



Chapter 6 - Investigation Operations

Section 603 - 603 Sexual Assault Investigations and Victims Rights

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Investigation of Sexual Assaults

I. PURPOSE

The purpose of this policy is to provide Grand Rapids Police Officers with guidelines for responding to reports of sexual assault. The department understands that every crime is different; therefore, every investigation will be unique. The department recognizes that policy cannot be written that will anticipate every nuance in an investigation and that officers' discretion is necessary. It also acknowledges that the role of the police in the criminal justice system is to gather facts and that the charging decision is solely that of the prosecutor. The Grand Rapids Police Department will:

1. Afford support to victims of sexual assault or abuse through a professional, thorough, criminal investigation, linking the victim with available victim support services.
1. Make all reasonable efforts to present the prosecutor with facts from which to make a charging decision based upon probable cause.

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The department also acknowledges that officers assigned to the Patrol Division and the Investigation Division conduct detailed investigations on a daily basis. The decision to transfer follow-up investigation from the Patrol Division to the Investigation Division is a supervisory decision based upon time available to devote to the investigation.

2. POLICY

Sexual Assault is a serious crime and the department will investigate these crimes from a victim-centered perspective while preserving the Constitutional rights of the victim and the accused. The department will coordinate the investigation with other relevant law enforcement agencies and the prosecutor. The investigation shall be done in a manner to preserve public safety and, when reasonably possible, decrease the victim's distress and increase the victim's understanding of the criminal justice process.

3. DEFINITIONS

For purpose of this policy, the words and phrases in this section have the following meaning given to them.

- A. Consent: As defined by Minn. Stat. 609.341:

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"Consent means 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. A person who is mentally incapacitated or physically helpless as

defined by this section cannot consent to a sexual act. Corroboration of the victim's testimony is not required to show lack of consent.”

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- B. Child or Minor: a person under the age of 18.
- C. Medical Forensic Examiner: The health care provider conducting a sexual assault medical forensic examination.
- D. Sexual Assault: An act in which a person engages in sexual contact or penetration with another person in a criminal manner as identified in MN Statute 609.342 to 609.3451.
- E. Family and Household Member: As defined in Minn. Stat. 518.B.01 Subd.2.b. includes:
 - (1) spouses or former spouses;
 - (2) parents and children;
 - (3) persons related by blood;
 - (4) persons who are presently residing together or who have resided together in the past;
 - (5) persons who have a child in common regardless of whether they have been married or have lived together at any time;
 - (6) 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
 - (7) persons involved in a significant romantic or sexual relationship
- F. Sexual Assault Medical Forensic Examination: An examination of a sexual assault victim by a health care provider, ideally one who has specialized education and clinical experience in the collection of forensic evidence and treatment of these patients.
- G. Victim Advocate: A Sexual Assault Counselor defined by Minn. Stat. 595.02, subd. 1(k) or Advocate as defined by Minn. Stat. 595.02, subd. 1(1) who provide confidential advocacy services to victims of sexual assault.
In Itasca County, Support Within Reach provides these services.
- H. 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.
- I. Vulnerable Adult: any person 18 years of age or older who:
 - (1) is a resident inpatient of a facility as defined in Minn. Stat. 626.572. Subd. 6;
 - (2) 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
 - (3) 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
 - (4) regardless of residence or whether any type of service is received, possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction:
 - 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
 - because of the dysfunction or infirmity and the need for assistance, the individual has an impaired ability to

protect the individual from maltreatment

J. Trauma Informed Interviewing Technique: An interviewing technique that strategically uses open-ended questions followed by questions that are more specific; recognizes the various ways trauma can effect victims; recognizes the needs of the victim and reassures the victim; is not dependent upon linear memory

4. PROCEDURES

A. Responding Officers

Depending upon the specific circumstances, officers should inform the victim of ways to ensure critical evidence is not lost. This may include:

- Suggest that the victim not bathe, or clean him or herself if the assault took place recently.
- 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.
- Ask 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
- Reassure the victim that other evidence may still be identified and recovered even if they have bathed or made other physical changes.

When responding to a reported sexual assault, officers will follow standard incident response procedures.

