



CITY OF MADISON POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE



Sexual Assault Investigations

Eff. Date 11/17/2025

Purpose

To provide guidelines and expectations for the Madison Police Department (MPD) response to Sexual Assault Investigations involving adult and child victims. Consistent with our MPD Core Values and Mission Statement, we strive to deliver the highest service possible while following a victim-centered, trauma-informed approach to the investigation of these crimes.

Sexual Assault allegations will be investigated in an unbiased manner, free of assumptions and stereotypes about victims. Personnel investigating sexual assault allegations will keep in mind that victims of these crimes may present with a wide range of potential reactions to sexual assault, some of which may not be in line with an officer's investigative objectives.

When investigating sexual assault allegations, officers should work to build rapport with the victim, use trauma-informed and victim-centered practices, treat the victim with respect and dignity, and document the victim's statement as provided by the victim, using exact quotes when possible.

Definitions

Victim-Centered: Placing the crime victim's priorities, needs, and interests at the center of the investigation; ensuring that restoring victim's feelings of safety and security are a priority and safeguarding against practices that may inadvertently re-traumatize them.

Trauma-Informed: Investigations are conducted with an understanding of the effects of trauma on survivors, including the many and varied emotional *and* physical responses victims may *or may not* have to a traumatic experience. Priority is placed on restoring the survivor's feelings of safety, choice, and control.

Procedure

INVESTIGATING CASES INVOLVING ADULT VICTIMS OF SEXUAL ASSAULT

1. Adult victims should be offered trauma-informed and culturally competent services and support when possible.
 - a. The initial responding officer shall advise the victim they may request to be interviewed by an officer of the gender of their choice. Should the victim request an officer of a gender different from the gender of the initial responding officer, the officer shall immediately notify a supervisor and a reasonable attempt will be made to honor the victim's request.
 - i. Once follow up has been assigned to a detective, the case will remain with the detective regardless of gender.
 - b. If the victim has Limited English Proficiency (LEP), the initial responding officer shall take reasonable steps to provide free language assistance services to that victim in accordance with MPD's Language Access Services Standard Operating Procedure (SOP).
 - i. Interviews of victims, particularly of sensitive crimes, should be conducted in the victim's primary language.
 - ii. Children or other family members or friends of the victim should not be used to interpret the victim's statement.
 - iii. Victim Advocates and Dane County Social Workers should not be used to interpret the victim's statement, as that may run contrary to their professional mission and ethos.

- c. The initial responding officer shall, as soon as is practicable, offer to contact an advocate from the Rape Crisis Center to respond to support the victim throughout the reporting and evidence collection process.
- d. If the assault is recent (i.e. occurred no more than 120 hours prior to the time it is reported), the primary officer shall contact a supervisor who will consult with the Officer-in-Charge (OIC) regarding investigative strategies and potential suspect contact by patrol units. In cases such as this, prior to attempting an arrest, the OIC will ensure that the On-Call Detective Lieutenant (if after normal business day) or the appropriate Sensitive Crimes Lieutenant (adult victims) or the Special Victims Unit (SVU) Lieutenant/Detective Sergeant (child victims) are notified of the circumstances.
- e. The officer conducting the victim interview shall:
 - i. Spend time building rapport with the victim, assuring their physical safety and getting them medical care as soon as practicable. Interview the victim using open-ended, narrative inviting questions.
 - ii. Allow the victim to provide their statement with as little interruption as possible. The officer should utilize natural breaks in the victim's statement to ask follow-up questions, recognizing that victims may not provide statements in chronological order due to the effects of trauma.
 - iii. Notify the Officer-in-Charge (OIC) of the circumstances of the incident. The OIC will determine if additional investigative resources or advice is needed. If so, the OIC will ensure that the On-Call Detective Lieutenant (if after normal business day) or the appropriate Sensitive Crimes Lieutenant (adult victims) or the Special Victims Unit (SVU) Lieutenant/Detective Sergeant (child victims) are notified of the circumstances. The exception to notification is an incident involving consensual sex between teenagers within 3 years of age.
 - iv. Collect any available evidence from the victim and scene(s), (e.g., photos, clothing, biological items, etc.), and also offer and recommend a forensic medical exam at a hospital for evidence collection if the assault occurred within the last 120 hours. A forensic medical exam without evidence collection can still be conducted after 120 hours. Meriter Hospital's Forensic Nurse Examiner (FNE) program should be used for collection of biological evidence from the victim. Should the Meriter Hospital FNE program not be available a licensed FNE program should be considered and utilized. Alternative FNE programs to be considered are listed below.
 1. Any time an officer is dispatched for a sexual assault and the victim is reporting, the officer should stand by outside the room while the exam is being done, in case the nurse needs to communicate with the officer, and to then take the evidence for processing.
 2. Please see the SOP on Searches, specifically the Strip Search section, for further details on the collection of evidence from the suspect.
 3. An Investigator, at the request of the interviewing officer or a supervisor, shall process the scene(s) of a sexual assault for evidence, including photos.
 4. All sexual assault FNE kits shall be physically or electronically submitted to the Wisconsin State Crime Lab (WSCL) by the assigned case detective. The submission form can found on the WSCL website, which is titled "DFS Transmittal":
<https://www.doj.state.wi.us/dfs/evidence-submission-information>.

