

**ST. CLOUD POLICE DEPARTMENT**  
**Law Enforcement**  
**Policies and Procedures**

Subject: Investigation of Criminal Sexual Conduct	Policy Number: 248
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**POLICY**

A sexual assault is a very traumatic and invasive crime and many victims, because of the extremely personal nature of the crime, are too traumatized to report the offense to police. Often the fear of investigative, medical and prosecutorial procedures adds to a victim's reluctance to report. A victim's distress may also create an unwillingness or psychological inability to assist in the investigation. Officers and criminal investigators play a significant role in the victim's willingness to cooperate in the investigation and the victim's ability to cope with the emotional and psychological aftereffects of the crime. Therefore, it is this agency's policy to provide victims of sexual assault with compassion, patience and advocacy to ensure all necessary information and assistance is provided in an effective manner.

**PROCEDURE**

A. Initial Responding/Investigating Officer:

Initial responding officers should be primarily concerned with the well-being of the victim and, where circumstances allow, should initiate investigative procedures that will facilitate the identification and arrest of suspects. The initial responding officer will take the report regardless of where the crime occurred if it is not practical to refer to the appropriate agency. The information can then be provided to the appropriate law enforcement agency once venue is confirmed.

1. If report is received at the scene, secure the residence and check for the perpetrator to ensure there are no immediate safety threats.
2. Aid the injured.
3. Notify a supervisor to determine how to proceed with investigation including processing the scene. Considering a delayed arrest should be made at this point (for example if a taped phone call would be more beneficial to the investigation).
4. Officer and supervisor should also determine if "Special Considerations" exist: See Special Considerations section and follow accordingly when appropriate.
5. Call the Sexual Assault Center as soon as it is determined that a sexual assault occurred, or as early as is practical in the investigation to support the victim and diminish trauma during the initial stages of investigation.
6. When appropriate given the circumstances, secure the crime scene to ensure that evidence is not lost, changed or contaminated. Consider search and seizure issues before any search for evidence is performed. If in doubt, get a warrant.
7. Determine the identity or description of the suspects and evaluate options to effect arrest (e.g. if it can be accomplished at the scene or via immediate pursuit).
8. Furnish this information to other field units via the Communications Center relevant to wanted persons, vehicle, etc., as needed.
9. Arrange transportation for the victim to/from the hospital. (Sexual Assault Center may be able to assist with emergency transportation via taxi.) Whenever possible provide the transportation for the victim.
10. Request completion of an evidence collection kit by a SANE nurse if the crime has

occurred within 120 hours. 120 hours should be used as a guideline; however, there could be cases that based on the circumstances an evidence collection kit could be obtained past 120 hours. (Obtain permission from the victim.)

11. Obtain medical release.
12. Assure that photographs are taken of physical evidence at crime scene and/or on crime victim if applicable.
13. Collect crime victim clothing and place each item in a separate paper bag.
14. Receive completed evidence collection kit from the medical facility.
15. Property tag evidence collection kit as evidence and place in a refrigerated bin. (see section F)
16. If an arrest is made, provide a victim notification information form to the jail.
17. If the case is completed with an arrest/inactivation by the initial responding officer, the case should also be sent to CIU for a final review with a port sheet (or copy if case is sent to another entity as well).

B. Special Considerations: Minors and Vulnerable Adults/Domestic Abuse Victims

1. Minors and Vulnerable Adults

This agency recognizes that certain victims, due to their age or a physical, mental, or emotional distress, are better served by utilizing interview techniques and strategies that eliminate the duplication of interviews and use a question and answer interviewing format with questioning as nondirective as possible to elicit spontaneous responses. Members of this agency will be alert for victims who would be best served by the use of these specialized interview techniques. Officers, in making this determination, should consider the victim's age, level of maturity, communication skills, intellectual capacity, emotional state, and any other observable factors that would indicate specialized interview techniques would be appropriate for a particular victim. The Central Minnesota Child Advocacy Center should be utilized in these situations:

Central Minnesota Child Advocacy Center

The Child Advocacy Center (CAC) is a valuable resource for conducting child sexual abuse investigations and provides a child-friendly environment that brings together a Multidisciplinary Team (MDT) of professionals who coordinate services for the child.

1. Provides forensic interviewing, medical exams, and advocacy services to child victims of physical and sexual abuse.
2. The goal of the CAC is to minimize the trauma experienced by a child, improve the investigative response, and facilitate efficient interagency communication and information sharing among the MDT.
3. The CAC is open during normal business hours, Monday-Friday from 0800-1630 hours.
4. Referrals to the CAC will be made by the primary investigator assigned to the case.

