



End Violence Against Women International  
(EVAWI)

# The Need for Courtesy Reports: Sexual Assault in the Wake of Hurricane Katrina

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Originally written September 2005

*When Hurricanes Katrina and Rita wreaked devastation along the Gulf Coast of the United States in 2005, media coverage often highlighted the horror of sexual violence being perpetrated in the wake of the resulting chaos. EVAW International responded quickly in a number of ways.*

*Among these efforts, EVAWI developed a document to provide technical assistance for any law enforcement agency in handling “courtesy reports,” which are taken by one law enforcement agency on behalf of another. This document was designed to provide concrete assistance and address frequently asked questions, for law enforcement agencies faced with a report of sexual assault from a jurisdiction affected by the hurricanes and subsequent flooding. For example, if a person sexually assaulted in New Orleans just after Hurricane Katrina relocates to Boston, he or she may walk into the Boston Police Department to file a report.*

*The need for courtesy reports is not just an issue of disaster response, however. Courtesy reports are commonly taken by law enforcement agencies that have a high volume of cases involving transient populations like tourists, students, or military personnel. Unfortunately, there is a lack of training and awareness in the law enforcement community regarding exactly how to handle such a report, and this document was designed to clarify those issues and provide concrete recommendations in order to assist those victims.*

## **The Need for Courtesy Reports**

First of all, I would like to clearly state that any law enforcement agency should be prepared to take a courtesy report of any such sexual assault, regardless of jurisdiction. This would not require the law enforcement professional taking the report to be familiar with Louisiana state penal code or procedures. Rather, regular procedures should be followed within the law enforcement organization taking the report. In fact, it is very common for law enforcement agencies to take such courtesy reports for other agencies, in situations involving child abuse that has crossed state lines. To illustrate:

Law enforcement agencies often investigate child abuse cases that involve multiple jurisdictions, not just within each of our own states but even across state lines. These reports frequently come into the law enforcement agency after the family has moved and Child Protective Service agencies has gotten involved.

It is also extremely common for students from one state to be sexually assaulted while at school in another state. Following the sexual assault, the student often moves back home, and it is very common for the agency in the state where the school is located to ask another law enforcement agency in the student’s home town to conduct the preliminary interview. They may even ask the other law enforcement agency to conduct 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 who are deployed following a sexual assault. In these situations, a Naval Criminal Investigative Service (NCIS) agent will often conduct a preliminary interview or

follow-up interview(s) because the victim might be on a ship and unavailable to a civilian law enforcement agency.

Finally, courtesy reports are typically very common in areas with a lot of tourism. In San Diego, where I spent my career, we frequently had to deal with sexual assaults committed against American citizens while in Mexico. In those cases, San Diego Police Department would not only take the preliminary report and work with our liaison officer to Mexico, but we would also authorize and even pay for the forensic examination in San Diego as a courtesy to the Mexican authorities. In some rare cases, we even analyzed crime lab evidence because we had the resources and Mexico did not.

Clearly, there are many other situations where courtesy reports are routinely taken by one law enforcement agency for another, and this is a service that any law enforcement agency should be prepared to provide to someone who has been sexually assaulted in the aftermath of Hurricane Katrina. I know many of us are feeling frustrated because we are not sure how we can help those who are so profoundly affected by this tragedy. I believe that most law enforcement officers and administrators would also like to be able to help. Taking a courtesy report is a concrete way those agencies and officers can provide assistance.

### **The Need for Effective Documentation**

Even when a courtesy report is taken, it is obvious that these cases will not be investigated or resolved any time soon. Although cases can be resurrected and prosecuted long after the crime occurred – as long as it is within the statute of limitations – it is important to remember that there are many other reasons for documenting the incident in a written report.

- First and foremost, this type of appropriate response by law enforcement can provide victims with validation, which is so important in these cases because we all know that victims are often not believed and/or held responsible for the sexual assault.
- Second, this procedure can provide the community and law enforcement agency with important information about the real prevalence and impact of sexual assault.
- 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 of Hurricane Katrina who reports a sexual assault.

