

## ILLINOIS STATE POLICE DIRECTIVE ENF-050, SEXUAL ASSAULT AND SEXUAL ABUSE RESPONSE

<b>RESCINDS:</b> ENF-050, 2021-007, revised 04-19-2021.	<b>REVISED:</b> 01-25-2023 <span style="float: right;"><b>2023-141</b></span>
<b>RELATED DOCUMENTS:</b> OPS-007, OPS-008, OPS-079, OPS-200, OPS-201, OPS-203, PER-068, ROC-002	<b>RELATED CALEA STANDARDS (6<sup>th</sup> Edition):</b> 26.2.1, 33.6.1, 42.2.1, 42.2.2, 44.1.1, 55.1.1, 55.1.2, 55.2.1, 55.2.2, 55.2.3, 55.2.4, 55.2.5, 81.2.6, 83.1.1, 83.2.1, 83.3.1, 83.3.2, 83.3.1, 84.1.1, 84.1.2, 84.1.3, 84.1.6, 84.1.7

### I. POLICY

The Illinois State Police (ISP) will:

- I.A. Treat sexual assault and abuse reports as criminal conduct.
- I.B. Respond to calls for assistance without unnecessary delay.
- I.C. Take all reasonable steps to prevent further abuse, neglect, exploitation, or retraumatization of sexual assault and abuse victims and to ensure referrals for follow-up services are provided to victims and witnesses.

### II. AUTHORITY

- II.A. 5 ILCS 815, Law Enforcement Criminal Sexual Assault Investigation Act.
- II.B. 20 ILCS 2605/2605-98, Illinois Administrative Code, Training; sexual assault and sexual abuse.
- II.C. 50 ILCS 705/10.21, Illinois Police Training Act, Training; sexual assault and sexual abuse.
- II.D. 55 ILCS 80/3, Children's Advocacy Center Act, Child Advocacy Advisory Board.
- II.E. 210 ILCS 30/4, Abused and Neglected Long Term Care Facility Residents Reporting Act, Health Care Facilities and Regulation.
- II.F. 320 ILCS 20/4, Adult Protective Services Act, Reports of abuse or neglect.
- II.G. 325 ILCS 5/4, Abused and Neglected Child Reporting Act, Persons required to report; privileged communications; transmitting false report.
- II.H. 410 ILCS 70/1a, Sexual Assault Survivors Emergency Treatment Act, Definitions.
- II.I. 720 ILCS 5/11, Criminal Code of 2012, Sex Offenses.
- II.J. 725 ILCS 5/107-2, Arrest by Peace Officer
- II.K. 725 ILCS 120/4, Rights of Crime Victims and Witnesses Act.
- II.L. 725 ILCS 200/1, et. seq., Sex Offense Victim Polygraph Act.
- II.M. 725 ILCS 202/10, Sexual Assault Evidence Submission Act, Submission of evidence.
- II.N. 725 ILCS 203/1 et. seq., Sexual Assault Incident Procedure Act.
- II.O. 740 ILCS 45/1 et. seq., Crime Victims Compensation Act.
- II.P. 77 Ill. Adm. Code 545.60(e)(1), Treatment of Sexual Assault Survivors.

