification that the 180 day evidence holding period will be ending and the evidence will be destroyed if the victim does not report to law enforcement.
- The victim may be contacted again after the first attempt, if consent to do so is given.

Documentation:

Victim Advocates should document that they provided service/support and accompanied victim during reporting ages.

SANE Protocol with Regard to Anonymous Reporting

Overview:

An individual **18 years of age or older** presenting to the emergency department reporting sexual assault **may choose not to interact with law enforcement immediately**. The medical forensic examination will be performed, including the collection of evidence if the patient consents to Anonymous Reporting. Anonymous Reporting will provide for the collection of time-sensitive evidence collection without revealing identifying information to law enforcement.

Supplies:

- Consent for Anonymous Reporting of Sexual Assault Forensic Medical Examination Form (see appendix)
- Forensic Medical Record Adult/Adolescent
- Sexual Assault Forensic Evidence Collection Kit
- Drug Facilitated Sexual Assault Kit as indicated.
- All other equipment as indicated.

Procedure:

- ER staff will contact on-call SANE to report to ER for every disclosure of sexual assault.
- SANE or designated staff will contact on-call Victim Advocate. **DO NOT** at this time ask the patient if he/she would like an Advocate to be contacted—*go ahead and make the call*. **Phone: 814-288-4961**
- When the Advocate arrives, a SANE or designated staff member may ask the patient "A counselor who is not law enforcement, and who specializes in this type of situation is here now. Would it be okay if they just checked in with you?"
- The on-call SANE or designated staff member must obtain consent for Anonymous Reporting. (See appendix).
- Complete the Forensic Medical Examination Documentation. The medical record will be labeled with both personal identifier and the SANE Number.
- Obtain specimens as outlined in the Forensic Rape Exam Evidence Collection Kit. Label internal kit contents with patient labels that have personal identifiers (patient name, date of birth, gender and age, medical account number, and the date of the encounter)
- Seal kit.
- Place **SANE Number** on outside of kit box. **DO NOT PLACE ANY PERSONAL IDENTIFIER ON KIT BOX.**
- If there are additional evidence bags place the **SANE Number** on them.
- Complete the information on the top of the kit box: Date/Time, Nurse, Health Care Facility, Tampon/Sanitary napkin included in kit and chain of custody.
- Evidence will be given to Somerset County Bureau of Investigation for storage. Kit will be stored up to 180 days.
- Place the "sealed kit" in the **SANE area of ED in the locked cabinet**. Note on the chain of custody form date and time the kit was secured and notify SCBI that an **Anonymous Forensic Rape Exam Kit** is available for transport.
- Approximately 159 days after the medical forensic examination, the SANE Program in coordination with Victim Services will attempt to contact the patient, if the patient has provided consent, to provide notification that the 180 day evidence holding period will be ending and the evidence will be destroyed if the victim does not report to law enforcement. The victim may be contacted again after the first attempt, if consent to do so is given.

PLEASE NOTE: AFTER 180 DAYS, ONLY THE EVIDENCE COLLECTED, NOT THE MEDICAL RECORD, WILL BE DESTROYED.

Documentation:

Documentation will be completed regardless of how a patient proceeds with law enforcement.

The anonymous evidence will be stored by enforcement for 180 days. A log of Anonymous Reports will be created and maintained by the SANE Program. The SANE Program will document up to 2 attempts to contact the patient, if consent is given, prior to evidence destruction.

Response Contact Information

Conemaugh Memorial Medical Center

SANE Program (24 hour)
814-534-9101

Meyersdale Medical Center

SANE Program
814-634-5911

Somerset Hospital

SANE Program (24 hours)
814-443-5249

Windber Hospital

SANE Program
814-467-6419

Victim Services, Inc.

Sexual Assault Crisis (24 hour)
814-288-4961
1-800-755-1983

Women's Help Center, Inc.

