

**MINNEAPOLIS PARK POLICE
DEPARTMENT**



BY ORDER OF THE CHIEF OF POLICE

SPECIAL ORDER 2019-10

DATE ISSUED: September 12, 2019	DATE EFFECTIVE: September 12, 2019	NUMBER: SO 19-10	PAGE: 1 of 14
TO: All Park Police Personnel			RETENTION DATE: Until Rescinded
SUBJECT: Sexual Assault Response and Investigations			APPROVED BY: Chief J. Ohotto

SEXUAL ASSAULT RESPONSE AND INVESTIGATIONS

I. PURPOSE

- A. The Minneapolis Park Police Department (MPPD) recognizes sexual assault as a serious problem in society and it is the MPPD's policy to protect victims of sexual assault by ensuring its peace officers understand the laws governing this area.
- B. Sexual assault crimes are under-reported to law enforcement and the goal of this policy is, in part, to improve victim experience in reporting so that more people are encouraged to report.
- C. This agency will strive to:
 - 1. Afford maximum protection and support to victims of sexual assault or abuse through a coordinated program of law enforcement and available victim services with an emphasis on a victim centered approach;
 - 2. Reaffirm peace officers' authority and responsibility to conducting thorough preliminary and follow-up investigations and to make arrest decisions in accordance with established probable cause standards;
 - 3. Increase the opportunity for prosecution and victim services.
- D. It shall be this agency's goal to decrease the victim's distress, increase the victim's understanding of the criminal justice system and process, and promote public safety. All employees should take a professional, victim-centered approach to sexual assaults, proactively investigate these crimes, and coordinate with prosecution in a manner that helps restore the victim's dignity and autonomy.
- E. This agency will aggressively enforce the laws without bias and prejudice based on race, marital status, sexual orientation, economic status, age, disability, gender, religion, creed, or national origin.

II. DEFINITIONS

Consent: MN Statute section 609.341 states:

1. Words or overt actions by a person indicating a freely given present agreement to perform a particular sexual act with the actor. Consent does not mean the existence of a prior or current social relationship between the actor and the complainant or that the complainant failed to resist a particular sexual act.
2. A person who is mentally incapacitated or physically helpless (as defined by MN Statute section 609.341 Subd. 7 and 9) cannot consent to a sexual act.
3. Corroboration of the victim's testimony is not required to show lack of consent.

Child or Minor: a person under the age of 18.

Family and Household Member: MN Statute section 518B.01 Subd. 2b defines Family or Household Members as:

- a. spouses and former spouses;
- b. parents and children;
- c. persons related by blood;
- d. persons who are presently residing together or who have resided together in the past;
- e. persons who have a child in common regardless of whether they have been married or have lived together at any time;
- f. a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; and
- g. persons involved in a significant romantic or sexual relationship

Sexual Assault Medical Forensic Examiner: The health care provider conducting a sexual assault medical forensic examination.

Sexual Assault: Sexual contact or penetration with another person in a criminal manner as identified in MN Statute sections 609.342 to 609.3451.

Sexual Assault Medical Forensic Examination: An examination of a sexual assault patient by a health care provider, ideally one who has specialized education and clinical experience in the collection of forensic evidence and treatment of these patients.

Victim Advocate: A Sexual Assault Counselor or a Domestic Abuse Advocate as defined by MN Statute 595.02 Subd. 1, who provides confidential advocacy services to victims of sexual assault and domestic abuse.

Victim Centered: A victim-centered approach prioritizes the safety, privacy and well-being of the victim and aims to create a supportive environment in which the victim's rights are respected and in which they are treated with dignity and respect. This approach acknowledges and respects a victims' input into the criminal justice response and recognizes victims are not responsible for the crimes committed against them.

Vulnerable Adult: As defined by MN Statute section 626.5572 Subd. 21, a Vulnerable Adult is any person 18 years of age or older who:

1. is a resident inpatient of a facility (as defined in MN Statute section 626.5572 Subd. 6);
2. receives services at or from a facility required to be licensed to serve adults under MN Statute sections 245A.01 to 245A.15, except that a person receiving outpatient services for treatment of chemical dependency or mental illness, or one who is committed as a sexual psychopathic personality or as a sexually dangerous person under MN Statute chapter 253B, is not considered a vulnerable adult unless the person meets the requirements of clause [4];
3. receives services from a home care provider required to be licensed under MN Statute sections 144A.43 to 144A.482; or from a person or organization that exclusively offers, provides, or arranges for personal care assistance services under the medical assistance program as authorized under MN Statute sections 256B.0625 Subd. 19a, 256B.0651 to 256B.0654, and 256B.0659; or
4. regardless of residence or whether any type of service is received, possesses a physical or mental infirmity or other physical, mental, or emotional dysfunction:
 - a. that impairs the individual's ability to provide adequately for the individual's own care without assistance, including the provision of food, shelter, clothing, health care, or supervision; and
 - b. because of the dysfunction or infirmity and the need for assistance, the individual has an impaired ability to protect the individual from maltreatment.