- Officers will accept reports of sexual assaults regardless of where they occurred. If it is determined that the sexual assault occurred outside of the jurisdiction of the Grand Rapids Police Department, the officer should gather brief facts about what happened including the identity of the victim and, if known, the suspect.
- The officer will insure that the victim's immediate medical needs are met.
- The officer will then promptly notify the law enforcement agency having jurisdiction, advising that agency of all relevant information learned. That agency is then responsible for the investigation. The victim will be informed of this.
- Any denial of responsibility for investigation by the agency having jurisdiction will be brought to the immediate attention of a department supervisor who will consult with the Assistant Chief of Police.
- The officer will complete a brief police report (Initial Complaint Report) and forward that report to the agency having jurisdiction for the investigation and document that this was done.
- The Grand Rapids Police Department will assist this other agency, within reason, as requested by that agency.

In investigating a sexual assault, officers shall do the following:

- Recognize that the victim experienced a traumatic incident and may not be willing or able to immediately assist with the criminal investigation.
- Briefly explain the criminal investigation process to the victim.
- Connect the victim with Support Within Reach.

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- Explain to the victim that Support Within Reach advocates are available to respond and help them through the criminal justice process. If the Support Within Reach Advocate does not immediately respond and meet with the victim or the victim refuses to meet with the advocate, the officer will provide the victim with contact information for Support Within Reach.

If it is determined that the assault took place within the jurisdiction of the Grand Rapids Police Department, the officer will:

- Inquire about and document physical indications of injuries and symptoms of injury to the victim, including strangulation.
- Attempt to obtain a medical release from the victim.
- Ensure that the victim knows that they can go to a designated facility for a forensic medical exam. Offer to arrange for transportation to the facility for the victim.
- Identify and attempt to interview potential witnesses to the sexual assault and others that may have information about the assault.
- Request contact information from the victim for follow-up.
- As soon as practical during the initial investigation, notify a Grand Rapids Police Investigator. Depending upon the circumstances of the case, this notification may be immediate or may be in the form of forwarding the police investigation report to the investigator. The Sergeant assigned to the Investigation Division will determine if that division will assist the officer in the investigation or take responsibility for follow-up investigation.

1. Victim Interviews

Officers will use trauma informed interviewing techniques. To this end, officers should consider the following:

- Conduct victim interviews in person
- If practical, conduct the interview in a non-threatening environment
- Encourage the victim to share the details at his or her own pace
- Recognize victims of trauma may have difficulty remembering incidents in a linear fashion and may remember details in days and weeks following the assault

- After the initial interview, consider reaching out to the victim within a few days, after at least one sleep cycle, to ask if they remember any additional details.
- Additional interviews may be needed to gather more information.
- During initial and subsequent victim interviews, 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

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

- Specific actions, statements, and/or thoughts of both victim and suspect immediately or, during, and after the assault that may be relevant to the investigation.
- Relevant communication including telephone, social media, email and text messages

1. Special Considerations—Minors and Vulnerable Adults/Domestic Abuse Victims
2. Minors and Vulnerable Adults

The Grand Rapids Police Department recognizes that certain victims, due to their age or a physical, mental, or emotional condition are better served by utilizing interview techniques and strategies that eliminate the duplication of interviews, use a question, and answer interviewing format with questioning as non-directive as possible to elicit spontaneous responses. Officers should 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.

Officers responding to victims with special considerations must comply with the mandated reporting requirements of Minnesota Statute 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.

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 Statute 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.

For any child under the age of 12 or anyone with the mental capacity of a child or any other person determined to be of diminished mental capacity, the officer should consider a forensic interview conducted utilizing Itasca County's multi-disciplinary interview team following their procedures.

Officers should obtain necessary contact information for the victim's caregiver, guardian or parents and where the victim may be located later. Officers should advise the victim and any accompanying adult(s), guardians or caregivers that an investigating officer will follow up with information on an interview.

1) Confidentiality: Officers should explain to victims the limitations of confidentiality in a criminal investigation and that the victim's identifying information is not immediately accessible through the Grand Rapids Police Department 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:

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. 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.

3) Other information: Officers will provide to the victim the police department's case file number and contact information.

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- Language access: Officers shall follow the department policy regarding limited English proficiency.

