



# UW-Madison Police Department

## Policy: 42.4

### SUBJECT: SEXUAL ASSAULT INVESTIGATIONS

EFFECTIVE DATE: 06/01/10

REVISED DATE: 04/30/16; 04/27/18; 10/17/18; 10/16/19

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#### POLICY:

The UW-Madison Police Department shall provide a basic guide to the various facets involving first, second, third and fourth degree sexual assault investigation. A sexual assault is a major crime that is traumatic to the victim. Care shall be taken to consider the emotions experienced by the victim. Investigating officers shall take time to ensure evidence is collected, interviews are conducted, and reports are complete.

#### DEFINITIONS:

“Forensic Nurse Examiner” is a Registered Nurse, Physician's Assistant, or Medical Doctor who has been trained in the physical examination and collection of evidence in sexual assault cases.

“Victim Advocate” is an individual who is an employee of or a volunteer for an organization the purpose of which is to provide counseling, assistance, or support services free of charge to a victim.

#### PROCEDURE:

##### 42.4.1 COMMUNICATIONS CENTER RESPONSIBILITIES

- A. Communications Center personnel shall attempt to ascertain the following information:
  - 1. If the caller/victim is in danger;
  - 2. If an ambulance is required;
  - 3. Where and when assault occurred. If the assault recently occurred, the Law Enforcement Dispatcher (LED) should attempt to keep the caller on the line and provide comfort and assurance that assistance is on the way;
  - 4. Obtain a description of suspect and direction of travel. If a vehicle is involved, obtain a description;
  - 5. Caution caller/victim not to disturb anything at the scene.
- B. The LED shall contact the Manager on Call (MOC) for 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> and/or 4<sup>th</sup> degree sexual assault cases. The LED may obtain this information from on-scene investigating officers.
- C. If a 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, and/or 4<sup>th</sup> degree sexual assault is reported to have occurred on the University of Wisconsin – Madison Clery geography, the MOC shall conduct a crime warning and/or a WiscAlert evaluation.

##### 42.4.2 RESPONDING POLICE OFFICER(S) AND SUPERVISOR/OIC RESPONSIBILITIES

Initial response to the crime scene and victim is critical in case development. The following shall establish procedures for responding police officers:

- A. The initial responding officers are responsible for the preservation of the crime scene.
- B. The OIC or MOC shall contact the Detective on Call (DOC) for all 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> and/or 4<sup>th</sup> degree sexual assault cases as soon as practical.
- C. If it is determined that the DOC shall respond to an incident, the DOC shall take over responsibility for the investigation.
- D. The MOC shall determine if the Dean of Students, Title IX, Clery Director, or other UW-Madison entities should be

notified of the incident.

E. Initial investigating officers should:

1. Request contact of an evidence technician and/or investigator as directed by the MOC.
2. Control access to the scene. Evidence shall be collected and preserved as outlined in the "Physical Evidence Handbook."
3. Make initial contact with victim.
  - a. Identify the victim and obtain necessary emergency medical treatment. [REDACTED]
4. [REDACTED] Contact shall be made with Rape Crisis to have a victim advocate made available to the victim. 24-hour advocacy support is available by calling 608-251-7273. [REDACTED]
5. Officers/investigators shall be familiar with the Dane County Sexual Assault Victim's Bill of Rights and provide the victim with the State-mandated Victim's Rights Form. Victims shall be advised of resources for reimbursement [REDACTED]
6. Obtain suspect information, if possible.

#### 42.4.3 MEDICAL EXAMINATIONS

- A. The sexual assault medical exam is a voluntary examination, but it is a critical part of the sexual assault investigation. The specially trained nurses in the Forensic Nurse Examiner Program shall be used.
- B. [REDACTED]
- C. The following describes general rules of evidence for the Forensic Nurse exam:
  1. The officer shall take custody and properly secure the Forensic Nurse Exam kit in the evidence room to maintain chain of evidence.
  2. [REDACTED]
  3. If there are any problems or questions involving collection or packaging of evidence, an evidence technician shall be contacted or the Wisconsin State Crime Lab "Physical Evidence Handbook" consulted.
- D. [REDACTED]
- E. After release from the hospital, the victim may be transported to a location where the victim feels comfortable. The primary investigating officer must be informed of the victim's location and phone number by the officer transporting the victim. The victim should not be allowed to return unescorted to the crime scene until investigation of crime scene is completed.

#### 42.4.4 VICTIM INTERVIEWS

- A. [REDACTED]  
If there is a public safety concern, this information shall be passed on to the MOC as soon as possible in the event an emergency notification needs to be sent. Interviews with the victim are generally more productive and result in better cooperation if done at the victim's convenience, without pressure, and at a location comfortable to the victim. The

privacy of the victim is very important. A Rape Crisis Advocate can be present while obtaining a statement in the hospital if the victim requests.

- B. Individuals reporting a sexual assault or sensitive crime shall be afforded the opportunity to request an officer of a specific gender identity and/or sexual orientation, if available.
- C. The decision concerning who is present during the interview (friends of victim, counselor, officer, etc.) is made by the victim. If others are present during the interview, the interviewing officer shall document who is present.
- D. Child Protective Services (CPS) shall be notified within twelve hours, excluding Saturdays, Sundays or legal holidays, of investigations with minors as victims or suspects.

#### **42.4.5 PRIMARY INCIDENT REPORT**

- A. The report of the initial responding officer should contain the following information, if possible:



#### **42.4.6 CASES OCCURRING OUTSIDE UW– MADISON POLICE JURISDICTION**

The following shall govern procedures for cases occurring outside of the Department jurisdiction, but reported to the Department:

- A. If the sexual assault is determined to have happened off the University campus and outside Clery Geography.
  - 1. The Communications Center shall notify the appropriate jurisdiction and request their response to the victim's location.
  - 2. If the agency having jurisdiction requests mutual aid, the officer should proceed with the initial investigation as outlined above. The DOC and MOC shall be notified. After the initial investigation, the case detective should contact the appropriate jurisdiction to facilitate turning over the investigation. This process should be explained to the victim.