



# New Bedford Police Department

## Central Records Bureau

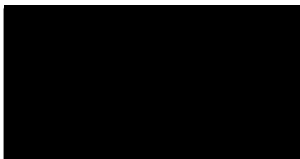
871 Rockdale Avenue, New Bedford, MA 02740  
Phone: 508-991-6300 x-79406 Fax: 508-979-1566

JONATHAN F. MITCHELL  
Mayor

JOSEPH C. CORDEIRO  
Chief of Police

PAUL J. OLIVEIRA  
Deputy Chief

September 5, 2019



Re: Public Records Request

Dear

This is in response to your August 23, 2019 e-mail request for information pursuant to the provisions of M.G.L. c. 66, section 10 (the "Public Records Law") addressed to the New Bedford Police Department relating to sexual assault evidence kits.

In response to your request, the Department has conducted a review of its records and determined that it has no documents in its possession that are responsive to numbers 1 through 4 of your request. The Department does not yet have records with the type of cumulative annual data you are seeking for tested or untested sexual assault evidence kits, rather its records are maintained on an individual, case-by-case basis. However, since May of 2019, the New Bedford Police Department has been working collaboratively with the Massachusetts Bristol County District Attorney's Office and the Massachusetts State Police under a Bureau of Justice Assistance grant from the Sexual Assault Kit Initiative (SAKI). The goal of this initiative is to conduct an inventory of all sexual assault evidence kits in the Department's possession and identify those kits that may qualify for testing.

In response to paragraph 5 of your request, the Department has identified one general order and one directive responsive to your request. General Order 5-06 Rape Investigation Policy and Procedure and Directive 91-5 Refrigerator for Evidence are provided herewith.

In response to paragraph You have the right to appeal this determination to the Supervisor of Records under 950 CMR 32.08(1) within 90 calendar days of this response. Any appeal shall be in writing and include a copy of your original request and this letter. By law, the Supervisor is required to respond within 10 business days of receipt of your appeal. You may also seek judicial review of an unfavorable response by commencing a civil action in the superior court under G.L. c. 66, section 10A(c).

Respectfully submitted,

**Officer Annemarie P. LeFever  
New Bedford Police Department  
Records Access Officer**



## New Bedford Police General Order

Subject <b>RAPE INVESTIGATION POLICY AND PROCEDURE</b>	General Order Number <b>5-06</b>
Date of Issue	Effective Date
Re-evaluation Date	<input type="checkbox"/> New <input type="checkbox"/> Amends
C.A.L.E.A.	Cross references

### GENERAL CONSIDERATIONS AND GUIDELINES

The crime of forcible rape has a damaging effect on the victim, both physically and emotionally. It is, therefore, most important that every officer recognize that a rape investigation requires the most sensitive, skillful, and professional interview in order to obtain the necessary details of the crime.

The crime of rape includes both natural sexual intercourse and unnatural sexual intercourse. For the crime of rape to be complete (as opposed to attempted), there must be penetration of a bodily orifice, but this need not be of a sexual organ; digital penetration is included. The crime of rape may be perpetrated by a male upon a female, by a male upon a male, by a female upon a male, or by a female upon a female. A spouse may be found guilty of raping the other spouse. Although consent is a defense to the rape of an adult, such consent may be invalid if, for example, the victim was intoxicated, unconscious or mentally retarded. There is a conclusive presumption that no person under the age of sixteen (16) is capable of consenting to sexual intercourse, thus, consent cannot be a defense if the victim is under sixteen (16), even though the perpetrator did not know that the victim was under sixteen (16).

In accordance with Massachusetts General Laws, Chapter 41, Section 97D, all reports of rape and sexual assaults, or attempts to commit such offenses, and all conversations between police officers and victims of such offenses SHALL NOT BE PUBLIC REPORTS, and will be CONFIDENTIAL. (Violations of this Section punishable by imprisonment for not more than one (1) year, or by a fine of not more than one thousand dollars (\$1,000), or both.)