Domestic Violence Advocacy and Emergency Shelter (24 hour)
814-536-5361

Somerset County Bureau of Investigation

Non-Emergency
814-445-1456
After hours contact Somerset 911 for On-Call Detective
1-800-362-5060

Somerset County District Attorney's Office

Business Hours
814-445-1456
After hours contact Somerset 911 for On-Call DA or ADA
1-800-362-5060

Children and Youth Services

814-445-1600

After hours contact Somerset 911 for On-Call Caseworker

800-362-5060

Area Agency on Aging/Adult Protective Services

Business Hours

814-443-2681

Elder Abuse Crisis Hotline

814-443-2681

Response to Sexual Assault

Rape Trauma Syndrome refers specifically to a system of responses seen in most people who suffer the trauma of sexual assault. Thus, an understanding of RTS leads to an understanding the recovery process.

There are two components of Rape Trauma Syndrome:

- The Acute Phase
- The Reorganization Phase

Acute Phase

The acute phase may last from a few days to several weeks. The victim's life has been drastically disrupted, and the victim is experiencing disorientation and shock. A variety of physical and emotional reactions may occur during this phase. In general, there are two types of emotional reactions:

- Expressed reaction
- Controlled reaction

In the expressed reaction, a victim may show outward signs of fear, anxiety and anger.

Expressive behaviors may include:

- Crying
- Laughing
- Screaming
- Joking
- Tenseness
- Shaking
- Restlessness
- Pacing

In the controlled reaction, a victim displays little or no outward response. Feelings are hidden or masked. Victims may appear calm, composed, disaffected or subdued.

Controlled behaviors may include:

- Numbness
- Depression
- Feeling dirty
- Vengeful thoughts
- Guilt
- Difficulty concentrating
- Shame
- Moodiness
- Fear
- Restlessness
- Denial
- Anger
- Self-blame
- Revenge

Physical reactions that may occur during the acute phase include:

- Soreness
- Fatigue
- Bruises
- Eating disturbances
- Infections
- Sleeping disturbances
- Head aches
- Easily startled
- Stomach aches

Victims may alternate between expressed and controlled responses and these responses may surprise or catch the victim off guard. Emotions may go from one extreme to another.

Reorganization Phase:

The reorganization phase begins as the victim starts to integrate the experience into his/her daily living. The duration of this phase varies and will depend on such factors as the victim's age, personality style and available support system. It may last anywhere from a couple of months to years.

During the reorganization phase, victims may undergo:

Lifestyle changes such as:

- Change of telephone number and/or residence
- New job or school
- New friends
- Nightmares
- Phobias

Global Fears such as:

- Men (if perpetrator was male)
- Sex
- Crowds
- Being alone

Specific Fears such as:

- Night driving
- Specific areas or neighborhoods
- Things directly associated with the assault

Physical Issues such as:

- Sexually transmitted diseases
- Pregnancy
- Lasting scars or physical damage from assault

Trying to Regain Control Over Life, which may include:

- Return to work
- Long-term therapy
- More/less contact with family
- Want to be in control of choices

Sexual assault is the ultimate loss of personal control. Empower the victim by giving her/him choices, autonomy, support and respect.

Violence Against Women Act (VAWA)

The purpose behind STOP (Services, Training, Officers, Prosecutors) Program Grant is to develop and strengthen effective law enforcement and prosecution strategies to combat crimes against women as well as to support and enhance services for victims. Judges, as community leaders, can do their part to promote safety and justice for sexual assault victims by making information available to law enforcement and prosecutors to ensure that STOP certification requirements are met.

Law Enforcement Policy Regarding the Polygraphing of Crime Victims

The Pennsylvania District Attorneys Association, the Office of Attorney General, the Pennsylvania State Police and the Pennsylvania Chief's of Police Association hereby recognize the following findings regarding the testing of victims of alleged crimes by the use of a polygraph and /or similar testing device.

WHEREAS, the law enforcement community recognizes that all victims of alleged crimes must be treated with dignity and respect; and,

WHEREAS, the use of polygraph or similar testing devices on a victim of alleged crimes can cause the victim additional stress and a fear of being disbelieved; and,

WHEREAS, the polygraph and other similar testing device can, in certain instances, serve as a valuable tool in the criminal investigation.