III. POLICY

- A. The Minneapolis Park Police Department shall accept any report of sexual assault, regardless of when or where the offense occurred. The officer receiving the report shall take the report regardless of which precinct or jurisdiction the offense occurred in.
- B. The Minneapolis Police Department conducts secondary case investigations for sex crimes occurring in Minneapolis, including sexual assault reports originating in parks. The MPPD

will comply with MPD policy requirements governing response to sexual assaults in Minneapolis.

- C. In rare cases, and only after consultation with the MPD Sex Crimes Unit, would MPPD investigators take on a sexual assault investigation.
- D. Investigators or MPPD partners should maintain regular contact with the victim regarding the process of the investigation, so that the victim does not believe it is futile or demeaning to file a report.
- E. Individuals making a report of sexual assault will not be cited for underage consumption or other minor offenses, including prostitution, occurring at the time of the report or the reported incident, whenever reasonable.

IV. PROCEDURES

A. Initial officer response

In addition to following standard incident response procedures (including providing any necessary medical assistance), officers shall also do the following:

1. Recognize that the victim experienced a traumatic incident and may not be willing or able to immediately assist with the criminal investigation.
2. Make a report titled CSC.
 - a. Responding officers should generally limit their initial interview to questions that will establish only the basic facts of the assault and provide the information necessary for the immediate needs of the investigation and safety of the victim, such as the suspect identity and elements of the crime.
 - b. Ask about and document signs and symptoms of injury, including strangulation.
 - c. Identify and attempt to interview potential witnesses to the sexual assault and anyone the victim told about the sexual assault.
 - d. Inform the victim that a second interview may occur at a later time by a trained investigator.
 - e. Request preferred contact information for the victim for follow-up. Ask if the telephone number is a safe one (if it is used by others), if it is safe to leave a voicemail message, and if it is safe for the victim that officers say they are calling from the Minneapolis Police Department.
3. Attempt to determine the location or jurisdiction where the assault took place.
4. If the incident occurred outside of Minneapolis but is being reported in

Minneapolis, the officer receiving the information shall prepare a report.

- a. For incidents occurring in other jurisdictions, the officer shall use the location where the report is being taken as the incident location (e.g. the precinct, HCMC, etc.).
 - b. A copy of the report shall be sent to the law enforcement agency having jurisdiction, as soon as practical.
5. If the crime was recently committed, the suspect's description should be broadcast over the radio.
6. If the crime was committed within the last 96 hours, the officer should attempt to locate and identify the crime scene.
 - a. If a crime scene in Minneapolis is identified, the officer shall ensure the scene is investigated.
 - b. If the incident occurred outside of Minneapolis, the officer shall contact their supervisor. The supervisor will coordinate with the other agency to ensure proper notifications and where applicable, scene response.
7. If a crime scene in Minneapolis is identified, it should be thoroughly investigated and processed as it will be a major factor in determining prosecution.
 - a. The officer shall secure the scene if forensic or other evidence may be found.
 - b. A supervisor shall respond to the scene if forensic evidence may be found or if the MPD Crime Lab is to be called to the scene.
 - i. On extensive or complex crime scenes or in unique circumstances, a supervisor or senior officer shall remain on the scene to direct the MPD Crime Lab.
 - ii. In all other cases, an officer shall remain on the scene to direct the MPD Crime Lab. If available, MPD Sex Crimes investigators or MPD Car 710 may be called to direct the MPD Crime Lab at the crime scene.
 - c. The supervisor should consider using other resources, such as canine.
 - d. If the MPD Crime Lab is not available or won't be called to the scene, the officer shall collect any evidence in a paper bag and inventory the evidence in accordance with policy.
 - e. Officers should focus investigative efforts on the collection of video, DNA, and other trace evidence used for analysis to identify the perpetrator.
8. Reassure the victim that other evidence may still be identified and recovered even if they have bathed or made other physical changes.

