



University of Wisconsin–Madison Police

Policy: 42.4

SUBJECT: SEXUAL ASSAULT INVESTIGATIONS

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POLICY:

The University of Wisconsin–Madison Police Department shall provide a basic guide to the various facets involving first, second and third degree sexual assault investigation. A sexual assault is a major crime that affects the emotions of the victim. Care should be taken to consider the emotions experienced by the victim. Investigating officers should take time to assure 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.

PROCEDURE:

42.4.1 COMMUNICATIONS CENTER RESPONSIBILITIES

The following shall establish procedures for the Communication Center in responding to reports of sexual assault:

- A. Communications Center personnel should 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 will contact the Manager on Call for 1st, 2nd, 3rd and 4th degree sexual assault cases. The LED may obtain this information from on-scene investigating officers.
- C. If a 1st, 2nd, 3rd, or 4th degree sexual assault is reported to have occurred on the University of Wisconsin – Madison Clery geography, the MOC will conduct a crime warning and/or a WiscAlert evaluation.

42.4.2 RESPONDING POLICE OFFICER AND 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. It is not necessary for responding officers to collect evidence unless it is critical that the evidence be collected immediately due to unusual circumstances (i.e., inclement weather), or an evidence technician is not available.
- B. The O.I.C. or MOC shall contact the Detective Supervisor on call and the detective on call for 1st, 2nd, and 3rd degree sexual assault cases or anytime detective services would benefit the investigative efforts.
- C. Initial investigating officers should:

1. Request contact of an evidence technician and/or investigator as directed by the Manager on Call.
2. Control access to the scene. Evidence will 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]
5. Officers/investigators should 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 should be advised of resources for reimbursement [REDACTED]
6. Obtain suspect information. Express concern for the victim and explain the need for information on the suspect. Obtain a detailed description of the assailant and any vehicle involved.
7. Canvass for witnesses. It is imperative to locate witnesses as soon as possible. It is sometimes of value to return to the crime scene at the same time of the incident the following day. Eyewitnesses to sexual assaults are rare. A potential witness could be anyone having contact with the victim or suspect immediately before or after the assault.

42.4.3 SCENE EVIDENCE COLLECTION

The following shall govern general evidence collection procedures for sexual assault investigations:

- A. [REDACTED]
- B. [REDACTED]
- C. The outside of each bag containing evidence must be legibly marked with the case number, from whom item was obtained or the item owner, date and time, and the collecting officer's initials.
- D. Evidence collection from the victim and suspect must be prepared separately and care will be taken to avoid cross contamination.

42.4.4 MEDICAL EXAMINATIONS

The following shall govern policies regarding medical examinations utilized during sexual assault investigations:

- 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 at Meriter Park should be used.
- B. Once the victim has been taken to the hospital, the examination and collection of evidence will be controlled by the on-duty doctor or Forensic Nurse Examiner personnel, if at Meriter Park. The officer at the hospital must obtain names, addresses, and phone numbers of the physician and all attending medical personnel.
- C. The following describes general rules of evidence for the Forensic Nurse exam:

1. A Sexual Assault Evidence Kit will be provided by medical staff and will be given to the officer after the evidence is collected. The officer should properly secure the Forensic Nurse Exam kit in the evidence room refrigerator to maintain chain of evidence.
 2. If the victim signs a medical release, the officer shall obtain a copy of the "Sexual Assault Evidence Collection Checklist" The investigating detective will make arrangements to obtain the Sexual Assault report from the Forensic Nurse Examiner.
 3. If there are any problems or questions involving collection or packaging of evidence, an evidence technician should be contacted or the Wisconsin State Crime Lab "Physical Evidence Handbook" consulted.
- D. A signed medical release should be sought authorizing the release of hospital records pertinent to the case to the "University of Wisconsin Police Department." If the victim is a minor, a parent or legal guardian must sign the release form. If a parent or legal guardian is not available, Dane County Social Services should be contacted to arrange for care of the victim.
- 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 will not be allowed to return unescorted to the crime scene until investigation of crime scene is completed. The investigator should decide if the victim should be brought back to the crime scene for investigative purposes. This occurs on a case-by-case basis and the condition of the victim should be considered.