### III. DEFINITIONS

- III.A. Consent - a freely given agreement to the act of sexual penetration or sexual conduct in question. Lack of verbal or physical resistance or submission by the victim resulting from the use of force or threat of force by the accused will not constitute consent. The victim's manner of dress at the time of the offense will not constitute consent. A person who initially consents to sexual penetration or sexual conduct is not deemed to have consented to any sexual penetration or sexual conduct that occurs after he or she withdraws consent during the course of that sexual penetration or sexual conduct.
  - III.B. Evidence-based, trauma-informed, victim-centered - policies, procedures, programs, and practices that have been demonstrated to minimize retraumatization associated with the criminal justice process by recognizing the presence of trauma symptoms and acknowledging the role trauma has played in a sexual assault or sexual abuse victim's life and focusing on the needs and concerns of a victim to ensure compassionate and sensitive delivery of services in a nonjudgmental manner.
  - III.C. Initial Responding Officer – the primary responding law enforcement officer called to a scene of a suspected criminal sexual assault and/or sexual abuse incident. The initial responding officer is the officer conducting the preliminary investigation.
  - III.D. Investigating Officer – the primary officer tasked to manage the criminal sexual assault/sexual abuse investigation.
  - III.E. Law enforcement agency - an agency of the state or a unit of local government which is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws or ordinances.
  - III.F. Law enforcement agency having jurisdiction - the law enforcement agency in the jurisdiction where an alleged sexual assault or sexual abuse occurred.
  - III.G. Law enforcement officer or officer - any person employed by a state, county, or municipality as a policeman, peace officer, or in a like position involving the enforcement of the law and protection of public interest at the risk of the person's life.
  - III.H. Officer-involved criminal sexual assault - an alleged violation of Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, or 11-1.60 of the Criminal Code of 2012 while an officer is on duty.
  - III.I. Sexual assault evidence - evidence collected in connection with a sexual assault or sexual abuse investigation, including, but not limited to, evidence collected using the ISP Sexual Assault Evidence Collection Kit as defined in Section 1a of the Sexual Assault Survivors Emergency Treatment Act or a urine sample collected when there is reasonable cause to believe that a person has consumed a controlled substance without their consent.
  - III.J. Sexual assault or sexual abuse - as defined in Section 1a of the Sexual Assault Survivors Emergency Treatment Act. An act of nonconsensual sexual conduct or sexual penetration, as defined in Section 11-0.1 of the Criminal Code of 2012, including, without limitation, acts prohibited under Sections 11-1.20 through 11-1.60 of the Criminal Code of 2012.
  - III.K. Sexual conduct - any knowing, touching, or fondling by the victim or the accused, either directly or through clothing, of the sex of organs, anus, or breast of the victim or the accused, or any part of the body of a child under 13 years of age, or any transfer or transmission of semen by the accused upon any part of the clothed or unclothed body of the victim, for the purpose of sexual gratification or arousal of the victim or the accused.
  - III.L. Sexual Penetration - any contact, however slight, between the sex organ or anus of one person and an object or the sex organ, mouth, or anus of another person, or any intrusion, however slight, of any part of the body of one person or of any animal or object into the sex organ or anus of another person, including, but not limited to, cunnilingus, fellatio, or anal penetration. Evidence of emission of semen is not required to prove sexual penetration.
- IV. PROCEDURES
- The ISP will implement the following procedures when responding to and investigating allegations of sexual assault and sexual abuse.
- IV.A. Sexual Assault Incident Procedure Act (SAIPA) Training

- IV.A.1. Pursuant to 20 ILCS 2605/2605-98 of the Illinois Administrative Code, officers responding to sexual assault and sexual abuse complaints must receive specialized training on sexual assault and sexual abuse from the ISP Academy.
  - IV.A.2. Upon completion of the training, officers will be considered to meet the requirements mandated by the Sexual Assault Incident Procedure Act (SAIPA) and the Illinois Police Training Act. Satisfactory completion of this training shall be evidenced by a training certificate or any other record of training maintained by the ISP Academy or the individual officer.
  - IV.A.3. Officers will receive additional specialized in-service training in sexual assault and sexual abuse from the ISP Academy every three years after receiving the initial training. Satisfactory completion of this training shall be evidenced by a training certificate or any other record of training maintained by the ISP Academy or the individual officer.
  - IV.A.4. It is the responsibility of all officers to maintain their training file for presentation to their supervisor for the purpose of recertification.
- IV.B. ISP Call Taker/Telecommunications Responsibilities:
- IV.B.1. ISP Call Takers and Telecommunications Specialists will provide a trauma-informed response to victims of sexual assault and sexual abuse in accordance with standards established by the Office of the Statewide 9-1-1 Administrator pursuant to 20 ILCS 2605/2605-53(a)(1) and should implement the following procedures when receiving allegations of sexual assault and sexual abuse:
    - IV.B.1.a. Assess immediate safety of victim and need for emergency medical services.
    - IV.B.1.b. Gather vital information for responding officers.
    - IV.B.1.c. Provide information to the victim on preserving evidence.
- IV.C. Initial Responding Officer Responsibilities:
- IV.C.1. Contact victim as soon as possible and address safety concerns. Reference form ISP 4-209, Sexual Assault Checklist, for guidance.
  - IV.C.2. Assess need for hospital emergency and forensic services and summon emergency medical assistance, if needed, or offer to provide or arrange for transportation.
    - IV.C.2.a. Ensure that the victim understands: the importance of seeking medical attention and preserving evidence; that the victim will not be charged for hospital emergency and medical forensic services; and that evidence can be collected up to seven days after the assault, but the more time that passes the likelihood of obtaining evidence decreases.
    - IV.C.2.b. If the victim consents to a medical forensic exam, the officer will not be present during the physical exam, unless requested by the victim. If victim consents to a medical forensic exam, the officer should ensure the hospital completes form ISP 6-003, Patient Consent: Collect and Test Evidence or Collect and Hold Evidence Form.
    - IV.C.2.c. Officers may be present when hospital personnel interview the victim if the victim consents. Officers will not require a victim of sexual assault or sexual abuse to submit to an interview.
  - IV.C.3. Provide victim or victim's designated third-party reporter with form ISP 4-205, Mandatory Notice for Survivors of Sexual Assault Form (P.A 99-0801- Form A), and document in the report that the form was provided.
  - IV.C.4. Provide victim or third-party reporter with form ISP 5-031a, Victim/Witness Assistance Notification (Written Statement of Explanation of Crime Victim Rights - Statement of Marsy's Rights) within 48 hours of initial contact to inform victims of their rights under the Illinois Constitution, the Rights of Crime Victims and Witnesses Act, and the Crime Victims Compensation Act, and document in the narrative of the report that the form was provided.