## 1./ INVESTIGATION PROCEDURES

### A./ Objectives of the Investigation:

1. To minimize the traumatic experience of the victim.
2. To ensure the speedy apprehension and conviction of the assailant.
3. To reduce the opportunity for the crime of rape to occur by educating the public in preventive measures.
4. To cooperate with social agencies, hospital personnel, and community groups in rape prevention program.
5. To impress upon the public that the role of the police in investigating reports of rape is to provide a professional response with concerned and competent attention to the needs of the victim.

## 2./ PRELIMINARY INVESTIGATION:

### A./ Communication Division:

This is usually the first contact between the police and the victim, therefore:

1. Personnel, who receive a sex crime complaint, should obtain as much information as possible, i.e., location, medical needs, etc.
2. Questions about the explicit sexual details of the crime should not be asked of the victim.
3. Advise victim not to touch anything, shower, or change clothing.
4. If possible, stay on the telephone with the victim until patrol arrive.

### B./ Patrol Responsibilities:

The first officer at the scene of a reported rape should:

1. Express concern for the well-being of the victim.
2. Obtain any necessary medical attention.
3. Be careful of word usage-don't use words or phrases that could add to the victim's emotional state.
4. Don't allow victim to wash, eat or drink.
5. Obtain immediate, preliminary information as to where the crime occurred, how it occurred, a description of the assailant, and any information that could lead to his

apprehension. (NOTE: Unless absolutely necessary, all in-depth interviews will be conducted by the rape investigator).

6. Furnish this information to the dispatcher for the attention of all other on-duty officers.

7. If the person accused of committing the crime is still present at the scene, or in the immediate vicinity, and probable cause exists for his arrest, he should be taken into custody.

8. The patrol supervisor shall respond to the scene of all rapes.

9. Patrol supervisor will notify the commanding officer of the Juvenile Division/Sexual Assault Unit who will determine if a rape investigator will be dispatched to the scene.

\* If the Commanding Officer is unavailable, contact any rape investigator assigned to the Juvenile Division/Sexual Assault Unit.

### 3./ THE CRIME SCENE

A./ First officer to arrive should secure the crime scene.

B./ Carefully note and record any visual injuries sustained by the victim, the condition of clothing, and the condition of the surrounding area.

C./ Patrol supervisor will determine if ID is needed.

D./ The victim's clothing, particularly undergarments, should be obtained as soon as possible, for scientific analysis.

E./ If an arrest is made soon after the crime, obtain the suspect's clothing and underwear for laboratory analysis. Carefully note his general appearance and demeanor.

F./ All such physical evidence should be carefully marked and safeguarded to protect its evidentiary value. The officer in charge of the crime scene shall be responsible for evidence left at the scene.

### 4./ DOCUMENTATION

A./ Rape reports shall be computer generated.. The proper applicable secondary codes shall be included on reports. Narratives shall be deleted after hard copies have been generated.

B./ All preliminary investigation reports and all supplementary reports of rape, including offenses involving juvenile victims, will be marked "Confidential". All copies, at the initiating

division, will be forwarded to the Commanding Officer, Juvenile Division, by the Commanding Officer.

C./ The report, when possible, shall contain the following information:

1. The time and place that the victim and the suspect met.
2. The time and place of the reported attack.
3. The time of the initial report.
4. Did the victim know the suspect, suspect's home address or anything else about the suspect. Any conversation that occurred that might lead to the suspect.
5. The full description of the suspect to the best of the victim's knowledge, including any identifying marks or scars, the clothing worn, mannerism of speech or language, etc..
6. A description of any other persons present when the victim and the suspect met or any other persons present when the attack took place.
7. If a motor vehicle was involved, obtain the best possible description, including any unusual characteristics of the vehicle.
8. "Brief" Description of the acts committed.
9. Personal data of anyone who spoke to the victim after the rape.

#### 5./ MEDICAL EXAM OF THE VICTIM

A./ As soon as possible the victim should be tactfully requested to undergo an immediate medical examination. This should be done even if the disclosure of the rape occurred hours/days earlier.

B./ Advise the victim to bring a change of clothes to the hospital or arrange to have them brought to the hospital so the clothing worn at the time of the rape can be taken as evidence with minimum inconvenience to the victim. This should only be done if the clothing worn by the victim at the time of the exam is the same as the time of the assault.