42.4.5 VICTIM INTERVIEWS

The following shall outline procedures for conducting victim interviews in sexual assault cases:

- A. Officers should only complete a basic interview of the victim to gather basic information as described in 42.4.8 below. 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 message 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 volunteer can be present while obtaining a statement in the hospital if the victim requests.
- B. The condition of the victim will determine if any interview is held immediately or delayed. Throughout the investigation, the victim should be reminded of the services which are 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. Dane County Human Services should be notified within twelve hours, excluding Saturdays, Sundays or legal holidays, of investigations with minors as victims or suspects.
- E. A minor victim may provide information of limited quantity and quality if interviewed in the presence of a parent. The needs and concerns of the victim should be explained to the parent and consent for an interview without the parent sought. The following applies:
 1. Safe Harbor should be utilized if appropriate. When using Safe Harbor, limit the interview with the child and parents until the Safe Harbor interview. One parent must consent to Safe Harbor conducting the interview. The case detective will need to arrange this interview.
 2. When the victim is a small child, the interviewing officer should use special care in discussing the incident with child and parents. Terminology used by the child with regard to the sexual activity should be documented and "leading questions" avoided.
 3. The interviewing officer should explain to the child and, if appropriate, the parents exactly what is taking place and why.
 4. The child's parents may need counseling support during the investigation, which is available through the Rape Crisis Center.

42.4.6 FORENSIC ANALYSIS

The following shall govern procedures for forensic analysis of sexual assault evidence:

- A. Evidence will not be forwarded to the State Crime Laboratory unless a suspect has been identified or the possibility that DNA evidence exists. Transmittal forms for the State Crime Laboratory must be placed in an envelope and attached to

the outside of any evidence.

- B. If a suspect has been arrested for sexual assault, it is suggested that the following biological evidence be obtained while the individual is in custody. If the individual will not provide written permission, seek authorization from a Lieutenant or higher for a strip search under WI statute 968.255, or obtain a search warrant. When at all possible, the Forensic Nurse Examiner should collect the following evidence:
 - 1. Pubic hair combings (use a sterile comb and include the comb with envelope containing sample).
 - 2. Blood on any skin surface or around the periphery of existing fresh wounds.
 - 3. Fingernail scrapings when applicable.
 - 4. Head hair standards.
 - 5. Pubic hair standards.
 - 6. Saliva sample (recovered by a medical professional, consent or warrant required).
 - 7. Blood sample (recovered by a medical professional, consent or warrant required).
- C. The following guidelines apply to the collection of additional evidence from the suspect.
 - 1. Clothing that the suspect is wearing may be seized if within a reasonable period of time after the offense.
 - 2. A search of any vehicle involved or a search at a dwelling may be made with consent or a search warrant.

42.4.7 INVESTIGATOR DUTIES

The following shall describe investigator responsibilities during sexual assault investigations:

- A. The case detective assigned shall make contact with initial or responding officers to determine what occurred and what investigative steps have been completed.
- B. For recently occurring cases, the case detective should respond to the crime scene to provide direction about what evidence to collect, or, in the absence of an evidence technician, collect necessary evidence and scene documentation. It is important in all cases for the case detective to view the crime scene at some point during the investigation.
- C. The case detective shall make arrangements for interviewing the victim, any witnesses and, if known, suspects.
- D. The case detective shall make sure the victim is aware of resources available. For cases involving students, the on call Dean of Students should be notified.

42.4.8 PRIMARY INCIDENT REPORT

The following shall outline information necessary to be included in the primary incident report:

- A. The report of the initial responding officer should contain the following information at a minimum:
 - 1. Exact location of assault;
 - 2. Information on the identity of the suspect;
 - 3. Circumstances before and after the sexual assault;
 - 4. Potential witness information;
 - 5. Lack of consent;
 - 6. Information as to how the victim and assailant became associated;
 - 7. How the suspect maintained control of the victim;
 - 8. If any type of force was employed;
 - 9. Any evidence collected.
- B. If a victim reports a sexual assault 72 hours or more after occurrence, the assigned officer shall take the primary incident report if possible. The case shall be referred to the Detective Bureau as soon as practicable for further investigation.

42.4.9 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, but in Dane County:
 - 1. The Communications Center should notify the appropriate jurisdiction and request their response to the victim's location.
 - 2. An officer should respond to the victim's location to provide the victim with information regarding available

University services, if appropriate, and reassurance until the appropriate agency arrives.

3. If the agency having jurisdiction is unable to respond, the officer should proceed with the initial investigation as outlined above. The Detective on Call should 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.
- B. If the sexual assault happened outside Dane County:
1. An officer should respond and proceed with the initial investigation as outlined above. The Detective on Call should be notified.
 2. The case detective will notify the appropriate jurisdiction of the sexual assault and will coordinate with that agency what role UWPD will play in the investigation. The detective will facilitate information sharing regarding the case with the appropriate agency or agencies. This process should be explained to the victim.