

DEKALB POLICE DEPARTMENT

Subject: **Sexual Assault Investigations**

Policy #: **402.7**

Effective Since: 8-21-03
11-98

Originally Issued As: General Order # 8 of 12-

Revision Effective: 1-1-19

FTO Training Task: #20, # 37

Reference Material: ILCS, IACP Research Paper

ILEAP Standards Covered: NA

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PURPOSE: The crime of sexual assault is one of the most offensive crimes that can be committed against a person. The investigation is particularly demanding because of the discretion and tact that must be employed. Charges of sexual assault are often difficult to substantiate, placing a special responsibility on the police to protect everyone involved. It is the purpose of this policy to outline the department's procedures for investigating complaints of sexual assault.

POLICY: As in all citizen contacts, the officer's behavior should exhibit a sincere consideration for the safety, comfort, and convenience of the victim. All possible measures will be employed to discover the whole truth concerning the event under investigation without adding to the discomfort or embarrassment of the victim. Police personnel will assure the victim that he/she will be accorded the proper degree of respect and dignity. Investigations will be complete and thorough.

DEFINITIONS: see 720 ILCS 5/12-12 for a complete list; definitions include:

Sexual Conduct, 720 ILCS 5/12-12(e), "means any intentional or knowing touching or fondling by the victim or the accused, either directly or through clothing, of the sex organs, anus or breast of the victim or the accused, or any part of the body of a child under 13 years of age, or any transfer or transmission of semen by the accused upon any part of the clothed or unclothed body of the victim, for the purpose of sexual gratification or arousal of the victim or accused."

Sexual Penetration, 720 ILCS 5/12-12(f), "means any contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth or anus of another person, or any intrusion, however slight, of any part of the body of one person or of any animal or object into the sex organ or anus of another person, including but not limited to cunnilingus, fellatio or anal penetration. Evidence of emission of semen is not required to prove sexual penetration."

Acts of criminal sexual misconduct are defined in 720 ILCS 5/12-12 through 5/12-16.

PROCEDURE:

A. Crime Scene Investigation :

1. An officer's first duty at the scene is to aid the victim. Injuries should be treated immediately at a medical facility. Medical transport will be performed by ambulance.
2. Only one officer should interview the victim; any interview should be done in a private location. If the victim's condition permits, the following preliminary inquiries should be made in the order listed below:
3.
 - a. The date and time of the event;
 - b. Information and description of the assailant, if known;
 - c. Determine what type of crime occurred;
 - d. The exact location of the crime;
 - e. Determine if the victim is an NIU student;
 - f. Determine if the victim is under 18, or over 60 years of age.
 1. If the victim is a minor, parents should be notified as soon as possible. Also, certain sexual crimes may exist or be aggravated if the victim is under certain years of age. In cases where a child is the victim of sexual abuse, the officer shall make a report as a mandated reporter to DCFS, making the hotline telephone call to DCFS (1-800-25ABUSE) and forwarding a report to their office as required. If the officer reasonably believes that the child or children have been the

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- victim(s) of sexual or severe physical abuse, the officer may take the child into protective custody to prevent further abuse.
2. In cases where a person aged 60 or older is abused, neglected, or exploited, the officer must make a report to the Illinois Department on Aging, Elder Abuse and Neglect Program, either by calling 1-800-252-8966 or by calling Dekalb Elder Care Services, 758-6550.
 3. If appropriate, report acquired information immediately to the Shift Commander. **If the crime occurred on campus, or in another jurisdiction, immediately notify the proper authority.**
 4. Advise the victim not to change clothing, shower, touch anything in the immediate area, or urinate if the victim displays signs of a drug- induced sexual assault.
 5. **If this department has jurisdiction, the Shift Commander will notify a detective** as soon as practical.
 6. A more detailed interview shall be conducted as soon as possible by the responding detective.
 7. Be sure to secure and protect the crime scene for physical evidence.
 8. Identify suspects by name and description when possible.
 9. Lawfully detain suspects on scene for investigation
 10. If suspects are not present, identify their name and/or description, last direction of travel, mode of transportation, likely destination, and advise other officers as needed.
 11. **Identify, photograph, preserve, and collect any pertinent evidence** , to include:
 - a. Victim injuries
 - b. Victim's clothing, bedding, or other personal property pertinent to the offense
 - c. Weapons
 - d. Other evidence left at the scene
 - e. Any video surveillance recordings
 12. **Searching and/or seizing the property of another** requires a warrant unless there is:
 - a. Clear and voluntary affirmative consent by the owner of the property, whether it be the victim, suspect, or other person;
 - b. Evidence found upon the lawful pat-down search of a person on a "Terry stop";
 - c. Evidence found in plain view, by plain touch, or in open fields;
 - d. Evidence found upon the lawful search of a motor vehicle under a mobile vehicle exception;
 - e. Exigent circumstances, such as immediate safety, imminent escape, or imminent permanent loss of evidence;
 - f. Inventory searches of seized vehicles or other property;
 - g. The property is abandoned;
 - h. A search incident to arrest, or as authorized by other constitutional provisions.

For complete department policy on search & seizure, see Policy 402.14.

B. Medical Attention :

1. If the victim is an NIU student, the student may seek medical assistance at the NIU Health Center. If it is after hours, or if the victim is not an NIU student, arrange transport to the Kishwaukee Community Hospital.

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2. If only a medical examination is necessary, ask the victim if he/she would go to the Kishwaukee Community Hospital. Advise him/her that the medical examination is necessary to secure evidence that a sexual assault occurred.
2. In both cases above, the attending nurse and/or physician is to be furnished an authorization to release medical information and specimens pertinent to the investigation.

