

## BLOOMINGTON POLICE DEPARTMENT

### STANDARD OPERATING PROCEDURE

#### SEXUAL ASSAULT INVESTIGATIONS

Reviewed by: Lt. Ken Bays	Effective Date: February 1, 2018
Authorized by: Interim Chief Gregory Scott	Revision Date: September 9, 2020

#### PURPOSE

The purpose of this SOP is to establish procedure for conducting sexual assault investigations in compliance with The Illinois Sexual Assault Incident Procedure Act (Public Act 99-0801).

Public Act 099-0801 has several requirements related to Mandatory Report Writing, Additional Responding Officer Responsibilities, Collecting, Storing and Testing of Sexual Assault Evidence, and Release of Information to the Victim Relating to Evidence Testing.

Public Act 99-0801 requires each law enforcement agency to develop, adopt and implement written policies regarding procedures for incidents of sexual assault or sexual abuse by January 1, 2018.

Public Act 99-0801 requires that all sworn officers receive evidence-based, trauma-informed, victim-centered training on responding to sexual assault and sexual abuse training by January 1, 2020. In addition, they must also receive in-service training on sexual assault and sexual abuse response and report writing every 3 years.

Public Act 99-0801 requires that all law enforcement officers who conduct sexual assault and sexual abuse investigations must receive specialized evidence-based, trauma-informed, victim-centered training on responding to sexual assault and sexual abuse investigations by January 1, 2019. These officers must also receive in-service training on sexual assault and sexual abuse investigations every 3 years.

Forms required by this act may be downloaded from the Attorney General's website and are available in a number of languages.

[http://www.illinoisattorneygeneral.gov/victims/improvingresponsetosa\\_il.html](http://www.illinoisattorneygeneral.gov/victims/improvingresponsetosa_il.html)

#### PROCEDURE

##### MANDATORY REPORT WRITING

Officers must document every allegation of sexual assault or sexual abuse and prepare a written report when contacted by any of the following:

1. A person who alleges to have been sexually assaulted or sexually abused,
2. Hospital or medical personnel, when reporting under the Criminal Identification Act,

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3. A witness who personally observed what appeared to be a sexual assault or sexual abuse or an attempt of either crime.

The victim is under no obligation to speak to an officer or submit to an interview. The officer shall still prepare a report and document any information made available to the officer.

The officer shall write the report without making a determination of whether the statute of limitations has expired.

### THIRD PARTY REPORTS

A victim of a sexual assault or sexual abuse may give consent to another person to provide information about the incident to law enforcement. The third party reporter does not have to disclose the victim's name. The officer must complete a written report if the person contacting law enforcement:

1. Provides their own name and contact information, and
2. Affirms that he or she has the consent of the victim to make the report.

Officers must give the person making the third party report a copy of all victim notices required under this Act and ask that the person give the notices to the victim.

### REPORTS REGARDING AN INCIDENT OCCURRING IN ANOTHER JURISDICTION

Officers must write a report regardless of the jurisdiction where the incident took place. An officer who receives information about an incident in another jurisdiction must prepare a written report. Within 24 hours of receiving the information, the officer must submit the report to the agency having jurisdiction. The *Confirmation of Transfer of Sexual Assault Report to Law Enforcement Having Jurisdiction* form may be used for this requirement. The law enforcement agency that receives a report from another jurisdiction must confirm receipt. The written confirmation must include:

1. The name of the person who received the report, and
2. A name and phone number of a contact person that can be given to the victim.

### CONTENTS OF REPORTS

The written report shall include the following, if known:

1. The victim's name or other identifier and contact information,
2. The date, time, and location of the offense,
3. Information provided by the victim,
4. Information about the suspect, including description and name,
5. Names and contact information of persons with knowledge of what happened before, during, or after the sexual assault,
6. Names of the medical professionals who examined the victim and any information they provide,
7. If sexual assault evidence was collected, the name and contact information for the hospital, and whether the victim consented to testing of the evidence,
8. If a urine or blood sample was collected and whether the victim consented to testing of a toxicology screen,
9. Information the victim consented to allow the medical professionals to disclose, and
10. All other relevant information.

