

Sexual Assault Investigations

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Issuing Authority:	Chief Jay Miller

608.1 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 (725 ILCS 203/15).

Mandatory notifications requirements are addressed in the Child Abuse and Adult Abuse policies.

608.1.1 DEFINITIONS

Definitions related to this policy include:

Sexual assault - Any of the following (725 ILCS 203/10):

- (a) Any crime or attempted crime defined in 720 ILCS 5/11-1.20 through 720 ILCS 5/11-1.60 of the Criminal Code of 2012
- (b) Any crime or attempted crime defined in sections 720 ILCS 5/12-13 through 720 ILCS 5/12-16 of the Criminal Code of 1961
- (c) Any act of nonconsensual sexual conduct or sexual penetration as defined in 720 ILCS 5/11-0.1 of the Criminal Code of 2012
- (d) Any act of nonconsensual sexual conduct or sexual penetration as defined in 720 ILCS 5/12-12 of the Criminal Code of 1961

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.

608.2 POLICY

It is the policy of the Alsip 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.

608.2.1 WRITTEN GUIDELINES

The Investigation Unit supervisor should ensure that written procedures are in place for members responding to reports of sexual assaults or assigned to these investigations. These procedures

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shall be consistent with the Illinois Attorney General guidelines on response to, and investigation of, sexual assaults (725 ILCS 203/15).

608.3 QUALIFIED INVESTIGATORS

Qualified investigators 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 (50 ILCS 705/10.21).
- (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.

608.4 REPORTING

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

608.4.1 REPORTING REQUIREMENTS

Written reports shall include to the extent reasonably known to the reporting member the following (725 ILCS 203/20):

- (a) The victim's name or other identifier
- (b) The victim's contact information
- (c) The time, date and location of the offense
- (d) Information provided by the victim
- (e) The suspect's description and name, if known
- (f) The names of persons with information relevant to the time before, during or after the offense, and their contact information
- (g) The names of medical professionals who conducted a medical forensic examination of the victim, and any information provided about the offense
- (h) Whether an Illinois State Police Sexual Assault Evidence Collection Kit was completed, the name and contact information for the hospital, and whether the victim consented to testing of the Evidence Collection Kit by law enforcement
- (i) Whether a urine or blood sample was collected and whether the victim consented to testing of a toxicology screen by law enforcement

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- (j) Information the victim related to medical professionals during a medical forensic examination and which the victim consented to disclose to law enforcement
- (k) Other relevant information

608.4.2 THIRD-PARTY COMPLAINTS

A written report shall be completed even if the information regarding a sexual assault or sexual abuse is reported by a third party, unless the third party fails to provide the following (725 ILCS 203/22):

- (a) His/her name and contact information
- (b) Affirmation that the victim of the sexual assault or sexual abuse gave consent to the third party to provide information about the sexual assault or sexual abuse

608.4.3 JURISDICTIONAL ISSUES

If the sexual assault investigation determines that the sexual assault occurred outside the jurisdiction of Alsip, the Patrol Sergeant should ensure that the report is forwarded to the appropriate agency within 24 hours by fax or email (725 ILCS 203/20).

Within 24 hours of receiving a report from a law enforcement agency in another jurisdiction regarding a sexual assault that occurred in our jurisdiction, the Patrol Sergeant should ensure that a written confirmation or receipt is sent by fax or email or delivered in person. The written confirmation shall contain the name and identifier of the officer who is confirming receipt of the report and a name and contact phone number that will be given to the victim (725 ILCS 203/20).

In all reported or suspected cases of sexual assault that may have occurred in another jurisdiction, a report should still be written and forwarded to the appropriate law enforcement agency within 24 hours unless the other agency promptly responds to the location of the initiating interview and takes responsibility for the investigation (725 ILCS 203/20). If an agency from the other jurisdiction responds to take responsibility for the investigation, the Alsip member who initially responded should report any statements obtained up until that point, relevant observations and the name and contact information of the member of the agency that is taking responsibility for the investigation.