C. **Procedures for Recovering Victim's Clothing:**

1. The victim should be instructed to remain in the clothing he/she was wearing when assaulted. Inform him/her that you will collect his/her garments at the hospital or other location for transfer to the crime laboratory.
2. If necessary, make arrangements with the victim, a friend of the victim, or a relative of the victim, to bring a change of clothing to the hospital or other designated location.
3. The number of persons handling the victim's clothing must be restricted.
4. Make a concerted effort to protect the integrity of the specimens and to guard the chain of evidence.
5. Seminal traces and bloodstains are highly brittle when dry and may inadvertently be brushed off the clothing. Wet stains should be covered with clean paper before the clothing is folded and each item should be individually wrapped, marked and tagged.
6. Clothing will be logged into evidence consistent with evidence procedures.

D. **Interview of the Victim:**

1. The interview should be conducted by the responding detective. An Assistant State's Attorney may be present, or may conduct an additional interview later if necessary. A volunteer of the SAAS may be present if the victim wishes.
2. The detective shall compile the basic investigative information contained in the initial interview, criminal complaint and medical examination; conduct an initial interview that will allow the victim to describe the incident without interruption; determine the victim's emotional and physical ability to submit to an in-depth interview and schedule the interview as soon as these factors will allow following the incident; and employ a comfortable setting that affords privacy and freedom from distractions, attempting to obtain all necessary information.
3. A complete report should include a detailed account of the incident from the time the victim and assailant met to the time he/she reported the matter to the police.
4. **The following is a non-exclusive list of information needed for the investigation and police report:**
 - a. Exact location and time of incident.
 - b. Whether or not the victim is married or otherwise related to the assailant.
 - c. Whether or not the victim knows the suspect. If so, list the suspect's name, address, and place of employment.
 - d. The description of the suspect.
 - e. The suspect's apparel (shirt, pants, suit, underwear, shoes, rings, watch, etc.)
 - f. The suspects' speech characteristics (accent, broken, impediment).

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- g. Whether or not a vehicle is involved. If so, include the vehicle's description.
- h. Identity of others present, or others that may have seen the suspect with the victim.
- i. Any alcohol or drug use by the victim, suspect, or both.
- j. Whether or not the victim was threatened with harm or with a weapon.
- k. Whether or not the victim knows the suspect; also tactfully inquire as to whether or not the victim had a previous dating or sexual relationship with the suspect.
- l. Document places they visited prior to the assault.
- m. Route followed in arriving at the place of occurrence.
- n. **Physical force the accused employed and the nature and degree of resistance offered by the victim.**
- o. **Areas to the body to which physical violence was applied.**
- p. Statements or utterances of the accused or victim at the time of the offense,
- q. **Screams or outcries of the victim. Check with potential witnesses to see if they were heard.**
- r. The identity of persons the victim may have first reported or later reported the incident to.
- s. Any other sexual activity in the past 72 hours.
- t. **Include the result of the medical examination.**

E. Ongoing Investigation :

- 1. Review the victim's account of the event in order to clarify any discrepancies with earlier accounts and to elaborate on issues of significance to the prosecution;
- 2. Encourage the victim to prosecute the case should she hesitate to do so, emphasizing the importance of prosecution for public safety;
- 3. Solicit the victim's continued support in the investigation, apprising the victim of future investigative and prosecutorial activities that will or may require involvement and cooperation;
- 4. Work with the prosecutor's office to develop the case, to familiarize the victim with the types of inquiries that may be faced during cross-examination and to ensure that requests for victim protection orders are made where possible; and
- 5. Maintain continued contact with the victim to ensure that appropriate mental health and other support services are readily available.

F. Training

- 1. Training for trauma-informed responses and investigations of sexual assault and sexual abuse will be provided for investigators assigned to such cases.
- 2. Training will include recognizing special sensitivities of victims due to their age, including those under the age of 13; gender; and other special circumstances such as those with developmental difficulties.

G. Illinois Crime Compensation Act , 740 ILCS 45:

- 1. Officers must advise any victim or the victim's family of the Illinois Crime Compensation Act when the victim was injured or killed as a result of a sexual crime.

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2. Victims may be eligible for compensation for medical and hospital expenses, counseling, loss of earnings, tuition reimbursement, prosthetic appliances and accessibility costs, personal property replacement costs, temporary lodging or relocation, funeral expenses, and crime scene clean-up.
3. In these cases, the officer "shall inform the victim of the offense or his dependents concerning the availability of an award of compensation and advise such persons that any information concerning this Act and the filing of a claim may be obtained from the office of the Attorney General." [740 ILCS 45/5.1(b)]
4. The victim needs to complete an application available through the Attorney's General Office and can be done on-line at www.ag.state.il.us or requested by phone on the Illinois Victims Assistance Line, 800-228-3368.

H. **Automated Victim Notification (AVN)** . The Illinois Automated Victim Notification System provides victims and concerned citizens with a toll-free number where they can call and get up-to-date information on the custody status and/or case status of an offender. Officers should advise victims about AVN availability. The AVN phone number is 1-866-566-8439. TTY: 1-877-502-2423.

Policy originally issued 8-21-03; this revision becomes effective on 1-1-19 by authority of the Chief of Police .

NOTE: This policy and procedure summarizes the department's position on this specific matter. This policy is for general direction and guidance primarily designed for use by the department's members. This policy is for internal use only and does not create or enlarge an officer's liability in any way. This policy shall not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this policy, if proven, can only form the basis of an internal departmental complaint and then only in a non-judicial administrative setting.