

# Goodhue County Adult Sexual Assault Response Protocol

Created by the  
Goodhue County Sexual Assault Multidisciplinary  
Action Response Team  
(SMART)

February 2015  
2nd Edition



Mission: "The Goodhue SMART fosters a unified interagency, survivor centered, and culturally competent response to those experiencing sexual violence."

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## Acknowledgements

“This project was supported by Grant Nos. A-SMART-2014-HOPECOAL-00016 and A-SMART-2015-HOPECOAL-00007 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily represent the views of the Department of Justice, Office on Violence Against Women.”

Some of the information provided in this publication is used with permission: *Cultural Competence* (in part) – Ramsey County Sexual Assault Protocol Team (SAPT), Anonymous Reporting Information (in part) – PAVSA, Duluth, MN, and Victim-Centered information – Sexual Violence Justice Institute

## Statement of Use

These guidelines are written to provide support to responding professionals when they assist victims of sexual violence. The agencies and their employees are not legally obligated to apply the responsibilities defined in this protocol.

However, the purpose of the guidelines is to establish a system that provides for complete, consistent and ethical support, and reliable collection of forensic information and evidence. The intended outcome of writing these guidelines is that all responders will couple them with their existing guidelines to sustain a victim-centered program in Goodhue County. The use of these guidelines shall be consistent with existing federal, state and local laws. Crime victims do not have the right to sue if the guidelines of this protocol are not carried out exactly as they are outlined in this protocol.

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## | Victim-Centered

The Goodhue County SMART is committed to developing and instilling in our own agencies and in the community, a victim-centered response to sexual violence. As each victim/survivor or case is unique, their own responses need to be modified to suit the needs of the victim/survivor and provide the best possible service to them. Listed below are seven guidelines to establishing a victim-centered response.

- **Consider the victim first.**

The victim/survivor and their unique needs and abilities should be considered first.

- **Listen generously.**

Listen with belief; acknowledge the violation. Listen with patience; walk with survivors as they determine their own path. Listen with compassion; give voice to the victim's experience. Listen with faith; believe in the victim/survivors' resilience. Listen to understand the victim/survivor's own goals for safety, healing, and seeking justice. Listen generously to victim/survivors, colleagues, team members, community members to affect the change we seek. Create safe places for people to tell their stories.

- **Promote victim self-agency.**

An agent is "one that acts or has the power or authority to act." Promote victim self-agency by offering the support and information that victims/survivors need to act in their own best interest relative to the unique circumstances of their lives. For a victim/survivor in crisis, work to re-engage or increase their own coping abilities to the point decision-making is again possible. Engage, consult, and inform a victim/survivor about decisions that will affect her or him. Informed decision-making means the victim/survivor knows what could be gained or lost in the options available to him or her.

- **Coordinate and collaborate in the victim's interest.**

Coordinating disparate and fractured elements of a response can improve a victim/survivors' experience and lead to better cases. Coordinating primarily in the system's own interests can re-victimize victims/survivors and jeopardize case outcomes.

- **Ensure victim-safety.**

Ensure victim/survivors have the information, resources, and supports to be or move toward safety. This can include access to confidential services, privacy protections, access to legal remedies for protection, notification of an offender's release, and consideration of the unintended consequences to victim/survivors of the policy and procedural decisions we make.

- **Seek just solutions for all.**

Be honorable, fair, lawful, suitable, and free from bias.

- **Hold self and others accountable.**

Be able to explain and answer for our own actions and decisions. Ask others to do the same.

-Adapted from: "Becoming Victim-Centered," 2013, Sexual Violence Justice Institute

## | Cultural Competence

Cultural competence results in an ability to work effectively with others through recognition and understanding of similarities and differences. This includes understanding that culture is defined as what we have learned about how to behave, think and feel. An individual's culture is transmitted from person to person and generation to generation, and affected by experience.

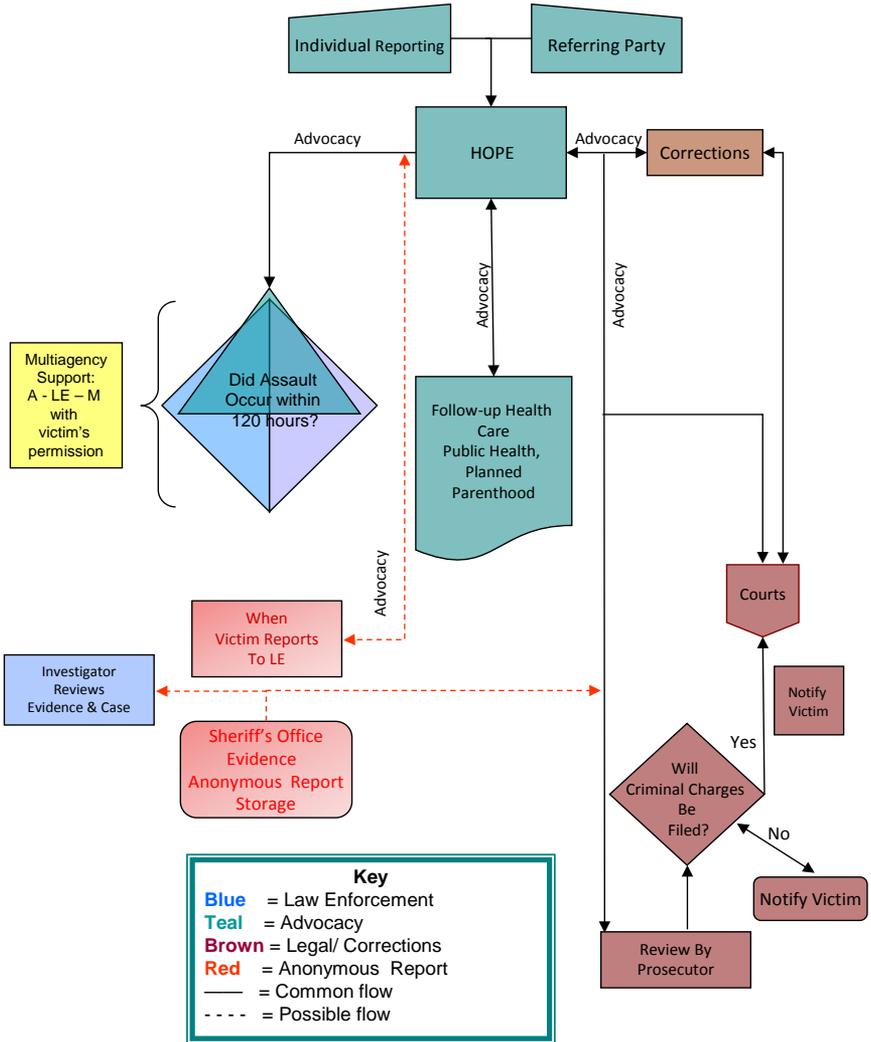
It is important to remember that even when people look or appear the same, there can be cultural differences, just as, when people look or appear different, there can be cultural similarities. Information presented below as a resource is by no means exhaustive, nor is it always accurate of all individuals within the grouping. The information exists to remind us of differences that may exist and thus encourage sensitivity and understanding, and discourage judgment and criticism. Our best tools in being culturally sensitive are openness, understanding, respect, and curiosity.

