

Sexual Assault Investigations

601.1 PURPOSE

It is the policy of the Hermantown Police Department to recognize sexual assault as a serious problem in society and to protect victims of sexual assault by ensuring its peace officers understand the laws governing this area. Sexual assault crimes are under-reported to law enforcement and the goal of this policy is in part to improve victim experience in reporting so that more people are encouraged to report.

All employees should take a professional, victim-centered approach to sexual assaults, protectively investigate these crimes, and coordinate with prosecution in a manner that helps restore the victim's dignity and autonomy. While doing so, it shall be this agency's goal to decrease the victim's distress, increase the victim's understanding of the criminal justice system and process, and promote public safety.

Peace officers will utilize this policy in response to sexual assault reported to this agency. This agency will aggressively enforce the laws without bias and prejudice based on race, marital status, sexual orientation, economic status, age, disability, gender, religion, creed, or national origin.

The Hermantown Police Department adopts the Investigations of Sexual Assault model policy established and published by the Minnesota Board of Peace Officer Standards and Training (MN POST) (Minn. Stat. § 626.8442).

[Model Sexual Assault Investigation Policy 03-03-21.pdf](#)

601.2 SCOPE

Initial officers responding to a sexual assault usually provide the bulk of the evidence for the prosecution. Officers play a significant role in both the victim's ability to cooperate in the investigation and the ability to cope with the emotional and psychological after effects of the crime through a partnership with victim services. Therefore, it is especially important that these cases be handled with a victim-centered approach. A concise, thorough and accurate initial investigation will increase the opportunity for prosecution and use of victim services.

601.3 DEFINITIONS

For purpose of this policy, the words and phrases in this section have the following meaning given to them, unless another intention clearly appears.

Child or Minor: a person under the age of 18.

Consent: As defined by Minn. Stat. 609.341, which states:

- a. Words or overt actions by a person indicating a freely given present agreement to perform a particular sexual act with the actor. Consent does not mean the existence of a prior or current social relationship between the actor and the complainant or that the complainant failed to resist a particular sexual act.

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- b. A person who is mentally incapacitated or physically helpless as defined by Minnesota Statute 609.341 cannot consent to a sexual act.
- c. Corroboration of the victim's testimony is not required to show lack of consent.

Family and Household Member: As defined in Minn. Stat. 518.B.01 Subd.2.b. to include:

- a. spouses or former spouses;
- b. parents and children;
- c. persons related by blood;
- d. persons who are presently residing together or who have resided together in the past;
- e. persons who have a child in common regardless of whether they have been married or have lived together at any time;
- f. a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; and
- g. persons involved in a significant romantic or sexual relationship.

Pediatric: Any victim under the age of 13.

Sexual Assault: A person who engages in sexual contact or penetration with another person in a criminal manner as identified in MN Statute 609.342 to 609.3451.

Sexual Assault Nurse Examination (SANE): An examination of a sexual assault patient by a SANE or health care provider, ideally one who has specialized education and clinical experience in the collection of forensic evidence and treatment of these patients.

SANE or Medical Forensic Examiner: The Sexual Assault Nurse Examiner or health care provider conducting a sexual assault medical forensic examination.

Vulnerable Adult: any person 18 years of age or older who:

- a. is a resident inpatient of a facility as defined in Minn. Stat. 626.5572. Subd. 6;
- b. receives services at or from a facility required to be licensed to serve adults under sections 245A.01 to 245A.15, except that a person receiving outpatient services for treatment of chemical dependency or mental illness, or one who is committed as a sexual psychopathic personality or as a sexually dangerous person under chapter 253B, is not considered a vulnerable adult unless the person meets the requirements of clause (4);
- c. receives services from a home care provider required to be licensed under sections 144A.43 to 144A.482; or from a person or organization that exclusively offers, provides, or arranges for personal care assistance services under the medical assistance program as authorized under sections 256B.0625, subdivision 19a, 256B.0651 to 256B.0654, and 256B.0659; or
- d. regardless of residence or whether any type of service is received, possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction;
- e. that impairs the individual's ability to provide adequately for the individual's own care without assistance, including the provision of food, shelter, clothing, health care, or supervision; and

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- f. because of the dysfunction or infirmity and the need for assistance, the individual has an impaired ability to protect the individual from maltreatment.