Alternative FNE programs to be considered in the event Meriter Hospital is not available are:

- UW Health Child Protection Program (juveniles), 1675 Highland Ave., Madison, WI 608-263-6400
- DaneMAC, (no walk-in availability) 608-492-2611
- UW Health Services (UW Students) (8:30AM-5:00PM), 608-852-9533
- Mercy Hospital 1000 Mineral Point Ave., Janesville, WI 608-756-6611
- Aurora 945 N. 12th St., Milwaukee, WI 414-219-5555

- Southwest Health Center (adults/adolescents only) 1400 Eastside Rd., Platteville, WI 608-348-2331

Electronic submissions to the WSCL Forensic Case Manager are permissible when the complexities and/or facts of the case may require WSCL input prior to the physical transport of the FNE kit. If submitted electronically and the WSCL will accept the FNE kit for analysis, the kit will then be physically submitted to the WSCL by the assigned case detective.

If WSCL denies the FNE kit, whether physically or electronically submitted, WSCL will provide the submitter with a letter of refusal stating why the FNE kit is not being accepted. This letter shall be scanned as an attachment into the case file and a report shall be completed by the submitter.

This SOP does not pertain to FNE kits collected in any other type of criminal investigation (e.g. strangulation).

For questions regarding the submission of evidence, refer to the [contact information](#) for the lab in our service area (Madison Crime Lab – 608-266-2031). For questions about Evidence Submission Guidelines, please contact the WSCL Forensic Case Manager (currently: Kathy Mahnke, via email at mahnkeka@doj.state.wi.us or 608-609-6125) [most current contact information accessible online] – <https://www.doj.state.wi.us/dfs/evidence-submission-guidelines>

5. Even if the assault occurred more than 120 hours prior to the time of the report, victims should be told of the existence of the Meriter FNE program, specifically that the victim can be tested for sexually transmitted infections and/or treated for other injuries.

INVESTIGATING CASES INVOLVING CHILD VICTIMS (SEXUAL AND PHYSICAL ABUSE AND NEGLECT)

1. Child victims should be offered trauma-informed and culturally competent services and supports when possible.
 - a. As with adult victims, if the child victim has Limited English Proficiency (LEP), the initial responding officer shall take reasonable steps to provide free language assistance services to that victim in accordance with MPD's Language Access Services SOP.
 - b. Family members, friends, Victim Advocates and Social Workers should not be used to interpret the child victim's statement.
2. The primary officer shall notify Dane County Human Services (DCHS) within 12 hours of the report of a sexual assault of a juvenile per state statute 48.981(1)(2)&(3).
3. The primary officer shall notify the parents or guardians, if appropriate, of the juvenile victim within 24 hours.
4. When investigating a sexual assault of a child under the age of 16, the investigating officer should collect as much information as possible without interviewing the victim. However, in some cases, given the unique circumstances of an investigation, an officer may determine that it is necessary to obtain a limited statement from the child in order to identify and address immediate investigative needs (e.g. probable cause elements, location/venue, safety concerns, evidence collection, etc.). Prior to interviewing a juvenile sexual assault victim, the officer shall consult with a sergeant and the OIC shall be notified of the unique investigative circumstances. The Special Victims Unit (SVU) Lieutenant or SVU Detective Sergeant may also be contacted for guidance prior to conducting an interview or physical exam of the child.
5. When the investigating officer or detective for cases involving child victims determines that probable cause exists that the suspect has committed crimes in violation of the statutes listed below, the cases will routinely be referred to the district attorney for criminal prosecution:

- a. Sexual intercourse or sexual contact under s. 940.225, 948.02, 948.025 or 948.085
- b. Sexual exploitation of a child under s. 948.05
- c. Permitting, allowing, or encouraging a child to violate s. 944.30 (Prostitution)
- d. Causing a child to view or listen to sexual activity s. 948.055
- e. Causing a child to expose genitals or pubic area s. 948.10

INVESTIGATIONS INITIATED BY HUMAN SERVICES

Officer-in-Charge Information

Child Protective Services (CPS) workers have been asked to make Dispatch the first point of contact for Madison Police Department (MPD) collaboration for the initial field investigation when responding to reports of child abuse and neglect. It is MPD's established procedure to respond to these initial reports with on-duty patrol officers.

