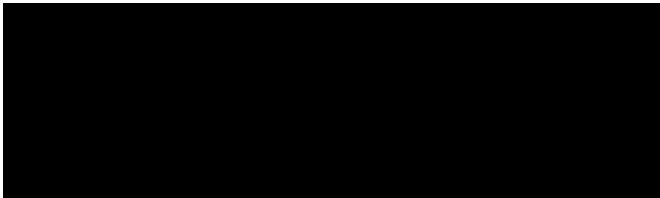


**TO:**



**From:** Sergeant Mark Buschena

**Subject:** Bismarck ND Police Department open records request concerning sex assault evidence kits

Here is the information you requested followed by our answers.

1. Any documentation regarding the number of sexual assault evidence kits received by the City of Bismarck Police Department in at least the last ten (10) years, broken down by year. If documentation is readily-available further back in time, we request all such readily-available documentation;
2. Any documentation regarding the number of sexual assault evidence kits received by the City of Bismarck Police Department that have been processed by the City of Bismarck in the last ten (10) years, broken down by year. If documentation is readily-available further back in time, we request all such readily-available documentation;
3. Any documentation regarding the number of sexual assault evidence kits received by the City of Bismarck Police Department that are unprocessed and remain in any storage facilities currently under City of Bismarck's jurisdiction and control; and
4. Any written policies or procedures regarding City of Bismarck's practices on the handling of sexual assault evidence kits, including testing protocols, and also including any documents defining the meaning of any terms or abbreviations used by City of Bismarck pertaining to sexual assault evidence kits.

1. Here are the numbers of sex assault evidence kits received by year

2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
12	17	25	22	22	27	31	30	35	33	30	25	30	37	44

2. Here are the numbers of sex assault evidence kits processed by year

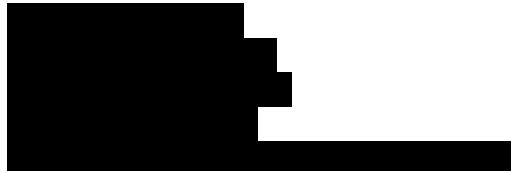
2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
6	10	24	19	19	21	20	19	21	15	16	10	11	15	8

3. We have 74 kits in evidence that have not been processed. 18 of those are Jane Doe kits. Jane Doe Kits are described below in the memo dated October 30, 2009.

4. See attached policies/procedures

**If you have additional questions, please let me know. Thanks.**

Sgt. Mark Buschena  
Crime Prevention /Community Services  
Bismarck Police Department



Website: [www.bismarcknd.gov](http://www.bismarcknd.gov)



# GSI / SANE Kits

## *GSI and Urine Kits - Description*

GSI/SANE Kits contain DNA evidence and are put together in a hospital.

These kits will include some clothing; however other clothing may be packaged separate from the kit.

SANE kits will also come with documentation that will need to be collected as well.

Urine kits are collected to determine if drugs or other substances are present in the body.

Urine kits are most often retained when date rape is suspected.

## *GSI / SANE Kits – Packaging*



*GSI kits will be placed into the temporary refrigerators immediately after recovery. Place the barcode label on the end of the box.*

GSI Kits, also known as SANE Kits, are put together by a SANE nurse and will be turned over to law enforcement after the collection process is complete.

It is very important to refrigerate the kit as soon as possible after the kit is collected.

Any clothing items that are not able to be placed into the kit will be placed in a paper bag and sealed with tape. **DO NOT STAPLE.**

If the victim wishes to pursue charges, enter the kit into evidence in HTE and place a barcode label on the end of the box.

Paperwork and any additional bags should be entered as a separate item and each should have a unique barcode label.

Paper and additional clothing do not need to be refrigerated.

Place a label in the upper left hand corner of SANE documents; these do not need additional packaging.

If the victim does not wish to pursue charges and would like to remain anonymous this will be treated as a "Jane Doe" Kit.

**DO NOT ENTER A JANE DOE KIT INTO HTE.**

Place the kit in the refrigerator and inform evidence of the Jane Doe Kit.

Evidence will assign a local number to the kit.

Write the Victim's name on all evidence taken for a Jane Doe Kit.

Include Biohazard stickers on all evidence containing bodily fluids.