When an officer determines that a victim requires the use of these specialized interview techniques, the officer should follow the guidance below:

- a. Officers responding to reports of sexual assaults involving these sensitive population groups shall limit their actions to the following:
  - (1) Ensuring the safety of the victim;

- (2) Ensuring the scene is safe;
  - (3) Safeguarding evidence where appropriate;
  - (4) Collecting any information necessary to identify the suspect; and
  - (5) Addressing the immediate medical needs of individuals at the scene.
- b. Initial responding officers should not attempt to interview the victim in these situations, but should instead attempt to obtain basic information and facts about the situation, including the jurisdiction where the incident occurred and that a crime most likely occurred. Officers should seek to obtain this information from parents, caregivers, the reporting party, or other adult witnesses, unless those individuals are believed to be the perpetrators.
  - c. If the victim is a child (ages 3-12), the interview will be videotaped and conducted by personnel trained in forensic interviewing and preferably completed at the Central Minnesota Child Advocacy Center (CAC). If the child is 13-17, the on-duty Sergeant shall be notified to determine if the child should be forensically interviewed or interviewed on scene. Careful consideration should be given to the circumstances surrounding the allegations and the maturity of the victim. Patrol Officers and Sergeants are encouraged to contact the on-call CIU supervisor with any questions or concerns about these types of cases.
  - d. Careful consideration should also be given to adult victims considered to be vulnerable or suspected of having a lower intellectual capacity. Determine whether they should also be forensically interviewed at the CAC or by specially trained personnel.
  - e. Officers should obtain necessary contact information for the victim's caregiver, guardian or parents and where the victim may be located at a later time. Officers should advise the victim and/or any accompanying adult(s), guardians or caregivers that an investigating officer will follow up with information on a forensic interview. The officer should advise the victim's caregiver, guardian or parent that if the victim starts to talk about the incident they should listen to them but not question them as this may influence any future statements.
  - f. Officers responding to victims with special considerations must comply with the mandated reporting requirements of Minnesota Statute 626.556 and 626.557, as applicable. Officers investigating cases involving victims with special considerations should coordinate these investigations with the appropriate local human services agency where required. Any victim or witness interviews conducted with individuals having special considerations must be audio and video recorded whenever possible. All other interviews must be audio recorded whenever possible.

Not all sexual assaults of minor victims require a mandatory report to social services. This policy recognizes that in certain cases, notifying and/or the involvement of a parent/guardian can cause harm to the minor and/or impede the investigation. Officers responding to the sexual assault of a minor victim that does not trigger a mandated report under Minn. Stat. 626.556 should assess for the impact on the victim and the investigation if parents/guardians were notified before making a decision to involve them.

2. Victims of Domestic Abuse

Officers responding to a report of sexual assault committed against a family and household member must also follow the requirements and guidelines in this agency's domestic abuse policy and protocol, in addition to the guidelines in this policy.

C. Victim Interview (Not with Special Circumstances):

1. Minimize the need for repetitious interviews.
2. Provide court approved interpreter services if needed.
3. Allow the advocate to be present and provide support during the interview.
4. Conduct preliminary interviews with victim and witnesses to establish venue and elements of the crime.
5. Determine if the victim interview should be completed by the responding officer or if special considerations exist (see above section on Special Considerations)
6. Complete a recorded interview with the victim covering all elements of the crime.
7. Patrol Officers and Sergeants are encouraged to contact the on-call CIU supervisor with any questions or concerns about these types of cases.
8. Provide the victim with the victims' rights and referral card.
9. Provide the victim and advocate with the officer's business card and case number.
10. Work with appropriate community resources/agencies to address any safety concerns the victim might have (housing, safety plan, etc.). Advocate can assist with this.

D. Follow-Up/Case Officer

1. After the initial report, consideration should be made if CIU should assist or complete the follow up. The current process for cases being referred to CIU should be followed and approved by the shift supervisor.
2. Provide sensitivity to the victim's needs during those steps in the investigation process that require victim participation, including advocacy when possible.
3. Respond with culturally sensitive approaches to needs of individuals whose culture may be different than the dominant mainstream. Central Minnesota Sexual Assault Center can be used as a resource to assist with these issues.
4. Provide court approved interpreter services when needed.
5. Minimize the need for repetitious interviews.
6. Keep the victim informed of status of case directly and/or via Central Minnesota Sexual Assault Center staff.

E. Interviewing Suspects

1. Conduct a background and criminal history check specifically looking for related and/or similar crimes.
2. Consider if a taped phone conversation from victim to suspect would be beneficial to the case. Careful consideration should be given to the victim's emotional and physical state.
3. When possible, an attempt should be made to interview the suspect in person.
4. Consider a non-custodial interview if feasible to aid in the investigation.

F. Forensic Examination of the Suspect

1. The forensic examination of a suspect can be done by the investigator or SANE nurse with

- the suspect's consent or a search warrant.
2. Photograph any injuries on the suspect.
  3. Determine if the forensic examination should be conducted.
  4. Ask for the suspect's consent to collect evidence from their body and clothing; however, officers should strongly consider a search warrant depending on the circumstances.
  5. The following should be considered during the forensic examination:
    - a. Consider penile swabbing to include pubic hair combing and collection of other potential DNA evidence.
    - b. Collect biological and trace evidence from the suspect's body.
    - c. Document information about the suspect's clothing, appearance, scars, tattoos, piercings, and other identifying remarks.
    - d. Seize all clothing worn by the suspect during the assault.
    - e. Document the suspect's relevant medical condition/injuries.
    - f. Collect a known DNA sample from the suspect.