Accordingly, the above-named organizations hereby adopt for use by their members and personnel the following policies regarding the use of the polygraph and similar testing devices during the course of criminal investigation

- 1) No law enforcement agency shall ask or require victims of an alleged crime to submit to a polygraph examination, or any form of mechanical or electrical lie-detector examination, or psychological stress evaluation examination as a condition for proceeding with any criminal investigation or prosecution.
- 2) The submission to a polygraph examination, or any form of mechanical or electrical lie-detector examination, or psychological stress evaluation examination shall be voluntary on the part of the victim, and a victim will be advised that they have no obligation to submit to such an examination whatsoever.
- 3) No investigation or prosecution shall be terminated on the basis that the victim in the alleged crime refused a polygraph examination or any other form of mechanical or electrical lie-detector examination or psychological stress evaluation examination.
- 4) Whenever possible, investigators and prosecutors investigating an alleged crime should conduct all other investigative steps before asking a victim to submit to a polygraph examination or any form of mechanical or electrical lie-detector examination or psychological stress evaluation examination.

Polygraph and VAWA Compliance

Pennsylvania has signed an agreement to not ask victims of sexual violence to take the polygraph.

Jurisdictions will no longer be eligible for STOP Funding if their policy or practice is to ask or require adult, youth or child victims of sexual assault to submit to a polygraph examination or other truth telling device as a condition for proceeding with the investigation of the crime.

Some Facts about Drug Facilitated Sexual Assault

Sexual assaults can be facilitated by the use of drugs both "street" and prescribed. Among the drugs used in drug-facilitated sexual assault, alcohol is the most common. The use of substances may render the victim unconscious or unable to give consent.

Watch for symptoms that may indicate drug facilitated sexual assault.

- Victim thinks she/he may have been assaulted, but is not sure (unexplained soreness, woke up in a different location, etc.)
- Victim's recollection of assault is patchy and confused.
- Victim remembers assault but was unable to move or speak.
- Victim feels her/his intoxication level does not correlate with amount of alcohol consumed.

When drug facilitated sexual assault is suspected, arrange for the collection of blood and/or urine specimens as soon as possible. It is important to determine whether ingestion of the drug occurred within the last 120 hours.

Victims With Disabilities

Criminal and sexual acts committed against persons with disabilities (physical, mental, or communicative) generally go unreported.

The difficulty of providing adequate responses to the sexual assault victim is compounded when the victim is disabled. Some have limited mobility, cognitive defects that impair perceptual abilities, impaired and/or reduced mental capacity to comprehend questions, or limited language/communication skills to tell what happened. They may be confused or frightened and unsure of what has occurred, or may not understand that they have been exploited and are victims of a crime.

Additional time should be allotted for interviewing victims with disabilities. Improvisations from normal protocol may be necessary in some instances. Keep the following points in mind when responding to a victim with **physical disabilities**:

- The severity of a physical disability is not reflective of mental impairment.
- Speech impairment does not imply mental impairment.
- A lack of mobility may increase the victim's sense of vulnerability to future sexual assault.
- If the offender is the victim's caretaker, she may feel that no one can be trusted to provide appropriate care, or that access to care may be lost completely.
- Depending upon the severity of the disability, the victim may not realize that a sexual assault has occurred or understand the consequences of the assault. Someone other than the victim may be the person who called the police.
- A primary issue in responding to sexual assault victims with mental impairment is determining their levels of comprehension and communication.
- Responders should not necessarily assume that a person with mental impairment would not make a good witness. This would depend on the severity of impairment, the responding law enforcement shall talk with family, friends and medical personnel to aid in determining person's ability to be a witness.
- **When treating a victim who is mentally incapacitated there is a mandate to report the assault to the Adult Protective Services at 814-443-2681.**

The Elderly Victim

The elderly victim experiences the same humiliation, shock, disbelief, and denial as an adolescent or younger adult. Often, the full impact of the assault may not be felt until after initial contact with physicians, police, prosecutors, and advocacy groups.