1. Evidence Collection

- In collecting evidence of the crime, officers should:

1. Document the environment in which the assault took place, including indications of isolation and soundproofing. The officer, after consulting with a department supervisor, may consider requesting the Minnesota Bureau of Criminal Apprehension crime scene team to respond to the scene to collect and document evidence.
1. Document any evidence of threats or relevant communications made by the suspect, or made on behalf of the suspect, to include those made to individuals other than the victim.
1. In situations where it is suspected that drugs or alcohol may have been a factor in the assault, officers should assess the scene for evidence such as drinking glasses, alcohol bottles or cans, drug paraphernalia and other related items.
1. The officer should attempt to take photographs of visible physical injuries, including any healing of old injuries. The victim should be given instructions about documenting any bruising or injury that becomes evident later.
1. If called to the Grand Itasca Hospital Emergency Room on a report of a Sexual Assault and the officer is unable to determine where the assault occurred, the sexual assault kit will be given to the Itasca County Sheriff's Department.

1. In the case of a “delayed report” in which the victim is not sure if he or she wants a police investigation done:
 1. If it is unknown where the assault took place, the sexual assault kit and any other evidence will be given to the Itasca County Sheriff’s Department.
 2. If it is known that the sexual assault occurred in the jurisdiction of the Grand Rapids Police Department, the sexual assault kit and all other evidence will be taken to the Grand Rapids Police Department and retained as evidence in the police department’s evidence room.
 3. If it is known that the assault took place in the jurisdiction of the Itasca County Sheriff’s Department, the sexual assault kit and all other evidence will be given to the Itasca County Sheriff’s Department.
 4. If it is known that the assault took place in another city within Itasca County having a municipal police department, the sexual assault kit will be given to that agency.
 5. If it is known that the assault took place in another city outside of Itasca County then the sexual assault kit will be taken to the Grand Rapids Police station and retained as evidence until which time it is practical to turn the kit along with any other evidence to that agency having jurisdiction.

1. Sexual Assault Medical Forensic Examinations

1) Prior to the sexual assault medical forensic examination the investigating officer should do the following:

1. Ensure the victim understands the purpose and importance of the sexual assault medical forensic exam. Tell the victim that they will not incur any out-of-pocket expenses for the forensic medical exam and provide information about evidence collection, storage and preservation in sexual assault cases.
2. Tell the victim the location where the exam will take place
3. Officers will not deny a victim the opportunity to have an exam.
4. Officers may inform victims who do not want to undergo an exam that there might be additional health reasons to consult with a medical professional. If necessary, the officer may transport or arrange transportation for the victim to the designated medical facility.
5. Ask the victim for a signed release for access to medical records from the exam.

2) Officers should not be present in the examination room during any part of the exam.

3) Following the exam, evidence collected during the exam shall be handled according to police department policy and Minnesota Statute 299C.106.

1. Contacting and Interviewing Suspects

Prior to contacting the suspect, officers may consider doing the following:

- Conduct a background and criminal history check
 - Interview or arrange for an interview of the suspect in person.
 - 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 —
1. Collect evidence of past communication, including but not limited to relevant interaction (including social media) 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.

- Officers should consider collection of video, DNA, and trace evidence used for analysis, especially if the suspect has not been identified.

1. Forensic Examination and/or the Collection of Evidence from the Suspect

Officers will do the following:

- 1) photograph any injuries.
 - 2) Determine whether a sexual assault medical forensic examination should be conducted.
 - 3) Consider asking for consent to search and collect evidence from body and clothing,
 - 4) Consider obtaining a search warrant, with specific details about what evidence will be collected, and should be prepared in advance to eliminate the opportunity for the suspect to destroy or alter evidence if consent is denied.
- During the suspect's sexual assault forensic evidence examination, the investigating officer should consider:
 1. potential DNA evidence;
 2. 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
 5. Document the suspect's relevant medical condition and injuries.

1. Role of the Supervisor

Supervisors will do the following:

- Assist and direct officers investigating incidents of sexual assault as appropriate.
- 2) Review sexual assault reports to ensure that necessary steps were taken during initial response and investigations.
1. Release of Police Investigation Reports:

The department will comply with Minnesota law Chapter 13. During a criminal investigation, police reports are classified as Confidential Data and may only be shared with other law enforcement agencies and the prosecutor.

1. Case Review/Case Summary:

The sergeant assigned to the Investigation Unit of the Grand Raids Police Department shall review all sexual assault investigation cases as the investigation progresses, regardless of the Department Division that has primary responsibility for the investigation. This will be inclusive of:

- 1) Decisions to collect evidence
- 2) Submissions of evidence for lab testing
- 3) Interviewing decisions
- 4) Accurate and timely steps in the investigation
- 5) Thorough and timely completion of investigation reports

- 6) Status of submittal to the prosecutor
- 7) Case dispositions