### **Common Concerns: Admissibility of Evidence and Costs**

Let me also address some of the other issues that have caused confusion and concern regarding courtesy reports. First, let me reassure law enforcement professionals and others that admissibility of evidence should not be a problem with any courtesy report, as long as the chain of custody is maintained and policies and procedures are followed just as in any other case.

Another concern that has been raised is the potential cost for a law enforcement agency that has taken a courtesy report, if the officer, deputy, or investigator has to travel to New Orleans to testify in the resulting trial. If such a situation did in fact arise, the travel expenses would actually be paid by the office of the prosecuting attorney. Of course, the law enforcement agency taking the courtesy report would still have to cover the costs of having that officer, deputy, or investigator out of service while traveling and testifying at trial in New Orleans. However, the reality is that none of these factors should be considered at this time.

As we all know, very few sexual assaults are prosecuted under normal circumstances, so criminal prosecution would seem to be an extremely unlikely outcome in these cases. However, 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 can do to assist both the victims of Hurricane Katrina – who have been doubly victimized by the sexual assault – and the law enforcement agencies in the region that are struggling just to make it through the day.

### Technical Recommendations

For those law enforcement agencies that do take courtesy reports for any sexual assaults committed in the aftermath of Hurricane Katrina, let me conclude by offering the following technical recommendations.

- First, I recommend that agencies not try to evaluate the law in Louisiana or try to determine the exact penal code for any sexual assault that is reported. This is not necessary for a courtesy report. Rather, the officer, deputy, or investigator taking the report can simply write “courtesy report” in the crime code section of the incident report. Issues of Louisiana penal code are best left for law enforcement officials in that state, if the case is ever investigated and/or prosecuted.
- Second, I strongly recommend that any law enforcement agency taking such a courtesy report tape the interview with the victim reporting a sexual assault – of course only with the victim's permission and knowledge. The tape can eventually be provided to the agency with jurisdiction over the crime.
- As with any other sexual assault report, the law enforcement agency 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 the law enforcement procedures and address any questions or concerns that the victim might have.
- When completing a courtesy report, it should be coded with an internal tracking number – just like any other report -- so it can be archived and indexed within the agency's filing system. However, in the section that asks for the crime code, it is appropriate to simply write: "Courtesy Report."

- In most cases involving a courtesy report, the location of the assault will be unknown. This might cause problems for those agencies with a computer system that requires a crime location in order to assign a tracking number. One possible solution is to use the address for the law enforcement agency.
- 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.
- Rather, it should be recorded and stored as an “informational report,” “information only report,” “officer’s report,” “hold pending report,” or whatever language is used in that law enforcement agency for incidents that are being recorded in a written report, but with details that need to be worked out during a follow-up investigation.
- Of course, most of these reports will be delayed so forensic evidence from the victim's body will most likely not be available. However, depending on the length of time since the assault, the victim may still have physical injuries that can be documented. Victims can also be encouraged to have photographs taken even if they can't or don't want to see a Sexual Assault Forensic Examiner (SAFE).
- Although much of the physical evidence will not be available in these situations, it is important to remember that some evidence may still be available -- such as clothing or other objects used during the sexual assault. This evidence is often available long after evidence disappears from the victim's body, and the interview can be used to identify such evidence so it can be collected and maintained by the law enforcement agency.

## Conclusion

Again, I believe that many of us are seeking ways to help the victims of Hurricane Katrina and the law enforcement professionals and others who are providing assistance. For those who have been sexually assaulted in the aftermath of this tragedy, taking a courtesy report is one way that law enforcement agencies can lend a hand. For more information, please consult helpful resources such as the Model Policy and Training Keys on sexual assault investigation published by the International Association of Chiefs of Police ([www.theiacp.org](http://www.theiacp.org)). For questions or more assistance, you can also feel free to contact me directly, at (509) 684-9800. I am available to assist law enforcement professionals with questions and concerns in this area, as well as victim advocates and others providing information, assistance, and support to sexual assault victims.