9. Explain the reporting process and the availability of confidential victim advocates.
 - a. Provide the victim with contact information for the local victim advocate.
 - b. Upon victim request the officer can offer to contact local victim advocate on behalf of the victim.
10. Officers shall attempt to obtain a signed medical release from the victim.
11. Ensure that the victim knows they can go to any hospital for a sexual assault medical forensic medical exam. Offer to arrange for transportation for the victim, if practical.
12. Date rape drugs

"Date rape drugs" may be a contributing factor in cases of sexual assault.

- a. Officers responding to a suspected sexual assault should take note of any of the following symptoms being displayed by the victim:
 - A loss of memory or blackouts with minimum use of alcohol
 - Severe drowsiness
 - Difficulty in walking and other motor movements
 - Slurred speech and impaired judgment
- b. Symptoms similar to intoxication may indicate the use of date rape drugs.
- c. All symptoms shall be documented in the report.
- d. If the victim complains of any of the above symptoms or similar symptoms, they should be transported immediately for a Sexual Assault Resource Services (SARS) exam. When the victim arrives at the hospital for the SARS exam, the officer should immediately notify the hospital staff of the possible use of a "date rape drug."
- e. Hospital staff will be responsible for drawing the needed blood or urine samples from the victim for later processing.
 - i. It should be noted that the body metabolizes most of these substances within 12 hours, so the samples must be drawn immediately.
 - ii. If possible, officers shall note the time of ingestion of the substance and the time of the sample draw in their reports.
- f. If available, the samples should be collected along with the victim's clothing and property inventoried by the officer. If circumstances do not allow the transfer of

evidence at that time, the hospital may retain the samples or clothing for an investigator or Property and Evidence Unit personnel to pick up and inventory later.

B. Booking suspects

1. When a suspect is apprehended for sexual crimes, officers shall inventory all the suspect's clothing, including undergarments and personal effects. All items shall be packaged separately in paper containers and properly marked for identification.
2. In accordance with MN Statute section 629.73, officers shall complete a Criminal Sexual Assault Victim Notification form (located in the jail intake area) when booking a suspect for CSC (the statute requires that jail personnel notify victims of criminal sexual assaults prior to the release of the alleged suspect).
 - a. Officers shall be required to complete this form in full; including name, address and phone number of the victim.
3. If a suspect is arrested on a P.C. Pick-up, the officer shall be responsible for obtaining the victim's name, address and phone number for the Criminal Sexual Assault Victim Notification form.
 - a. Officers shall contact either the MPD Records Information Unit or MPD Sex Crimes Unit to obtain this victim information.
 - b. If the victim is a minor, the officer shall list the minor's parent or guardian as a contact person.

C. Victim interviews

1. The MPPD recognizes that victims of sexual assault are best served through trauma informed interviewing techniques and strategies.
2. In recognizing the need for non-traditional interviewing skills for sexual assault victims, officers should consider doing the following:
 - a. Offer to have a confidential victim advocate present if the victim would benefit from additional support during the process.
 - b. Whenever possible, conduct victim interviews in person.
 - c. Make an effort to conduct the interview in a warm, welcoming environment.
 - d. Let the victim share the details at their own pace.
 - e. Recognize that victims of trauma may have difficulty remembering incidents in a linear fashion and may remember details in the days and weeks following the assaults.

- f. After the initial interview, consider reaching out to the victim within a few days, after at least one sleep cycle, to ask if they remember any additional details.
 - g. Additional interviews might be needed to gather additional information. Offer support from a victim advocate to help facilitate engagement with the investigative process and healing.
- 3. During initial and subsequent victim interviews, officers should note the following information:
 - a. Whether the suspect was known to the victim.
 - b. How long the victim knew the suspect.
 - c. The circumstances of their meeting and if there is any indication of the use of drugs or alcohol to facilitate the sexual assault.
 - d. The extent of their previous or current relationship.
 - e. Any behavioral changes that led the situation from one based on consent to one of submission, coercion, fear, or force.
 - f. Specifics actions, statements or thoughts of both victim and suspect immediately prior to, during and after the assault.
 - g. Relevant communication through social media, email, text messages, or any other forms of communication.

