

# UW Whitewater Police



## Sexual Assault Investigations

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### I. Purpose

The purpose of this policy is to establish guidelines for investigating sexual assaults. It is recognized that assisting victims, collaborating with local health and service agencies, collecting evidence, and conducting interviews with victims, witnesses, and suspects is of utmost importance.

### II. Definitions

**Sexual Assault:** Any crime or attempted crime of a sexual nature, to include but not limited to offenses defined in Wis. Stat. 940.22(2); Wis. Stat. 940.224; Wis. Stat. 948.02; Wis. Stat. 948.025; Wis. Stat. 948.05; Wis. Stat. 948.06; Wis. Stat. 948.085; Wis. Stat. 948.095; and Wis. Stat. 948.098.

**Sexual Assault Response Team (SART):** Law Enforcement officers who received advanced training and specialize in sexual assault investigations.

**Forensic Nurse Examiner:** A Registered Nurse, Physician's Assistant, or Medical Doctor who has been trained in the physical examination and collection of evidence in sexual assault cases.

**Victim Advocate:** An individual who is an employee of, or a volunteer for an organization where the purpose is to provide counseling, assistance, or support services free of charge to a victim.

### III. Policy

It is the policy of the UW-Whitewater Police Department (UWWPD) to respond to all reports of sexual offenses and investigate; and assist and support all victims/survivors of sexual assault in a sensitive manner; and recognizing that sexual assault is a crime that can have serious traumatic effects on the victim/survivor, make every effort to minimize additional trauma.

### IV. Procedure

The UW-Whitewater Police Department shall provide a basic guide to the various aspects involving first, second-, third- and fourth-degree sexual assault investigation. A sexual assault is a major crime that is traumatic to the victim. Care shall be taken to consider the emotions experienced by the victim. Investigating officers shall take time to ensure evidence is collected,

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interviews are conducted, and reports are complete. This department will follow the Title IX protocol as mandated by the University.

## **A. Responding Police Officer(s) and Primary Incident Report**

1. The initial responding officer will determine whether or not the sexual assault occurred on UW-Whitewater campus. If the sexual assault occurred in another jurisdiction the officer shall contact the appropriate police agency to coordinate response.
2. The initial responding officer(s) are responsible for the preservation of the crime scene and documenting all individuals present, including any first responders.
3. Make initial contact with the victim
  - a. Identify the victim and obtain necessary emergency medical treatment. If the victim goes to the hospital, take along a complete change of clothing for the victim, if possible. An officer should accompany the victim to the hospital and provide a victim advocate. If the victim declines to have a victim advocate, it shall be documented in the officer's report.
4. Request an evidence technician and or Detective if the scene needs to be processed.
5. The initial responding officer should suggest a Sexual Assault Nurse Examiner (SANE) exam for victims and provide transportation for that victim, if possible, if the report is within 120 hours of the incident occurring. The officer shall contact one of the following hospitals to request a SANE exam:
  - a. Lakeland Hospital in Elkhorn- (262)741-2120
  - b. MercyHealth in Janesville- (608)756-6000
  - c. UnityPoint Health-Meriter in Madison- (608)417-5863
6. The initial responding officer(s) can reference the minimal facts interview sheet (Attachment A) for guidance during the initial report. The report of the initial responding officer should contain the following information, if possible:
  - a. Exact location of assault
  - b. Information on the identity of the suspect
  - c. Circumstances before and after the sexual assault
  - d. Potential witness information
  - e. Lack of consent
  - f. Information as to how the victim and suspect became associated
  - g. How the suspect-maintained control of the victim
  - h. If any type of force was employed
  - i. Any evidence collected
  - j. Identify first disclosure and obtain contact information
7. The On- call supervisor shall be notified if a sexual assault is reported to UWHPD as soon as practicable. If there is a public safety concern, this information shall be passed on to the On-Call Supervisor as soon as possible in the event an emergency notification needs to be sent.

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8. If the sexual assault is determined to be 4<sup>th</sup> degree, the investigation will be handled by the initial responding officer.
9. Officer will provide the victim with the states mandated Victim Rights Form.

## **B. SART Activation and Requirements**

1. If the sexual assault is determined to be 1<sup>st</sup>, 2<sup>nd</sup>, or 3<sup>rd</sup> degree a member of SART will be assigned the case by a supervisor. The Detective will be notified of any 1<sup>st</sup> or 2<sup>nd</sup> degree sexual assaults.
2. The current caseload and schedule of the SART member shall be considered when assigning cases of sexual assault.
3. When assigned a case, SART members should:
  - a. Conduct follow-up interviews and investigation.
  - b. Present appropriate cases of sexual assault to the prosecutor for review.
  - c. Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.
  - d. Provide referrals to victim advocates and support for the victim.
4. Members of SART shall have a minimum of the following trainings:
  - a. 16 hours of Interview and Interrogation training
  - b. 16 hours of Sexual Assault Investigations training

## **C. Medical Examinations**

1. The SANE exam is a voluntary examination, but it is a critical part of the sexual assault investigation. The specially trained nurses in the Forensic Nurse Examiner Program shall be used.
2. Once the victim has been taken to the hospital, the examination and collection of evidence shall be controlled by the on-duty doctor or Forensic Nurse Examiner personnel. The officer at the hospital shall obtain names, addresses, and phone numbers of the physician and all attending medical personnel.
3. A signed medical release shall be sought authorizing the release of hospital records pertinent to the case to the "University of Wisconsin Whitewater Police Department". If the victim is a minor, a parent or legal guardian must sign the release form. If a parent or legal guardian is not available, Child Protective Services shall be contacted to arrange for care of the victim.
4. The officer shall take custody and properly secure the Forensic Nurse Exam kit in the evidence room to maintain chain of evidence.

## **D. Victim Interviews**

1. Officers should only complete a basic interview of the victim to gather basic information as described in section "A".
2. Interviews with the victim are generally more productive and result in better cooperation if done at the victim's convenience, without pressure, and at a location comfortable to the victim.

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3. The decision concerning who is present during the interview (friends of victim, counselor, advocate, etc.) is made by the victim. If others are present during the interview, the interviewing officer shall document who is present.

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## Attachment A

### Minimal Facts Interview for Patrol Officers - Sensitive Crime Incidents

1. Name, Address, Date of Birth, phone number of adult victim.
2. Does the victim require immediate medical attention? Did the victim sustain any injuries during the incident? Does the victim have any visible marks or injuries that may be hidden by clothing? (Hospitals below)
3. Does the victim want an advocate?
  - a. New Beginnings APFV Cell 414-522-6727
  - b. Jefferson County Crisis 800-273-8255
  - c. Walworth County Crisis 262-741-32000
4. Is the victim willing to conduct a SANE?-Must be done within 120 hours of incident.
  - i. Lakeland Hospital- Elkhorn (262)741-2120
  - ii. Mercy Hospital- Janesville (608)756-6000
  - iii. UnityPoint Health-Meriter- Madison (608)417-5863
5. Date/Time of incident and location of incident.
6. Suspect- relationship to victim: known, unknown? Resides on/off campus?
7. What occurred? What was said? Consent? Drugs or alcohol involved?
8. Communication before or after? Submit a preservation request to appropriate electronic service provider.
9. Identify first disclosure and obtain contact information.
10. Contact supervisor and activate SART protocol.
11. Complete Title IX report: [Sexual Misconduct/Title IX Reporting Form \(maxient.com\)](https://www.maxient.com/sexual-misconduct-reporting-form)
12. Provide the victim with the appropriate Victim Rights form.