

Sexual Assault Investigations

601.1 PURPOSE AND SCOPE

Initial officers responding to a sexual assault usually provide the bulk of evidence necessary for criminal prosecution. Officers play a significant role in both the victim's willingness to cooperate and the ability to manage the emotional and psychological effects after the crime. It is important that these crimes be handled from a non-judgmental perspective. Therefore, the purpose of this policy is to establish guidelines for the proper investigation of sexual assaults.

The Minnetonka 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).

[See attachment: Model Sexual Assault Investigation Minnetonka Policy 02.16.21.pdf](#)

601.2 DEFINITIONS

HART - Hennepin Assault Response Team

Restricted Sexual Assault Kit - Any kit that does not have an accompanying release form signed by the victim authorizing law enforcement to submit the kit to a forensic laboratory (Minn. Stat. § 299C.106).

Sexual Assault - Any crime or attempted crime of a sexual nature, to include, but not limited to, offenses defined in Minn. Stat. § 609.293 and Minn. Stat. § 609.342 through Minn. Stat. § 609.3453.

Sex Trafficking - Any offenses as defined in Minn. Stat. § 609.321 and Minn. Stat. § 609.322.

Unrestricted Sexual Assault Kit - A kit that has an accompanying release form signed by the patient allowing law enforcement to submit the kit to a forensic laboratory (Minn. Stat. § 299C.106).

601.3 RESPONSIBILITY

The primary responding officer should assess the victim's health, safety and need for medical attention. The officer shall, with the consent of the victim, provide or arrange for transportation to a hospital for medical treatment and/or evidence collection. Officers are not required to remain with the victim during the entire forensic-medical exam as this process may take several hours.

If the situation requires additional officers, the primary officer shall assume responsibility of attending to the victim while additional officers should assume responsibility for preserving the scene, gathering/identifying evidence, interviewing all potential witnesses, searching for the suspect and other tasks as necessary

The department shall withhold public access to information that would reveal the identity of a victim or alleged victim of a criminal sexual conduct or sex trafficking crime (Minn. State Stat. § 13.82 Subd. 17(b) and Minn. Stat. § 611A.021).

Minnetonka Police Department

Policy Manual

Sexual Assault Investigations

Victims have the right to receive access to resources and assistance from the Safe at Home Program (Minn. Stat. § 611A.66).

601.4 FORENSIC MEDICAL EXAM

For the purpose of addressing the victim's medical needs, these examinations can be done at any time regardless of when the assault occurred.

Forensic nurses are generally available 24 hours per day. Their responsibility is to collect, package and label any biologic and/or trace evidence identified during the exam as well as clothing and blood and urine toxicology.

Forensic nurses will not perform an exam on a victim who is unwilling to give consent or unable to give consent due to intoxication. However, if a victim is unable to consent for an exam due to altered mental status and there is reasonable evidence that a sexual assault occurred, then a medical-forensic exam may be completed.

Forensic nurse personnel package all evidence collected, including clothes and Bureau of Criminal Apprehension (BCA) kits for release to the officer. Upon the conclusion of the forensic-medical exam, HART staff will notify the investigating officer that the medical exam is available for pick-up. All sexual assault kits shall be collected by the department within 10 days of their availability (Minn Stat. § 299C.106 Subd. 2).

The investigating officer should transfer all evidence obtained to the police department and property inventory all items according to policy. It is not necessary for officers to open sealed evidence. The exception would be if an item needed to be dried prior to re-sealing the evidence packaging. The forensic exam report will be copied and submitted with the officer's report along with a medical release form with the original forensic exam report being property inventoried.

If a victim declines a medical-forensic exam, the officer should document this in their report.

601.5 EXAM RESULTS - VICTIM NOTIFICATION

Upon written request from the victim, or the victim's written designee, for investigative data, the department should release the following information if doing so would not interfere with the investigation (Minn. § Stat. 611A.27):

- (a) The date that a sexual assault examination kit was submitted to a forensic laboratory.
- (b) The date that the agency received notice of the results of the testing.
- (c) Whether a DNA profile was obtained from the testing.

601.6 INTERVIEWS

601.6.1 ADULT VICTIMS

The purpose of this interview is to obtain information concerning the basic elements of the crime, identify any and all witnesses, suspect(s), evidence, crime scene(s) and any victim/suspect relationship. Pertinent information should be given to assisting officers as soon as possible.

