A. Policy

The crime of sexual assault is one of the most violent crimes the Police Department will be called upon to investigate. It shall be our intent that these reports are handled in a manner that will provide sensitivity and meet the victim's needs as well as to ensure proper police procedures relative to crime scene investigation, evidence collection, and documentation.

B. Procedure

1. Police investigation of sex crimes.
   a. Original reports of sex crimes shall be routinely taken by patrol agents.
   b. Circumstances likely to result in investigator's response include:
      (1) Serious injury or death of victim.
      (2) Necessity for court orders such as search warrants or Rule 41.1 orders.
      (3) Arrest of suspect.
      (4) Leads requiring immediate response beyond the normal follow-up procedures of the Patrol Division.

2. Response to sexual assault report.
   a. Patrol agents should respond as quickly and safely as practical to a reported sexual assault.
      (1) Assigned agent shall be alert for suspicious subjects, vehicles, or subjects matching any description provided.
      (2) Upon arrival, the agent shall determine if victim requires medical aid.
      (3) Arrest the suspect if present and if evidence justifies.
      (4) Secure scene to prevent destruction of evidence.
      (5) Make notifications as required. Ensure that if the victim is being taken to hospital that advance notice is given. This will ensure that an examination room is made available and a doctor is notified. It is encouraged that St. Anthony Central Hospital be used for victim examinations unless physical trauma will not permit the victim to be transported there.
b. Report

(1) Interview victim.

(a) Maintain professional, respectful, and concerned attitude.

(b) Separate victim from others present to control interview. Conduct initial interview with victim before exposing victim to other professionals such as hospital or volunteer counselors.

(c) Be aware of and respond to victim’s emotional needs. Make the welfare and comfort of the victim a primary consideration.

(d) Explain police procedures and needs to victim.

(e) Obtain detailed account of crime if victim is able to assist without undue stress reactions. Information shall be given to technicians and follow-up personnel who arrive after victim has gone to hospital.

(f) Note condition of victim at time of report, i.e., intoxicated, emotional, hysterical, etc.

(g) Do not interrogate or show attitude of suspicion concerning victim’s allegation.

(2) Note conditions at the scene.

(3) Identify technicians, agents assisting, and witnesses for witness list.

(4) Interview any witnesses.

(a) Include friends, family members, etc., who may have been contacted by victim subsequent to crime.

(b) Attempt to determine all circumstances before and after alleged crime, which may have a bearing on the case.

(5) Include description of scene processing and evidence collected.

c. Evidence collection

(1) Victim
Photograph injuries and appearance of victim. If possible, without an undue stress reaction and if warranted, arrange for follow-up photos 24 hours later. An appointment should be coordinated with the Criminalistics Unit.

If bite marks are discovered or brought to your attention on the victim or a subsequent suspect, these bite marks should be photographed by Criminalistics. Also, bring these bite marks to the attention of the examining physician. If these bite marks are substantial, a forensic odontologist should be consulted within the first several hours. This time period is necessary if a mold is to be taken and used as subsequent evidence. Obtain swabbing of area for possible saliva comparison.

Evidence Collection

1) Collect all clothing, including inner and outer garments. Keep each garment separate. Arrange for change of clothing prior to hospital exam if possible. To ensure a proper chain of custody, the responding agent shall inspect and account for all bagged items, even if hospital personnel seal the bag prior to giving to agent. Open, inspect, and reseal. Book, per procedure, any items left in pockets, i.e., money, wallet, identification cards, etc.

2) Obtain fingernail scrapings.

3) Obtain blood standard and buccal swabs for DNA analysis.

4) Search for foreign hairs by combing pubic area.

5) Hair sample standards.
   a) Head, 20 - 25 hairs pulled.
   b) Pubic, 20 - 25 hairs pulled.

6) Obtain vaginal smears and swabs.

7) Obtain bindings used on victim, if any.
Hospital examination by doctor.

In all cases of sexual assault, it is encouraged that the victim be transported to Lutheran Hospital for a medical examination, unless life or trauma situation will not permit.

1) Approved sexual assault evidence collection kits are maintained by the hospital.

2) Hospital may provide counseling or other crisis intervention services for sexual assault victims.

3) Doctor’s examination should include:
   a) Vaginal smears (2 slides).
   b) Vaginal swabs.
   c) Oral or rectal smears if indicated.
   d) Blood standards - at least 10 cc.
   e) Buccal swab standards – rub two swabs on the inner surface of the cheeks after rinsing the mouth.
   f) Foreign hairs - comb pubic hair region with disposable comb collecting any loose hair or fibers.
   g) Hair standards - pull at least 20 hairs from different parts of the head for head hair standards. Pull at least 20 hairs from pubic region for pubic hair sample.
   h) Examination for bruises, cuts, lacerations of the vaginal area as well as complete body exam for injuries.
   i) Other medical aspects - VD check, estrogen pill, etc.

