



CITY OF MADISON POLICE DEPARTMENT  
STANDARD OPERATING PROCEDURE



**Sexual Assault Investigations**

Eff. Date 05/02/2018

**Purpose**

To outline the procedure for investigating sexual assault and their attempts.

**Procedure**

1. Adults
  - a. The initial responding officer shall advise the victim they may request to be interviewed by an officer of the gender of their choice. Should the victim request an officer of the gender opposite the initial officer, the officer shall immediately notify a supervisor and a reasonable attempt will be made to honor the victim's request.

Once follow up has been assigned to a Detective, the case will remain with the Detective regardless of gender.
  - b. In the event of a fresh occurrence, the initial responding officer shall make a reasonable attempt to obtain suspect, officer safety, and other relevant information to relay to other officers as soon as possible.
  - c. The officer conducting the victim interview shall:
    - i. Notify the Officer in Charge (OIC) of the circumstances of the incident. The OIC will determine if the incident is a 1st or 2nd degree sexual assault or if additional investigative resources or advice is needed, and if so, will ensure that the On Call Detective Lieutenant (if after normal business day) or District Detective Lieutenant is notified of the circumstances. The exception to notification is an incident involving consensual sex between teenagers within 3 years of age.
    - ii. Ensure the collection of evidence from the victim and scene(s), (e.g., photos, clothing, etc.), and also medical forensic hospital exam evidence if the assault occurred no more than 120 hours prior to the time it is reported. Meriter Hospital's Forensic Nurse Examiner (FNE) program should be used for collection of biological evidence from the victim.
      1. Any time an officer is dispatched for a sexual assault and the victim is reporting; the Officer should stand by outside the room while the exam is being done, in case the nurse needs to communicate with the Officer, and to then take the evidence for processing.
      2. Please see the SOP on Searches, specifically the Strip Search section for further details on the collection of evidence from the suspect.
      3. An Investigator, at the request of the interviewing officer or a supervisor, shall process the scene of a sexual assault for evidence, including photos.
      4. All FNE evidence kits collected as part of sexual assault investigations will be transported to WSCL.

**INVESTIGATING CASES INVOLVING CHILD VICTIMS (SEXUAL AND PHYSICAL ABUSE AND NEGLECT)**

1. The primary officer shall notify Dane County Human Services (DCHS) within 12 hours of the report of a sexual assault of a juvenile per state statute 48.981(1)(2)&(3).

The primary officer shall notify the parents or guardians, if appropriate, of the juvenile victim within 24 hours.
2. When investigating a sexual assault of a child under the age of 16, the investigating officer shall collect as much information as possible without interviewing the victim. The officer shall notify the OIC of the circumstances. The OIC shall contact the On Call Detective Lieutenant (if after normal business day) or District Detective Lieutenant prior to conducting a detailed interview or physical exam. The subsequent investigation will be at the direction of the Detective Lieutenant or Detective assigned to the case.

3. When the investigating officer or detective for cases involving child victims determines that probable cause exists that the suspect has committed crimes in violation of the statutes listed below, the cases will routinely be referred to the district attorney for criminal prosecution:
  - a) Sexual intercourse or sexual contact under s. 940.225, 948.02, 948.025 or 948.085
  - b) Sexual exploitation of a child under s. 948.05
  - c) Permitting, allowing or encouraging a child to violate s. 944.30 (Prostitution)
  - d) Causing a child to view or listen to sexual activity s. 948.055
  - e) Causing a child to expose genitals or pubic area s. 948.10

## INVESTIGATIONS INITIATED BY HUMAN SERVICES

### Officer-in-Charge Information

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Child Protective Services (CPS) workers have been asked to make the OIC the first point of contact for Madison Police Department (MPD) collaboration for the initial field investigation when responding to reports of child abuse and neglect. It is MPD's established procedure to respond with on-duty patrol officers in the initial response. The OIC is able to evaluate available resources and timing, understanding that child protection workers may be under a timeline to initiate an investigation.