Minnetonka Police Department

Policy Manual

Sexual Assault Investigations

If requested, the officer should consider the benefits to the victim in allowing a support person to be present during an initial interview.

Officers should inform the victim that they will be contacted by a detective from the department and obtain the preferred method of contact for the victim.

601.6.2 JUVENILE AND VULNERABLE ADULT VICTIMS

Juvenile or vulnerable adult victims displaying low cognitive ability in most cases will not be interviewed by an officer. Instead, a referral to Cornerhouse for a forensic interview should be made. If the officer anticipates the victim will be interviewed by Cornerhouse, they should obtain an interview from the reporting party, in a private setting away from the victim and obtain the following facts, including but not limited to:

- (a) Who is the offender? What was the offense? And who is the victim?
- (b) Who did the victim disclose this information to and what did the victim say?
- (c) What is the contact information for those whom the victim disclosed to?
- (d) Who else lives in the home of the victim?
- (e) Is the victim safe from any immediate harm?

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 also advise the victim and/or any accompanying adult(s), guardians or caregivers that a detective will follow up with a Cornerhouse interview, if applicable, and advise 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.

Exceptions to referring a juvenile or vulnerable adult victim to Cornerhouse for an interview may include but are not limited to:

- (a) Any delays over 10 days in getting a victim interview scheduled.
- (b) Likelihood the victim may not be available or willing to cooperate with a Cornerhouse interview at a later time.
- (c) Any situation where the suspect is likely to have an impact on the investigation by influencing victim or witness cooperation or statements and an emergency Cornerhouse interview cannot be obtained.

In these instances, the victim must be 15 years old or older and their cognitive and intelligence level should be assessed to determine if a thorough interview could be obtained by a detective.

Any allegations of a sexual assault involving a juvenile should also be cross-reported to Child Protection.

Minnetonka Police Department

Policy Manual

Sexual Assault Investigations

601.6.3 SUSPECTS

It is important to allow the suspect(s) an opportunity to provide their own account of the incident. Upon reliable identification of a suspect, officers or detectives shall make an attempt to contact and interview the suspect(s). Any interview with a suspect(s) shall be recorded.

Forensic-medical exams on suspects should always be executed with a search warrant and in a controlled setting such as the Minnetonka Police Department jail or a hospital. Evidentiary value of performing a forensic-medical exam on a suspect is on a case by case basis with consideration to factors such as the proximity from the crime to the arrest, whether or not the suspect has bathed since the incident and how the sexual assault was committed.

If an officer is unsure about timing on forensic exams, they may contact Hennepin County Crime Lab regarding the possibility of evidence collection.

601.6.4 POLYGRAPH EXAMINATION

An officer or detective shall not require a sexual assault victim to submit to a polygraph examination as a condition to investigating, charging or prosecuting the offense (Minn. Stat. § 611A.26)

Officers may conduct a polygraph examination of a sexual assault victim only at the victim's request and with the victim's written, informed consent, and only after the victim has been referred to and had the opportunity to exercise the option of consulting with a sexual assault counselor (Minn. Stat. § 611A.26)

The officer must inform the victim in writing that (Minn. Stat. § 611A.26):

- (a) The taking of a polygraph is voluntary and solely at the victim's request.
- (b) The victim may not be asked or required to submit to a polygraph examination.
- (c) The results of the examination are not admissible in court.
- (d) The victim's refusal to submit to a polygraph examination may not be used as a basis not to investigate, charge or prosecute the offender.

601.7 RECORDING OF STATEMENTS

Officers conducting all criminal investigations shall, when possible, audio record victim and witness statements.

All interviews taking place at Cornerhouse will be recorded by Cornerhouse staff.

601.8 CRIME SCENE - EVIDENCE COLLECTION

Not all sexual assaults will have identifiable scenes containing recoverable evidence. When an officer is presented with an identifiable crime scene the officer should determine if the evidence is best recovered by the officer or Hennepin County Crime Lab. Officers and supervisors should assess the scene to determine if a search warrant is necessary to collect the evidence.

Minnetonka Police Department

Policy Manual

Sexual Assault Investigations

601.9 ANONYMOUS AND RESTRICTED SEXUAL ASSAULT EVIDENCE COLLECTION

There may be instances where forensic nurses from HART will submit an anonymous sexual assault kit to allow DNA and other evidence to be stored at the police department in the event a victim chooses to report a sexual assault at a later time.

When officers receive these types of anonymous kits they shall inventory the kit and any associated evidence according to property procedures and complete an informational report with as much information as possible to include the location recovered and the person submitting the kit to police.