- IV.C.5. Assist victim.
  - IV.C.5.a. Inform the victim that he or she does not need to make a decision about participating in the criminal justice process at this time.
  - IV.C.5.b. If the responding officer speaks with the victim after the close of court business hours, and if a judge is available, the officer will 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 or an order of protection.
  - IV.C.5.c. Contact an agency social worker or victim advocate, if available, or identify other resources for the victim, including the National Sexual Assault Hotline (1-800-656-4673).
  - IV.C.5.d. Determine the best way to contact the victim for follow-up based on the victim's concerns about privacy, confidentiality, and safety.
- IV.C.6. Assess for drug-facilitated sexual assault (See Section IV.H., Evidence collection, crime scene processing, and chain-of-custody).
- IV.C.7. Notify an investigating officer, if other than the responding officer.
  - The investigation will be assigned to an officer trained in sexual assault and sexual abuse investigations pursuant to Section 10.19(d) of the Illinois Police Training Act. If no trained investigating officer is available, the agency will seek assistance from another law enforcement agency with officers trained in sexual assault and sexual abuse investigations pursuant to Section 10.19(d) of the Illinois Police Training Act.
- IV.C.8. Follow evidence collection, crime scene processing, and chain-of-custody policies and protocols as outlined in ISP Directive OPS-042, "Investigative Responsibilities," and ISP Directive OPS-201, "Evidence - Collecting and Packaging," and look for evidence suggesting co-occurring, serial, and/or interconnected crimes (See Section IV.H. of this directive, Evidence collection, crime scene processing, and chain-of-custody).
  - IV.C.8.a. If the victim consents to testing of sexual assault evidence, the officer will provide the victim with form ISP 4-206, Mandatory Notice of Victim's Right to Information Regarding Sexual Assault Evidence Testing Form (P.A 99-0801- Form B), and document in the report that the form was provided.
  - IV.C.8.b. If the victim does not consent to the testing of sexual assault evidence, the officer will provide the victim with form ISP 4-207, Storage and Future Testing of Sexual Assault Evidence Form (P.A 99-0801- Form C), and form ISP 4-210, Victim Notification of Stored Sexual Assault Evidence Form, and document in the report that the forms were provided.
- IV.C.9. Conduct preliminary/initial victim interview in accordance with ISP Directive OPS-042, "Investigative Responsibilities," utilizing evidence-based, trauma-informed, victim-centered interview questions and techniques.
- IV.C.10. Fulfill mandated reporting requirements and document any notifications made in the narrative of the report.
- IV.C.11. Identify potential conflicts of interest.
  - Pursuant to ISP Directive ROC-002, "Rules of Conduct," Section III.A.49., personal activities or associations of an officer that knowingly create an apparent or real conflict of interest with the conduct of official duties are prohibited. A conflict of interest arises when an officer's private interest, whether of a financial nature or otherwise, conflicts with the officer's impartial conduct of official duties and responsibilities.
- IV.C.12. Complete a written report as outlined in Section IV.E. below.
- IV.C.13. Send a copy of the written report, if the incident occurred in another jurisdiction, to the law enforcement agency having jurisdiction in person or via fax or email within 24 hours of receiving the reported information on form ISP 4-208, Confirmation of Transfer of Sexual

Assault Report to Law Enforcement Agency Having Jurisdiction Form (P.A. 99-0801 – Form D). If confirmation from the law enforcement agency having jurisdiction of its receipt of the report is not received within 24 hours of sending the report, the agency will follow up with the agency having jurisdiction.