The Goodhue Co. SMART believes clear communication, given with interpersonal respect and in a culturally competent manner, is an integral part of a victim/survivor-centered support system for people who have experienced sexual violence.

Goodhue Co. SMART members recognize that providing support services requires education. An effective responder will apply the technical knowledge learned through education in a competent manner that generously considers the needs of the victim/survivor with sensitivity and understanding to create trust. The team also believes that educating our community professionals to develop cultural competence is necessary and should be a part of a sustainable program. Building trust enhances interpersonal communication and leads to using best practices.

As the Goodhue Co. SMART improves the county wide victim/survivor-centered support system, additional best practice recommendations will be developed. Goodhue County's cultural diversity is changing and strong; appropriately sensitive support responses need to be instituted. Until established, the Goodhue SMART recommends that responders seeking suggestions about sensitivity or cultural considerations in their methods refer to their own agency's policies and practices.

# Advocacy



HOPE Coalition Sexual Assault Services will provide crisis services 24 hours per day through the support line (1-800-519-6690). Victims, professionals, and people looking for information are welcome to use the support line.

Calls are toll-free and confidential (except when mandated reporting is required). Upon receiving a call, the HOPE SA advocate may:

### **Initial Contact**

- Give her or his first name and identify herself/himself as an advocate.
- Ask, "How may I help?" and identify and assess immediate needs
- Gather some basic information about the situation.
- Explain that HOPE services are free and confidential.
- Explain other HOPE services as case (assistance in filing Harassment Restraining Orders and Orders for Protection, support groups, resource library, support line, advocacy, etc.)

### **Victim Crisis Advocacy**

When working directly with a victim, in addition to providing the services listed above for all crisis calls, the advocate may:

- Provide emotional support
- Allow the victim to make informed decisions
- Inform the victim of her or his options for reporting the assault.
- Review with the victim her/his personal support system and encourage the victim to use their support.
- Help the victim develop a safety plan
- Provide HOPE contact information and offer to have HOPE follow up with the victim
- When appropriate, offer information about how to take the Victim Experience Survey and encourage the victim to participate
- Inform the victim that you are available to accompany them during the criminal justice process

## Medical Advocacy

A HOPE advocate may be called by a victim, law enforcement officer, medical provider or other service provider to come to a medical facility on behalf of a victim. The advocate may:

- Encourage the victim not to urinate, shower, or brush teeth because this may destroy evidence.
- Provide the victim with information about proper handling of clothing worn during the assault.
- Ensure that the victim has adequate transportation to the medical facility of their choice.
- Identify her/himself as a HOPE advocate to the victim, medical staff, and law enforcement officer (if present).
- Explain HOPE services to the victim and offer a HOPE brochure.
- Inform the victim that she or he may choose to have the advocate stay or leave.
- Inform the victim of her or his rights as a patient.
- Identify and assess the victim's immediate needs (make sure the victim is physically comfortable, arrange for an interpreter if needed, and offer to help contact a support person for the victim).
- Explain the sexual assault exam process.
- Explain that a victim may receive a confidential sexual assault exam regardless if they chose to report the assault to law enforcement.
- If the victim is a minor (less than 16 years old) inform her/him that by law, s/he may seek medical treatment without parental consent if her or his life or health is at such risk that treatment should be given without the delay of contacting parents.
- Discuss options about reporting the assault to law enforcement. Contact law enforcement if the victim wishes.
  - If the victim decides to have a sexual assault exam, the advocate may explain the details of payment; encourage full disclosure of events in order to provide the best treatment and collection of evidence.
  - Inform the victim that she or he may refuse treatment or stop the exam at any time.
  - Provide emotional support throughout the exam. Normalize and validate the situation and the victim's feelings.

- Assist with communication between the victim and medical staff. Help ensure that victim needs are accommodated while medical staff performs the sexual assault exam.

### **Criminal Justice Advocacy**

A HOPE advocate may be called by a victim, law enforcement officer, prosecutor, victim witness coordinator, or other service provider to attend interviews, meetings or court proceedings on behalf of a victim. The advocate may:

- Encourage the victim to report, and explain the options for reporting the assault in order to make informed decisions
- Identify and assess the victim's immediate needs assist the victim to be physically comfortable, arrange for an interpreter - if needed, offer to help contact a support person for the victim, etc.).
- Explain the legal process – including the investigation, decision to charge, prosecution, timelines and possible outcomes.
- Assure the victim obtains necessary information related to the case.
- Assist with communication relaying the victim's questions, feelings, opinions about the process, and about restitution.
- Ensure that the victim understands the sentence handed down by the court.

### **Corrections Advocacy**

A HOPE advocate may be called by a victim, corrections officer, or other service provider to attend pre-sentence investigation meetings on behalf of a victim or assist a victim in obtaining information about the status of a perpetrator. The advocate may:

- Attend pre-sentence meeting with the victim if the victim chooses.
- Ensure that the victim receives information about the Victim's Request for Notification and VINE. Assist the victim with the forms if the victim wishes.
- Ensure that the victim receives information about the right to be notified of the perpetrator's location after being released.
- Encourage the victim to keep her or his contact information updated so that notification is possible.

- Assist with communication between the victim and corrections officer.