Forensic nurses will permanently retain identifying victim information. Upon a victim choosing to make a report, the investigating officer may contact HART in order to obtain the victim's unique ID number and to obtain a copy of the medical-forensic exam report.

601.10 VICTIMS OF SEX TRAFFICKING

Officers having contact with victims of sex trafficking may also offer referrals to forensic nursing staff. Forensic staff will be able to provide additional medical, health and community-based resources, free of charge to the victim. If a victim accepts a referral officers should arrange for the victim to be transported to a local hospital.

601.11 DOMESTIC VIOLENCE

Because there may be a crossover between domestic violence and sexual assault, the officer should attempt to establish a prior domestic relationship if one exists. In these instances, officers should seek to determine if there is past abuse between the victim and suspect. In these types of sexual assault cases officers should attempt to determine the last time the victim and suspect had consensual intercourse as this may explain any presence of the suspect's DNA or other biological evidence in/on the victim.

If the victim completes a forensic-medical exam and is accompanied by a sexual partner who is not the suspect, officers should attempt to obtain a buccal swab from that individual via consent. This may be obtained by either the officer or a forensic nurse conducting the exam. The purpose of this is to identify the source of any DNA that may be recovered during the forensic-medical exam.

If there is a prior domestic relationship officers should complete the Domestic Lethality form.

601.12 VICTIM SUPPORT

Upon the conclusion of their initial contact with the victim, officers shall contact Sojourner's so the victim may be connected with an advocate.

In the instances where a victim is referred to Cornerhouse, family services will provide additional victim support when the victim meets with Cornerhouse staff. Officers may also refer juvenile victims who are not interviewed by Cornerhouse for family services by contacting the main number at Cornerhouse.

Minnetonka Police Department

Policy Manual

Sexual Assault Investigations

Detectives should provide the victim with their basic contact information once assigned the case and provide the victim with any case updates as requested and upon the arrest of any suspects.

601.13 REPORTS

Officers shall complete reports on all sexual assault allegations and officers shall not consider the victim's willingness to participate in a subsequent prosecution when determining whether or not to take a report of a sexual assault.

If a victim chooses not to cooperate with the investigation or prosecution of a sexual assault case, they should be informed that they could reinstate the investigation at a later date provided that they are within the statute of limitations.

All reports related to a criminal sexual conduct investigation shall be submitted prior to the end of an officer's shift.

All criminal sexual conduct reports shall be assigned to a detective for follow up.

All unrestricted sexual assault kits received by the Minnetonka Police Department shall be submitted for processing within 60 days of their receipt. The department shall not submit restricted sexual assault kits for laboratory testing until the victim consents to the testing of the kit. (Minn. Stat. § 299C.106).

601.14 COPY OF SUMMARY

The Detective Unit 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 Minnetonka Police Department, a copy of the written summary shall also be provided to the law enforcement agency where the incident occurred. If the Minnetonka 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).

Attachments

**Model Sexual Assault Investigation
Minnetonka Policy 02.16.21.pdf**

I. PURPOSE

The purpose of this policy is to provide employees with guidelines for responding to reports of sexual assault. This agency will strive:

- a) To afford maximum protection and support to victims of sexual assault or abuse through a coordinated program of law enforcement and available victim services with an emphasis on a victim centered approach.
- b) To reaffirm peace officers' authority and responsibility to conducting thorough preliminary and follow up investigations and to make arrest decisions in accordance with established probable cause standards.
- c) To increase the opportunity for prosecution and victim services.

II. POLICY

It is the policy of the Minnetonka 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.

III. 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.

- A. **Consent:** As defined by Minn. Stat. 609.341, which states:
 - (1) 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.
 - (2) A person who is mentally incapacitated or physically helpless as defined by Minnesota Statute 609.341 cannot consent to a sexual act.

- (3) Corroboration of the victim's testimony is not required to show lack of consent.
- 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:** 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.
- E. **Family and Household Member:** As defined in Minn. Stat. 518.B.01 Subd.2. b. to include:
- (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 are 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 patient 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) 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 advocates as defined provide coverage in all counties in Minnesota. Minnesota Office of Justice Programs (MN OJP) can assist departments in locating their local victim advocacy agency for the purposes outlined in this policy.
- 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. 626.5572. 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 (4);
- (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:
 - (i) 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
 - (ii) because of the dysfunction or infirmity and the need for assistance, the individual has an impaired ability to protect the individual from maltreatment.