Victim Advocate: A Sexual Assault Counselor defined by Minn. Stat. 595.02, subd. 1(k) and/or Domestic Abuse Advocate as defined by Minn. Stat. 595.02, subd. 1(1) who provide confidential advocacy services to victims of sexual assault and domestic abuse.

Victim Centered: A victim-centered approach prioritizes the safety, privacy and well-being of the victim and aims to create a supportive environment in which the victim's rights are respected and in which they are treated with dignity and respect. This approach acknowledges and respects a victims' input into the criminal justice response and recognizes victims are not responsible for the crimes committed against them.

601.4 INITIAL RESPONSE

Sexual assault investigations require a response by at least one primary officer and a notification of a patrol unit leader. The initial officer assesses the victim's safety, need for emergency medical treatment and provides, or arranges for, transportation to a hospital for medical treatment/evidence collection.

If the initial assessment by the officer and supervisor shows a need for additional officers, the initial officer assumes responsibility for the victim while additional officers assume responsibility for preserving the scene, gathering evidence, searching for the suspect and other tasks as necessary.

Upon initial officer response to a scene involving a sexual assault, officers shall follow standard incident response procedures. In addition, when interacting with victims, officers shall do the following:

- a. Recognize that the victim experienced a traumatic incident and may not be willing or able to immediately assist with the criminal investigation.
- b. The officer shall attempt to determine the location/jurisdiction where the assault took place. Officers shall take an initial report regardless of where the assault occurred.
- c. Explain the reporting process including the roles of the first responder, investigator, and anyone else with whom the victim will likely interact during the course of the investigation.
- d. Ensure that the victim knows they can go to a hospital emergency room for a forensic medical exam. Offer to arrange for transportation for the victim. Upon arrival, the hospital will contact an advocate.(PAVSA) Assisting with a criminal investigation is not a requirement for medical care.
- e. Ask about and document signs and symptoms of injury, to include strangulation. Officers shall attempt to obtain a signed medical release from the victim.
- f. If a victim declines to go to a hospital ER, Officers are encouraged to connect the victim with local victim advocates as soon as possible. Inform the victim that there are confidential victim advocates available to address any needs they might have and to support them through the criminal justice system process. Provide the victim with contact information for the local victim advocate. (PAVSA) Upon victim request, the officer can offer to contact local victim advocate on behalf of the victim.
- g. Identify and attempt to interview potential witnesses to the sexual assault and/or anyone the victim told about the sexual assault.
- h. Request preferred and/or alternate contact information for the victim for follow-up.

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Additionally, officers should inform the victim of ways to ensure critical evidence is not lost, to include the following:

- a. Suggest that the victim not bathe, or clean him or herself if the assault took place recently.
- b. Recommend that if a victim needs to relieve himself or herself, they should collect urine in a clean jar for testing, and should avoid wiping after urination.
- c. Asking the victim to collect any clothing worn during or after the assault and if possible, place in a paper bag, instructing the victim not to wash the clothing (per department policy).
- d. Reassure the victim that other evidence may still be identified and recovered even if they have bathed or made other physical changes.

601.5 PRELIMINARY INTERVIEW OF THE VICTIM

The primary investigating officer has the responsibility of interviewing the victim and completing an initial report on the incident. The only exception to the initial interview is when the victim is under the age of 13, do not interview them. Make sure that a statement is taken from whoever brought the child/victim to the hospital.

The purpose of this interview is to obtain information concerning the basic elements of the crime, identify any and all witnesses, suspect(s), evidence, and crime scene(s), and determine the relationship between the victim and suspect (s) to determine if the incident also meets the elements for a domestic violence crime. Pertinent information should be given to assisting squads as soon as possible.

Officers should recognize that victims of sexual assault due to their age or physical, mental or emotional distress are better served by asking open ended questions. The officer should allow the victim to speak freely and spontaneously. The officer should avoid using language of consensual sex or asking leading or suggestive questions. The victim's response to the trauma of a sexual assault shall not be used in any way to measure credibility.