**ADDITIONAL RESPONDING OFFICER RESPONSIBILITIES**

Officers responding to incidents involving sexual assault or sexual abuse must:

1. Provide victims with written information advising them of their rights and options.
2. Offer to provide or arrange transportation to a hospital emergency room for medical and forensic services, and
3. If the courthouse is closed but a judge is available, offer to provide or arrange transportation so the victim may file for an order of protection or civil no contact order.

**COLLECTION, STORAGE, AND TESTING OF SEXUAL ASSAULT EVIDENCE**

All sexual assault evidence collected at the hospital will be released to the custody of law enforcement whether or not the victim has signed a consent form for testing the evidence. The evidence may include an Illinois State Police Sexual Assault Evidence Collecting Kit, clothing, blood and or urine samples, and other items.

The hospital will notify the law enforcement agency having jurisdiction when evidence has been collected. The agency shall take custody of the evidence as soon as practicable, but not later than 5 days after the medical forensic exam was completed. If the evidence is not picked up, the hospital will notify the local State's Attorney's Office, which will contact the law enforcement agency within 72 hours to request that the agency take immediate physical custody of the evidence. The mandatory written report of the sexual assault or sexual abuse must include the date and time the evidence was picked up from the hospital.

If the Patient Consents: Collect and Test Evidence or Collect and Hold Evidence Form has been signed, the law enforcement agency must, within 10 days of receipt of the evidence, send the evidence to an Illinois State Police Crime Laboratory or other appropriate laboratory (Northeastern Illinois Regional Crime Laboratory or DuPage County Forensic Science Center) for testing under the Sexual Assault Evidence Submission Act.

If the Patient Consents: Collect and Test Evidence or Collect and Hold Evidence Form has not been signed the law enforcement agency must store the evidence. If the victim is an adult, the evidence must be stored for 5 years. If the victim is under 18 years of age, the evidence must be stored until the victim's 23<sup>rd</sup> birthday. If a law enforcement agency adopts a longer storage policy, it shall notify the victim or the victim's designee in writing of the longer period. The hospital will provide the original consent form to test the evidence to the law enforcement agency which picks up the evidence, for the agency's case file.

After leaving the hospital, the victim may consent to testing in any of the following ways:

1. Signing the original Patient Consent: Collect and Test Evidence or Collect and Hold Evidence Form, given to the officer who picked up the evidence, at the law enforcement agency where the evidence is stored.
2. Signing a consent form in the presence of a sexual assault advocate who will deliver the written consent to the law enforcement agency on behalf of the victim, and
3. Providing verbal consent to the law enforcement agency and confirming the verbal consent by email or fax.

**RELEASE OF INFORMATION TO THE VICTIM RELATED TO EVIDENCE TESTING**

Upon request, each law enforcement agency shall provide the following information in writing to a victim.

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1. The date the sexual assault evidence was sent to an Illinois State Police Crime Laboratory or other appropriate laboratory. If this information is requested, it must be provided to the victim within 7 days of the transfer of evidence to the laboratory.
2. Test results provided to the agency by the laboratory, including, but not limited to:
  - a. Whether a DNA profile was obtained from testing the evidence;
  - b. Whether the DNA profile developed from the evidence has been searched against the DNA Index System or any State or Federal DNA database;
  - c. Whether an association was made to an individual whose DNA profile is consistent with the sexual assault evidence DNA profile, provided that disclosure would not impede or compromise an ongoing investigation, and
  - d. Whether any drugs were detected in a urine or blood sample and information about any drugs detected.

If this information is requested, it must be provided to the victim within 7 days of the law enforcement agency receiving the results from the laboratory.

When a victim has signed a consent form to test evidence at the hospital, the law enforcement agency shall provide the victim, either at the hospital or during the investigating officer's follow-up interview, with written information informing the victim of his or her right to request this information. The information must also be provided to a victim who signs a consent form to test sexual assault evidence at the law enforcement agency or with the assistance of a rape crisis advocate. A victim may designate another person or agency to receive this information.