University of Chicago Police Department GENERAL ORDER

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	July 19, 2017			GO 507
Subject:				
Response to Major Sex Offenses				
References:				
720 ILCS 5/Article 11, 725 ILCS 203 et. seq.				
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Approved By:		Signature: Original signed document on file in		
Kenton W. Rainey, Chief of Police		Accreditation Office.		

507.1 PURPOSE

The purpose of this policy is to provide guidelines and procedures for responding to and reporting sexual assaults, sexual abuses, or other major sex offenses.

507.2 DEFINITIONS

<u>Major Sex Offense</u> – As listed in Illinois Statute, 720 ILCS 5/11-1.10, et. seq., includes, but is not limited to:

- A. Criminal Sexual Assault;
- B. Aggravated Criminal Sexual Assault;
- C. Predatory Criminal Sexual Assault of a Child;
- D. Criminal Sexual Abuse;
- E. Aggravated Criminal Sexual Abuse

<u>Sexual Assault or Sexual Abuse</u> – Illinois Statute, 725 ILCS 203/10 – an act of nonconsensual sexual conduct or sexual penetration, as defined in Section 12-12 of the Criminal Code of 1961 or Section11-0.1 of the Criminal Code of 2012, including, without limitation, acts prohibited under Sections 12-13 through 12-16 of the Criminal Code of 1961 or Sections 11-1.20 through 11-1.60 of the Criminal Code of 2012.

507.3 POLICY

It shall be the policy of the Department to document any report made by a victim of a major sex offense, in an accurate and timely fashion. The Department will take all reasonable steps to

prevent further trauma to sexual assault victims and ensure the provision of referrals for follow-up services. Whenever an officer responds to a report of a major sex offense which occurred in the City of Chicago, the primary and follow-up investigation will be the responsibility of the Chicago Police Department. UCPD will take a detailed Information Report. This will ensure that duplicate reporting to Illinois and Federal UCR does not occur. For major sex offenses occurring outside the City of Chicago (including victims in the Bernard Mitchell Emergency Room), see section 6 below.

507.4 RESPONSIBILITIES OF RESPONDING OFFICER/UNIVERSITY PROPERTY

When responding to a report of a major sex offense occurring **on University property or contiguous**, it shall be the responsibility of the responding officer(s) to:

- A. Upon arrival, seek medical attention for the victim should the circumstances warrant it. If immediate medical attention is not needed or desired, any necessary attention may be sought by CPD for evidentiary and/or non-urgent medical treatment.
- B. Provide to the victim the UCPD "Victim Assistance Information" brochure, having the victim sign the perforated acknowledgement. The acknowledgement will be separated from the brochure and turned in with the police report. This brochure will include the Mandatory Notice for Survivors of Sexual Assault Form
- C. Provide the victim with the "UChicago Help; Dean on Call, Sexual Assault Dean on Call, Bias Response Team" packet.
- D. Notify the on-duty Shift Supervisor in accordance with GO 511, Notification Procedures.
- E. Request the UCPD ECC contact the Chicago OEMC to request a CPD officer to respond to the scene.
- F. Request the UCPD ECC contact the University of Chicago Sexual Assault Dean on Call (when the victim is a student) in accordance with GO 511, Notification Procedures.
 - **NOTE:** If the officer is responding to a victim who is in the Bernard Mitchell Emergency Room, the Sexual Assault Dean on Call will only be contacted after the victim has given consent. See GO 512, Officers Assigned to the Bernard Mitchell E.R.
- G. In cases involving students when the Sexual Assault Dean on Call is not notified (i.e. the report was taken from the Bernard Mitchell Emergency Room and consent to notify the Dean on Call program was not given), the responding officer will provide the victim(s) with a copy, or website, of the current annual Clery report, direct the victim to the

appendix entitled "Sexual Assault Policy", and inform the victim(s) of the right to file a complaint with the University in addition to filing a criminal complaint.

NOTE: The officer will document in the UCPD Information Report that the above information was provided to the victim(s).

- H. Request the pertinent information needed to complete a UCPD Information Report, from the victim(s). This information will include the following:
 - 1. Date and time of incident
 - 2. Location of incident
 - 3. Identity of offender, if known
 - 4. Detailed description of offender, if not known, and direction of flight of the offender(s) so that a flash message can be sent to other UCPD units

Any other pertinent information needed for the UCPD incident report will be obtained from the Chicago Police Department (CPD) report and/or the assigned UPCD investigator.