Responding Officer/Field Supervisor Considerations

1. Determine who will lead the interview (Officer or CPS worker).
2. If CPS leads the interview, officer should take *detailed* notes of the interview for the purpose of completing a report.
 - a. Officer should document the child victim's own words, in quotation marks, whenever possible.
 - b. Officer should document questions asked of the child by the CPS worker.
3. Officer *can and should* ask questions pertaining to their investigation if those questions are not asked by CPS.
4. Officer must ensure they have explored the elements of alleged crime(s).
5. Officer should ask questions related to the preservation of evidence (clothing, bedding, video, etc.) if not covered by CPS.
6. CPS is ultimately responsible for conducting a safety assessment for the child (making sure the child is safe).
7. Regardless of who leads the interview, officers shall complete a detailed report.
8. Note: If Children are alleged victims of abuse by a caregiver or unknown person, the children can be interviewed without parental consent at any location police are legally authorized to be present (see Wisconsin statute 48.981(3)(c)1.b.).

INVESTIGATIONS CONDUCTED WITHOUT CPS PRESENT

- A CPS worker will not respond out to the field to make contact with a child victim in every case. In order to assist CPS in determining whether or not a worker will respond to the field, the responding officer should attempt to obtain as much information as possible from parties other than the child to inform CPS's decision to respond or not. Gathering this information from other sources will also allow the officer to make an educated decision as to whether or not an interview of the child victim in the field is necessary should CPS not respond.
 - The responding officer should collect information from the reporting party, the non-offending parent (if possible), any third parties that may have pertinent information (teachers, counselors, friends, etc.), and any witnesses to the alleged abuse.
 - After collecting this information from sources other than the child, the officer should make phone contact with the on-call CPS worker and provide all information gained from these sources. The responding officer should ask the CPS worker to share any other pertinent information CPS may have regarding the child victim or other involved parties. The responding officer should inquire with CPS if there are current open cases involving this child victim and/or the alleged offender, or if there were prior cases and/or screen-outs involving this child victim and/or the alleged offender. The responding officer should obtain any

pertinent identification and contact information for the alleged offender and others involved in the present investigation.

- If, after this information sharing with the on-call CPS worker, the CPS worker indicates they will respond to the field, the responding officer shall wait to continue their investigation with the CPS worker. If the CPS worker responds, follow the considerations listed above. If the CPS worker advises they will not respond to the field, the responding officer must consider whether or not to interview the child.
- Factors to consider when determining if an officer should conduct a child interview:
 - A. Do we have credible, corroborated information that the child is a victim of abuse or neglect?
 - B. Do we have credible, corroborated information that the child is a witness to a violent crime?
 - C. Do we believe physical evidence could be lost/destroyed if we don't talk to the child to gain further information?
 - D. Do we believe the child is at risk of being manipulated by others, or may be encouraged to recant their statement or not talk to us at a future date?
 - E. Does the child have information needed to apprehend the suspect?
- If A or B exists without C, D or E, there is not a need to interview the child in the field. The preferred method is to arrange for a forensic interview at a later date. If the officer determines an interview of the child in the field is necessary, the officer shall consult with their sergeant and contact the OIC to provide them with the basis for this decision. The OIC may contact the SVU Lieutenant or SVU Detective Sergeant for consultation-and guidance.
- If the responding officer has corroboration that the child is a victim of abuse or neglect, the officer should ensure the preservation and collection of pertinent evidence.
 - The responding officer, in consultation with the OIC or the SVU Lieutenant/Detective Sergeant, should offer, explain, and provide an opportunity for a FNE exam if circumstances warrant it.
 - The responding officer, in consultation with the OIC or the SVU Lieutenant/Detective Sergeant, should offer, explain, and provide an opportunity for the child to be seen at the UW Children's Hospital for a Child Protection Program examination if circumstances warrant it.
 - The responding officer must also offer, explain, and provide an opportunity for photographs to be taken that capture any visible injuries, whether they appear fresh or to have healed.
 - The responding officer should ensure that any weapons or implements alleged to have been used to injure the child are seized as evidence.
 - Evidence of the conditions of neglect should be captured by photographs whenever possible.
- The responding officer should determine if the child is in need of immediate medical treatment and work with the non-offending parent or caregiver to obtain that treatment for the child. The officer should also make an assessment if the child is safe in its present placement situation.
- Should the responding officer interview the child in the field, the officer should utilize interviewing techniques shown to be most successful for interviewing children, including but not limited to:
 - Allowing children to provide a narrative of events in their own words
 - Using open ended questions as much as possible
 - Letting children use their own words for body parts, places or people, but seeking clarification as needed for legal purposes

Original SOP: 11/18/2015

(Revised: 04/05/2016, 12/06/2017, 05/02/2018, 10/05/2020, 01/14/2022, 01/31/2023, 02/03/2025, 11/17/2025)

(Name change only: 05/03/2016)

(Reviewed Only: 01/09/2017, 01/30/2019, 02/05/2024)