#### *[GSI / SANE Kits – HTE](#)*

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The property type code in HTE for GSI / SANE Kit is 700 (Medical / Medical Lab)

See CLOTHING and DOCUMENT sections for information on packaging additional items.

Description will be SANE Kit or SANE Documents (all other items will be entered based on what they are  
– see individual sections for packaging and entering instructions)

Include victim and suspect information in HTE.

**DO NOT ENTER JANE DOE KITS INTO HTE.**

#### *[Urine Kits – Packaging](#)*

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*Place documents into a document envelope. Place the label on the top left corner. Only seal the envelope with evidence tape when necessary.*

Urine kits must be placed into a FREEZER as soon as possible after receiving them for a suspected date rape.

Failure to freeze the urine kit will result in the potential drugs being broken down and undetectable.

Urine kits, like SANE kits, do not need additional packaging. Ensure the kit is sealed and place the evidence label on the end of the box.

### ***Urine Kits – HTE***

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The Property type code in HTE for Urine Kits is 700 (Medical / Medical Lab)

Description will be: Urine Kit

Quantity will always be: 1.

Include victim and suspect info.

### **3. DNA Evidence Collection**

A. Policy: The department recognizes that DNA (deoxyribonucleic acid) may be a major evidentiary factor in proving the identity of a suspect in a criminal offense. The development of matching DNA has made a major impact on law enforcement and improvements in technology continue to advance this means of identification even with very small or odd samples. In order to ensure maximum success in preserving and collecting evidence potentially containing DNA, the department has established the following procedures.

B. Procedures:

- 1) Personnel responding to a report of a crime shall remain aware of the possibility that evidence may exist that potentially contains DNA that may be essential in proving the identity of a suspect or positively linking the suspect with the crime or scene.
  - a) Sources of DNA evidence are: Sweat, skin cells, blood, tissue, mucus, ear wax, semen, saliva, vaginal or rectal cells, hair, urine, brain cells, fingernails, feces, teeth, and dandruff.
  - b) Basic precautions are:
    - (1) wear gloves when collecting DNA evidence and change them often;
    - (2) use disposable instruments or clean them before and after handling each DNA evidence/sample;
    - (3) air-dry evidence thoroughly before packaging;
    - (4) put evidence into new paper bags or envelopes, not into plastic bags;
    - (5) do not use staples.
- 2) Personnel shall collect evidentiary items that contain potential DNA following established proper protocol as trained in order to prevent the contamination and/or destruction of potential DNA.

- 3) DNA evidence collection, storage and transportation requirements. In addition to the **basic precautions** listed above, all personnel are to adhere to the following requirements:
  - a) Avoid touching your face, nose, and mouth when collecting and packaging evidence.
  - b) Avoid talking, sneezing and coughing over evidence.
  - c) Keep evidence dry and at room temperature.
  - d) Avoid keeping evidence inside vehicles without air conditioning where it may get hot.
  - e) Never place DNA evidence in plastic bags.
  - f) Secure evidence in paper bags or envelopes.
  - g) Avoid exposing evidence to direct sunlight and warmer conditions.
  - h) Once evidence has been secured in paper bags or envelopes, it should be sealed with tape (do not use staples), labeled and transported in a way that ensures proper identification of where it was found and proper chain of custody.
- 4) In the event responding personnel are unfamiliar with proper DNA collection protocol or procedures to follow in a specific situation, a supervisor shall be contacted. Specially trained investigative personnel are available to respond in order to assist in collection of DNA evidence.
- 5) Investigative personnel shall receive the following training at a minimum prior to engaging in the specialized collection of DNA evidence:
  - a) Investigative personnel shall be trained by certified personnel from the ND State Crime Laboratory in the collection of cheek cells (DNA) from a suspect or subject using a sealed DNA Collection Kit. Also investigative personnel shall have attended a basic training class on DNA evidence collection or received training or instruction from experienced investigative personnel. Investigative personnel shall contact ND Crime Laboratory personnel if questions arise concerning collection of DNA evidence.
- 6) DNA evidence shall be submitted to the North Dakota State Crime Laboratory following the current procedures established by the Laboratory. These procedures shall be posted in the evidence storage processing station at the department and are also available at <http://www.ag.nd.gov/CrimeLab/Lab.htm>. When submitting DNA evidence, the submitting officer or investigator shall complete the DNA Evidence Information Sheet (ND State form 59915) available at the above Crime Lab link and at [W/PD All Users/BPD Forms](#).