### **Civil Justice Advocacy**

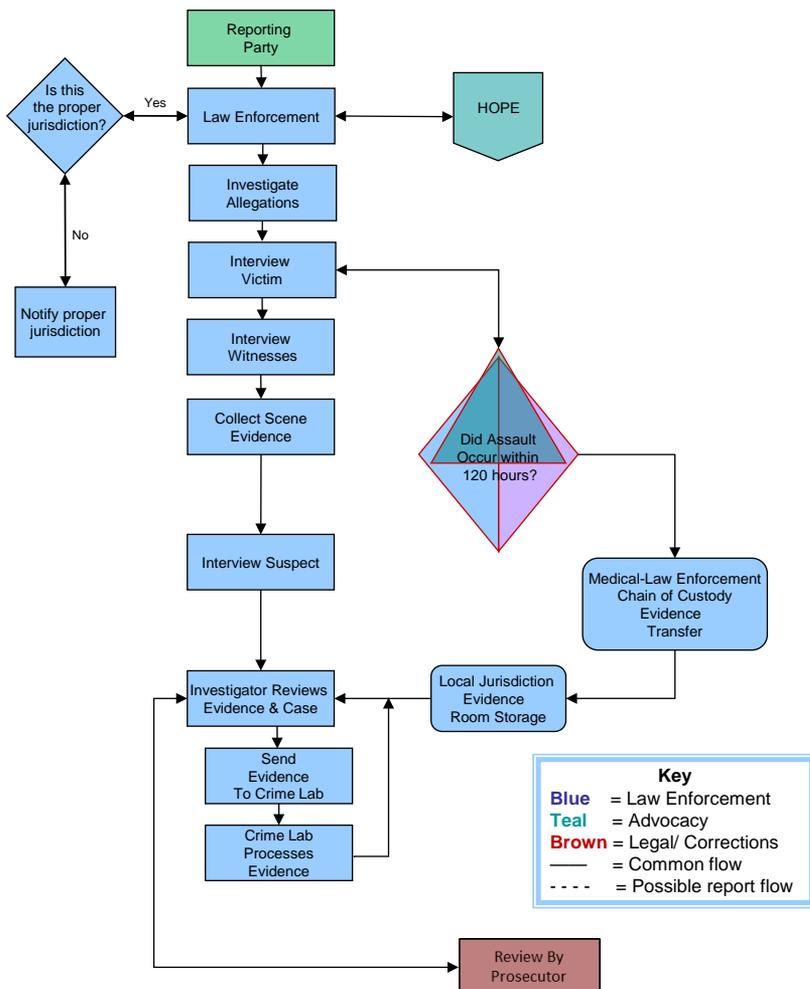
A HOPE advocate may be called by a victim or other service provider to assist a victim in obtaining a Harassment Restraining Order or an Order for Protection. The advocate may:

- Ensure that the victim has safe and adequate transportation to the Justice Center.
- Introduce self to victim and explain HOPE services to and provide a HOPE brochure.
- Identify and assess the victim's immediate needs
- Explain the civil justice process for Harassment Restraining Orders and Orders for Protection – including filing fees, contested hearings, Ex-Parte Orders, and violations.
- Offer to assist the victim in filing the restraining order.

### **Advocacy with Community Agencies (e.g., Schools, Social Services, Public Health)**

- A HOPE advocate may be called by a victim or agency personnel to provide services in emergency cases.
- Work together to ensure advocacy services and education about sexual violence and prevention are available to all members of the community.

# Law Enforcement



## Dispatchers Response

- Obtain and record caller's name, address, and phone number.
- Obtain location of suspect/victim, and jurisdiction of where crime was committed.
- Determine if the victim is in immediate physical danger. If so, ask if assailant is present and/or armed, get a name, address, phone number, and physical description.  
Determine appropriate response for all other emergencies.
- Dispatch patrol officer(s) according to department policy.
- Relay all vital information to responding police officers including any possible language barriers that may exist.
- Assess situation and if necessary keep callers on line until officer(s) arrive unless it is unsafe to do so.
- Reassure the victim that the police are responding to the call.
- If assault has occurred in the past 120 hours, advise victim not to shower or clean up and not to change clothes. If practical request that victim refrain from using the bathroom until officer arrives.

## Initial Responding Officers

- Safety of victim and officers is the first priority.
- Provide aid to the injured. Locate victim and reassure them.
- Secure any possible crime scene(s) to ensure that evidence is not lost, changed, or contaminated.
  - o Anonymous reporting may limit the availability to potential crime scene(s)
  - o Anonymous reporting may limit the availability to perpetrators
- Arrange for interpreter services, including language translation for non-English speakers and signing for hearing-impaired victims.
- Obtain necessary information on victim, suspect, and witnesses. (Home, work, cell phone numbers, full name, DOB's, and addresses).
- If crime has just occurred, furnish other officers (through Dispatch) with descriptions, method and direction of flight, and other relevant information concerning wanted persons and/or vehicles, etc.

- Obtain Basic/General information from victim and witnesses. Record if applicable.
  - Determine what crime was committed.
  - Where the assault took place and when.
  - Who was the suspect and get full name, DOB, phone number, etc.
  - What type of force was used? Struggle? Weapon? Threat?
  - Did victim tell anyone else of the incident? If so, who?
  - Document demeanor of the victim.
  - Was alcohol or drugs involved?
  - Explain to the victim the need to collect evidence such as clothing and bed linens
  - Ask if the suspect took or left something during the assault.
- Explain resources available to victim. Contact HOPE and have an advocate paged.
- Provide victim with complaint/case number.
- Contact Supervisor. Supervisor will request an investigator if necessary.
- Write a detailed report. Include specific language that the victim uses to describe the assault. Record officer's observations of crime scene including demeanor of suspect and victim, as well as documenting any injuries or disheveled clothing.

### **Primary Investigating Officer**

- Coordinate securing and processing the crime scene(s).
- Patrol officer and the investigating officer should evaluate cases involving children to ensure that they will not be left in a vulnerable environment. Child protection services and a shelter may be necessary.
- Determine if a sexual assault kit needs to be done. Arrange for victim to be taken to the hospital. Ask victim to sign a medical release form at the hospital. Upon completion of the sexual assault kit, collect the kit, clothing, and any other items from hospital staff. Document evidence transfer from hospital to police in chain of custody.
- If "Date Rape" drugs are suspected, a urine kit/blood kit needs to be completed while at the hospital. Symptoms are:

- Report of intoxication in short span of time (5-15 minutes)
- Cannot remember what happened.
- Reports waking up but passing out a second time.
- Rohypnol cannot be detected at 48 hours after ingestion.
- GHB can last, at most 12 hours after ingestion
- ❑ Determine what evidence should be seized and what photos should be taken and if any of the following needs be done:
  - Fingerprint scene if appropriate.
  - Sketch scene if appropriate.
  - Collect all pertinent evidence.
  - Photograph victim's injuries if present at the scene.
  - Photograph suspect's injuries if appropriate.
  - Collect biological samples from appropriate people.
  - Blood collection/analysis to be done at the hospital.
- ❑ Collect all appropriate evidence, establish and document chain of custody.
- ❑ Assess situation, i.e., officer's findings, victim and witness statements, and scene review.