D. Special considerations- minors, vulnerable adults, and family and household members

- 1. Minors and vulnerable adults
 - a. Officers should be alert for victims who would be best served by the use of specialized interview techniques. In making this determination officers should consider:
 - the nature of the offense,
 - the length of time since the assault,
 - the victim's physical, mental, and emotional state,
 - the victim's age, level of maturity, communication skills, cognitive and intellectual capacity, and
 - any other observable factors that would indicate specialized interview techniques would be appropriate for the particular victim.

- b. When an officer determines that a victim requires the use of specialized interview techniques, the officer should limit their actions to the following:
 - i. Ensuring the safety of the victim;
 - ii. Ensuring the scene is safe;
 - iii. Safeguarding evidence where appropriate;
 - iv. Collecting any information necessary to identify the suspect; and
 - v. Addressing the immediate medical needs of individuals at the scene.
- c. Unless evidence or the investigation would be compromised, initial responding officers should not attempt to interview the victim in situations in which a minor or vulnerable adult is involved. Instead, officers should attempt to obtain basic information and facts about the situation, including the jurisdiction where the incident occurred and whether a crime most likely occurred. Officers should seek to obtain this information from parents, caregivers, the reporting party, or other adult witnesses, unless those individuals are believed to be the perpetrators.
- d. Officers responding to victims with special considerations must comply with the mandated reporting requirements of MN Statute sections 626.556 and 626.557 and the Vulnerable Adult Policy, where applicable.
- e. Officers investigating cases involving victims with special considerations should coordinate these investigations with the appropriate local human services agency as required.
- f. Any victim or witness interviews conducted with individuals having special considerations should be audio and video recorded whenever possible.
- g. Not all sexual assaults of minor victims require a mandatory report to social services.
 - i. The MPPD recognizes that in certain cases, notifying or involving parent or guardian can cause harm to the minor or impede the investigation.
 - ii. Officers responding to the sexual assault of a minor victim that does not trigger a mandated report under MN Statute section 626.556 should assess the potential impact on the victim and the investigation of notifying parents or guardians before deciding to involve them.
- h. Officers should obtain necessary follow-up contact information for the victim's caregiver, guardian or parents as well as how or where to locate the victim later.

- i. Officers should advise the victim and any accompanying adults, guardians or caregivers that an investigating officer may follow up with information on a forensic interview.
- j. The officer should advise the victim's caregiver, guardian or parent that if the victim starts to talk about the incident they should listen to them but not question them as this may influence any future statements.

2. Victims of domestic abuse

Officers responding to a report of sexual assault committed against a family and household member shall also follow the Domestic Abuse Policy in addition to the guidelines in this policy.

E. Protecting victim rights

1. Confidentiality

Officers should explain to victims the limitations of confidentiality in a criminal investigation and explain that the victim's identifying information is not accessible to the public, in accordance with the MN Government Data Practices Act (specifically MN Statute section 13.82 Subd. 17b).

2. Crime victim rights

- a. Officers shall provide the following information to the victim by providing them with the Victim Assistance Card (Blue Card), in accordance with policy:
 - i. Crime victim rights and resource information required to be provided to **all** victims as specified by MN Statute section 611A.02 Subd. 2b.
 - ii. Crime victim rights and resource information required to be provided to domestic abuse victims as specified by MN Statute section 629.341 Subd. 3, if the suspect is a family or household member to the victim.
 - iii. The report or incident number, and contact information for the reporting officer or investigator handling the follow up.
- b. Officers shall also notify the victim of their right to be informed of the status of a sexual assault examination kit upon request as in accordance with MN Statute section 611A.27 Subd. 1.

3. Language access

Officers shall provide language assistance when needed, in accordance with the Limited English Proficiency (LEP) Policy and the Communicating with Deaf or Hard of Hearing

F. Considerations for evidence collection

1. If the victim chooses to participate in a medical forensic examination, the collection of evidence on or from the victim would occur during this examination.
2. Officers may attempt to collect evidence in addition to what might be collected through a forensic exam by doing the following:
 - a. Collect evidence regarding the environment in which the assault took place, including indications of isolation and soundproofing.
 - b. Document any evidence of threats or any communications made by the suspect, or made on behalf of the suspect, to include those made to individuals other than the victim.
 - c. In situations where it is suspected that drugs or alcohol may have facilitated the assault, officers should assess the scene for evidence such as drinking glasses, alcohol bottles or cans, or other related items.
3. If the victim has declined a medical forensic exam or one will otherwise not be conducted the officer should request victim consent, and once granted, should take photographs of visible physical injuries, including any healing or old injuries. The victim should be given directions about how to document any bruising or injury that becomes evident later after these photographs are taken.