In recognizing the need for non-traditional interviewing techniques for sexual assault victims, officers should consider the following:

- a. Offer to have a confidential victim advocate present (if possible) if the victim would benefit from additional support during the process
- b. Whenever possible, conduct victim interviews in person
- c. Make an effort to conduct the interview in a welcoming environment
- d. Let the victim share the details at their own pace
- e. Recognize victims of trauma may have difficulty remembering incidents in a linear fashion and may remember details in days and weeks following the assault
- f. During initial victim interview, officers should note the following information as victims share it, recognizing that a victim may not be able to recall all the details of the assault during a particular interview.
 1. Whether the suspect was known to the victim
 2. How long the victim knew the suspect
 3. The circumstances of their meeting and if there is any indication of the use of drugs or alcohol to facilitate the sexual assault

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4. The extent of their previous or current relationship
5. Any behavioral changes that led the situation from one based on consent to one of submission, coercion, fear, or force
6. Specific actions, statements, and/or thoughts of both victim and suspect immediately prior, during, and after assault
7. Relevant communication through social media, email, text messages, or any other forms of communication

The officer should let the victim know that an investigator may contact them, but DO NOT provide a time frame for that contact.

601.6 PRELIMINARY SUSPECT INTERVIEWS

Prior to contacting the suspect, officers should consider the following:

- a. Checking the criminal history and local law enforcement contacts with the suspect specifically looking for accusations, criminal charges, and convictions.
- b. If conducting a pretext call, confrontational call or message exchange with a suspect, Officers should contact an investigator to discuss investigative strategy. Involvement of a victim should be based on strong consideration of the victim's emotional and physical state. A victim advocate should be present whenever possible to offer support.
- c. When possible, an attempt should be made to interview the suspect in person.
- d. In situations where suspects do not deny that a sexual act occurred, but rather assert that it was with the consent of the victim, officers should do the following:
 1. Collect evidence of past communication, including but not limited to all relevant interaction (including social media or electronic communications) between the suspect and victim.
 2. Identify events that transpired prior to, during, and after the assault in an effort to locate additional witnesses and physical locations that might lead to additional evidence.
 3. Obtain photographs of the suspect.

For sexual assaults involving strangers, officers should focus investigative efforts on the collection of video, DNA, and other trace evidence used for analysis to identify the perpetrator (handle evidence collection per department policy).

601.7 GATHERING AND PRESERVING EVIDENCE AT THE SCENE

It is critical that the chain of custody of evidence be maintained by all personnel involved in evidence collection. Not all sexual assault incidents will have identifiable scenes containing recoverable and/or timely evidence. When presented with an identifiable crime scene containing recoverable evidence a decision should be made whether recovery is best done by the patrol officer. Generally speaking, patrol officers are expected to seize evidence such as bed sheets, clothing, articles left by the suspect, articles touched by the suspect, alcohol and/or drugs or their containers that may have been ingested by the suspect or victim, and other similar evidence. In cases where evidence collection is not done by the Investigations Unit, evidence collection is done under the direction of the patrol supervisor.

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A Supervisor and/or Investigator should be summoned to the scene in cases where evidence must be collected from immovable objects (walls and floors for example), where specialized collection techniques or equipment are needed, where spatter and other similar fluid evidence is to be documented and collected, in cases where the scene requires specific processing needs such as special photography, lighting, measurements and/or high profile cases.. If they are not available, gathering and preserving the crime scene evidence will be performed by Patrol Officers under the direction of the officer in charge of the scene. Supervisors may do the following:

- a. Collect evidence regarding the environment in which the assault took place, including indications of isolation and soundproofing. The agency should consider utilizing their agency or county crime lab in obtaining or processing the scene where the assault took place. This should be in accordance to any/all other policies and procedures relating to evidence collections.
- b. Assist officer investigating incidents of sexual assault when possible or if requested by an officer.
- c. Provide guidance and direction as needed.
- d. Review sexual assault reports to ensure that necessary steps were taken during initial response and investigations.

The Hermantown Police Department will maintain evidence for CSC 1st, 2nd and 3rd for 9 years from the date of the incident, CSC 4th and 5th for 3 years from the date of the incident. DNA evidence will be maintained permanently with the exception of a BCA kit that was sent to the BCA and returned. In that case the BCA will keep a copy of the DNA profile on record. DPD will not be contacting victims at the conclusion of the maintenance of evidence, and no effort will be made to return evidence to victims. (Exception would be made for items of value).

601.7.1 EVIDENCE CONSIDERATIONS

Officers shall follow department policy on crime scene response. In addition, officers may do the following:

- a. Document any evidence of threats or any communications made by the suspect, or made on behalf of the suspect, to include those made to individuals other than the victim.
- b. In situations where it is suspected that drugs or alcohol may have facilitated the assault, officers should assess the scene for evidence such as drinking glasses, alcohol bottles or cans, or other related items.
- c. If the victim has declined or a medical forensic exam (SANE) will not be conducted, the officer should obtain victim consent and attempt to take photographs of visible physical injuries, including any healing or old injuries. Victim should be given directions about how to document any bruising or injury that becomes evidence later after these photographs are taken.

