



MILWAUKEE POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

112 - SEXUAL ASSAULT

GENERAL ORDER: 2022-XX
ISSUED: August 8, 2022

EFFECTIVE: August 8, 2022

REVIEWED/APPROVED BY:
Assistant Chief Paul Formolo
DATE: July 18, 2022

ACTION: Amends General Order 2022-01 (January 7, 2022)

WILEAG STANDARD(S): 6.3.3

112.00 PURPOSE

The purpose of this standard operating procedure is to establish the department's policy, procedures and responsibilities when investigating complaints of sexual assault as described within [Wis. Stat. § 940.225](#) and [948](#).

112.05 POLICY

Trauma from crime victimization may complicate a victim's participation in any investigation, including sexual assaults. This trauma may be so overwhelming that a victim cannot function well enough to assist in certain stages of the investigation. Officers and investigators play a significant role in both the victim's ability to cooperate with the investigation and to cope with the emotional and psychological effects of the crime. Therefore, it is essential that these cases be handled with a non-judgmental perspective so as not to communicate in any way that the victim is to blame for the crime. Greater victim support results in greater offender accountability.

112.10 SEXUAL ASSAULT INVESTIGATION PROCEDURE (WILEAG 6.3.3)

A. RESPONSE TO SEXUAL ASSAULT VICTIMS

1. All victims shall be treated with compassion, respect, empathy and patience while collecting required evidence and asking required questions.
2. A report of the criminal incident shall always be taken regardless of the length of time between the date of occurrence and the date the complaint is made.
3. Resistance by the victim of a sexual offense shall not be considered necessary in order to prove the validity of an offense. No comments shall be made regarding the victim's behavior as to providing the opportunity to be assaulted.
4. During the course of the investigation, the personal opinions of the investigator shall not be expressed to the victim whether a sexual assault occurred, nor should an opinion be documented in the subsequent police reports.

B. RESPONSIBILITIES OF INVESTIGATING MEMBER

1. Assess the victim's medical condition and summon medical attention if appropriate. In cases of alleged strangulation the victim should be encouraged to seek medical

- attention for an assessment. Unless there is a need for immediate medical attention or other extenuating circumstances exist, the victim should not be transported away from the scene prior to obtaining information relevant to the scene investigation. Treatment is available at the following area hospitals: (Ascension) Columbia St. Mary's Hospital, St. Joseph's Hospital, St. Francis Hospital, and Franklin Hospital, (Aurora) Sinai Medical Center and West Allis Memorial Hospital, Children's Hospital, and Froedtert Hospital.
2. Secure the crime scene (request additional resources as needed).
 3. Conduct a minimal facts interview of the victim.
 4. Notify the shift commander who will notify the Sensitive Crimes Division (SCD).
 5. If SCD is responding maintain the scene, they will conduct a detailed interview of the victim. If SCD is not responding, continue with responsibilities of the investigating member to include a detailed victim interview.
 6. The investigating member shall facilitate transportation for the victim to receive sexual assault services for treatment of possible pregnancy, disease, injury, and collection of evidence, as well as advocacy support. The facility (hospitals listed in subsection 1) should be determined based on the victim's preference. Child victims may be conveyed to the Milwaukee Child Advocacy Center (619 West Walnut Street) Monday through Thursday from 8:30am – 6:30pm and Friday from 8:30am – 5:00pm. After hours, they shall be conveyed to Children's Hospital of Wisconsin.
 7. If a victim wishes to be seen by a private physician, it is important to stress that there are dedicated sexual assault programs that have expertise in handling sexual assault cases. However, care from a private physician is permitted if the victim insists.
- Note: Victim should be encouraged to remain in the clothing worn at the time of the assault and also not to cleanse themselves in any way. In keeping with sensitivity for the victim, when one expresses the need to eliminate urine, and a vaginal or anal assault has occurred or if an oral assault has occurred and the victim wishes to drink water, smoke, or if they are making a request to wash themselves, arrangements should be made to take the victim immediately to the Sexual Assault Treatment Center (SATC) to facilitate proper evidence collection procedures.**
8. The suspect shall be conveyed to a sexual assault treatment center for evidence collection when the assault has occurred within the past 120 hours. Great care and coordination with the facility shall be taken to ensure that the victim does not encounter the suspect while he/she is receiving medical treatment. Most area hospitals are available to provide services including (Ascension) Columbia St. Mary's Hospital, St. Joseph's Hospital, St. Francis Hospital, and Franklin Hospital, (Aurora) Sinai Medical Center and West Allis Memorial Hospital, and Children's Hospital, and Froedtert Hospital).