It is usually when the older victim is alone that she/he deals with having been violated. Elderly victims become more aware of their physical vulnerability, reduced resilience, and mortality. Fear, anger, or depression can be especially severe in older victims. Often, they are isolated, have no friend(s) or family, and live on limited incomes.

The elderly tend to be physically more fragile, and injuries from an assault are more likely to be life threatening. In addition to possible pelvic injury and sexually transmitted infections, the older victim may be more at risk for other physical, tissue or skeletal damage. The assault may also exacerbate any existing illness or injury. The recovery process for elderly victims tends to be lengthier than for younger victims.

Hearing impairment and other physical conditions attendant to advancing age, coupled with the initial reaction to the crime, may render the elderly patient unable to make her needs known. This may result in prolonged or inappropriate treatment. It also is common for responders to mistake this confusion and distress for senility.

Medical and social follow-up services must be made easily accessible to older victims, or they may not be willing or able to seek or receive assistance. Responders should be aware that the perpetrator might be a service provider (in a nursing home for instance) or a family member.

Adult Protective Services provides protection for incapacitated adults who are abused, neglected, or exploited.

Any person who has reason to believe that any incapacitated adult falling under this statute has been subjected to physical abuse, neglect, or exploitation must report the abuse to Adult Protective Services at 814-443-2681.

The Lesbian, Gay, Bisexual, or Transgender Victim (LGBT)

Lesbian, Gay, Bi-Sexual, or Transgendered survivors of sexual assault have many of the same reactions and fears as would any survivor. However, LGBT sexual assault survivors may face additional concerns. These concerns may include, but are not limited to:

Fear of Prejudice

Someone who is sexually assaulted by someone of their same sex may fear reporting the crime because of prejudice. They may fear that an officer, hotline worker, doctor, or attorney will judge them because of their sexuality. They might feel like people believe they brought the attack on themselves by being LGBT. The victim of a same sex, sexual assault may not be LGBT.

Assumption of Heterosexuality

People assisting a survivor of sexual assault may assume that the person is heterosexual. A survivor may feel uncomfortable correcting that assumption, or disclosing that they are homosexual.

Fear of Being “Outed”

A LGBT survivor of sexual assault may not have revealed to their friends, family, or community that they are homosexual. They may worry if they come forward to report that this information will be revealed.

Rape Myths

Sexual assault is most often portrayed as a crime committed by men against women. However, sexual assault can be perpetrated by men against men, by women against women, or women against men. LGBT survivors must have the same options available to them as are afforded to all other sexual assault survivors.

Betrayal of LGBT Community

A LGBT victim of sexual assault may hesitate to report the crime because they may worry about betraying their community. They might worry that a stigma of sexual violence will be attached to the LGBT community.

Sexual Assault Crisis Advocates and Domestic Violence Advocates are specially trained to offer support to victims who are lesbian, gay, bi-sexual, or transgendered.

The Male Victim

The number of adult male victims of sexual assault who report the crime or seek medical care or counseling represent only a portion of those actually victimized. Moreover, statistics regarding male victims may be misleading due to the strong resistance to report assault/abuse.

Men commit almost all reported cases of male sexual assault, and often the victims are young boys or teenagers. However, some perpetrators are women, and some victims are men past their teens.

As with female sexual assault victims, male victims experience fear, anger, and an overwhelming sense of loss of control over their bodies and selves. The male victim may also feel dirty, ashamed, and/or guilty. He may be very embarrassed. His body may have responded sexually to the assault. He may feel particularly disturbed by the fact that he was unable to protect himself from the assault. A male victim may fear that others will discover that he has been sexually assaulted. A male may fear the assault reflects on his identity as a straight or gay person.

Responders should remind the male victim that whatever he did to get away or survive was the right thing to do.

Sexual assault against men and men in prison populations may be significantly underestimated and under-reported. In the gay male community, the stigma of reporting and legitimate concerns about discriminatory treatment may contribute to underreporting. Among prison populations, non-disclosure may emanate from concern that correctional officers will not address the issue, or from fear of retaliation by other inmates.