### **Investigator/Primary Investigating Officer**

- ❑ Work with HOPE to address any safety concerns the victim may have, e.g., creating a safety plan, finding safe housing.
- ❑ Obtain all records on the suspect, including applicable computer checks, e.g., NCIC, POR, and DOC.
- ❑ SIGN completed 9-1-1 form from dispatch to obtain recording of call if applicable.
- ❑ Coordinate efforts to arrest or interview the suspect.
- ❑ Visit the scene of the crime if necessary. Obtain search warrants if necessary.
- ❑ Keep victim informed about the status of the investigation. Explain to the victim the charging process and provide the victim the investigator's work phone number and encourage the victim to call if questions arise.
- ❑ Accommodate victim's needs during those steps in the investigation process that require victim participation. For example, interviews, hearing, line-ups/show-ups. Explain to victim the importance of the interview for clarification purposes and that some questions may seem pointed but

need to be asked in order to gather more evidence for the prosecutor.

- Where applicable, provide interpreter during the interview.
- Determine information needs for police and prosecutor from victim interviews to minimize repetitious interviews.
- Take appropriate steps to make victim comfortable with interviews. Document all interviews.
- Notify victim of services available, i.e. advocacy programs (HOPE), Crime Victims Reparations Board, etc.
- Obtain medical records from the victim, if applicable.
- Review entire case and assist County Attorney in drafting search warrant(s) when necessary.
- Determine suspect(s) and coordinate interview(s).
- Determine if suspect will be arrested and/or referred to the county attorney for charges.
- Notify victim when suspect is taken into custody.
- Notify the victim if the case is referred to the County Attorney.

### **Reports Made at Medical Facility**

- Assist medical facility, including but not limited to:
  - Assess and ensure victim's safety
  - Delivery of Sexual Assault Evidence Collection Kits and supplies to medical facility
  - Secure evidence (photographs, clothing, etc.)
- Communicate with medical personnel to enhance case response
  - Case related details from victim
  - Forensic exam evidence collection/interpretation
  - Witnesses/ related support with victim

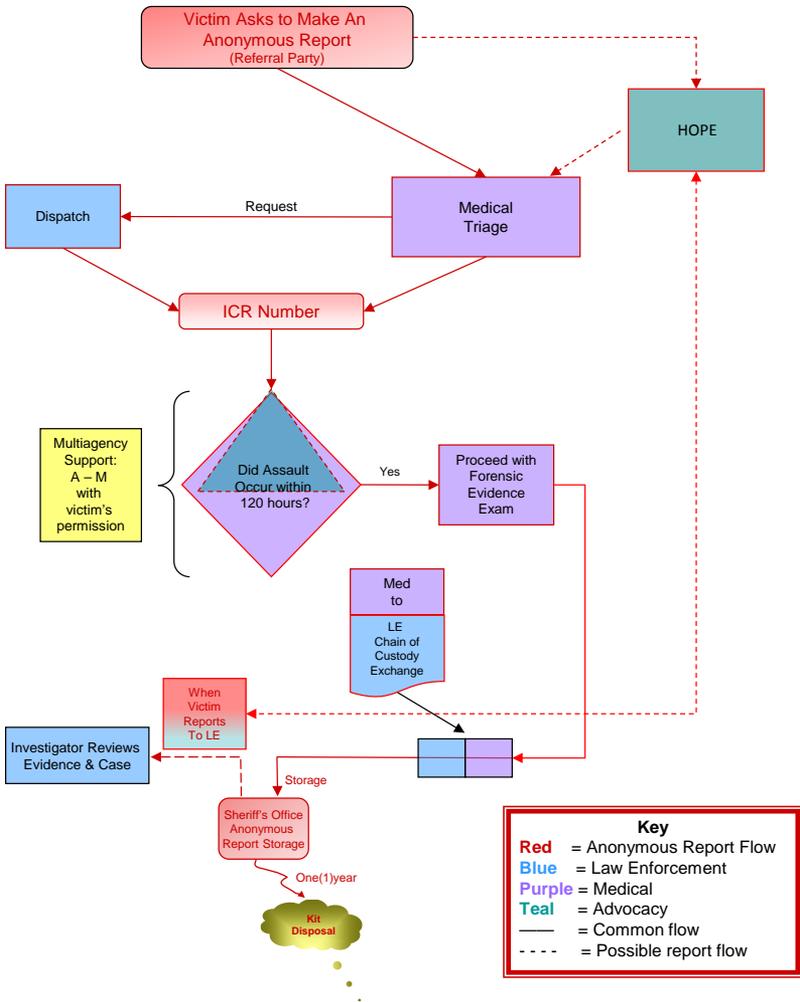
### **ANONYMOUS Reporting at Medical Facility**

- Determine if case is being reported to law enforcement or remains anonymous.
- Assist medical facility as needed for secure evidence transfer to Goodhue County Evidence Storage facility.