**Rev. 5/2014**

## **SEXUAL ASSAULT**

**Refer to N.D.C.C. 12.1-20-07 Rev. 12/2004**

### **CHECKLIST:**

1. Receive report from complainant or dispatch.
2. Interview victim. (Obtain written statement if possible)

3. Collect any physical evidence.
4. Interview any and all witnesses. (Obtain written statement)
5. Interview suspect if known or apprehended.
6. Sign complaint or have victim sign complaint.

### **GROSS SEXUAL IMPOSITION (RAPE)**

**Refer to N.D.C.C. 12.1-20-30 Rev. 12/2004**

**CHECKLIST:**

1. Complaint report or report by victim.
2. Make contact with the victim either at their residence, the hospital, or the police department.
3. Talk with the victim or any witnesses to get a description of the suspect and broadcast it to the other units.
4. If the victim is not in the hospital, request that they go there for an exam by the emergency room doctor. He will also collect evidence for the Pathologist and Crime Lab.
5. Secure the crime scene. If necessary have another officer stand by there until it can be processed.
6. Do an in-depth interview with the victim and take pictures if there is any physical evidence of bodily injury.
7. Collect all the victim's clothing that was wore at the time of the incident.
8. Process the crime scene. Collect all evidence at the scene and do a neighborhood check to locate any witnesses that may have seen the suspect and victim prior to the incident.
9. If the suspect is known, try to locate him and collect evidence from him. Also interview suspect.
10. Affect an arrest of the suspect.

### **SEXUAL IMPOSITION**

**Refer to N.D.C.C. 12.1-20-04 Rev. 12/2004**

**CHECKLIST:**

1. Receive report from complainant or dispatch.
2. Obtain facts - victim's home or hospital or police station.
  - A. Victim - name, age, address, phone number, marital status, last time intercourse if within 24 to 36 hours prior to sexual assault;
  - B. Offense - location, time, details of sexual assault;
  - C. Suspect - name and address if known, description of suspect, car, license number, etc. Nature of any prior contact with suspect;
  - D. Witnesses - names and addresses of all witnesses. Obtain written statements if possible.
3. Have victim go to hospital for exam and physical evidence collection. (This is if victim is not there already).

- A. Make sure victim does not bathe or shower and takes the clothing worn during the assault along to the hospital.
- B. If offense occurred two to three days prior to report, have victim go to doctor for a pregnancy test.
4. Collect any physical evidence from crime scene.
5. Interview and collect physical evidence from suspect, if apprehended.
6. Take all physical evidence to the State Lab for Analysis.
7. Sign complaint.

## *Bismarck Police Department*

October 30, 2009

**SPECIAL ORDER F-09-303-1**

**From:** Deputy Chief Dan Donlin  
Field Services Commander

**To:** All Sworn Personnel, Evidence

1

**Subj:** "Blind" "Jane Doe" or "Non-Reported" Sexual Assault Exams

If a victim of a sexual assault chooses to "not report" the sexual assault, but, they do submit to having a forensic exam conducted, a "Blind" Sexual Assault kit will be completed. These are also known as "Jane Doe" or "Non-Reported" kits. By law, law enforcement is required to obtain these kits and keep them for 7 years (statute of limitations).

Effective immediately the following procedure will be followed when officers are called to a "blind"/"Jane Doe"/"Non-Reported" sexual assault case and asked to collect the sexual assault kit:

1. Law Enforcement will not be involved in the interview process
2. SANE will conduct a brief interview of the victim and determine jurisdiction
3. SANE will put the Victim's name and date of birth on the outside of the kit
4. The sealed sexual assault kit will be turned over to law enforcement for chain of custody and evidentiary purposes
5. The officer will ensure to log the Victim's name and date of birth on a Bismarck Police Department Receipt for Property Form (Form 207), as well as the other required information needed to be completed on the form showing chain of custody
6. The officer **WILL NOT** obtain a CR#, but, will put the evidence kit into evidence by placing it into the evidence refrigerator in the BPD garage and the top (white) portion of the Receipt for Property form should be placed into Evidence Locker #1.

If the victim later decides to formally report the assault, they will be referred to law enforcement who will initiate the report at that time.

This order will remain in effect until modified, rescinded or adopted into a General Order.