4) Obtain signed release of medical information form from victim. Obtain doctor’s report and patient flow sheet and place into records along with sexual assault medical supplement.
5) Collect completed sexual assault kit from doctor for logging into Police Department evidence. Maintain chain of evidence. Book the sexual assault exam kit into refrigeration because it contains blood and other body fluids that require refrigeration so bacteria will not destroy contents.

6) The Police Department shall pay the hospital for the sexual assault examination; however, we shall not pay for any medical treatment required by the victim.

(2) Scene

(a) Note location, description, vehicle, or other means of identifying location or locations of offense.

(b) Note means of entry into building if applicable.

(c) Note impressions on the ground at scene including: foot tracks of victim and suspect tire impressions of vehicle, body impressions, clothing marks.

(d) Photograph the scene and the relationship of each item of evidence.

(e) Diagram or sketch the scene.

(f) Collect.

1) Latent prints.

2) Bedding.

3) Discarded clothing of either the suspect or victim.

4) Weapons or evidence of weapons used.

5) Articles, which may have become stained during assault such as rugs, cushions, vehicle seats, etc. Stains may be semen, saliva, blood, perspiration, grease, etc.

6) Articles, which may have been used by the suspect or victim to wipe or clean up after emission.
7) Foreign objects such as buttons, torn fabric, suspect's wallet, etc.

8) Hairs and fibers

9) Sweepings from vehicles

10) Soil samples

11) Other debris at scene

(g) Note missing articles, which may have been taken by the suspect.

(3) Suspect

(a) Photograph

In addition to routine mug shots, a sexual assault suspect who is taken into custody during or shortly after the crime shall be photographed in overall front and back views as well as side views. Photos should be taken of the suspect fully clothed and with all clothing removed. Close-ups should be taken of any scratches or other injuries.

(b) Collect

1) All clothing, keeping each item separate from each other and from the victim's clothing.

2) Pubic hair combings

3) Blood sample
   a) For DNA (1 purple top).
   b) For alcohol or drug determination (standard blood alcohol kit).

4) Two buccal swabs (swabbing the interior walls of the mouth.)

5) Fingernail scrapings

7) Any item associated with the suspect, which may show stains, hairs, or fibers, related to the crime.

(c) Legal requirements of suspect search.

1) A search warrant or court order is not necessary to take or remove surface hairs, fibers, fingernail scrapings, fingerprints, photographs, or handwriting exemplars when the suspect is in lawful custody.

2) A subsurface intrusion of the suspect's body for evidence such as hair samples, or blood samples normally requires:
   a) Consent of the subject (signed waiver); or
   b) Court order for nontestimonial evidence (Rule 41.1/9.1).

Note: Subsurface evidence. If the alcohol or drug level will dissipate, a court order is not needed.

3) A court order for nontestimonial evidence shall be required when the suspect is not in custody.

4) In all cases, whether with or without a court order, subsurface seizures for blood shall be done by a physician or medical technician in a medically approved manner.

(d) Suspect interview.

1) Importance of interview.
   a) Most direct way to obtain facts.
   b) Produces more factual information in less time than any other method.

2) Purpose of interview.
   a) To obtain facts.
   b) Assist prosecution of guilty party.
c) Unite different aspects of case.

3) Interview setting.
   a) Provide privacy.
   b) Arrange for freedom from interruptions.

4) Stages of the interview.
   a) Preparation.
   b) Be as familiar as possible with the background information of the case. Know the purpose of the interview and keep in mind what type of information is needed.

5) Opening of the interview.
   a) Introduce yourself and make a general statement concerning the purpose of the interview.
   b) Adviseement of rights per Miranda if in custody.
   c) Attempt to build rapport between yourself and the subject.
   d) Open with a positive statement, which leads the subject to believe that you know he can provide you with information.

6) Conducting the interview.
   a) Begin with general, open-ended questions.
   b) As the interview continues, questions become more specific.
   c) Expression of feeling - use facial expressions, nods, short phrases to show that you hear him, are interested and want to hear more (active listening).

7) Tape recording of interview.
a) May be beneficial later if the subject denies statement.

b) Is easy to deal with when transcribed.

c) Is complete.

d) Written statement. Following interview, attempt to have subject make a handwritten statement if possible.

8) Consider having a victim advocate available at the completion of the interview to support the victim.

(4) Investigation

Most sexual assault investigations are not solved immediately. Follow-up investigations are designed to gather as much information as possible.

(a) Detailed interview of the victim after initial contact.

(b) Composite if desired. Follow-up investigator coordinates with Criminalistics Unit personnel in setting up appointment.

(c) Neighborhood canvass around scene.

(d) MO comparison.

(e) Previous offenders comparison.

(f) Background check of victim.

1) Previous reports of rape.

2) Mental or emotional problems.

3) False reports.

(g) Laboratory exam of evidence.

C. Rule

1. The on-call Investigation Division sergeant shall be notified of felony sexual assaults and incest crimes.

2. The Criminalistics Unit shall be notified in first degree sexual assaults.
3. The Investigation Division sergeant notified of an incident shall be responsible for determining whether or not an investigator will respond to conduct an immediate investigation.