### OIC Considerations

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- Obtain basic information regarding the allegation under investigation.
- Obtain contact information for the responding worker to provide to the responding officer(s).
- Coordinate reasonable adjustments in timing (things like other significant ongoing events, or shift change may dictate an adjustment).
- Initiate contact with on-duty Detective supervisor or on-call as needed.

### Responding Officer/Field Supervisor Considerations

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- Determine who will lead the interview (Officer or DCHS worker).
- If CPS leads the interview, officer should take *detailed* notes of interview.
- Officer *can and should* ask questions pertaining to their investigation if those questions are not asked by CPS.
  - Officer must ensure they have explored the elements of alleged crime.
- CPS is ultimately responsible for conducting a safety assessment for the child (making sure the child is safe).
- Regardless of who leads the interview, officers shall complete a detailed report.
- Note: If Children are alleged victims of abuse by a caregiver or unknown person, the children can be interviewed without parental consent at any location police are legally authorized to be present (see Wisconsin statute 48.981(3)(c)1.b.).

## FIRST RESPONDER CONTACT WITHOUT CPS

1. Collateral Information Collection from Others.
  - a. Reporting Party.
  - b. Non-offending parent (if possible).
  - c. 3rd Parties with information (teachers, counselors, friends, etc.).
  - d. Witnesses.
2. CPS Contact.
  - a. Provide CPS information obtained from #1.
  - b. Determine other collaborative information from CPS.
    - i. Other open/prior cases with subjects.
    - ii. Identification/contact information for offender and others.
  - c. Will CPS come out?

- i. Yes - wait to continue investigation with CPS.
    - ii. No - proceed to #3.
  - d. If CPS responds, determine who will lead the interview (Officer or DCHS worker).
    - i. If CPS leads the interview, officer should take *detailed* notes of interview.
    - ii. Officer *can and should* ask questions pertaining to their investigation if those questions are not asked by CPS.
      - 1. Officer must ensure they have explored the elements of alleged crime.
    - iii. CPS is ultimately responsible for conducting a safety assessment for the child (making sure the child is safe).
- 3. Factors to Determine if Officer Should Conduct Child Interview.
  - a. Do we have corroborated information of abuse, neglect, or that child witnessed (CRIME) obtained by #1 and #2? No need for officer to interview child.
    - i. Preserve/collect pertinent evidence.
      - 1. SANE exam/photos/weapons/implements/etc.
      - 2. Determine if child is in need of immediate medical treatment.
      - 3. Determine if the child is safe in its present placement.
    - b. Even if 3.a. is present, officer articulates need for immediate child interview (manipulation of child's testimony, family dynamics/pressure, etc.).
- 4. Contact Sgt/OIC.
  - a. Provide information obtained from #1, #2, and #3.
  - b. Determine if on-call Det. Lt. will be contacted (and presumably a detective called in).
- 5. Officer Interview of the Child.
  - a. General guidelines.
    - i. Do NOT do truth/lie.
    - ii. Do NOT use body diagrams.
    - iii. Must use open-ended questions (i.e., "tell me all about it").
      - 1. "Tell me *what* happened?" (elements of crime).
      - 2. "Tell me *how* it happened?" (evidence - weapons, DNA).
      - 3. "Tell me *where* it happened?" (jurisdiction).
      - 4. "Tell me who else was there?" (witnesses).
      - 5. If the "tell me" questions, coupled with collateral information, have not given the "*when*," attempt to ascertain "*when*" from the child.
        - a. Developmentally appropriate words.
        - b. If not recent enough to raise evidentiary concerns, close is good enough.

See "Searches" SOP for guidance on suspect FNE exams.

Original SOP: 11/18/2015  
(Revised: 04/05/2016, 12/06/2017, 05/02/2018)  
(Name change only: 05/03/2016)  
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