Refer the victim to the local crisis center who has expertise in the area of sexual assault of males, and are vital to assist in the recovery process. All crisis centers provide services and support to men as well as women.

Intimate Partner Sexual Violence/Domestic Violence

In the past, sexual violence was understood as an assault by a stranger upon an unsuspecting victim. As the body of knowledge about sexual violence has advanced, it is clear that most sexual violence occurs between two people who know one another.

Intimate Partner Sexual Violence (IPSV) refers to rape/sexual assault that occurs between two people who have or have had a consensual sexual relationship. Sometimes this is referred to as “marital rape.”

Intimate partner sexual violence is often a part of relationships in which other types of violence or battering are occurring. IPSV can occur in dating relationships, marriages or long term gay or lesbian relationships.

Sexual assault of any kind can result in a host of reactions – some are immediate, some are long term. The variety of reactions may depend on the victim’s previous life experience; the kind of force used, the relationship of the offender of the victim, the age of the victim, etc.

Most victims experience levels of fear, anger, self-blame, depression and anxiety that can be exhibited both emotionally and physically. Difficulty sleeping and concentrating, nightmares, flashbacks, emotional numbing are all common reactions to sexual assault.

For a more complete discussion of reactions, please see our fact sheet, “Common Reactions to Sexual Assault.”

In addition to the other common responses a victim may have, intimate partner sexual violence brings the following added impact:

- Because victims of IPSV often share homes and children with the perpetrator, they are often unlikely to report abuse. Therefore, a victim of IPSV is likely to have been raped multiple times.
- Victims of IPSV are may experience heightened forms of self-blame for staying in the abusive relationship.
- Because the perpetrator is someone with whom the victim had chosen to be intimate on other occasions, the victim’s sense that she/he can trust her/his own judgment can be strongly affected.
- When a perpetrator is also a person with whom one has shared intimacy, the sense of betrayal of trust is keen.

The Rights of Crime Victims in Pennsylvania

- To receive basic information concerning available services.
- To be notified of certain significant actions and proceedings pertaining to the case, including, in personal injury crimes, the arrest of the suspect and escape from police custody.
- To be accompanied at all public criminal proceedings by a family member, a victim advocate or another person.
- In cases of personal injury crimes, burglary, or driving under the influence involving bodily injury, to submit prior comment to the prosecutor's office on the potential reduction or dropping of any charge or changing of a plea.
- To offer prior comment or to submit a written victim impact statement for the judges consideration at sentencing.
- To recover losses, to the extent possible, through restitution, compensation through the crime victim's compensation program and the return of property which was seized as evidence when it is no longer needed by the prosecutor, victim may just ask to have items returned.
- In personal injury crimes where the offender is sentenced to a state prison, to provide prior comment on and to receive notice of release decisions, and to be immediately notified if the offender escapes.
- In personal injury crimes where the offender is sentenced to a local correctional facility, to receive notice of release decisions and to be immediately notified if the offender escapes.
- To receive immediate notice of release on bail where the offender is committed to a local correctional facility for violation of a protection from abuse order.
- To receive notice when an offender is committed to a mental health facility from a state prison and of the discharge, transfer or escape of the offender from the mental health facility.
- To have assistance in the preparation of, submission of and follow-up on the final assistance claims to the Crime Victim's Compensation Board.

For assistance in explaining to a victim his or her rights, please contact a Victim Advocate and refer to the Pennsylvania Crime Victim's Rights Handbook.

Protection from Abuse (PFA)

The Pennsylvania Protection from Abuse Act allows a person who has been abused to quickly secure a court order that will keep away the abuser. Under the PFA Act, abuse includes:

1. causing or attempting to cause physical injury, sexual assault, indecent assault, or incest whether or not any weapon is involved;
2. physical or sexual abuse of any minor children;
3. interfering with a person's freedom of movement (false imprisonment);
4. placing a person in reasonable fear of imminent serious physical injury;
5. stalking or repeatedly committing other acts that cause a person reasonable fear of bodily injury.

