



End Violence Against Women International
(EVAWI)

Responding to Victims Reporting from Another Jurisdiction

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Tragically, many victims are assaulted while they are away from home. This could include a sexual assault, an attack by an intimate partner, or any other crime. What can become complicated for law enforcement is the fact that many of these victims will wait to report the crime until they return home. This makes sense, because they have the support of family and friends at home, as well as other service providers they may feel more comfortable contacting. However, it means that the law enforcement agency receiving the report is not the one with jurisdiction. We developed this training bulletin to provide guidance in this area – not only for law enforcement professionals – but also to inform other community professionals about the options that are available for the law enforcement response in this type of situation.

Responding to Victims

When victims report their assault after returning home, the law enforcement agency in their hometown may be able to assist the agency with jurisdiction – either by taking a “courtesy report” and/or conducting the victim interview. This can go a long way toward alleviating the burden on victims, by avoiding any unnecessary requirement to return to the visited community in order to report the assault or participate in an interview. It also represents an extension of the “professional courtesy” that is so valued within police culture, as one way an agency can provide much – needed support for another. With law enforcement agencies providing this type of support for each other, victims and our communities benefit from an improved criminal justice response and cooperation.

When a courtesy report is taken, law enforcement professionals in both communities can work together to obtain information and evidence from the victim. Advocates in the victim’s hometown can also help the victim connect with the advocacy organization in the community where the assault took place. This can help the victim’s communication with the law enforcement agency and other services in that community. In addition, if the victim does have to return to the community where the assault occurred, a connection with supportive services will already be established.

Courtesy Reports

So, what are courtesy reports? In essence, they are simply reports of crime that are taken by one law enforcement agency on behalf of another. They were recommended, for example, for the victims of Hurricane Katrina who were sexually assaulted in one community but reported the crime after evacuating to another. However, this is not just an issue for disaster response. Courtesy reports are frequently taken by law enforcement agencies that have a high volume of cases involving transient populations such as tourists, students, or military personnel.

Law enforcement agencies should be prepared to take a courtesy report of any crime, including sexual assault or intimate partner violence, regardless of the jurisdiction where it occurred. This does not mean, however, that the officer taking the report has to be familiar with the state penal code or procedures in the jurisdiction where the assault took place. In fact, during the preliminary interview used to record the courtesy report,

the reporting officer does not need to obtain a case number, identify the specific location of the assault, or determine the exact criminal offense that was committed. The process is similar to reports of child abuse which often involve families who have moved. However, there are other examples where such courtesy reports are often taken:

- Sadly, young people from one state are often sexually assaulted while at school in another state. Following the assault, the student will sometimes move back home. In these situations, it is very common for the agency in the jurisdiction where the assault occurred to ask the agency where the student moved to conduct a preliminary interview. They may even ask the other agency to conduct any subsequent follow-up interviews, depending on the course of events and how the investigation unfolds.
- Courtesy reports are also common in cases involving military personnel (as well as their dependents) who are deployed following an assault. In these situations, a military investigator will often conduct the preliminary interview or any necessary follow-up interviews because the victim is unavailable to a civilian law enforcement agency (e.g., on a ship or in a foreign country).
- Finally, courtesy reports are common in areas with a great deal of tourism. In San Diego, for example, law enforcement personnel frequently deal with sexual assaults committed against American citizens while in Mexico. In such cases, the San Diego Police Department will often take a preliminary report and work with the liaison officer to Mexico. In some rare cases, the San Diego Police Department will even analyze crime lab evidence, possibly obtained from the forensic examination or clothing, because they have the resources to do so and Mexican authorities often do not.

Clearly, there are many situations where courtesy reports are routinely taken by one law enforcement agency on behalf of another. This is a service that any law enforcement agency should be prepared to provide to someone who has been assaulted.

The Need for Effective Documentation

Of course, just because a courtesy report is taken, this does not necessarily mean that the report will be investigated or resolved any time soon. Like so many other reports, it may never be successfully investigated and prosecuted. However, even if the report languishes for a period of time, it is important to remember that investigations can be resurrected and prosecuted long after a crime occurs – as long as it is within the statute of limitations. It is also equally important to note that this is not the only reason to take a courtesy report (i.e., to support the possibility of a successful investigation and prosecution). There are many other reasons for documenting the incident as well.

- First and foremost, this type of appropriate response by law enforcement can provide victims with validation, which is so important in these cases

because victims are often not believed and/or held responsible for their sexual assault.

- In addition, this procedure can provide the community and law enforcement with important information about the real prevalence and impact of sexual assault being perpetrated.
- Documentation also provides the victim with the ability to seek reimbursement for counseling and other services from the state fund for victim/witness compensation.

All of these are good reasons for law enforcement agencies to implement a policy of taking courtesy reports for any victim who reports an assault perpetrated against them, regardless of the jurisdiction where it occurred.