- IV.C.14. If the responding officer becomes aware of an active arrest warrant for the person requesting medical assistance or medical forensic services for a sexual assault that has occurred in the past 7 days, the officer will comply with 725 ILCS 5/107-2(4) and (4.5).

IV.D. Investigating Officer Responsibilities:

- IV.D.1. Assist the initial responding officer with the preliminary investigation and/or issuance of obligated notification forms.
- IV.D.2. Determine the primary language of the victim, witnesses, and suspects and any translation needs. If a victim interview is conducted at a hospital, the officer may request interpretive services from the hospital. If the interview is conducted at another location, refer to ISP Directive PER-068, "Interaction with Persons with Limited English Proficiency." Use of friends and family members as interpreters should be avoided if possible.
- IV.D.3. If the victim consents, interview the victim utilizing evidence-based, trauma-informed, victim-centered interview questions and techniques. Officers will not require a victim of sexual assault or sexual abuse to submit to an interview.
- IV.D.4. Conduct witness interviews.
- IV.D.5. Conduct suspect investigations and interviews.
- IV.D.6. When possible, enter information into the Federal Bureau of Identification (FBI) Violent Criminal Apprehension Program (VICAP) database or forward it to the appropriate agency for entry.
- IV.D.7. Forensic and offender hits (CODIS matches) relating to sexual assault and sexual abuse cases from ISP Forensic Science Laboratories or other laboratories are to be transmitted from the ISP Forensic Science Laboratory to an ISP designee from the patrol troop or zone of submission. It is the responsibility of the patrol troop or zone designee to provide a copy of the CODIS Laboratory report to the case agent or investigating officer:
  - IV.D.7.a. Log receipt of hit information from laboratories;
  - IV.D.7.b. Assign an officer to investigate the CODIS hit and potential impact on the investigation. In most situations, the case agent or investigating officer assigned to the sexual assault or sexual abuse will handle the follow-up investigation involving the CODIS hit;
  - IV.D.7.c. Document all investigative steps taken as a result of the CODIS hit; and
  - IV.D.7.d. Consult with the local state's attorney's office about the results of the CODIS hit.
- IV.D.8. Victim Notification
  - IV.D.8.a. When the status of a cold case changes, notice to the victim will be provided unless it would unreasonably interfere with the investigation.
  - IV.D.8.b. Prior to notification and communication with the victim, officers should consult with the agency social worker or rape crisis advocate, if known or assigned, to provide support for the victim. Notification to the victim should be coordinated with the social worker or rape crisis advocate to permit the social worker or advocate to be present if possible. Officers should attempt to notify the victim at a time, place, and manner that provides as much privacy as possible.
  - IV.D.8.c. When a victim requests to be notified by law enforcement after a minimum of ten years from the completion of the medical forensic exam or ten years from the victim's 18th birthday, but prior to the destruction of evidence; the investigating officer is responsible for sending the victim form ISP 4-210, Victim Notification of Stored Sexual Assault Evidence Form. The investigating officer will accomplish this task by reviewing the "Aged Evidence Report" provided each quarter by the Troop or Zone Evidence Custodian.

IV.D.8.d. Upon the request of the victim who has consented to the release of sexual assault evidence for testing, the law enforcement agency having jurisdiction shall notify the victim about the ISP sexual assault evidence tracking system and provide the following information in writing:

IV.D.8.d.1) Date the sexual assault evidence was sent to an ISP forensic laboratory. This information must be provided to the victim within seven days of the transfer of evidence to the laboratory.