G. Sexual assault medical forensic examinations

1. Prior to the sexual assault medical forensic examination, the officer should do the following:
 - a. Provide the victim with general information about the exam and encourage them to seek further detail and guidance from the forensic examiner, health care professional, or a victim advocate.
 - b. Ensure the victim understands the purpose of the sexual assault medical forensic exam and its importance to both their general health and wellness and to the investigation.
 - c. Instruct the victim not to wash, change clothes or clean the crime scene until evidence can be gathered.
 - d. Inform the victim that the sexual assault forensic medical exam is free and provide information about evidence collection, storage and preservation in sexual assault cases (P&P 10-400 and MN Statute section 299C.106).

- e. Ask the victim for a signed release for access to medical records from the exam.
- 2. Officers should be aware that there might be additional treatments or medications that victims are entitled to and if necessary, officers should relay that to victims who do not want to undergo an exam or have evidence collected.
 - a. Victims can seek that information from a health care provider or a victim advocate.
 - b. If possible, officers should transport or arrange transportation for the victim to a hospital for the additional treatments or medications.
- 3. If the victim undergoes an exam, officers should make arrangements for the victim's transportation home or to the Sex Crimes Unit after the exam.
- 4. Officers and investigators cannot deny a victim the opportunity to have an exam.
- 5. Officers should not be present during any part of the exam, including during the medical history.

H. Contacting and interviewing suspects

- 1. Prior to contacting the suspect, investigators should do the following:
 - a. Conduct a background and criminal history check specifically looking for accusations, criminal charges, and convictions for interconnected crimes, especially crimes involving violence.
 - b. Consider conducting a pretext or confrontational call or messaging.
 - i. Involvement of a victim in contacting suspects should be based on strong consideration of the victim's emotional and physical state.
 - ii. A victim advocate should be present whenever possible to offer support.
- 2. When possible, investigators should attempt to interview the suspect in person.
- 3. In situations where suspects do not deny that a sexual act occurred, but rather assert that it was with the consent of the victim, officers should do the following:
 - a. Collect evidence of past communication, including but not limited to all relevant interaction (including through social media) between the suspect and victim.
 - b. Identify events that transpired prior to, during, and after the assault to help locate additional witnesses and physical locations that might lead to additional evidence.

I. Forensic examination and the collection of evidence from the suspect

1. Prior to or immediately after the preliminary suspect interview, the officer or investigator should photograph any injuries.
2. Officers and supervisors should communicate with MPD Car 710, the MPD Watch Commander, the MPPD Investigative Lieutenant, or the MPD Commander of the Special Crimes Investigation Division to determine whether a sexual assault medical forensic examination of the suspect should be conducted.
3. Officers and investigators are strongly encouraged to consider obtaining a search warrant, which should include specific details about what evidence will be collected, and which should include forensic evidence collection.
4. Investigators or MPD Crime Lab personnel should do the following:
 - a. Collect biological and trace evidence from the suspect's body;
 - b. Document information about the suspect's clothing, appearance, scars, tattoos, piercings, and other identifiable marks;
 - c. Seize all clothing worn by the suspect during the assault, particularly any clothing touching the genital area;
 - d. Document the suspect's relevant medical condition and injuries.

J. Role of the Supervisor

Supervisors should do the following:


1. Assist officers investigating incidents of sexual assault or if requested by an officer, when possible.
2. Provide guidance and direction as needed.
3. Review sexual assault reports to ensure that necessary steps were taken during initial response and investigations.
4. Contact MPPD Investigative Lieutenant, MPD Car 710, the MPD Watch Commander or the MPD Commander of the Special Crimes Investigation Division for further information or advice if needed.

K. Case Review/Case Summary

The MPPD Investigative Lieutenant will communicate and coordinate with the MPD Sex Crimes unit supervisor to ensure sexual assault cases originating in parks are reviewed and properly assigned.

The MPD Sex Crimes unit supervisor should ensure cases are reviewed on an on-going basis.
The review process should include an analysis of:

- Case dispositions
- Decisions to collect evidence
- Submissions of evidence for lab testing
- Interviewing decisions

 9/12/19

Al Bangoura, Superintendent

Date