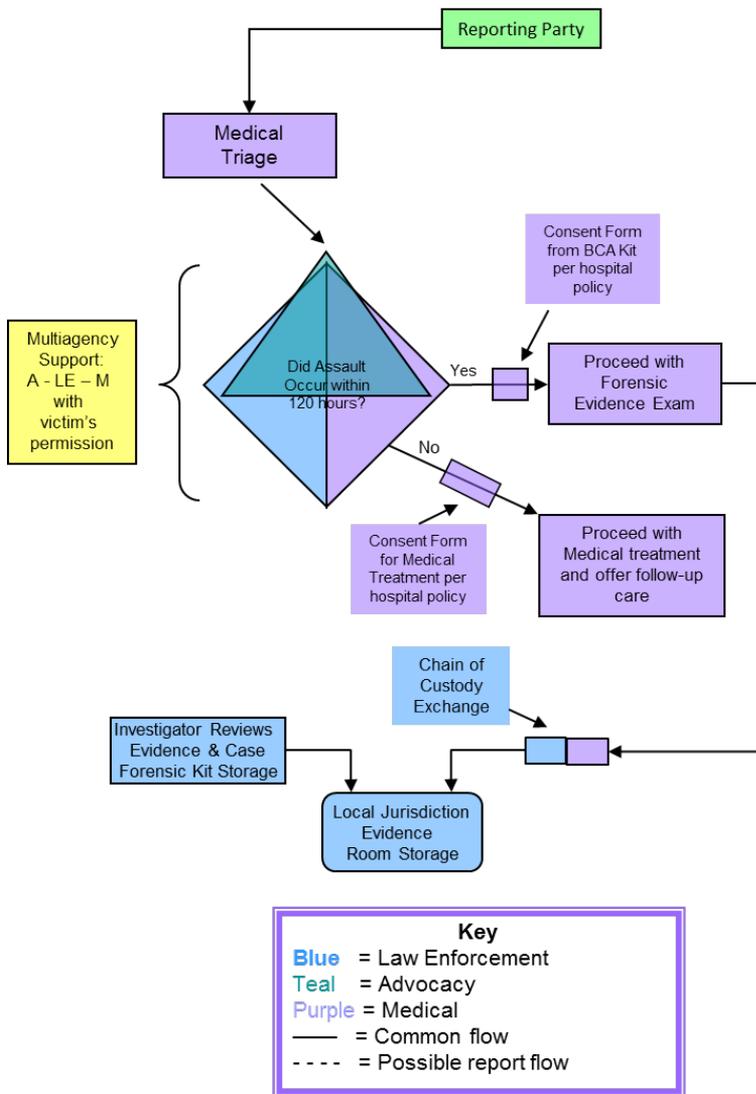
### **Detention Personnel**

- Make every reasonable effort to notify the victim of the assailant's release from custody as soon as the release date and time is known.

# Anonymous Reports



# Medical



## Presentation to Hospital

- ❑ If someone calls or presents to medical facility:
  - Encourage patient to be examined regardless if they want to report assault to law enforcement
  - Direct patient to go to the emergency room or clinic for care
- Ask patient:
  - Not to eat, drink, or smoke
  - Not to brush teeth or rinse mouth
  - Not to change clothes
  - To bring a change of clothes and shoes to the hospital
  - Not to douche
  - Not to shower or bathe
  - Not to urinate or defecate
  - If patient needs to urinate, instruct to collect urine in a clean container and bring to hospital, keeping in procession at all times. The patient should be told not to wipe after urinating.

## When patient presents at medical facility, staff should

- ❑ Initial information (name, date of birth, and reason) takes place at front desk.
- ❑ Provide a private room
- ❑ Ensure a designated medical person stays with patient at all times
- ❑ Primary assessment and registration completion should take place at bedside in order to ensure privacy
- ❑ Initial evaluation by triage, including vital signs, medical history, medications, assess for any physical injuries
- ❑ Determine time since assault
- ❑ Determine if mandated report is required
- ❑ Offer and contact a HOPE Advocate at 651-388-9360, ext. 1 (weekdays) or at 1-800-519-6690 (24 hrs)
- ❑ Arrange for interpretive services (sign or language) as needed
- ❑ Facilitate contacting a support person if patient desires

### **Guidelines: Criteria for Medical Facilities**

- Victims 13 and older do not need parental consent before getting an exam.
- Patients with serious or life threatening injuries should be seen in the emergency department for evaluation.
- Patients under age 12 should be provided services in accordance with current hospital policy.
- In cases of suspected child abuse, the Child Abuse Reporting Law mandates that abuse to any child up to the age of 18, must be reported.
- In case of suspected vulnerable adult abuse, the Vulnerable Adult Reporting Law mandates that abuse to vulnerable adults be reported.
  - a. On a case by case basis, adult persons who are impaired mentally may benefit from a videotaped interview through a trained designated responding agency.
- A police report for sexual assault is not mandatory. Encourage patient to report to law enforcement.
- Law enforcement must be notified if there is an indication that a dangerous weapon was involved in the assault.

### **Criteria for a Forensic Examination**

- Performing a Forensic Examination does NOT require the victim to:
  - a. make a report to law enforcement
  - b. pay for the examination
- The collection of the forensic evidence collection kit will follow hospital policy.
- a copy of the signed release for the examination should be included inside the forensic evidence collection kit

### **Evidence Collection Procedure:**

- The collection of evidentiary specimens shall follow the steps as shown on the ***BCA Patient Information and Sexual Assault History Form Information Form.***
- All evidence collection procedures shall follow current state of the art medical practices.
- The collection of evidence shall be in accordance with all local, state and federal laws.

### **Anonymous Reporting**

- When a patient of a sexual assault presents to a facility as a victim of a sex crime for medical treatment, an advocate, or designated medical person will present the patient with the following options:
  - Report to police and receive an evidentiary exam
  - Receive an evidentiary exam as an anonymous report with no police report
  - Receive medical treatment only with a possible police report
  - If the patients select the anonymous report option they will be informed of the following:
    - o They will NOT pay for the forensic evidence collection kit
    - o The benefits and drawbacks of anonymous reporting (time to make decision on reporting vs. challenges for investigation and prosecution)
    - o The length of time for which evidence will be stored
    - o What to do if they decide to report.

### **Accounting for ANONYMOUS REPORTS:**

- A designated medical person shall contact law enforcement dispatch in Goodhue County for an Incident Criminal Report number or ICR number.
  - o THE ICR NUMBER shall be clearly written, printed or placed

- On the outermost container of the evidence collection kit
  - On the evidence collection kit paper work inside the kit.
  - On patient's medical records
- ❑ The law enforcement dispatch or Goodhue County Sheriff's Office (GCSO) will be called and an officer requested to transport the evidentiary kit to the central law enforcement evidence storage facility.
  - The evidence will be maintained by a designated medical person until released through a chain of custody transfer to the GCSO deputy.
- ❑ An information card will be given to the patient with the following information:
  - The anonymous identifying (ICR) number of evidentiary kit
  - Date of the exam and length of time evidence will be held without destruction
  - Name and contact information of law enforcement agency holding the evidence and how to proceed should victim decide to report to law enforcement
  - Name and contact information for advocacy support agencies.

