

# **Rice County SMART Law Enforcement Protocol**

*Rice County Sheriff's Office  
Dundas Police Department  
Faribault Police Department  
Lonsdale Police Department  
Morristown Police Department  
Northfield Police Department  
Pearl Street 911 Communication Center*

## **MISSION**

The goal of the law enforcement agencies of Rice County is to treat all members of society with appropriate dignity and respect, balancing the needs of the victim with law enforcement requirements. To that end, we ascribe to the following protocol.

## **PROCESS**

### **DISPATCH**

Police Dispatch is often the first point of contact that victims of sexual assault have when accessing the criminal justice system. Dispatch personnel need to have a courteous, victim-centered approach when dealing with victims of sexual assault or the reporting party, since the way questions are asked/phrased can have a significant impact on the case and the victim.

1. When a sexual assault incident is reported, the Communication Operator will inquire of the caller if the sexual assault is in progress or if it is a past action.
2. The Communication Operator will select the agency's frequency for the location of the incident and proceed to give the call out to all available units.
3. The area units will respond. The closest available unit will respond to the call and the second closest unit will be sent for backup.
4. The Communication Operator will then continue to obtain further information from the caller, using a tone of voice that will calm the caller, yet allow them to stay in control of the caller.
5. Suspect and or vehicle information and description will be obtained, along with any other pertinent information the caller may have, such as drug or alcohol use by the persons involved, direction of travel if the suspect has fled the scene, etc. If this is the case, do not keep the caller on the line.
6. The Communication Operator will continue to monitor the status of the officers at the scene.
7. If the suspect has left the location of the incident and the complainant is no longer in danger, the Communication Operator will send the closest available unit to speak with the complainant.
8. An I.C.R. will be completed on all sexual assault incidents.
9. A minimum of two (2) officers will be sent to sexual assault calls where the suspect is still present.

### **PATROL OFFICERS**

Initial officers responding to a sexual assault usually provide the bulk of the evidence for the prosecution. Therefore, a thorough and accurate initial investigation is essential. Keep in mind that there are a variety of situations in which sexual assaults may be reported, and not every step of the protocol will be applicable in some situations.

1. As with any reported violent crime, the safety of the victim(s) and the responding officer(s) is the first priority.
2. Be aware of your tone and body language when speaking with a victim. Officers should treat each report as factual, unless substantial information develops that indicates otherwise.
3. Attempt to calm and reassure the victim that the victim is now safe and that what happened was not the victim's fault. It is helpful and appropriate to state you are sorry this happened to the victim. Make every effort to ensure the victim is comfortable as possible. Take a few minutes to explain the process the victim is undergoing, and explain the need to ask questions that may be sensitive in nature or uncomfortable.
4. Explain to the victim the options of not reporting to law enforcement, documenting the incident only, or reporting and requesting prosecution. Explain the ramifications of each option.
5. Explain the role of a victim advocate and offer to contact one if the victim wishes.
6. If the initial reporter is other than the victim then it is important to make every attempt to interview away from the victim.
7. In all cases, the responding officer(s) should attempt to gather enough basic information to help the Patrol Supervisor determine the need for additional resources.
8. In cases where the victim presents directly to the emergency room, consider coordinating the nurse interview with your first interview to minimize repetition of questioning of the victim.
9. Determine the victim's need for urgent medical attention. Arrange transportation according to departmental policy.
10. Secure the crime scene to ensure that evidence is not lost, changed or contaminated. In cases of recent sexual assault (72 hours or less), remember that the victim is part of the crime scene, and needs to be asked not to wash/shower/bathe, change clothes or use the restroom until a sexual assault exam has been completed.
11. Sexual assaults are often committed by someone who is known to the victim. Avoid interviewing the victim in front of the possible suspect or in front of anyone who may need to be interviewed.
12. In situations in which an intoxicated person reports having been sexually assaulted, the victim should first be taken to a medical facility for a sexual assault exam. Stress to the victim the importance of being truthful as to their use of drugs or alcohol. Assure the victim that the police department is not concerned with the illegality of the victim's drug/alcohol use, and that the victim will not be cited or arrested. Offer a PBT to the victim for the purpose of substantiating their vulnerability.
13. Prior to any interview with the victim, stress the importance of complete and truthful statements, as any misinformation provided may very well significantly damage the case.
14. Collect the sexual assault exam kit from hospital staff, and place in the secured evidence refrigerator. Obtain the victim's signature on a medical release form.
15. When possible, all interviews of victim(s), witness(s) and suspects should be audio recorded.

