

Sexual Assault Investigations

601.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse (315) and Adult Abuse (313) policies.

601.1.1 DEFINITIONS

Definitions related to this policy include:

Sexual assault - Any crime or attempted crime of a sexual nature, to include, but not limited to, offenses defined in Wis. Stat. § 940.22(2); Wis. Stat. § 940.225; Wis. Stat. § 948.02; Wis. Stat. § 948.025; Wis. Stat. § 948.05; Wis. Stat. § 948.06; Wis. Stat. § 948.085; and Wis. Stat. § 948.095.

Sexual Assault Response Team (SART) - A multidisciplinary team generally comprised of advocates, law enforcement officers, forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible, forensic laboratory personnel and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

601.2 POLICY

It is the policy of the Beloit Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

601.3 QUALIFIED INVESTIGATORS

Qualified investigators assigned to the Special Operations Division (SOD) should be available for assignment of sexual assault investigations.

These investigators should:

- (a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.
- (b) Conduct follow-up interviews and investigation.
- (c) Present appropriate cases of alleged sexual assault to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.
- (e) Provide referrals to therapy services, victim advocates and support for the victim.
- (f) Participate in or coordinate with the SART or other multidisciplinary investigative teams as applicable.

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The SOD Lieutenant is responsible for the oversight and management of all sexual assault investigations. Patrol Division Shift Commanders are responsible to coordinate the reporting and initial investigative findings with the SOD Lieutenant and ensure appropriate follow up is performed as requested.

601.4 REPORTING

In all reported or suspected cases of sexual assault, a report should be written and follow-up investigation assigned as appropriate. This includes incidents in which the allegations appear unfounded.

601.4.1 INITIAL INVESTIGATING OFFICER RESPONSIBILITIES

Officers assigned to investigate any sexual assault shall ensure that they obtain as much initial information as possible prior to consulting with their Shift Commander and requesting additional resources or investigative personnel. This includes elements of the crime, as well as identifying if there is any potential witnesses, suspect(s) and their relationship to victim, crime scene(s) or location of any potential evidence. Subsequent to Shift Commander notification, the officer should convey or arrange, as appropriate, for the victim to obtain an exam from a qualified Sexual Assault Nurse Examiner (SANE). All evidence obtained shall be inventoried in conformity with the Property and Evidence Policy (801). Officers shall also consider the victim's age relevant to the Child Abuse Policy (315) in terms of interview requirements.

Officer's should ensure any responding investigator is fully briefed, all reports are completed, and evidence is properly inventoried prior to securing from duty.

601.4.2 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to the Communications Center, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is unfounded should be included in a report.

601.4.3 POLYGRAPH EXAMINATIONS

Victims shall not be asked or required to take a polygraph examination nor shall an officer suggest a victim submit to a polygraph or provide the victim with any information regarding tests using polygraphs unless the victim requests information (34 USC § 10451; Wis. Stat. § 968.265).

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601.4.4 VICTIM CONFIDENTIALITY

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy (318).

601.5 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Special Operations Division Captain.

Classification of a sexual assault case as unfounded requires the Special Operations Division Captain to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

601.6 TRAINING

Subject to available resources, periodic training should be provided to:

- (a) Members who are first responders. Training should include:
 - (a) Initial response to sexual assaults.
 - (b) Legal issues.
 - (c) Victim advocacy.
 - (d) Victim response to trauma.
- (b) Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:
 - 1. Interviewing sexual assault victims.
 - 2. SART.
 - 3. Medical and legal aspects of sexual assault investigations.
 - 4. Serial crimes investigations.
 - 5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
- (c) Techniques for communicating with victims to minimize trauma.

601.7 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

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If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

601.7.1 COLLECTION AND TESTING REQUIREMENTS

All evidence from cases where the suspect has not been identified shall be transmitted in a timely manner to the proper forensics lab for processing all relevant biological evidence (Wis. Stat. § 175.405).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy (801).

601.7.2 DNA TEST RESULTS

Members investigating sexual assault cases should notify victims of any DNA test results as soon as reasonably practicable.

A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy (318).

Members investigating sexual assaults cases should ensure that DNA results are entered into databases when appropriate and as soon as practicable.

601.8 CASE REVIEW

The Special Operations Division Lieutenant should ensure cases are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

The SART and/or victim advocates should be considered for involvement in this audit. Summary reports on these reviews should be forwarded through the chain of command to the Chief of Police.

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601.9 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Special Operations Division Lieutenant should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.