## Registration and Billing

*Before the exam, explain to the victim:*

- ❑ Patient should be provided with a “*Victims of Sexual Assault- Your rights and resources*” brochure.
- ❑ The patient will not be responsible for any costs of the sexual assault evidentiary exam, regardless if they decide to report or not to report to law enforcement.
- ❑ The county in which the assault occurred will pay for all costs associated with the exam including: full cost of sexual assault exam, preventative treatment for sexually transmitted diseases, pregnancy testing, and emergency contraceptive pill.
- ❑ Costs for medical care above and beyond the forensic evidence collection kit may be billed to the victim's private insurance with the consent of the victim. In the event that the insurance cannot be billed, the cost of additional

medical care may be routed through victim reparations with approval, or the victim may apply for Medical Assistance.

- ❑ If the assault occurred in Goodhue County, the bill will be sent to the Goodhue County Sheriff's Office.
- ❑ If the victim chooses to bill personal insurance for the exam, follow normal hospital or clinic procedures for billing insurance.
- ❑ If it is a younger victim, that does not have individual health insurance coverage, explain the parent's insurance may get billed for any additional treatment above and beyond the cost of the evidentiary exam.

## Forms

### *S/V Anonymous Report Information Card*

#### ANONYMOUS REPORT

This the identification number of your anonymous report.

\_\_\_\_\_  
ICR Number  
(Provided by Law Enforcement)

\_\_\_\_\_  
Destruction Date  
The Kit will be destroyed one (1)  
year from above date

**IF YOU NEED IMMEDIATE HELP CALL : 9-1-1**

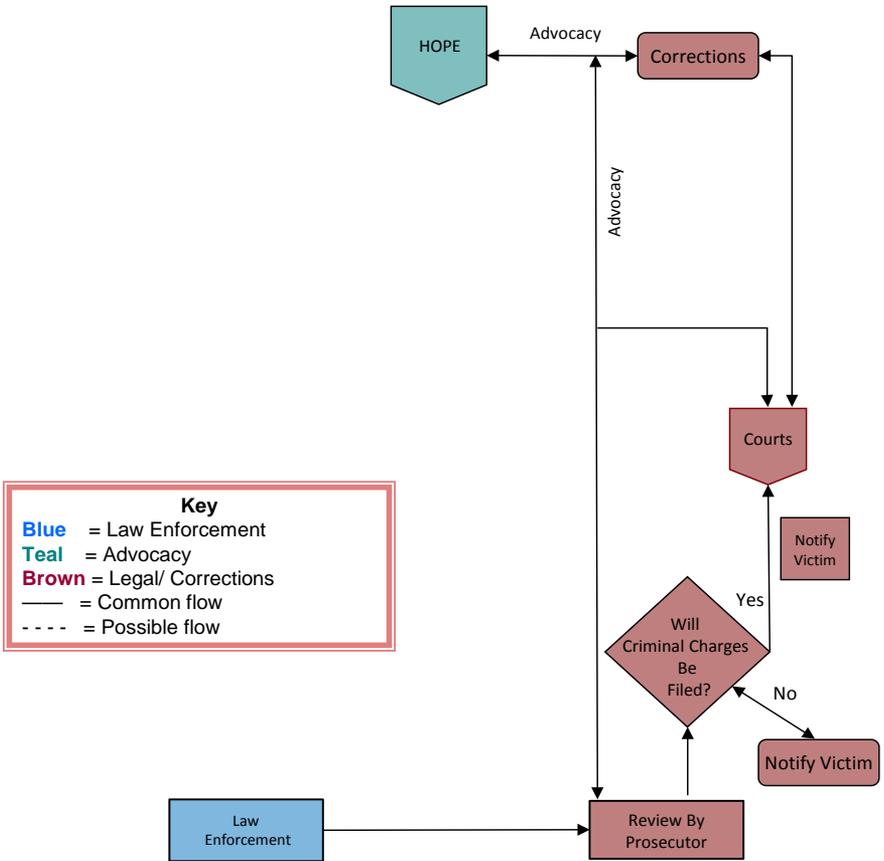
**IF YOU DECIDE TO REPORT YOUR CASE TO LAW  
ENFORCEMENT, PLEASE CALL THE FOLLOWING NUMBER:**

GOODHUE COUNTY SHERIFF'S OFFICE... 651-267-2624

**IF YOU WOULD LIKE SUPPORT OR TO TALK WITH AN  
ADVOCATE, PLEASE CALL THE FOLLOWING CONFIDENTIAL  
SUPPORT LINE:**

HOPE COALITION SEXUAL ASSAULT SERVICES.....  
1-800-519-6690, OR  
651-388-9360,EXT. 1

# Prosecution/Corrections



## The Role of the Participants

- ❑ If criminal charges are filed, the prosecutor will work hard to promote justice, protect public safety, and treat victims of sexual violence with respect.
- ❑ The role of the Victim-Witness staff is to act as the primary liaison between the prosecutor and crime victims.

## Duties of the Victim-Witness Staff

- ❑ The victim-witness staff member shall act as the primary contact person between the Goodhue County Attorney's Office and the sexual assault victim while the case is pending.
- ❑ The victim-witness staff member, shall when possible, make contact with the sexual assault victim promptly after criminal charges are filed. The purpose of early contact is to:
  - to acquaint the sexual assault victim with how the criminal justice process works, to provide information about the victim's rights in a criminal case, to answer questions about the victim's role in the prosecution and to inform the victim about available services;
  - to talk with the sexual assault victim in order to identify issues specific to each case that should be relayed to the prosecutor to be addressed in court; and
  - to alert the prosecutor to any problems related to the sexual assault victim's ability or willingness to participate in further proceedings, as well as aggravating or mitigating facts in the case.
- ❑ The victim-witness staff will maintain contact with and provide support to the sexual assault victim while the case is pending. Duties include:
  - keeping the sexual assault victim informed of the status of the case;
  - supporting the sexual assault victim's commitment to prosecution;
  - making referrals to appropriate outside agencies, including but not limited to HOPE Coalition and other support groups or therapists;
  - communicating the sexual assault victim's concerns to the prosecutor;