C./ In non-emergency cases, the investigating officer should transport victim to the emergency room at St. Luke's Hospital.

D./ Unless victim wishes to make their own arrangement for transportation, the New Bedford Police Department will be responsible to transport the victim home.

E./ It's not necessary for investigating officers to be present during the medical examination of victim.

**6./ RAPE CRISIS PROJECT**

This service should be mentioned to the victim and/or family to assist and support the victim. The interviewing officer should decide the appropriate time to mention this service. The Rape Crisis Project is available twenty-four (24) hours a day. Tele: 999-6336.

**Carl K. Moniz  
Acting Chief of Police**

**cc: All Divisions & Bureaus**

**NEW BEDFORD**  
**POLICE DEPARTMENT**  
**DIRECTIVE**

Directive  
#91-5  
Effective Date:  
3/11/91  
Page 1 of 1

TO: ALL PERSONNEL

FROM: OFFICE OF THE CHIEF OF POLICE

SUBJECT: REFRIGERATOR FOR EVIDENCE

A refrigerator has been placed in the Captain's office at Headquarters for the purpose of control and safekeeping of evidence requiring refrigeration (i.e. Blood Samples, Body Fluid Evidence).

All evidence of this nature seized by members of this department shall be forwarded as soon as possible to the Commanding Officer on duty at Headquarters. He/she shall ensure that all proper procedures detailing the chain of custody of this evidence are complied with.

The Commanding Officer on duty at Headquarters shall be responsible for the security and control of evidence during the period of time that it is held in the refrigerator pending disposition.

The Commanding Officer on duty at Headquarters is responsible for ensuring that the refrigerator is used properly, and for the purpose intended.

  
Richard A. Benoit  
Chief of Police



[Redacted]@joyfulheartfoundation.org>

# Fwd: FW: Public record response relating to sexual assault kits

2 messages

[Redacted]@joyfulheartfoundation.org>  
To: [Redacted]@joyfulheartfoundation.org>

Tue, Sep 10, 2019 at 10:55 AM

[Redacted]

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[Redacted]

[Redacted]

----- Forwarded message -----

From: [Redacted]@goodwinlaw.com>  
Date: Fri, Sep 6, 2019 at 1:32 PM  
Subject: FW: Public record response relating to sexual assault kits  
To: [Redacted]@joyfulheartfoundation.org [Redacted]@joyfulheartfoundation.org>  
Cc: [Redacted]@goodwinlaw.com>, [Redacted]@goodwinlaw.com>, [Redacted]@goodwinlaw.com>

[Redacted]

I received a response back from the New Bedford police department, which is attached. They did not have any cumulative annual data for our first four requests as their records are maintained on an individual, case-by-case basis. They did have responsive documents to the fifth request, which are included in their response.

Let me know if you have any questions, or if you would like to discuss.

Thanks,

[Redacted]  
 GOODWIN  
Goodwin Procter LLP  
[Redacted]  
[Redacted]  
[Redacted]

[Redacted]

@goodwinlaw.com | goodwinlaw.com

**From:** Lefever, Annemarie [Redacted]@newbedfordpd.com>  
**Sent:** Friday, September 6, 2019 10:28 AM  
**To:** [Redacted]@goodwinlaw.com>  
**Cc:** Elizabeth M. Treadup Pic [Redacted]@newbedford-ma.gov>; Lisa Presby <[Redacted]@newbedford-ma.gov>  
**Subject:** Public record response relating to sexual assault kits

Dear [Redacted]

Attached is our response to your request of August 23, 2019. We have identified one general order and one directive responsive to your request. They are attached above.


Respectfully submitted,

Officer Annemarie P. LeFever

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\*\*\*\*\*

 SKM\_55819090610300.pdf  
324K

[Redacted]@joyfulheartfoundation.org>  
To: [Redacted]@joyfulheartfoundation.org>

Tue, Sep 10, 2019 at 10:56 AM

[Redacted]

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[Redacted]

[Redacted]

[Quoted text hidden]