

Sexual Assault Investigations  
Compare against last issued policy

## **602.1 PURPOSE AND SCOPE**

The Becker County Sheriff's Office 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 Policy 03-03-21.pdf](#)

## **602.2 QUALIFIED INVESTIGATORS**

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

- a. Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.
- b. Conduct follow-up interviews and investigation.
- c. Present appropriate cases of alleged sexual assault to the prosecutor for review.
- d. Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.
- e. Provide referrals to therapy services, victim advocates and support for the victim.
- f. Participate in or coordinate with the SART or other multidisciplinary investigative teams as applicable.

## **602.3 REPORTING**

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

## **602.4 RELEASING INFORMATION TO THE PUBLIC**

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Investigation Section should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

## **602.5 VICTIM INTERVIEWS**

The primary considerations in sexual assault investigations, which begin with the initial call to Dispatch, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, a member of the SART should be included in the initial victim interviews.

An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is unfounded should be included in a report.

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

### 602.5.1 POLYGRAPH EXAMINATION

A deputy 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).

Deputies may conduct a polygraph examination of a sexual assault victim only at the victim's request and with written, informed consent 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 deputy 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.

### 602.6 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

### 602.6.1 COLLECTION AND TESTING REQUIREMENTS

Members investigating sexual assaults or handling related evidence should do the following (Minn. Stat. § 299C.106; Minn. Stat. § 299C.155):

- a. Utilize the collection kit and uniform procedures and protocols established by the Bureau of Apprehension.
- b. Retrieve sexual assault examination kit from a health care professional within 10 days of receiving notice that the kit is available when the victim has consented in writing to its testing.
- c. Submit a sexual assault examination kit within 60 days of receipt to a forensic laboratory when the victim has consented in writing to its testing. Submission is not required when the Investigation Section supervisor and the county attorney determine the lab result would not add evidentiary value to the case, and those determinations are documented.
- d. Not submit a sexual assault examination kit when the victim has not consented to its testing. If the victim later provides written consent, then that kit should be submitted as soon as practicable (Minn. Stat. § 611A.27).

Additional guidance regarding evidence retention and destruction is found in the Evidence Room Policy.

### 602.6.2 DNA TEST RESULTS

Upon written request from the victim or the victim's written designee for investigative data, the member investigating the sexual assault 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 that testing.
- c. Whether a DNA profile was obtained from the testing.

A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

Members investigating sexual assault cases should ensure that DNA results are entered into databases when appropriate and as soon as practicable.

### 602.7 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Investigation Section supervisor.

Classification of a sexual assault case as unfounded requires the Investigation Section supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

## **602.8 CASE REVIEW**

The Investigation Section supervisor should ensure cases are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

The SART and/or victim advocates should be considered for involvement in this audit. Summary reports on these reviews should be forwarded through the chain of command to the Sheriff.

## **602.9 COPY OF SUMMARY**

The Investigation Section 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 Becker County Sheriff's Office, a copy of the written summary shall also be provided to the law enforcement agency where the incident occurred. If the Becker County Sheriff's Office 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).