



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

ROLL CALL VERSION

Contains only changes to current policy.
For complete version of SOP, see SharePoint.

112.10 SEXUAL ASSAULT INVESTIGATION PROCEDURE (WILEAG 6.3.3)

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, and 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.
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 and 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).
10. Sexual Assault Kits
 - a. ~~Sexual assault kits will typically not be completed by the time the member is finished with their investigation at the hospital, which means the member shall be responsible for picking up the sexual assault kit at the end of their shift or during their next scheduled shift.~~ 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 ~~Tri-Tech Inform RMS~~ 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\(2\)](#).
- 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.
- 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)

112.25 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). ~~If probable cause exists, the suspect shall be summarily arrested even if victim declines to prosecute.~~

A handwritten signature in black ink, appearing to read 'J.B.N.' with a long horizontal stroke extending to the right.

JEFFREY B. NORMAN
CHIEF OF POLICE

JBN:mfk