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# CHAMPAIGN POLICE DEPARTMENT

## POLICY AND PROCEDURE

POLICY NUMBER: 44.7

SUBJECT: SEXUAL ASSAULT INVESTIGATION

EFFECTIVE DATE: 01/01/18

REVISED DATE: 02/12/26

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PURPOSE:

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address the unique aspects of such cases and the effects these crimes have on victims. Mandatory notification requirements are addressed in the Child Abuse and Neglect and Victim/Witness Assistance policies.

DEFINITIONS:

**Assent:** A victim's affirmative, voluntary agreement to participate in a medical forensic examination, demonstrated by the victim being conscious, able to understand the nature and purpose of the examination, and able to meaningfully participate in the process. Assent is distinct from legal consent and may be withdrawn at any time. A victim who is unconscious or otherwise unable to understand or participate in the examination cannot provide assent.

**Consent:** A voluntary, informed, and revocable agreement by a victim to authorize a medical forensic examination, the collection or testing of sexual assault evidence, or the release of related information, given freely and without coercion. Consent may be provided in writing or verbally as permitted by law and may be withdrawn at any time prior to or during the examination or testing process. Consent may only be given by a person who has the legal authority and capacity to do so.

**K-Number:** The unique serial number assigned to a Sexual Assault Evidence Kit, used by law enforcement, laboratories, and victims to track the status of evidence testing under 725 ILCS 203.

**Sexual Assault or Sexual Abuse:** Any act of nonconsensual sexual conduct or penetration as defined in the Illinois Criminal Code (720 ILCS 5/11-1.20 et seq.).

**Sexual Assault Nurse Examiner (SANE):** A registered nurse or medical provider trained and certified to conduct

forensic medical examinations and collect evidence in sexual assault cases.

**Support Person:** An individual chosen by the victim to be present during interviews or examinations, who is not acting in an investigative or official capacity.

**Victim Advocate:** A trained professional or volunteer who provides emotional support, crisis intervention, and information about medical, legal, and victim rights resources. Advocates may be present at interviews or medical exams at the victim's request.

**Victim Centered Trauma Informed Response:** An approach that recognizes the physical, psychological, and emotional effects of trauma; prioritizes the victim's safety, autonomy, and dignity; minimizes re-traumatization; and supports empowerment and access to justice.

POLICY:

It is the policy of the Champaign Police Department to thoroughly, promptly, and professionally investigate all reported sexual assaults or sexual abuses using trauma-informed, evidence-based practices, while ensuring compliance with Illinois statutes and protecting victim rights.

### 44.7.1 REPORTING REQUIREMENTS

#### A. Mandatory Reporting of Sexual Assault Incidents

1. Officers shall document every allegation of sexual assault or sexual abuse and prepare a written report when contacted by any of the following:
  - a. Any person alleging they were sexually assaulted or abused.
  - b. Medical personnel reporting under the Criminal Identification Act.
  - c. A witness who personally observed what reasonably appeared to be an assault or attempted assault.

#### B. Victim Autonomy & Reporting

1. The victim is under no obligation to speak to an officer or submit to an interview. The officer shall still prepare a written report and document any information made available to the officer without deciding whether the statute of limitations has expired.

#### C. Third-Party Complaints

1. A written report shall be completed even if a third party reports the information regarding the sexual

assault or sexual abuse, unless the third party fails to provide the following information:

- a. Their own name and contact information, and
- b. Affirms that he or she has the consent of the victim to make the report.

2. When a report is taken from a third-party, the officer shall give the person making the third-party report all the required victim notices and ask the person to provide the notices to the victim.

#### D. Jurisdictional Issues

1. Officers shall write a report regardless of the jurisdiction where the alleged incident took place unless the other agency promptly responds to the location of the initiating interview and takes responsibility for the investigation. If another agency takes responsibility for the investigation, the initial officer should complete a report documenting:

- a. Any statements obtained.
- b. Relevant observations.
- c. Name and contact information of the agency taking responsibility for the investigation.

2. When an offense occurred in another jurisdiction, the supervisor shall ensure:

- a. The report is forwarded within 24 hours via fax or email.
- b. Confirmation of Transfer of Sexual Assault Report is received and documented.

3. When the Department receives a report of sexual assault or sexual abuse from another jurisdiction, written confirmation must be provided to the originating agency within 24 hours to include:

- a. Name of the person who received the report; and,
- b. Name and phone number of a contact person that can be given to the victim. The contact person will be the Investigations Lieutenant.

### 44.7.2 RESPONSIBILITIES

#### A. Responding Officer

1. The primary considerations in a sexual assault investigation should be the health and safety of the victim, preliminary interviews, preservation of evidence, and identification of the offender.
2. Sexual assault reports shall not be held or excessively delayed. Absent extenuating circumstances, report-only sexual assault calls for service (i.e., not in-progress) will not be held or left as pending for an extended period.