16. Regarding Victims Receiving Medical Attention Without Making a Police Report: In cases where the victim is unsure of reporting to law enforcement, but has submitted to a medical evidentiary exam, patrol officers will receive, in a timely manner, the kit and associated evidence collected by hospital personnel. Evidence will be secured and submitted per departmental policy, and a report will be completed containing only identifying information provided by hospital personnel. No contact will be made with the victim, and no further investigation will commence without the consent of the victim. Evidentiary exam kits will be held for one year without making a report.

#### PATROL SUPERVISORS

A patrol supervisor should be notified of all reported sexual assaults.

1. Notify the on-call investigator.
2. Co-operatively assess the case and determine the need for additional resources.
3. Determine the need to release information regarding the incident, what information should be released, and to whom it should be released.

#### INVESTIGATORS

The Investigative Unit is responsible for the review of all reported sexual assaults. The level of response will be determined based on the facts of the case known at the time, the status of the victim(s), witness(s) and suspect(s), and the Patrol Unit resources available to conduct or assist with the investigation. Order and response is case dependent.

1. Determine response time and evaluate evidentiary issues.
2. Co-ordinate with patrol supervisor to secure the crime scene.
3. If investigator is called out, check that initial steps have been taken:
  - a. Where are the victim and suspect?
  - b. Is the scene secure?
  - c. Has medical evidentiary exam been completed? Does it need to be?
  - d. Has the availability/services of an advocate from HOPE Center been explained and offered to victim?
4. Respond to process the crime scene, and obtain search warrants as necessary.
5. Process the crime scene to collect evidence, including but not limited to, photographs, video taping, sheets, clothing, articles left by the suspect, articles touched by the suspect and beverages and/or drugs that may have been ingested by the suspect or victim.
6. Sexual assault evidentiary exam if not already completed.
7. Interview victim.
8. Identify and interview witnesses.
9. Evaluate suspect handling and attempt to interview suspect. Determine suspect's probation status and criminal history. Consider contacting suspect's probation officer for assistance.
10. When possible, all interviews of victim(s), witness(s) and suspects should be audio recorded.
11. Submit appropriate evidence to Bureau of Criminal Apprehension (BCA) lab with completed BCA referral sheet.
12. If forensic interview with child or mentally-challenged adult is required, attempt to contact relevant agencies (i.e. Social Services) and conduct video and audio recorded interview as soon as possible.

13. Maintain contact with the victim to give updates on the status of the case and receive additional information.
14. Be aware of these investigative options:
  - a. When possible and/or practical, consider video recording the victim interview.
  - b. An investigative technique that should be considered on a case-by-case basis is the use of an audio-recorded telephone call from the victim to the suspect. Prior to using this technique, develop a process for its use. An audio-recorded call should only be made with the complete understanding and cooperation of the victim.
15. Regarding Arrests:
  - a. In some cases, enough evidence and other information can be gathered to allow for an immediate arrest.
  - b. Consider the position of the prosecutor.
  - c. Evaluate safety: likelihood of suspect to flee, danger to community and victim.
  - d. Case status: identity of suspect, evidence collection.
  - e. Consultation with investigator's supervisor.
  - f. If a suspect is arrested within 72 hours of the reported sexual assault, the suspect should be considered part of the crime scene and processed accordingly.
16. Regarding Case Management:
  - a. Short of an active homicide investigation or the immediate need to take effective investigative/intervention measures to protect a child from harm, sexual assault cases should be a priority in an investigator's case file (depending on the reasonable solvability of a given sexual assault case). Of course, special assignments/situations may preclude an investigator's standard case management objectives. If an advocate is assisting the victim, the advocate should be notified of significant changes in case status such as referral for prosecution, arrest of suspect(s), and delays in the investigation of the case.
17. Referral for Prosecution:
  - a. While their role is mostly done, investigator may be involved for additional investigation for prosecution.
    - i. Consider consulting/involving prosecutors early in process.
    - ii. Investigator should keep an open door for victim even after referral.

#### DISCLAIMER

This protocol is intended to be a guideline to help ensure standardized response and investigation of sexual assaults. Due to the number of agencies involved, manpower and resources available not all agencies will be able to adhere completely to the protocol. Individual agency policies and procedures will take precedent over the protocol.