IV.D.8.d.2) Test results provided to the law enforcement agency by an ISP forensic laboratory, or designated laboratory, including, but not limited to, whether:

IV.D.8.d.2)a) A DNA profile was obtained from the testing of the sexual assault evidence from the victim's case;

IV.D.8.d.2)b) The DNA profile developed from the sexual assault evidence has been searched against the DNA Index System or any state or federal DNA database;

IV.D.8.d.2)c) An association was made to an individual whose DNA profile is consistent with the sexual assault evidence DNA profile, provided if that disclosure would not impede or compromise an ongoing investigation; and

IV.D.8.d.2)d) Any drugs were detected in a urine or blood sample analyzed for drug facilitated sexual assault and information about any drugs detected.

IV.D.8.d.3) Information for Section IV.D.8.d.2 of this directive must be provided to the victim within seven days of the receipt of the information by law enforcement

IV.D.8.e. The victim, or the victim's designee, shall keep the law enforcement agency having jurisdiction informed of the name, address, telephone number, and email address of the person to whom the information should be provided, as well as any changes to the name, address, telephone number, and email address to the extent they are available.

IV.E. Mandatory Report Writing – no law enforcement agency may refuse to complete a written report as required by the Sexual Assault Incident Procedure Act on any ground:

IV.E.1. A written report shall be completed when receiving information about a sexual assault or sexual abuse crime from any of the following sources regardless of jurisdiction:

IV.E.1.a. A victim;

IV.E.1.b. Hospital or medical personnel;

IV.E.1.c. A witness who personally observed the act or attempt; or

IV.E.1.d. A third-party reporter who has the consent of the victim.

IV.E.1.d.1) The name and contact information of the third-party reporter shall be documented in the report.

IV.E.1.d.2) The third-party reporter's affirmation that he or she is reporting with the consent of the victim shall be documented in the report.

IV.E.2. Documentation of facts in the report. The written report shall include the following, if known:

IV.E.2.a. The victim's name or other identifier;

IV.E.2.b. The victim's contact information;

IV.E.2.c. Time, date, and location of offense;

IV.E.2.d. Information provided by the victim;

IV.E.2.e. The suspect's description and name, if known;

IV.E.2.f. Names of persons with information relevant to the time before, during, or after the sexual assault or sexual abuse, and their contact information;

- IV.E.2.g. Names of medical professionals who provided a medical forensic examination of the victim and any information they provided about the sexual assault or sexual abuse;
- IV.E.2.h. 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 by law enforcement;
- IV.E.2.i. Whether a urine or blood sample was collected and whether the victim consented to testing of a toxicology screen by law enforcement;
- IV.E.2.j. Information the victim related to medical professionals during a medical forensic examination which the victim consented to disclosure to law enforcement; and
- IV.E.2.k. Other relevant information if known, whether provided at the time of initial report or obtained through investigation. Officers should refer to ISP Directive OPS-042, "Investigative Responsibilities," and ISP Directive OPS-066, "Investigative Checklists," for more information.
- IV.E.2.l. The responding ISP officer will complete form ISP 5-048, Field Report, using the appropriate report software, or Investigative Report.
- IV.E.2.m. Officers who do not have access to a mobile data computer (MDC) or functioning report writing software at the time of the report will complete form ISP 5-048, Field Report or form ISP 4-003, Investigative Report, and enter the report(s) into the appropriate report when they return to their work unit, providing the work unit has functioning report writing software.

#### IV.F. Supervisor Responsibilities:

- IV.F.1. Supervisors should understand the impact of trauma on a victim and proper trauma-informed responses by officers. Supervisors should refer to ISP Directives OPS-079, "Criminal Investigative Management and Review," PER-012, "Education and Training," and OPS-042, "Investigative Responsibilities."
- IV.F.2. It is the responsibility of the Troop, Zone, or Division of Internal Investigation (DII) Commander to ensure training requirements outlined in this policy are maintained. The Troop, Zone, or DII Commander shall ensure the training file is accurate and the officer meets the training requirements to respond to sexual assault and sexual abuse incidents.
- IV.F.3. A copy of the SAIPA certification will be maintained in the officer's personnel file or the Department's Learning Management System (LMS) or equivalent.
- IV.F.4. The Troop, Zone, or DII Commander is responsible for ensuring that all officers review the "Aged Evidence Report" quarterly for stored sexual assault evidence. The Troop/Zone/DII Commander shall verify that officers provide notification to a victim or a victim's designee after ten years from completion of a medical forensic exam **OR** ten years from the victim's 18<sup>th</sup> birthday if the victim wants to be notified. The officers shall notify the victim or victim's designee that the evidence is being maintained and can still be tested using form ISP 4-210, Victim Notification of Stored Sexual Assault Evidence.
- IV.F.5. Supervisors will ensure all mandatory reporting and report writing responsibilities have been satisfied by the responding and investigating officers. Supervisors will ensure all requirements on form ISP 4-209, Sexual Assault Checklist, are completed.