601.8 THE COLLECTION OF EVIDENCE FROM THE SUSPECT

Note: A suspect's forensic examination and/or collection of evidence from a suspect may be done by either an investigating officer, Forensic Medical Examiner, or crime lab personnel.

- a. Prior to or immediately after the preliminary suspect interview, photograph any injuries.
- b. Determine whether a sexual assault medical forensic examination should be conducted.
- c. Ask for the suspect's consent to collect evidence from their body and clothing. However, officers /investigators should consider obtaining a search warrant, with specific details about what evidence will be

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collected, and should be prepared in advance to eliminate the opportunity for the suspect to destroy or alter evidence if consent is denied.

- d. During the suspect's collection of evidence the investigator or officer, should do the following:
 1. Strongly consider penile swabbing, pubic hair combings, and collection of other potential DNA evidence;
 2. Collect biological and trace evidence from the suspect's body;
 3. Document information about the suspect's clothing, appearance, scars, tattoos, piercings, and other identifiable marks;
 4. Seize all clothing worn by the suspect during the assault, particularly any clothing touching the genital area;
 5. Document the suspect's relevant medical condition and injuries.

601.9 ADVOCATES

The Program for Aid to Victims of Sexual Assault (PAVSA) provides 24 hour advocacy services to victims of sexual assault. These services are also available to family, parents, partners and other supportive persons of the victims, who will be referred to as secondary victims. These services include: providing support, crisis intervention, information and referral. These services can be provided on-site where the report is taking place, at the hospital or over the phone. It is always the victim's choice about whether or not they speak with an advocate.

In cases where the victim presents at or is taken to a Duluth hospital, the ER personnel will call an advocate. In such cases, the officer should verify that an advocate has been called. If the hospital has not contacted an advocate, it is the officer's responsibility to contact an advocate. In rare cases where the victim is not seen at the hospital, the officer will explain the services provided by PAVSA advocates and the right of a victim (or secondary victim) to speak with an advocate prior to conducting the preliminary interview, or to have one present if possible. If the victim chooses to have an advocate contacted, the officer will immediately contact the 24 hour crisis line at 218-726-1931. If the victim does not wish to have an advocate contacted at that time, the officer will provide a HPD Crime Victim Information Card with the PAVSA phone number circled, to the victim.

Officer's reports must document their advocate notification efforts, including the first name or initials of the advocate, in the report.

601.10 SANE (SEXUAL ASSAULT NURSE EXAMINATION) OR MEDICAL FORENSIC EXAMINATION

Time is critical in obtaining medical evidence from the victim. It is preferred and considered best evidence for all CSC victims to have a Sexual Assault Medical Forensic Examination or SANE. SANE will perform an examination up to 14 days post assault. If feasible, the victim should be advised to bring a change of clothes to the examination. The officer accompanies the victim to the hospital for a medical examination/collection of evidence.

Officers investigating or receiving a report of an alleged sex offense that occurred within 96 hours of the offense shall, with the consent of the victim or a person authorized to act on behalf of the victim, request a medical examination of the victim.

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If a sexual assault is not reported within 96 hours of the offense, the Department may still request a medical examination of the victim provided consent is given by the victim or a person authorized to act on behalf of the victim.

Prior to the SANE examination the investigating officer should do the following:

- a. Ensure the victim understands the purpose of the sexual assault medical forensic exam and its importance to both their general health and wellness and to the investigation. Offer assurance to the victim that they will not incur any out-of-pocket expenses for forensic medical exams and provide information about evidence collection, storage and preservation in sexual assault cases.
- b. Provide the victim with general information about the procedure, and encourage them to seek further detail and guidance from the SANE, health care professional, or a victim advocate. Officers and investigators cannot deny a victim the opportunity to have an exam.
- c. Officers should be aware and if necessary, relay to victims who do not want to undergo an exam that there might be additional treatments or medications they are entitled to even if they do not want to have an exam done or have evidence collected. Victims can seek that information from a health care provider or a victim advocate. If possible, transport or arrange transportation for the victim to the hospital.
- d. Ask the victim for a signed release for access to medical records from the exam. *Officers should not be present during any part of the exam, including during the medical history.