A person is protected by the PFA if she/he has been subject to abuse by a member of his/her family or household, or a sexual or intimate partner.

To obtain a PFA, the Somerset County Prothonotary Office and /or Women's Help Center can assist.

Anonymous Reporting Consent for Collection and Release of Evidence and Information

I, _____, request a medical forensic examination, but **I do not want to speak with law enforcement at this time.** I understand that Anonymous Reporting means that I may have evidence collected without having to talk with police or participate in the criminal justice system **unless and until I am ready to do so.**

Patient Consent:

I have read and have had the following explained to me and I understand:

Cost

I will not be billed for the forensic exam. I can request that my insurance company is not billed for the forensic exam.

Talking with Law Enforcement

- By not talking with the police now, I understand that the opportunity to collect evidence from the suspect and other crime scenes may be permanently lost. I understand that this might make it more difficult to prosecute a case if I do decide to report later.

My Medical Records

In accordance with HIPPA, the hospital will keep information from the examination as part of my medical record. My medical records remain private according to the law and hospital privacy practices.

My Privacy

In order to protect my privacy, the sexual assault evidence kit and any paperwork given to the Somerset County Bureau of Investigation and/or any other law enforcement agency will not include my name or any of my personal information.

Evidence Storage

- Evidence collected today will be stored by the Somerset County Bureau of Investigation for **180 days**.
- I understand that some information will be kept by the hospital so that if I decide to report at a later date, the evidence can be matched up with my name and information and given to the law enforcement agency handling my case.

Contacting Law Enforcement:

If I decide at any time that I would like to talk with a police officer, I can call Victim Services, Inc. or the SANE Program at the Hospital Emergency Department. They will help me match my information to the evidence stored anonymously. I can also contact local Law Enforcement myself directly and tell them I have had evidence collected anonymously.

Contact Information:

If I choose **not** to talk with police, the evidence will be destroyed after 180 days. If I provide contact information, an Advocate or a SANE from the hospital will try to reach me three weeks before the evidence is destroyed. If I cannot be reached after two attempts, the evidence will be destroyed without any further notification.

Please tell us if you would like a SANE or an Advocate to contact you.

Would you like to be contacted before your evidence is destroyed? YES NO

Cell Phone _____ May we leave a message? YES NO
 Landline Phone _____ May we leave a message? YES NO

I give the hospital permission to collect and transfer my evidence kit and all other related forms to the Somerset County Bureau of Investigation. I understand that Somerset County Bureau of Investigation and any other law enforcement agency have not been given the right to view my medical record, or analyze the evidence. I understand that if I do not report the crime to the police within 180 days the evidence will be destroyed.

Print Name (patient)

Signature (patient)

Date



Somerset County



Sexual Assault Protocol

SANE Chain of Custody

Name of SANE: _____

Date and Time Forensic Rape Kit Exam was conducted: Date: _____

Time: _____

Location of Examination (Hospital/Room Number):

Hospital: _____

Exam Room Number: _____

Kit Secured (Location/Date/Time/By Whom):

Location: _____

Date: _____ Time: _____

Name of Securing Party: _____

(Print)

Name of Securing Party: _____

(Signature)

Released To: _____ / _____

(Print)

(Signature)

Date: _____ Time: _____

Released By: _____ / _____

(Print)

(Signature)

Date: _____ Time: _____

SANE Number: _____



SOMERSET COUNTY



Sexual Assault Protocol

Glossary of Terms

STOP	Services, Training, Officers, Prosecutors
SART	Sexual Assault Response Team
SANE	Sexual Assault Nurse Examiner
SCBI	Somerset County Bureau of Investigation
DA	Somerset County District Attorney
ADA	Somerset County Assistant District Attorney
Dispatcher	Somerset County 911 Center
ED	Hospital Emergency Department
VAWA	Violence Against Women Act
LGBT	Lesbian, Gay, Bisexual or Transgender
IPVS	Intimate Partner Sexual Assault
PFA	Protection From Abuse