- I. Secure the scene, when applicable, (ensuring that anything of evidentiary value is not tampered with) until the arrival of CPD and/or a CPD evidence technician. Victims should be cautioned against showering or cleaning in cases of sexual assault.
- J. Remain with the victim until the arrival of the responding CPD officer as well as the arrival of the Sexual Assault Dean on Call, when applicable.
- K. If the victim consents to a medical forensic exam, the officer will not be present during the physical exam, unless requested by the victim.
- L. Upon clearing the scene, complete reports and notifications in accordance with UCPD directives.

507.5 RESPONSIBILITIES OF ASSIGNED INVESTIGATOR

For all Information Reports taken by UCPD officers of any major sex offense, the Commanding Officer in charge of the Investigations Unit will assign a UCPD investigator to the incident. The UCPD investigator will serve as an investigative liaison with the Chicago Police Department in order to provide supplemental updates to the original UCPD report associated with the incident.

Upon request, the Department will provide the University's Title IX coordinator access to investigative notes and findings as necessary for any Title IX investigation so long as disclosure does not compromise any criminal investigation.

507.6 MAJOR SEX OFFENSES WHICH OCCURRED OUTSIDE OF CHICAGO

The provisions of this section shall also apply if Chicago Police Department is unable to respond regarding an incident occurring within the City of Chicago. An Information Report shall be the written report completed by UCPD, according to the following statutory requirements.

- A. Pursuant to Illinois Statute 725 ILCS 203/20, a law enforcement officer shall complete a written police report upon receiving the following, regardless of where the incident occurred:
 - 1. An allegation by a person that the person has been sexually assaulted or sexually abused **regardless of jurisdiction**;
 - 2. Information from hospital or medical personnel provided under Section 3.2 of the Criminal Identification Act; or
 - 3. **Information from a witness who personally observed** what appeared to be a sexual assault or sexual abuse or attempted sexual assault or sexual abuse.
- B. The written report shall include the following, **if known**:
 - 1. the victim's name or other identifier;
 - 2. the victim's contact information:
 - 3. time, date, and location of offense;
 - 4. information provided by the victim;
 - 5. the suspect's description and name, if known;
 - 6. names of persons with information relevant to the time before, during, or after the sexual assault or sexual abuse, and their contact information:
 - 7. names of medical professionals who provided a medical forensic examination of the victim and any information they provided about sexual assault or sexual abuse:
 - 8. whether an Illinois State Police Sexual Assault Evidence Collection Kit was completed, the name and contact information for the hospital, and whether the victim consented to testing of the Evidence Collection Kit by law enforcement;
 - 9. whether a urine or blood sample was collected and whether the victim consented to testing of a toxicology screen by law enforcement;

- 10. information the victim related to medical professionals during a medical forensic examination which the victim consented to disclosure to law enforcement; and
- 11. other relevant information, when applicable.
 - a. Include documentation of signs of physical and psychological trauma to the victim.
 - b. Include documentation of any aggravating factors present.
 - c. Describe the victim's lack of consent, with documentation of the victim's subtle and overt actions. Silence does not imply consent.
 - d. Document, if a consensual encounter turned non-consensual, the details of how and when the suspect's behavior changed and how the victim expressed or demonstrated non-consent to the continued acts.
 - e. As accurately as possible, use the victim's, witness's, and/or suspect's own words in writing. The language used by the victim will not be sanitized or cleaned up.
- C. The law enforcement officer taking the report must submit the report to the law enforcement agency having jurisdiction in person or via fax or email, within 24 hours of receiving information about the sexual assault or sexual abuse. The report shall be submitted to the on-duty Patrol supervisor, who shall ensure that it meets the statutory requirements, approve the report, and submit the report to the law enforcement agency having jurisdiction, within the 24 hour deadline. Delivery may be in-person.
 - 1. The Confirmation of Transfer of Sexual Assault Report to Law Enforcement Agency Having Jurisdiction (Illinois Attorney General's Form P.A. 99-0801-Form D) will be included in the case file.

D. INTERVIEW

No law enforcement officer shall require a victim of sexual assault or sexual abuse to submit to an interview. An officer may conduct a joint interview with health care providers, with victim consent.