IV. PROCEDURES

A. Communications Personnel Response/Additional Actions by Responding Officers

Communications personnel and/or law enforcement officers should inform the victim of ways to ensure critical evidence is not lost, to include the following:

- 1) Suggest that the victim not bathe or clean him or herself if the assault took place recently.
- 2) Recommend that if a victim needs to relieve themselves, they should collect urine in a clean jar for testing and should avoid wiping after urination.
- 3) 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).
- 4) Reassure the victim that other evidence may still be identified and recovered even if they have bathed or made other physical changes.

B. Initial Officer Response

When responding 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:

- 1) Recognize that the victim experienced a traumatic incident and may not be willing or able to immediately assist with the criminal investigation.

- 2) The officer shall attempt to determine the location/jurisdiction where the assault took place.
- 3) 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.
- 4) 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. Upon victim request the officer can offer to contact local victim advocate on behalf of the victim.
- 5) Ask about and document signs and symptoms of injury, to include strangulation. Officers shall attempt to obtain a signed medical release from the victim.
- 6) Ensure that the victim knows they can go to a designated facility for a forensic medical exam. Offer to arrange for transportation for the victim.
- 7) Identify and attempt to interview potential witnesses to the sexual assault and/or anyone the victim talked about the sexual assault.
- 8) Request preferred contact information for the victim for follow-up.

C. Victim Interviews

This agency recognizes that victims of sexual assault due to their age or physical, mental or emotional distress, are better served by utilizing trauma informed interviewing techniques and strategies. Such interview techniques and strategies eliminate the duplication of interviews and use a question-and-answer interviewing format with questioning nondirective as possible to elicit spontaneous responses.

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

- Offer to have a confidential victim advocate present (if possible) if the victim would benefit from additional support during the process
- Whenever possible, conduct victim interviews in person
- Make an effort to conduct the interview in a welcoming environment
- Let the victim share the details at their 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.

- Depending on the victim, additional interviews might be needed to gather additional information. Offer support from a victim advocate to the victim to help facilitate engagement with the investigative process and healing.
- Some victims do remember details vividly and might want to be interviewed immediately.
- 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
 - 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

D. 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. 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 Statute Section 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 Section 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.

- d. 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.
 - e. 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.
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.

E. 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 are 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.

F. Evidence Collection

- 1) Considerations for Evidence Collection

Officers shall follow this agency's policy on crime scene response. In addition, officers 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. 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.

- c. 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.
- d. If the victim has declined or a medical forensic exam 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.

G. Sexual Assault Medical Forensic Examinations

- 1) Prior to the sexual assault medical forensic 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 forensic examiner, 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 designated medical facility.
 - d. Ask the victim for a signed release for access to medical records from the exam.
- 2) Officers should not be present during any part of the exam, including during the medical history.
- 3) Following the exam, evidence collected during the exam shall be handled according to the requirements of agency policy and Minnesota Statute 299C.106.

H. Contacting and Interviewing Suspects

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

- 1) Conduct a background and criminal history check specifically looking for accusations, criminal charges, and convictions for interconnected crimes, especially crimes involving violence.

- 2) Consider conducting a pretext or confrontational call or messaging depending on jurisdictional statutes. 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.
- 3) When possible, an attempt would be made to interview the suspect in person.
- 4) 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:
 - a. Collect evidence of past communication, including but not limited to all relevant interaction (including social media) between the suspect and victim.
 - b. 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.
- 5) 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 agency policy).

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

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

- 1) Prior to or immediately after the preliminary suspect interview, photograph any injuries.
- 2) Determine whether a sexual assault medical forensic examination should be conducted.
- 3) 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 collected, and should be prepared in advance to eliminate the opportunity for the suspect to destroy or alter evidence if consent is denied.
- 4) During the suspect's sexual assault medical forensic examination, the investigator, evidence technician, or forensic examiner should do the following:
 - a. Strongly consider penile swabbing, pubic hair combings, 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 identifiable marks.
 - d. Seize all clothing worn by the suspect during the assault, particularly any clothing touching the genital area.
 - e. Document the suspect's relevant medical condition and injuries.

J. Role of the Supervisor

Supervisors may do the following:

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

K. Case Review/Case Summary

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

- 1) Case dispositions
- 2) Decisions to collect evidence
- 3) Submissions of evidence for lab testing
- 4) Interviewing decisions