9. Investigating members shall notify the SCD when a felony sexual assault suspect is in custody. The SCD shall conduct the interrogation of the prisoner. The *Pedigree Form* (form PA-45A) shall be completed during the suspect interrogation and it shall be recorded using a room equipped with Axon Interview Room technology.

10. Sexual Assault Kits

- a. The investigating officer or detective shall retrieve the sexual assault kit before leaving the hospital if it is available to be collected. If the sexual assault kit is not available to be taken from the hospital, a supervisor from the investigating/responsible work location shall ensure a member from the work location is assigned to pick up the sexual assault kit within 72 hours of the sexual assault kit being completed by the health care professional.
 1. The member shall document the time, location, and who released the sexual assault kit to the member in their Records Management System report.
 2. [Wis. Stat. § 165.775\(3\)\(a\)](#) requires MPD to take possession of the sexual assault kit from the health care professional within 72 hours of receiving the notification if the victim chooses to report the sexual assault to MPD or if reporting is required under [Wis. Stat. § 48.981\(2\)](#).
- b. Members shall not open the sexual assault kit.
- c. The member shall place the sexual assault kit on department inventory as item number 1 in accordance with SOP 560 Property prior to the end of their tour of duty. Members shall flag the DNA section on the WinAce Officer-Drop inventory.
- d. If the sexual assault kit contains blood and/or urine, the kit must be refrigerated. Refrigerators are available in the Criminal Investigation Bureau in the Police Administration Building or at the Sensitive Crimes Division.
- e. Members shall email the MPD DNA unit at [REDACTED] and include "Sexual Assault Kit" in the subject line after the sexual assault is placed on inventory so it can be sent to the Wisconsin Regional Crime Lab.
 1. The MPD DNA unit shall generate a letter of transmittal in accordance with SOP 560.45 within 7 days of this notification and notify the Property Control Division so the sexual assault kit can be sent to the Wisconsin Regional Crime Lab within 14 days of MPD receiving the sexual assault kit in accordance with [Wis. Stat. § 165.775\(3\)\(b\)](#). The MPD DNA Unit member responsible for generating the letter of the transmittal shall document in a supplemental report the date the sexual assault kit was sent to the Wisconsin Regional Crime Lab.
 2. If MPD receives notification from the victim that the victim does not want to

proceed with the analysis of his or her sexual assault kit, and the Property Control Division has not yet sent the sexual assault kit to the Wisconsin Regional Crime Lab for analysis, the Property Control Division shall ensure the sexual assault kit is sent to the Wisconsin Regional Crime Lab for storage within 14 days of MPD receiving the sexual assault kit in accordance with [Wis. Stat. § 165.775\(3\)\(c\)](#). The member receiving notification the victim does not want their sexual assault kit sent to the Wisconsin Regional Crime Lab for analysis shall immediately email [REDACTED] and [REDACTED] to alert the Property Control Division the victim does not want their sexual assault kit to be sent to the Wisconsin Regional Crime Lab for analysis and document this information in a supplemental report.