- Conduct preliminary/initial victim interview utilizing evidence-based, traumainformed, victim-centered interview questions and techniques. See section 507.7 regarding training.
- 2. Determine the primary language of victim and any translation needs. If the interview is conducted at a hospital, the officer may request interpretive services from the hospital. [725 ILCS 203/25(c)] Use of friends and family as interpreters should be avoided, if at all possible.
- 3. The victim will not be asked or required to submit to a polygraph examination or any form of a mechanical or electrical lie detector test. [725 ILCS 200/1]

- 4. A private location should be secured, if possible.
- 5. A victim's request for a person, advocate, or attorney for the purposes of support or consultation should be accommodated, if possible. If such person is needed but not available, the interview should be paused to allow the victim to contact the National Sexual Assault Hotline (1-800-656-4673) for immediate support.
- 6. **Do not conduct a forensic interview of a child victim.** The investigating agency should arrange for a Children's Advocacy Center to be used, in accordance with the Children's Advocacy Center's written operational protocol as required by Section 3(c) of the Children's Advocacy Center Act. [55 ILCS 80/3(c)]
- E. No law enforcement agency may refuse to complete a written report as required by this section (725 ILCS 203/20) on any ground.
- F. A victim of sexual assault or sexual abuse may give a person consent to provide information about the sexual assault or sexual abuse to a law enforcement officer, and the officer shall complete a written report unless:
 - 1. the person contacting law enforcement fails to provide the person's name and contact information; or
 - 2. the person contacting law enforcement fails to affirm that the person has the consent of the victim of the sexual assault or sexual abuse. (725 ILCS 203/22)

G. INITIAL CONTACT WITH VICTIM

At the time of first contact with the victim or third-party reporter, law enforcement shall:

- 1. Provide the Mandatory Notice for Survivors of Sexual Assault (P.A. 99-0801-Form A), put out by the Illinois Attorney General's Office. This form is a part of the UCPD "Victim Assistance Information" brochure. If the victim does not understand English, the form will be provided in a language appropriate for the victim, or in Braille, or communicating in appropriate sign language. See Attorney General's website: http://www.illinoisattorneygeneral.gov/victims/improvingresponsetosa_il.html
- 2. Offer to provide or arrange accessible transportation for the victim to the hospital for emergency and/or forensic services, including contacting emergency medical services. If the victim consents to a medical forensic exam, the officer will not be present during the physical exam, unless requested by the victim.

- 3. Offer to provide or arrange accessible transportation for the victim to the nearest available circuit judge or associate judge so the victim may file a petition for an emergency civil no contact order under the Civil No Contact Order Act or an order of protection under the Illinois Domestic Violence Act of 1986 after the close of court business hours, if a judge is available.
- 4. Inform the victim that he or she does not need to make a decision about participating in the criminal justice process at this time.
- 5. Determine the best way to contact the victim for follow-up based on the victim's concerns about privacy, confidentiality, and safety.
- H. <u>If an Illinois State Police Sexual Assault Evidence Collection Kit was completed</u>
 The responding officer, or other officer assigned, shall take custody of the Evidence Collection Kit and will submit it into evidence, for later transfer to the Law Enforcement Agency having Jurisdiction.
- I. Other Mandatory Notifications
 - 1. Suspected abuse or neglect of any child will be immediately reported to the Department of Children and Family Services at 1-800-252-2873. [325 ILCS 5/4]
 - 2. If responding to a report of sexual assault or abuse, which has occurred within the previous 12 months, of an adult with disabilities aged 18 through 59 or a person aged 60 or older who resides in a domestic living situation, who because of a disability or other condition or impairment is unable to seek assistance for himself or herself, the officer will report this suspicion, within 24 hours, to the Department on Aging at 1-866-800-1409. [320 ILCS 20/4]
 - 3. Officer will immediately report any long-term care facility resident subjected to abuse or neglect, with whom the officer has had direct contact, to the Department of Public Health at 1-800-252-4343. [210 ILCS 30/4]

507.7 TRAINING

Sworn personnel shall be trained in trauma-informed sexual assault and sexual abuse response and investigation. Initial training will be completed prior to January 1, 2019 (50 ILCS 705/10.19(d)). In-service refresher training will be required every 3 years. Instructors providing this training shall have successfully completed training on evidence-based, trauma-informed, victim-centered response to cases of sexual assault and sexual abuse and have experience responding to sexual assault and sexual abuse cases. (50 ILCS 705/10.19)