G. Sexual Assault Examination Evidence Kit:

1. If a sexual assault examination evidence kit is obtained during the investigation, the kit should be collected by the initial responding officer (or his/her designee if the kit is not complete during that officer's shift).
2. The initial responding officer is responsible for completing the BCA evidence submission form to send the kit to the BCA for analysis.
3. A CIU supervisor will track all cases involving a sexual assault kit.
4. To be in compliance with MN Statute 299C.106 all sexual assault kits shall be sent to the BCA.

Patrol Sergeant Responsibilities

1. Provide early guidance and direction during the investigation of sexual assaults including whether or not "Special Considerations" exist requiring specific follow-up.
2. Ensure advocacy was contacted and utilized.
3. Determine if delayed arrest or crime scene investigation should be utilized (i.e. taped phone call).
4. Review the case with the initial officer and determine if the case is appropriate to continue follow up with a patrol officer or if the case needs to be transferred to CIU.
5. If the case remains with the patrol officer for follow up, upon completion of the investigation all cases should still be routed to CIU for final review utilizing the current report routing process.
6. Ensure that the sexual assault kit was sent to the BCA, or that approval from the county attorney to NOT send the kit was included in the report.
7. Review sexual assault reports to ensure that necessary steps were taken during the initial response and investigation prior to sending the case to CIU.

H. Support Services Responsibilities:

1. Property/Evidence: All sexual assault kits placed into property should be accompanied with a BCA lab request submission form. If a kit is received without a BCA lab request submission form notify a CIU supervisor on the next available business day.

2. Records requests: In compliance with MN statute 611A.27, upon written request from the victim, or their designee, the following information must be provided to the victim within 30 days, unless release of that data will interfere with the investigation. Support Supervisors in charge of Property/Evidence and the Information Desk will be the representatives to coordinate these requests with the requestors and the BCA Lab.

(1) the date that a sexual assault examination kit was submitted to a forensic laboratory, as defined in section [299C.157, subdivision 1](#), clause (2), and the date that the agency received notice of the results of that testing; and

(2) whether a DNA profile was obtained from the testing.

Upon receipt of request for that information, the records supervisor and CIU supervisor should be notified of the request.

#### I. Protecting Victim Rights

1. Confidentiality: Officers should explain to victims the limitations of confidentiality in a criminal investigation and that the victim's identifying information is not accessible to the public, as specified in Minn. Stat. section 13.82, subd. 17(b)
2. Crime Victim Rights: Officers must provide the following information to the victim:
  - a. Crime victim rights and resource information required to be provided to all victims as specified by Minn. Stat. section 611A.02, subd. 2(b)
  - b. If the suspect is a family or household member to the victim, crime victim rights and resource information required to be provided to domestic abuse victims, as specified by Minn. Stat. section 629.341, subd. 3.
  - c. The victim's right to be informed of the status of a sexual assault examination kit upon request as provided for under Minn. Stat. section 611A.27, subd. 1.
  - d. Pursuant to Minn. Stat. 611A.26, subd. 1, no law enforcement agency or prosecutor shall require that a complainant of a criminal sexual conduct or sex trafficking offense submit to a polygraph examination as part of or a condition to proceeding with the investigation, charging or prosecution of such offense.
3. Other information: Officers should provide to the victim the agency's crime report/ICR number and contact information for the reporting officer and/or investigator or person handling the follow up.
4. Language access: All officers shall follow agency policy regarding limited English proficiency.

#### K. Central Minnesota Sexual Assault Center

The Central Minnesota Sexual Assault Center is a valuable resource to our department when investigating sexual assault. The Central Minnesota Sexual Assault Center will:

1. Provide for 24-hour availability of advocates. Law enforcement can expect that advocates are trained not to interfere with the process, but rather to assist and enhance it.
2. Respond to the hospital emergency trauma center when the sexual assault victim/survivor is admitted.
3. Provide ethnic specific, anatomically correct dolls for child interviews.
4. Watch child interviews on monitor (if not needed in another supportive role). Provide pertinent feedback to interviewer.
5. Provide victim/survivors assistance with filing pertinent OFP's and/or Harassment

Restraining Orders.

6. Provide victim/survivors with current information regarding procedures and keep them informed about status of case.
7. Provide advocate for court procedures.
8. Work as part of the sexual assault response team with law enforcement, health care providers, social services, prosecuting attorneys, judicial, and any other pertinent agencies to assure the protection of victim's/survivor's rights and to maintain sensitivity.