3. When an officer is dispatched to a reported sexual assault or sexual abuse, the officer should:

- a. Contact the victim as soon as possible and address safety concerns.
- b. Summon emergency medical assistance, if needed, or offer to provide transportation to a medical facility or a safe location.
- c. Assess for a drug or alcohol facilitated sexual assault. If suspected, recommend the victim provide a urine sample as soon as possible.

- d. Conduct initial victim interviews if the victim is 18 years of age or older, if possible. The victim is not required to submit to an interview. Use a victim-centered, trauma-informed approach throughout all interactions.

- e. Fulfill mandatory reporting requirements, providing the victim or third party with the following information:

- i. Mandatory Notice for Survivors of Sexual Assault (per 725 ILCS 203/30)
- ii. Statement of Crime Victims' Rights

- f. Ensure crime scene preservation, evidence collection, and chain of custody. If necessary, officers should notify the on-duty shift commander for resources.

- g. If the suspect is on scene or located, attempt to collect buccal swabs for comparison testing (consistent with 725 ILCS 203 statutory requirements).

4. Officers shall ensure their report is completed, submitted, and reviewed and approved by a supervisor before the end of their shift, unless a supervisor authorizes otherwise. The report shall include, when available, the following information:

- a. Victim's name or other identifiers.
- b. Victim's contact information.
- c. Time, date, and location of the incident.
- d. The victim's statement.
- e. Offender's description and name if known.

- f. Names of persons or witnesses with relevant information before, during, or after the sexual assault or sexual abuse and their contact information.

- g. Document in the report that the mandated information was presented to the victim or the third party.

- h. Document whether a Sexual Assault Evidence Kit was completed, the hospital name, the victim's consent status for testing, and the K-number (kit serial number). This number will enable the victim to track the kit's progress once it is sent to the lab.
  - i. Victims 13 years of age and older shall be offered a Sexual Assault Evidence Kit within seven (7) days of the assault. Victims 12 years of age and younger shall be offered a Sexual Assault Evidence Kit within three (3) days of the assault (410 ILCS 70/1).
  - i. When collecting the Sexual Assault Evidence Kit from the hospital, the officer should also obtain the completed Sexual Assault Nurse Examiner (SANE) report, unless the victim has elected the anonymous reporting option, in which case the documentation will not be available. If obtained, the SANE report should be attached to the officer's police report.
  - j. Name of medical personnel who provided a medical forensic examination of the victim and any information they provided about the criminal act.
  - k. Whether the victim was sexually active 72 hours prior to the assault. If so, ask the victim if they will provide the person's name and contact information, as buccal swabs should be obtained for the purposes of collecting elimination standards.
  - l. Whether a urine or blood sample was collected and whether the victim consented to testing of a toxicology screen by law enforcement.
  - m. Observations of physical or psychological trauma to the victim.
  - n. Any other relevant investigative information.
- e. Identify and pursue all corroborative evidence, including digital communications, location data, surveillance, and physical evidence.

C. Supervisors

1. Supervisors shall:

- a. Ensure officers are using trauma-informed, victim-centered practices.
- b. Ensure statutory timelines and reporting requirements are met.
- c. Confirm evidence submission and retention requirements are followed.
- d. Ensure training compliance.

**44.7.3 VICTIM RIGHTS / NOTIFICATIONS**

- A. No victim shall be compelled or required to submit to an interview.
- B. Victims shall not be asked or required to take a polygraph examination (725 ILCS 5/115-21).
- C. Victims should be apprised of applicable victims' rights provisions, as outlined in Policy 55.1, Victim/Witness Assistance – Administration, Policy 55.2, Victim/Witness Assistance – Operations, and the Illinois Crime Victims' Rights Act (725 ILCS 120).
- D. Victims have a right to information regarding the status of the investigation from the law enforcement agency having jurisdiction, unless disclosure of such information unreasonably interferes with the investigation.
- E. Victims have the right to request information regarding the submission and testing of forensic evidence. Upon request of the victim who has consented to the testing of sexual assault evidence, the victim will be provided the following in writing:
  - 1. The date the sexual assault evidence was sent to the Illinois State Police laboratory or other appropriate laboratory within 7 days of submitting the evidence to a laboratory.
  - 2. Test results provided to the agency by the laboratory, within 7 days of receipt of the results by the agency, including, but not limited to, whether:
    - a. A DNA profile was obtained from the testing.
    - b. The DNA profile developed has been searched against the DNA Index System or any state or federal DNA database.
    - c. An association was made to an individual whose DNA profile is consistent with the sexual assault evidence DNA profile, provided the disclosure would not impede or compromise an ongoing investigation.