608.5 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to the Dispatch 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.

Whenever possible, a member of the SART should be included in the initial victim interviews.

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.

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

No victim shall be compelled or required to submit to an interview (725 ILCS 203/20).

Victims shall not be asked or required to take a polygraph examination or any form of a mechanical or electrical lie detector test (34 USC § 10451; 725 ILCS 200/1).

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

608.6 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim. Victims should be permitted to have an advocate present during the medical evidentiary and physical examination whenever reasonably practicable. Victims may also have an additional person present for support during the examination (725 ILCS 120/4.6).

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.

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 collected.

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 still be collected and stored appropriately.

608.6.1 MEMBER RESPONSIBILITIES

Members investigating sexual assaults or handling related evidence are further required to do the following (725 ILCS 203/30; 725 ILCS 202/10):

- (a) Take custody of sexual assault evidence as soon as practicable. Sexual assault evidence collected from a forensic examination shall be collected within five days after the completion of the exam.
- (b) Document the date and time the sexual assault evidence is picked up from a hospital and the date and time the sexual assault evidence was sent to a lab
- (c) Prior to submitting forensic examination evidence for testing, obtain the appropriate written consent from the victim or authorized representative (410 ILCS 70/6.5(a))
- (d) Document the date when consent was given by a victim to have the victim's forensic examination evidence tested
- (e) Submit any sexual assault evidence for testing within 10 business days of the consent of the victim or authorized representative
- (f) Not be present in the examination room during medical forensic examinations, care, and treatment, unless the victim is in custody and it is determined to be necessary

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for safety after consulting with the qualified medical care provider (77 Ill. Adm. Code 545.60; 77 Ill. Adm. Code 545.65)

- (g) Provide the victim with information about the Illinois State Police sexual assault evidence tracking system, including the victim's unique log-in information to access the system (725 ILCS 203/11)

Additional guidance regarding evidence retention and destruction is found in the Evidence Room Policy.

608.6.2 RELEASE PROTOCOL

The Investigation Unit supervisor shall ensure that a procedure is in place for responding to a victim who wants to sign a consent form for the release of sexual assault evidence for testing (725 ILCS 203/30).

608.6.3 DNA TEST RESULTS

Members investigating sexual assault cases should notify victims of the status and results of any DNA test (725 ILCS 203/35).

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.

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

608.7 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 Investigation Unit supervisor.

Classification of a sexual assault case as unfounded requires the Investigation Unit supervisor 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.

608.8 CASE REVIEW

The Investigation Unit supervisor should ensure case dispositions 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.

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- 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.

608.8.1 INVENTORY REPORT

The Investigation Unit supervisor or the authorized designee is responsible for ensuring an annual inventory is conducted of all sexual assault cases in the custody of the Alsip Police Department and that a written report of the findings is submitted to the local State's Attorney's office (725 ILCS 202/20).

608.9 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 Investigation Unit supervisor 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.

608.10 TRAINING

Training will be provided to (725 ILCS 203/20; 50 ILCS 705/10.21):

- (a) Members who are first responders. This includes:
 1. Initial response to sexual assaults.
 2. Legal issues.
 3. Victim advocacy.
 4. Victim's 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).
 6. Techniques for communication with victims to minimize trauma.

608.11 CRIMINAL INVESTIGATION OF AN OFFICER

Any member uncovering or receiving a complaint of a criminal sexual assault involving an officer of the Alsip Police Department should as soon as practicable notify his/her supervisor, who should

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immediately notify his/her chain of command so that the Chief of Police can contact an outside agency to conduct the criminal investigation (5 ILCS 815/10).

The Chief of Police or the authorized designee may pursue an intergovernmental or interagency agreement to facilitate such an investigation should it be needed (5 ILCS 815/20).

An administrative investigation of the involved officer may be conducted pursuant to the Personnel Complaints Policy and will be conducted in a manner that does not interfere with the criminal investigation (5 ILCS 815/15).