#### IV.G. ISP Academy Responsibilities:

- IV.G.1. The ISP Academy will prepare curriculum and training in trauma-informed responses and investigations of sexual assault and sexual abuse from the approved training programs prepared by the Illinois Law Enforcement Training and Standards Board, which includes, but is not limited to the following:
  - IV.G.1.a. Recognizing the symptoms of trauma;
  - IV.G.1.b. Understanding the role trauma has played in a victim's life;
  - IV.G.1.c. Responding to the needs and concerns of a victim;
  - IV.G.1.d. Delivering services in a compassionate, sensitive, and nonjudgmental manner;
  - IV.G.1.e. Interviewing techniques;
  - IV.G.1.f. Understanding cultural perceptions and common myths of sexual assault and sexual abuse;

- IV.G.1.g. Report writing techniques.
  - IV.G.2. The ISP Academy shall conduct or approve training programs in trauma-informed responses and investigations of sexual assault and sexual abuse consistent with state model policy guidelines in all full- and part-time basic law enforcement academies.
  - IV.G.3. The ISP Academy shall deliver specialized training to ISP officers who conduct sexual assault and sexual abuse investigations. The ISP Academy shall deliver in-service training on sexual assault and sexual abuse investigations to ISP officers every three years.
  - IV.G.4. The ISP Academy shall deliver training in trauma-informed responses and report writing of sexual assault and sexual abuse to all ISP officers. The ISP Academy shall deliver in-service training on trauma-informed responses to, and report writing of, sexual assault and sexual abuse to ISP officers every three years.
  - IV.G.5. Instructors providing the training outlined in this section must have successfully completed training on evidence based, trauma-informed, victim-centered responses to cases of sexual assault and sexual abuse and have experience responding to sexual assault and sexual abuse cases.
  - IV.G.6. Officers who have not received computer or classroom based in-service training on trauma-informed responses to, and report writing of, sexual assault and sexual abuse within three years of the initial training shall not respond to, or investigate, sexual assault and sexual abuse cases.
- IV.H. Sexual Assault Evidence - Evidence collection, crime scene processing, and chain-of-custody
- IV.H.1. Evidence collection and storage requirements for evidence collected at the hospital - A law enforcement officer from the agency having jurisdiction shall take possession of sexual assault evidence collected by hospital personnel within no more than five days of the completion of the medical forensic exam and shall document possession of the evidence in the report.
    - IV.H.1.a. Evidence shall be stored indefinitely in accordance with ISP Sexual Assault Retention Guidelines, or at a minimum of ten years from completion of medical forensic exam **OR** ten years from victim's 18<sup>th</sup> birthday, whichever is greater in accordance with 725 ILCS 203/30.
    - IV.H.1.b. If the victim of sexual assault or sexual abuse or a person authorized under Section 6.5 of the Sexual Assault Survivors Emergency Treatment Act has consented to allow law enforcement to test the sexual assault evidence, the law enforcement agency having jurisdiction shall submit the sexual assault evidence for testing in accordance with the Sexual Assault Evidence Submission Act. No law enforcement agency having jurisdiction may refuse or fail to send sexual assault evidence for testing that the victim has released for testing.
    - IV.H.1.c. A victim or a victim's designee who wants to be notified shall be provided notification after ten years which informs the victim the evidence is still maintained. The notification shall inform the victim that the evidence can still be tested and request if the victim wants the evidence to be tested.
  - IV.H.2. Submission and testing of sexual assault evidence collected at hospital - Submit evidence (with victim consent) for testing within ten days and document the submission in the case report.
    - IV.H.2.a. Evidence **must** be tested if consent has been given by the victim, regardless if the allegation has been recanted or is suspected to be false.
    - IV.H.2.b. If the victim declines to consent to test evidence, provide the victim with information on storage and future testing of evidence. This information will be provided to the victim utilizing form ISP 4-207, Storage and Future Testing of Sexual Assault Evidence Form (P.A 99-0801- Form C).
  - IV.H.3. Drugs and alcohol facilitated sexual assault.