In addition to the BCA Sexual Assault Evidence Collection Kit, the Medical Forensic Examiner (SANE) will offer to collect the following tests for victims:

- a. A urine sample for establishing the presence of chemicals either voluntarily ingested or given to the victim without their permission for BCA testing as necessary for the investigation
- b. A blood sample for purposes of establishing blood alcohol level for BCA testing as necessary for the investigation

Sexual Assault Nurse Examiner's (SANE) personnel are available 24 hours at both hospitals. Their responsibility is to collect, package and label physical evidence. They will obtain sufficient information from the victim to collect pertinent evidence. ****Note**** SANE will not perform an exam on a victim who is unable, due to intoxication or medical condition, to give consent. If a SANE is not available to respond to the hospital it is the responsibility of the responding officer to collect evidence and photos from the victim where applicable.

SANE personnel package all evidence collected, including clothes, BCA kits and photographs, for release to police. The investigating officer transfers the evidence to the Hermantown Police Department and secures it in compliance with Department policy and as required by 299C.106. It is not necessary for the officer to open the sealed evidence. The only exception to this would be items that need to be "dried" prior to sealing. The medical release form should be sent to records. A RELEASE FOR MEDICAL INFORMATION form should be completed at the hospital if possible. The officer will collect the signed medical release form. The SANE exam report will be uploaded to Forensic Electronic Medical Records (FEMR) system by the SANE examiner.

601.11 CRIMINAL SEXUAL CONDUCT RESTRICTED (CSCR)

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On behalf of the victim, SANE personnel may make a restricted report of a sexual assault if the victim has not yet made the decision to report to law enforcement. This reporting option allows for DNA and other evidence to be collected and stored.

The SANE will obtain an ICR number from 9-1-1 with SANE as the reporting party and give approximate address of offense.

The SANE will collect, photograph and package any evidence present.

Officers will be dispatched to the hospital at the completion of the medical examination/evidence collection, after the victim has been released from the emergency room. The officer reports to the Charge Nurse to retrieve the packaged evidence and photograph disk. Chain of custody protocol should be followed for the transfer of the evidence from the hospital to the officer. The hospital is required to have a secure location to ensure the chain of custody. The evidence is transported to the Hermantown Police Department and secured in accordance with Department regulations. The officer should not open sealed packages (BCA kits and photo disks) collected from the hospital.

Each item should also be labeled "SANE" in addition to the ICR number. Evidence report should not contain any information identifying the victim.

The SANE program will retain the victim's identifying information.

601.12 RECORDING VICTIM AND WITNESS STATEMENTS

Officers conducting all criminal investigations will, whenever possible, record oral victim and witness statements in lieu of written statements. It is not necessary to advise a victim or witness that their statement is being recorded. Officers should use discretion when determining the best method of recording depending on the circumstances of the event. For example with cases of domestic or sexual violence, a discrete and low profile approach to recording would be appropriate in an effort not to add to the distress the victim may already be experiencing.

601.13 QUALIFYING DOMESTIC VIOLENCE RELATIONSHIP

Recognizing the crossover between domestic violence and sexual assault allows us to have a more comprehensive victim centered response. Consider this co-occurrence when interviewing the victim. Begin by determining if there is a qualifying relationship (family or household members are defined in Minnesota Statute 518b.01 Subd. 2) as you would in a domestic violence investigation. If it is a domestic relationship, then the Risk Questions should be asked. Document in your report what the relationship is and if there is a history of domestic violence between the victim and the suspect.

601.14 SPECIAL CONSIDERATIONS

601.14.1 MINORS AND VULNERABLE ADULTS

The Hermantown Police Department 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

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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. 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. Officers responding to victims with special considerations must comply with the mandated reporting requirements of Minnesota § 260E.06 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.
- d. 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 Minnesota § 260E.22 should assess for the impact on the victim and the investigation if parents/guardians were notified before making a decision to involve them.
- 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.
- f. If a pediatric victim is on a police hold, the responding officer may have to sign consent for the SANE exam.

601.14.2 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.

