

GENERAL ORDER CHANGE



Subject
**GO-OPS-304.06 (Adult Sexual
Assault Investigations)**

Topic / Number
GOC-08-09

Effective Date
December 9, 2008

DISTRICT OF COLUMBIA

I. REMOVE FROM:

GO-OPS-304.06, Dated 12/22/06

Attachment C, Pages 1 through 4

INSERT:

GO-OPS-304.06, Dated 12/22/06

Attachment C, Pages 1 through 4
(revised 11/25/08)

II. RESCIND: N/A

ADD: N/A

III. NOTES:

1. Section M (Sexual Act) and Section N (Sexual Contact) were moved to Sections D and E, respectively, on page 1, in order to list the definitions in D.C. Official Code order. The subsequent sections were re-lettered.
2. Former Section I (now re-lettered "K"):
 - "I. First Degree Sexual Abuse of a Ward (D.C. Official Code § 22-3013) – Engaging in a sexual act with another person, or causing another person to engage in, or submit to, a sexual act when that other person:
 1. Is in official custody, or is a ward or resident, on a permanent or temporary basis, of a hospital, treatment facility, or other institution; and
 2. Is under the supervisory of disciplinary authority of the actor."

Is replaced with:

- "K. First Degree Sexual Abuse of a Ward, Patient, Client, or Prisoner (D.C. Official Code § 22 - 3013) – Engaging in a sexual act with a ward, Patient, client or prisoner, or causing a ward, patient, client or prisoner to engage in or submit to a sexual act, by:
 1. Any staff member, employee, contract employee, consultant, or volunteer at a hospital, treatment facility, detention or correctional facility, group home, or other institution;

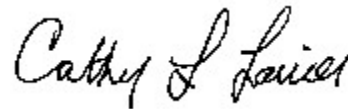
2. Anyone who is an ambulance driver or attendant, a bus driver or attendant, or a person who participates in the transportation of a ward, patient, client, or prisoner to and from such institutions; or
 3. Any official custodian of a ward, patient, client, or prisoner.”
3. Section J (now re-lettered L):
- “J. Second Degree Sexual Abuse of a Ward (D.C. Official Code § 22-3014) – Engaging in a sexual contact with another person, or causing another person to engage in, or submit to, a sexual act when that other person:
1. Is in official custody, or is a ward or resident, on a permanent or temporary basis, of a hospital, treatment facility, or other institution; and
 2. Is under the supervisory or disciplinary authority of the actor.”

Is replaced with:

- “L. Second Degree Sexual Abuse of a Ward, Patient, Client, or Prisoner (D.C. Official Code § 22-3014) – Engaging in a sexual contact with ward, patient, client, or prisoner, or causing a ward, patient, client or prisoner to engage in or submit to a sexual contact by:
1. Any staff member, employee, contract employee, consultant, or volunteer at a hospital, treatment facility, detention or correctional facility, group home, or other institution;
 2. Anyone who is an ambulance driver or attendant, a bus driver or attendant, or person who participates in the transportation of a ward, patient, client, or prisoner to and from such institutions; or
 3. Any official custodian of a ward, patient, client, or prisoner.”
4. In Section K (now re-lettered M), “First Degree Sexual Abuse of a Client / Patient,” Sub-sections 3 and 4 were added as follows:
- “3. The actor represents falsely that he or she is licensed as a particular type of professional; or
4. The sexual act occurs during the course of consultation, examination, treatment, therapy, or other provision of professional services.”
5. In Section L (now re-lettered N), “Second Degree Sexual Abuse of a Client / Patient,” Sub-sections 3 and 4 were added as follows:

- “3. The actor represents falsely that he or she is licensed as a particular type of professional; or
4. The sexual act occurs during the course of consultation, examination, treatment, therapy, or other provision of professional services.”

IV. RESCISSION OF OTHER DOCUMENTS: N/A



Cathy L. Lanier
Chief of Police

CLL:PH:JGW:GHE

REFERENCE FOR SEXUAL ASSAULT CRIMES

- A. Bodily Injury [D.C. Official Code § 22-3001(2)] – Involving loss or impairment of the function of a bodily member, organ, or mental faculty; or physical disfigurement, disease, sickness, or injury involving significant pain.
- B. Consent [D.C. Official Code § 22-3001(4)] – Words or overt actions indicating a freely given agreement to the sexual act or contact in question. Lack of verbal or physical resistance or submission by the victim, resulting from the use of force, threats, or coercion by the defendant, shall not constitute consent.
- C. Force [D.C. Official Code § 22-3001(5)] – The use or threatened use of a weapon; the use of such physical strength or violence as is sufficient to overcome, restrain, or injure a person; or the use of a threat of harm sufficient to coerce or compel submission by the victim.
- D. Sexual Act [D.C. Official Code § 22-3001(8)] - "Sexual act" means:
 - 1. The penetration, however slight, of the anus or vulva of another by a penis;
 - 2. Contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus; or
 - 3. The penetration, however slight, of the anus or vulva by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.
 - 4. The emission of semen is not required for the purposes of subparagraphs (A)-(C) of this paragraph.
- E. Sexual Contact [D.C. Official Code § 22-3001(9)] - "Sexual contact" means the touching with any clothed or unclothed body part or any object, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.
- F. First Degree Sexual Abuse (D.C. Official Code § 22-3002) – Engaging in, or causing another person to engage in, or submit to, a sexual act in the following manner:
 - 1. By using force against that other person;
 - 2. By threatening, or placing that other person in reasonable fear that any person will be subjected to death, bodily injury, or kidnapping;
 - 3. After rendering that other person unconscious; or