f. Storage of Sexual Assault Kits

If MPD takes possession of a sexual assault kit after it has been processed by the Wisconsin Regional Crime Lab, notwithstanding [Wis. Stat. § 968.205](#), the Property Control Division shall ensure the sexual assault kit is securely stored for a period of 50 years, or until the date of the expiration of the statute of limitations, or until the end of the term of imprisonment or probation of a person who was convicted in the sexual assault case, whichever is longer in accordance with [Wis. Stat. 165.775\(5\)](#).

g. Wisconsin Sexual Assault Kit Tracking System

The Sensitive Crimes Division shall ensure all required information is entered into the Wisconsin Sexual Assault Kit Tracking System whenever the Sensitive Crimes Division collects evidence in a case of sexual assault in accordance with [Wis. Stat. § 165.775\(3\)](#). The Property Control Division shall ensure all required information is entered into the Wisconsin Sexual Assault Kit Tracking System whenever any work location other than the Sensitive Crimes Division collects evidence in a case of sexual assault.

(WILEAG 6.3.3.3)

112.15 VICTIM NOTIFICATIONS

The victim should be provided with the following:

1. The *Milwaukee Police Department Crime Victim Resources* (form PV-17) form within 24 hours of the initial contact;
2. VINE/VINE Link informational sheets/pamphlets that advise victims on how to register for the offender custody status notification service;
3. Form PR-3 - *Referral Memo* advising the victim of location, time, and date to appear at the district attorney's office.

112.20 INVESTIGATIVE REPORTS REQUIRED (WILEAG 6.3.3)

- A. All cases of sexual assault shall be documented.
- B. The investigating member shall complete or obtain the following reports:
 - 1. Initial report in the Records Management System (RMS).
 - 2. Supplemental reports detailing the investigation, including the *Domestic Violence Supplement Incident Report* (form PO-15D) if the sexual assault is domestic violence related.
 - 3. Arrest Report (form PA-45) when applicable.
 - 4. Probable Cause Statement (CR-215) when applicable.
 - 5. Evidence inventories when applicable.
 - 6. Teletype shall be completed for suspects.
 - 7. DA sheets when applicable and include in the DA charging packet:
 - a. Computer Aided Dispatch (CAD) printouts.
 - b. Evidence photos.
 - c. Other work product such as photo arrays, 911 recording, interrogations, and body worn camera video.
- C. The required reports shall include the following:
 - 1. The origin of the call.
 - 2. Detailed statements of victim and witnesses.
 - 3. Demeanor and observations of the victim, including trauma reactions.
 - 4. Description of the incident and detail of the investigation (observations of scene, results of canvass, video, photo array, identification of suspect).
 - 5. Indicate whether or not photos were taken. If so, by whom, how many, date, and location.
 - 6. Indicate all personnel at scene.
 - 7. Document supervisory notification.
 - 8. Document whether the victim was treated at a hospital.
 - 9. Describe all evidence collected.

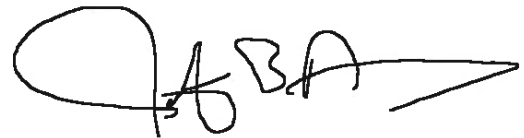
10. Document if evidence was sent to the Wisconsin Regional Crime Lab.
11. Document the result of the police investigation.
(WILEAG 6.3.3.4)

112.25 PROSECUTION

The victim shall be referred to the District Attorney (DA) Sensitive Crimes Unit for review for criminal prosecution in accordance with SOP 150.05 (Court Procedures).

1. The investigating member shall present the case for review at the DA's office.
2. The investigating member shall be responsible for follow up requested by the reviewing ADA and shall notify the shift commander.
3. The results of the charging conference shall be documented in a supplemental report.

Note: If the victim and suspect are both to be ordered to appear for a charging conference, order in times shall be staggered to prevent victim and suspect contact. The victim order in time shall be at least thirty minutes prior to the suspect order in time. Suspects shall never be instructed to appear at the Sojourner Family Peace Center.

A handwritten signature in black ink, appearing to read 'J.B.N.' followed by a long horizontal stroke.

JEFFREY B. NORMAN
CHIEF OF POLICE