601.15 VICTIM RIGHTS

Protecting Victim Rights

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- a. 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). Officers investigating or receiving a report of an alleged sex offense shall assist in keeping the identity of the victim private by providing the victim with Safe at Home Program information (Minn. R. 8290, et seq. and Minn. Stat. 5b et seq.). A notation should be made within the incident report that the Safe at Home Program information was provided to the victim. The Department shall withhold public access to information that would reveal the identity of a victim or alleged victim of criminal sexual conduct (Minn. Stat. 13.82 Subd.17(b) and Minn. Stat. 611A.021).
- b. Crime Victim Rights: Officers must provide the following information to the victim:
 - 1. Crime victim rights and resource information required to be provided to all victims as specified by Minn. Stat. section 611A.02, subd. 2(b)
 - 2. 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.
 - 3. 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.
 - 4. 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.
- c. 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.
- d. Language access: All officers shall follow department policy regarding limited English proficiency.
- e. Officer Responsibilities: Officers investigating or receiving a report of an alleged sex offense shall inform the victim of the following: (Minn. Stat. 611A.02 Subd.2(b)):
 - 1. Victims have the right to apply for reparations.
 - 2. Victims have the right to request that the Department withhold public access to information that would reveal the victim's identity.
 - 3. Victims have the right to be informed about the nearest crime victim assistance program or resource.
 - 4. Victims have the right to be informed of and participate in the prosecution process if an offender is charged, including the right to request restitution.
 - 5. Victims have the right and should also receive the telephone number to call for a Safe at Home Program application form (Minn. Stat. 611A.66)
- f. Polygraph Examination: A law enforcement agency may not ask that a complainant of a criminal sexual conduct offense submit to a polygraph examination as part of the investigation, charging, or prosecution of such offense unless the complainant has been referred to, and had the opportunity to exercise the option of consulting with a sexual assault counselor as defined in Minn. Stat. section [595.02, subd. 1\(k\)](#). At the request of the complainant, a law enforcement agency may conduct a polygraph examination of the complainant only with the complainant's written, informed consent as provided in this subdivision. To consent to a polygraph, a complainant must be informed in writing that:
 - 1. the taking of the polygraph examination is voluntary and solely at the victim's request;
 - 2. a law enforcement agency may not ask or require that the complainant submit to a polygraph examination;

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3. the results of the examination are not admissible in court; and
4. the complainant's refusal to take a polygraph examination may not be used as a basis by the law enforcement agency not to investigate or charge the offender.

601.16 DEPARTMENT LIAISON

Sexual assault victims shall be in contact with the lead investigator, who will serve as liaison between the department and the forensic laboratory.

601.17 REPORTS AND REFERRALS

Each officer involved in the initial investigation shall complete individual reports.

Sexual assault reports must be completed before the end of the officer's shift if the initial report of the assault to police was done in a timely manner. The report should be set to investigations for prompt follow up, as needed.

Officers shall document in their initial report or supplemental report the status of the sexual assault examination kit, whether the kit is "restricted" or "unrestricted." The officer shall also indicate in their report whether the corresponding paperwork was uploaded to the FEMR site or placed into property at the Hermantown Police Department. The officer shall complete all necessary paperwork to include the initial or supplemental reports, property reports and lab processing request reports.

Sexual assault reports must be completed before the end of the officer's shift if the initial report of the assault was reported to the Hermantown Police Department in a timely manner. If the officer picks up an "unrestricted" sexual assault kit from the hospital, the officer shall complete his/her report prior to the end of their shift. In addition, the officer shall complete the property report and lab-processing request to ensure adherence to this policy regarding the submittal of "unrestricted" sexual assault kits to a forensic laboratory.

601.18 ROLE OF THE SUPERVISOR/INVESTIGATOR

Supervisors may do the following:

- a. Assist officers investigating incidents of sexual assault when possible or if requested by an officer.
- b. Provide guidance and direction as needed.
- c. Review sexual assault reports to ensure that necessary steps were taken during initial response and investigations.

601.19 CASE REVIEW/CASE SUMMARY

A supervisor/investigator should ensure cases are reviewed on an on-going basis. The review process should include an analysis of:

- a. Case dispositions
- b. Decisions to collect evidence
- c. Submissions of additional evidence for lab testing if needed
- d. Interviewing decisions

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- e. Confirmation of kit being sent within (60) days

601.20 COPY OF SUMMARY

The Detective Bureau supervisor shall ensure that the victim of a sexual assault who reports an incident to this department is provided with a copy of the written summary of the allegation. If the incident occurred outside the jurisdiction of the Hermantown Police Department, a copy of the written summary shall also be provided to the law enforcement agency where the incident occurred. If the Hermantown Police Department learns that both the victim and the accused are members of the Minnesota National Guard, the Department shall provide a copy of the summary to the Bureau of Criminal Apprehension (Minn. Stat. § 609.3459).