- if known, conveying the sexual assault victim's wishes regarding disposition to the prosecutor and/or arranging a face to face meeting or telephone conference with the sexual assault victim so the prosecutor can inform the victim of the available legal options in a criminal case regarding disposition;
- explaining the prosecutor's and/or the court's decision regarding disposition of the case;

### **Charging Decision**

- The prosecutor will review reports provided by law enforcement officers and make a prompt decision regarding whether to charge, to decline, or to request additional investigation.
- If additional investigation is needed, the prosecutor will promptly notify the investigating officer in writing of the specific follow-up needed to secure all relevant evidence tending to corroborate a sexual assault victim's testimony.
- If the decision is to decline prosecution, the prosecutor will draft a memorandum to the investigator and notify them of the reason for declining prosecution.
- The prosecuting attorney will send a copy of the decline of prosecution memorandum to the sexual assault victim and be willing to conduct a follow up meeting should the sexual assault victim need further explanation of the charging decision.
- If charges are filed, the prosecutor will draft the criminal complaint. The prosecutor will protect the identity of the sexual assault victim in the charging document and wherever else possible.
- If charges are filed, the victim-witness staff will:
  - Notify the sexual assault victim of charges;
  - Provide sexual assault victims with information regarding victim rights;
  - Advise sexual assault victim of scheduled hearings and status of case;
  - Ensure victim is provided with a Victim Rights brochure;
  - Provide sexual assault victim information regarding the Crime Victims Reparations Board;

- Provide sexual assault victim with information of services provided by HOPE Coalition;
- Ensure victim receives referral information for counseling and other community resources.

### **Bail Hearing**

- The prosecutor shall take into consideration the safety and specific requests of the victim when requesting bail and/or conditions of release.
- The prosecutor shall request a No Contact Order prohibiting the defendant from having contact with the victim, contact with other persons who may have been present during the sexual assault, and contact with a particular group profile the defendant may target.
- The prosecutor shall request a No Contact Order that prohibits the defendant's presence at or near the victim's residence and place of employment as well as contact by telephone, email, writing, or through third parties.
- The prosecutor should be aware that a victim might also seek a separate civil order for protection or harassment restraining order, a violation of which is a crime. Victim Services Staff will provide victims with contact information for the HOPE Coalition so that an advocate could, if requested, generally describe the procedure needed to be followed to obtain an order for protection and/or assist sexual assault victims with obtaining an order for protection.

### **Definitions**

- "No contact order" – an order by the Judge as part of the pretrial proceedings in a criminal case that prohibits a criminal defendant from having direct contact (i.e. email, text message, phone, face to face) or indirect contact via a third party with the victim. A violation of a "no contact order" constitutes a condition of release violation and should be reported to law enforcement who will

- forward the report to the Goodhue County Attorney's Office. The prosecutor is permitted to use the information to make an application to the Court for a review of the conditions of release.
- "Order for Protection" – a civil order issued by the Judge that prohibits a specific person from having contact, direct or indirect, with the victim. In order to apply for and receive an Order for Protection, the victim must be able to show that he or she is connected to the other person because he or she is the spouse, former spouse, parent, child, related by blood, currently living with the person, formally lived with the person, have a child in common, been involved in a significant romantic or sexual relationship, or in the case of a man and woman, the woman is pregnant and the man is alleged to be the father. A violation of the Order for Protection by the defendant is a separate crime. Law enforcement officers with probable cause to believe that a valid Order for Protection has been violated may make an arrest.
  - "Harassment Restraining Order" – a civil order issued by the Judge that prohibits a specific person from having contact, direct or indirect, with the victim. In order to apply for and receive a Harassment Restraining Order, the victim is required to show a single act or series of repeated acts of physical or sexual assault. No additional form of relationship is required. A violation of the Harassment Restraining Order is a separate crime. Law enforcement officers with probable cause to believe that a valid Harassment Restraining Order has been violated may make an arrest.
  - The prosecutor or a member of the victim witness staff will explain to a victim that a civil order for protection or harassment restraining order will remain in effect after the criminal case has been completed.

## **Pre-Trial Proceedings**

- The Victim-Witness Staff shall keep the victim informed of the dates, times, and places of court hearings and shall also inform the victim that he/she has the right to attend all hearings. That,

whenever possible, if a victim attends a pretrial hearing; a member of the Victim-Witness staff shall sit with the victim in the courtroom. The prosecuting attorney shall make reasonable efforts to speak with victims who attend pretrial hearings to answer any questions they may have and to keep them informed of the status of the hearing.

- The prosecutor will make reasonable efforts to avoid requiring any victim testimony at pre-trial hearings, including contested omnibus hearings.
- That in cases where a court dismisses for a lack of probable cause the prosecutor with assistance from the Victim-Witness staff shall immediately notify the victim to inform them of the court's decision and answer any questions. That in rare cases where a prosecutor dismisses criminal sexual conduct charges, the prosecutor will file a written motion containing the specific reasons for the dismissal. The prosecutor along with members of the Victim Witness staff should explain the reasons for the decision to dismiss to the victim and seek any further input from the sexual assault victim regarding the decision.

### **Trial Preparation**

- If possible, the prosecutor will conduct a face to face meeting with the victim and other witnesses prior to the trial. Members of the Victim Witness staff shall be present during the meeting and a victim advocate may also participate in these meetings whenever possible.
- The prosecutor and/or victim witness staff will advise the sexual assault victim and witnesses that any harassment of the victim or other witnesses by the defense or others working for the defense should be reported immediately to the County Attorney's Office and law enforcement. Harassment of the victim or witnesses, such as calls, emails, text message, or visits from the defendant, third parties, defense attorneys or investigators, in which the person in any way attempts to discourage the victim or witness from testifying in a certain matter could constitute a new crime or a violation of the conditions of release.