- IV.H.3.a. If a drug or alcohol facilitated sexual assault is suspected: the first urine after sexual assault is preferred. Urine collection shall be offered up to 120 hours (five days) after the assault.
- IV.H.3.b. If a drug or alcohol facilitated sexual assault is suspected, the initial responding officer or the investigating officer shall review form ISP 6-386, ISP Toxicology Screening Information for Drug Facilitated Sexual Assaults: Patient Information Sheet and complete form ISP 6-713 Consent to Toxicology. This shall be completed with the victim or the victim's designee. Officers will review form ISP 6-387, ISP Toxicology Screening Information for Drug Facilitated Sexual Assaults: Medical Personnel Instruction Sheet for urine collection procedures.
- IV.H.3.c. A victim may consent to, but shall not be coerced into submitting samples for, drug screening and toxicology.
- IV.H.3.d. If samples are taken by the hospital, the officer shall not direct hospital personnel to test samples without victim consent or a warrant.
- IV.H.3.e. Any urine samples collected shall be sent to the crime laboratory if the victim consents.

IV.H.4. Any related crime scene, if known, should be processed by a Crime Scene Investigator.

#### IV.I. Victims' Rights and Victim Notification

Ensure the Victims' Rights and Victim Notification are adhered to by giving the victim, or their designee, form ISP 5-031a, Illinois State Police Victim/Witness Assistance Notification Form and the Marsy's Rights Form if required. It shall be documented in a field report or investigative report which forms were provided to the victim or their designee.

#### IV.J. Working with other agencies

##### IV.J.1. Working with the prosecutor's office

Officers should ensure the prosecutor is apprised of case status to ensure a good working relationship is maintained.

##### IV.J.2. Working with other law enforcement agencies

When more than one police agency is present, ISP officers will take all reasonable steps to ensure the requirements of the Sexual Assault Incident Procedure Act are fulfilled. Duplication is not required if another agency has complied with the law enforcement responsibilities of the Act.

#### IV.K. Consideration for specific populations/communities

ISP is committed to making sure all officers have the training and skills necessary to provide services to every community. Resources regarding specific populations/communities can be found at [http://www.illinoisattorneygeneral.gov/victims/improvingresponsetosa\\_il.html](http://www.illinoisattorneygeneral.gov/victims/improvingresponsetosa_il.html).

#### IV.L. Partnerships with Victim Advocates

Officers responding to and investigating sexual assault and sexual abuse cases should be aware of victim advocate resources in their jurisdictions. These resources can include rape crisis centers, which operate 24-hours a day, every day of the year; Illinois Coalition Against Sexual Assault (ICASA- <http://icasa.org>), which maintains a list of rape crisis centers; National Sexual Assault Telephone Hotline (800) 656-HOPE; and Child Advocacy Centers.

#### IV.M. Criminal Sexual Assault Investigations Involving an On-Duty Officer

Alleged violations of criminal sexual assault and criminal sexual abuse involving law enforcement officers who were on duty at the time of the incident will be handled as follows:

- IV.M.1. The ISP will investigate allegations of criminal sexual assault and criminal sexual abuse involving law enforcement officers of another law enforcement agency when requested by either the involved agency or the state's attorney's office having jurisdiction.

- IV.M.2. Complaints and allegations of criminal sexual assault and criminal sexual abuse involving an on-duty ISP officer shall be forwarded to the DII for investigation. Complaints and allegations of criminal sexual assault and criminal sexual abuse involving an ISP officer assigned to DII shall be investigated by the Division of Criminal Investigation (DCI).
- IV.M.3. Each officer-involved criminal sexual assault and criminal sexual abuse investigation shall be conducted by at least two investigators, one of whom shall be the lead investigator. The investigators shall have completed a specialized sexual assault and sexual abuse investigation training program.

**NOTE:** Nothing in this section will prohibit the ISP from conducting an administrative investigation provided the administrative investigation does not interfere with the criminal sexual assault and criminal sexual abuse investigation conducted under the requirements of Section 10 of the Law Enforcement Criminal Sexual Assault Investigation Act.

| Indicates new or revised items

**-End of Directive-**