B. Officers with Advanced Training

- 1. A comprehensive follow-up interview should be conducted after the victim has been medically examined and treated, and personal needs have been met.
- 2. Officers conducting interviews with victims should consider the following:
  - a. Timing of the interview (avoid immediately post-trauma unless necessary).
  - b. Location of the interview (a private, comfortable location).
  - c. Accommodating the victim's request for a support person to be present.
  - d. Clarify a victim advocate does not need to be present.

- d. If any drugs were detected in a urine or blood sample analyzed for drug-facilitated sexual assault, provide information about the drugs detected.

#### **44.7.4 CONSENT, ASSENT, AND AUTHORITY TO COLLECT EVIDENCE**

A. Consistent with the Sexual Assault Survivors Emergency Treatment Act (410 ILCS 70), a medical forensic examination and the collection of a Sexual Assault Evidence Kit shall only be conducted with the consent of the victim. If the victim is unable to provide consent due to incapacity, the examination may proceed only when both legally authorized consent and the victim's assent are obtained.

1. Because assent requires the victim to be conscious and able to understand and participate in the examination process, sexual assault evidence collection shall not be conducted on an unconscious victim solely based on consent from a parent, guardian, or holder of a health care power of attorney.
2. If evidence collection is requested for a victim who is unconscious or otherwise unable to provide consent and assent, officers shall consult a supervisor. Absent a legally recognized exception (e.g., exigent circumstances or a medical procedure performed solely for treatment purposes and not at the direction of law enforcement), a search warrant shall be obtained prior to authorizing or requesting a medical forensic examination or the collection of sexual assault evidence.

#### **44.7.5 EVIDENCE COLLECTION AND CHAIN OF CUSTODY**

A. When a sexual assault is reported to have occurred in the City of Champaign, officers will take possession of any Sexual Assault Evidence Kit collected by hospital personnel within five (5) days of the completion of the medical forensic exam and shall document the possession of the evidence in a report. This documentation should include who collected the evidence and from whom the officer took possession of the evidence.

B. If the victim declines to consent to testing the evidence, the evidence will be stored for a minimum of ten (10) years from the completion of the medical forensic exam or ten (10) years from the age of 18, whichever is longer, to give the victim time to consent to testing.

1. The victim may provide written consent for testing at any time during the retention period.
2. Nothing in the statute prohibits a more extended storage period. If the Department elects to retain evidence beyond 10 years, the victim shall be notified in writing of the extended retention period as required by law.

3. The absence of testing of a Sexual Assault Evidence Kit does not authorize destruction. Sexual assault evidence shall be retained in accordance with statutory retention requirements regardless of whether testing is requested, conducted, or whether criminal charges are filed or prosecuted.

4. After leaving the hospital, a victim may consent to the testing of a Sexual Assault Evidence Kit through any of the following methods:

- a. Written consent by signing the original Patient Consent: Collect and Test Evidence or Collect and Hold Evidence form, which was provided to the officer who retrieved the evidence, at the law enforcement agency where the evidence is stored; or,
- b. Written consent provided in the presence of a sexual assault advocate, who shall deliver the signed consent to the law enforcement agency on behalf of the victim; or,
- c. Verbal consent provided directly to the law enforcement agency, provided that the verbal consent is subsequently confirmed by the victim in writing via email or facsimile.

C. If the victim consents to testing the Sexual Assault Evidence Kit, the evidence should be submitted for testing within ten (10) days, and the victim, or designee, should be provided with information concerning their right to request information regarding the submission and results of the testing.

D. If the officer has reason to believe the victim was given a controlled substance or alcohol without their consent, the officers should:

1. Advise the victim about seeking medical treatment and preserving evidence.
2. Recommend, not require, that a urine sample be collected as soon as possible. A urine sample may be collected up to five (5) days after the assault and must be refrigerated.
3. No sample analysis may be performed unless the victim provides signed written consent after the sample is collected.
4. If samples are taken for medical purposes, the officer may not request the hospital to test the victim's blood or urine without the victim's consent.
5. Notify the victim once written consent for analysis is signed; they have 48 hours to revoke consent.

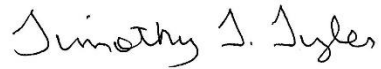
#### **44.7.6 OFFICER INVOLVED SEXUAL ASSAULT**

A. If a sworn police officer of the Champaign Police Department is alleged to be involved in a sexual assault, the investigation will be conducted by an outside agency.

#### 44.7.7 TRAINING

- A. All officers will receive training in accordance with state statute (50 ILCS 750) and Illinois Law Enforcement Training and Standards Board (ILETSB) requirements. This will include, but not be limited to:
1. Initial training.
  2. In-service training.
  3. Specialized training.

ISSUING AUTHORITY:

A handwritten signature in black ink that reads "Timothy T. Tyler". The signature is written in a cursive style with a large initial 'T'.

Timothy T. Tyler  
Police Chief  
Champaign Police Department