4. After administering to that other person, by force or threat of force, or without the knowledge or permission of that other person, a drug, intoxicant, or other similar substance that substantially impairs the ability of that other person to appraise or control his or her conduct.
- G. Second Degree Sexual Abuse (D.C. Official Code § 22-3003) – Engaging in, or causing another person to engage in, or submit to, a sexual act in the following manner:
1. By threatening or placing that other person in reasonable fear that any person will be subjected to any threat, other than death, bodily injury, or kidnapping; or
 2. Where the person knows, or has reason to know, that the other person is:
 - a. Incapable of appraising the nature of the conduct;
 - b. Incapable of declining participation in that sexual act; or
 - c. Incapable of communicating unwillingness to engage in that sexual act.
- H. Third Degree Sexual Abuse (D.C. Official Code § 22-3004) – Engaging in, or causing sexual contact with, or by another person in the following manner:
1. By using force against that other person;
 2. By threatening or placing that other person in reasonable fear that any person will be subjected to death, bodily injury, or kidnapping;
 3. After rendering that person unconscious; or
 4. After administering to that other person, by force, or threat of force, or without the knowledge or permission of that other person, a drug, intoxicant, or other similar substance that substantially impairs the ability of that other person to appraise or control his/her conduct.
- I. Fourth Degree Sexual Abuse (D.C. Official Code § 22-3005) – Engaging in, or causing sexual contact with, or by, another person in the following manner:
1. By threatening or placing that other person in reasonable fear (other than by threatening or placing that other person in reasonable fear that any person will be subjected to death, bodily injury, or kidnapping); or
 2. Where the person knows, or has reason to know, that the other person is:
 - a. Incapable of appraising the nature of the conduct;
 - b. Incapable of declining participation in that sexual contact; or
 - c. Incapable of communicating unwillingness to engage in that sexual contact.

- J. Misdemeanor Sexual Abuse (D.C. Official Code § 22-3006) – Whoever engages in a sexual act or sexual contact with another person, and who should have knowledge, or reason to know, that the act was committed without that other person’s permission, shall be imprisoned for not more than 180 days.
- K. First Degree Sexual Abuse of a Ward, Patient, Client, or Prisoner (D.C. Official Code § 22-3013) - Engaging in a sexual act with a ward, patient, client, or prisoner, or causing a ward, patient, client or prisoner to engage in or submit to a sexual act, by:
1. Any staff member, employee, contract employee, consultant, or volunteer at a hospital, treatment facility, detention or correctional facility, group home, or other institution;
 2. Anyone who is an ambulance driver or attendant, a bus driver or attendant, or person who participates in the transportation of a ward, patient, client, or prisoner to and from such institutions; or
 3. Any official custodian of a ward, patient, client, or prisoner.
- L. Second Degree Sexual Abuse of a Ward, Patient, Client, or Prisoner (D.C. Official Code § 22-3014) - Engaging in a sexual contact with a ward, patient, client, or prisoner, or causing a ward, patient, client or prisoner to engage in or submit to a sexual contact by:
1. Any staff member, employee, contract employee, consultant, or volunteer at a hospital, treatment facility, detention or correctional facility, group home, or other institution;
 2. Anyone who is an ambulance driver or attendant, a bus driver or attendant, or person who participates in the transportation of a ward, patient, client, or prisoner to and from such institutions; or
 3. Any official custodian of a ward, patient, client, or prisoner.
- M. First Degree Sexual Abuse of a Client/Patient (D.C. Official Code § 22-3015) – A person is guilty of first degree sexual abuse who purports to provide, in any manner, professional services of a medical, therapeutic, or counseling (whether legal, spiritual, or otherwise) nature, and engage in a sexual act with another person who is a patient or client of the actor, or is otherwise in a professional relationship of trust with the actor; and
1. The actor represents falsely that the sexual act is for a bona fide medical or therapeutic purpose, or for a bona fide professional purpose for which the services are being provided; or

2. The nature of the treatment or services provided by the actor, and the mental, emotional, or physical condition of the patient or client are such that the actor knows, or has reason to know that the patient or client is impaired from declining participation in the sexual act.
3. The actor represents falsely that he or she is licensed as a particular type of professional; or
4. The sexual act occurs during the course of consultation, examination, treatment, therapy, or other provision of professional services.

N. Second Degree Sexual Abuse of a Client/Patient (D.C. Official Code § 22-3016) – A person is guilty of second degree sexual abuse who purports to provide, in any manner, professional services of a medical, therapeutic, or counseling (whether legal, spiritual, or otherwise) nature, and engage in a sexual contact with another person who is a patient or client of the actor, or is otherwise in a professional relationship of trust with the actor; and

1. The actor represents falsely that the sexual contact is for a bona fide medical or therapeutic purpose, or for a bona fide professional purpose for which the services are being provided;
2. The nature of the treatment or services provided by the actor, and the mental, emotional, or physical condition of the patient or client are such that the actor knows, or has reason to know that the patient or client is impaired from declining participation in the sexual contact;
3. The actor represents falsely that he or she is licensed as a particular type of professional; or
4. The sexual contact occurs during the course of consultation, examination, treatment, therapy, or other provision of professional services.