- That during trial proceedings the Goodhue County Attorney's Office will provide a separate waiting area for the victim and the victim's family and friends, to avoid unnecessary contact with the defendant and the defendant's witnesses during any court proceedings.
- A sequestration order is a court order that keeps all witnesses separate from each other and also prohibits witnesses from talking to each other about the pending case until each witness has testified or has been dismissed as a witness. That if the court issues a sequestration order the prosecutor will inform the victim and all witnesses for the State that they are prohibited from discussing the case with any persons until they have testified. The prosecutor will also inform the victim and all State witnesses that under no circumstances should they talk about the case with members of the jury.
- The prosecutor and victim witness staff will explain to the victim that he or she would not be able to have access to the courtroom until he or she has testified. However, after testifying, the victim should be provided with access to the courtroom, if requested.
- The victim-witness staff will:
  - Work to accommodate special needs of the victim and other witnesses during trial;
  - Provide ongoing support;
  - Coordinate services with community-based advocate, if appropriate;
  - Provide regular trial status updates to sexual assault victim and updates to other witnesses as requested by the prosecutor;
  - If available, attend court proceedings;
  - Notify the victim of trial outcome. Facilitate further contact with the prosecutor if needed, including responding to victim's questions/concerns regarding the verdict.

## Guilty Pleas, Jury Verdicts, and Pre-Sentence Procedures

- The prosecutor has the sole responsibility for entering into plea negotiations. Any settlement offer advanced by the prosecutor will be made on the basis of available evidence as well as the ability to prove each element of each offense beyond a reasonable doubt.
- The prosecutor will seek input from victims whenever possible prior to entering into a plea agreement. The prosecutor will also inform the victim that they have a right to express their opinions regarding the outcome of the case, but that it is the job of the prosecutor to make the final decision.
- The prosecutor shall notify the victim of all terms and conditions of the plea agreement whenever a plea agreement is reached between the prosecution and defense.
- The prosecutor with assistance from victim witness staff members shall make reasonable efforts to immediately notify victims of the outcome of a jury or court trial. The prosecutor and victim witness staff members shall be available to answer questions about the verdict and court processes.
- The victim-witness staff will:
  - Notify victim of result of the plea negotiations or trial.
  - Advise victim of the date and time of the sentencing hearing.
  - Advise victim of rights pertaining to the pre-sentence investigation and the sentencing hearing.
  - If necessary, assist victim in submitting restitution request and impact statement.
- The prosecutor or victim witness staff will inform the victim that he or she has the opportunity to present a victim impact statement as part of the sentencing process. The victim witness staff member will provide the victim with a pamphlet explaining what types of information is normally included within a victim impact statement.
- The victim witness staff member will inform the victim that she or he has the opportunity to make a victim impact statement in open court at the Sentencing Hearing. The victim witness staff

- member will inform the victim that he or she has the option to provide an oral statement to the Court, to read a written statement in open court, or to have a written statement be read in open court by the prosecutor, a victim witness staff member, or by an Advocate.
- Prior to the sentencing hearing the prosecutor or victim witness staff and a representative from the Minnesota Department of Corrections will attempt to gather information about the amount of any restitution, if any, sought by the victim for expenses incurred as a direct result of the sexual assault.

### **Post-Sentence Procedures**

- Once the sentencing hearing has been completed, a victim witness staff member will send a letter to the victim stating the terms and conditions of the sentence.
- A member the victim witness staff will provide victims with information about inmate release notification as well as providing information regarding assistance from the Crime Victim Reparations Board.
- Whenever possible, the prosecutor or victim services coordinator with the assistance of the Minnesota Attorney General's Office will also keep sexual assault victims informed regarding the status and timeliness of any appeals the defendant files.

The Department of Corrections strives to be victim-centered in providing services to sexual assault victims and survivors. The Department of Corrections will work with the prosecutor, advocates, and sexual assault victims to accomplish the best possible outcomes in the process.

## Process

In order to provide services to victims, the Minnesota Department of Corrections will commit to the following victim rights procedures:

- ❑ The corrections agent will make a good faith effort to contact the victim or victim's legal guardian with regard to release requests, pre-trial supervision, pre-sentence/pre-disposition investigations, and post-sentence supervision of the offender.
- ❑ If there is a victim advocate, contact can be established through the advocate.
- ❑ When the victim's whereabouts are unknown and the victim doesn't respond to phone calls or letters, corresponding county attorney's office will be contacted.
- ❑ Contact will be made in the victim's primary language.
- ❑ The corrections agent will ensure the victim's personal information is kept confidential from the offender.
- ❑ Once contact is established with the victim, the corrections agent will provide the following information to the victim or the victim's legal guardian:
  - The correction's agent name and telephone number.
  - Explain to victim's their right to make an impact statement to the Courts in regards to sentencing of the offender, their right to present that impact statement, or if they do not wish to appear before the Court that the statement can be presented to the Court in a confidential manner.
  - The status of any "no contact" orders that may exist.
  - Explanation of "no contact" court orders and the responsibility of the offender to comply with such orders.
  - The status of restitution amounts ordered by the court.

- Information about how to access prison and/or jail records, and provide access to the VINE system.
- Whereabouts and possible release dates of offender, if incarcerated in jail or prison.
- If victim requests or expresses interest in a face-to-face meeting with the offender, provide victim information about services available through victim offender mediation and victim contact procedures through sex offender treatment.

In order to hold offenders accountable, the Minnesota Department of Corrections will do the following:

- Conduct pre-sentence/pre-dispositional investigations ordered by the court:
  - Review offender's prior criminal record and all prior pertinent information.
  - Meet with the offender personally.
  - Conduct appropriate collateral research necessary to prepare a comprehensive report.
  - Review Minnesota Sentencing Guidelines and complete required sentencing guidelines worksheets.
  - Schedule psychosexual evaluation for the offender.
  - Schedule the court orders for diagnostic screening such as chemical dependency assessments, mental health assessments, gambling screens, domestic abuse assessments, etc.
  - Recommend a fair, reasonable, and appropriate offender sanction to the court taking into consideration the victim, public safety and offender accountability

## | Resources

### Child Sexual Abuse Prevention

Stop it Now

<http://www.stopitnow.org/>

### Mandated Reporting Guidelines and Information

Minnesota Department of Human Services

[Child Protection Information](#)

[Reporting Child Abuse and Neglect: A Resource Guide for Mandated Reporters in English \(PDF\).](#)

### Medical Forensic Resources

MNCASA

<http://mncasa.org/medical-forensic-resources>

### Minnesota Coalition Against Sexual Assault

Sexual Violence Justice Institute

<http://www.mncasa.org/svji>

### Sexual assault crisis programs throughout Minnesota

RapeHelpMn.org

<http://rapehelpmn.org/find-help/>

### Sexual Violence Prevention Program

Minnesota Department of Health

<http://www.health.state.mn.us/injury/topic/svp/>

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