Common Concerns: Admissibility of Evidence and Costs

For many law enforcement professionals and others, there are a variety of issues that can cause confusion and concern regarding courtesy reports. For example, many law enforcement professionals and prosecutors are concerned about the admissibility of evidence associated with a courtesy report. However, this should not be a problem as long as the chain of custody is maintained, and policies and procedures are followed just as in any other case.

Another concern often raised is the potential cost for a law enforcement agency that has taken a courtesy report, particularly if the officer has to travel to the other community to testify in the resulting trial. If such a situation did arise, the travel expenses would be paid for by the office of the prosecuting attorney in the other community. However, the law enforcement agency taking the courtesy report would still have to cover the costs of having that officer out of service while traveling and testifying at trial. This really is no different than when an officer makes an arrest on a felony warrant from another state. The bottom line is that none of these factors should be considered during a preliminary response. Far more important is the fact that taking such a courtesy report is the right thing to do, and it is something that law enforcement agencies should therefore be prepared to do to assist victims and fellow law enforcement officers, regardless of the jurisdiction of the assault.

Technical Recommendations

For law enforcement agencies that do take courtesy reports of assaults committed in another jurisdiction, we offer the following technical recommendations.

- First, we recommend that agencies not try to evaluate the law in the jurisdiction where the sexual assault was committed or try to determine the exact penal code for the crime being reported. This is not necessary for a courtesy report. Rather, the officer taking the report can simply write

“courtesy report” in the crime code section of the incident report. Issues of the other jurisdiction’s penal code are best left for law enforcement officials in that state, if the case is further investigated or prosecuted.

- Second, any law enforcement agency taking such a courtesy report is advised to tape the interview with the victim – with the victim’s permission and knowledge. The tape should be provided to the agency with jurisdiction to assist with their investigation.
- As with any other sexual assault report, the law enforcement agency taking the courtesy report should also contact a victim advocate as soon as possible, to provide the victim with information, emotional support, and other services. The victim advocate can also help to explain law enforcement procedures to the victim and address any questions or concerns the victim might have.
- When completing a courtesy report, it should be coded with an incident number, so it can be archived and indexed within the agency’s filing system.
- In most instances involving a courtesy report, the location of the assault will be unknown. This might cause problems for agencies that have a computer system requiring a crime location to assign a tracking number. One possible solution is to use the address for the law enforcement agency receiving the courtesy report. This solution is frequently used in child abuse cases where young victims have no idea what the specific address was where their abuse took place or what the exact dates were.
- The law enforcement agency taking the courtesy report should not include it in their statistics for Uniform Crime Reporting (UCR) purposes, because the crime did not occur in their jurisdiction.
- Courtesy reports should be recorded and stored as an “informational report,” “information only report,” “officer’s report,” “hold pending report” – or whatever terminology is used in that law enforcement agency for a written report that is used to document an incident with details that need to be worked out during a follow-up investigation.
- Due to the nature of a courtesy report, most will be a delayed report, so forensic evidence from the victim’s body may not be available. Many communities now use a cutoff of 5 days or 120 hours for obtaining a medical forensic examination. However, emerging research suggests that evidence may be available on the victim’s body far longer than previously believed, so careful evaluation is needed before ruling out the possibility of conducting an exam. Moreover, depending on the length of time since the assault, the victim may still have physical injuries that can be documented.

Victims can therefore be encouraged to have photographs taken even if a complete medical forensic exam will not be conducted.

- Although much of the biological evidence may not be available in these cases, it is also important to remember that other types of evidence may still be available – such as clothing or photographs that might have been taken during the sexual assault. This type of evidence is often available long after biological evidence disappears from the victim's body, so victims can be asked during their interview to help identify such evidence, so it can be collected and maintained by the law enforcement agency taking the report.

Other strategies can also be used to gather evidence in this type of case. For example, law enforcement investigators should consider obtaining digital evidence such as text messages, emails, and information from social media sites as well as conducting a pretext phone call with the suspect (also frequently referred to as a “one-party consent call” or “controlled call”). All of these strategies can be very helpful when investigating sexual assault or intimate partner violence, including cases where the report is delayed or even made in another jurisdiction with a courtesy report.

Conclusion

Many law enforcement professionals and others are seeking a way to assist victims who have been assaulted in another community, and courtesy reports offer one way that law enforcement agencies can lend a hand. As previously noted, it is also a way for law enforcement professionals in one agency to extend the spirit of “professional courtesy” to another agency. The bottom line is that it is the right thing to do: It is positive for victims, positive for law enforcement, and therefore it is good for all our communities.

This training bulletin is an adaptation of a previous article, entitled: *The Need for Courtesy Reports by Law Enforcement: Sexual Assault in the Wake of Hurricane Katrina*. That document was designed to provide concrete assistance in the aftermath of Hurricane Katrina and the sexual assault victimization and evacuation that followed.