  
DEPUTY CHIEF DAN DONLIN  
Field Services Commander

cc: Chief Witt, DC Wooten

<b>BISMARCK POLICE DEPARTMENT</b>	General Order 5501
<b>VICTIM/WITNESS ASSISTANCE LAW ENFORCEMENT DOMESTIC VIOLENCE ADVOCACY PROGRAM</b>	Approved: 
	Revision Date: 10-24-2014
	CALEA STANDARDS 55.1.1-55.2.7

## **POLICY**

The policy of the Bismarck Police Department is to uphold the rights of victims and witnesses as stated in the Victim Bill of Rights. The Department shall treat victims and witnesses with fairness, compassion, and dignity in the deployment, implementation, and perpetuation of appropriate victim/witness programs and activities.

## **PURPOSE**

The victim/witness assistance program is a function of the Burleigh County States Attorney's Office, whose goal is to provide an information center for victims of all types of crime in the city/county.

## **PROCEDURE**

### **1. Programs for Victim and Witnesses –**

- A. The Victim/Witness Assistance Program provides information on court dates and procedures, refers victims to sources of help within the city, refers victims to counseling, provides crisis intervention, assists in recovering restitution from convicted criminals for the victims, relays victim's wishes to judges and prosecutors, assists victims in making pre-sentence impact statements, assists with financial resources for forensic examination costs in rape cases, assists victims in victim compensation, and works with the other agencies in the city and

county to provide thorough assistance to victims.

B. The Law Enforcement Domestic Violence Advocacy (LEDVA) program links local law enforcement with advocacy services and provides victims of domestic violence and sexual assault with crisis intervention services following an incident. The Abused Adult Resource Center (AARC) Advocacy assists agency personnel in working with victims of domestic violence. LEDVA services include education, support, advocacy in obtaining a protection order, referrals to community resources, emergency shelter, and support group. The Advocate attempts to make follow-up contact with victims of domestic violence either by phone or by letter providing information about domestic violence and advocacy services available. See Section 13, of this General Order, for additional information regarding AARC.

**Rev. 12/2013**

2. Rights of Victims and Witness of Crime – The Bismarck Police Department will adhere to the rights of victims as listed in **N.D.C.C. 12.1-34.02**.

A. VICTIM'S RIGHTS

- 1) To be informed, upon request, of the status of the investigation, unless it would jeopardize the investigation.
- 2) To be informed of the criminal charges filed.
- 3) To be informed of the defendant's pretrial status.
- 4) To be informed of the Crime Victims Reparation Act.
- 5) To be informed of appropriate and available community services.
- 6) To receive employment protection services, upon request.
- 7) To receive witness fees.
- 8) To have personal property returned promptly unless necessary for court proceedings.
- 9) To be provided a waiting area separate from the defendant during court proceedings.
- 10) To receive protection from release of personal identifying information at court proceedings, unless it is necessary to the proceedings.
- 11) To be present throughout the trial unless excluded by the court and be provided a safe waiting area.
- 12) To be notified of any scheduled court proceeding and/or cancellation or changes.
- 13) To be consulted on any potential plea agreement and to be advised of any verdict.
- 14) To submit a written statement to the court concerning the impact of the crime on the victim. Victims of violent crime may, at the Judge's discretion, make an oral impact statement at the time of sentencing.
- 15) To be informed of the parole and pardon process, including notice of any pending review.
- 16) To be notified of the final disposition of the case.
- 17) To receive prompt notice of the defendant's release from custody, including notice of any pending review.
- 18) To submit a written statement to the parole and pardon board concerning the impact of the crime on the victim. Victims of violent crime, may, at the board's discretion, personally appear to give a statement.

3. To assist in the effective provision of victim/witness assistance –

- A. All department personnel are responsible to provide proper assistance to victims/witnesses in accordance with the rights of victims and witnesses outlined in Section 2 of this order. Personnel shall also provide other required assistance to victims and witnesses as directed in this order and shall make appropriate referrals to other appropriate agencies for provision of required services; **Rev. 12/2013**
- B. Victim and witness information shall be provided confidentiality as much as is lawfully possible and their information shall only be released as required by NDCC Chapter 44. The Support Services Commander shall be contacted for guidance regarding the release of any victim/witness information;
- C. The department shall provide information to the public and media concerning the department's victim/witness assistance services. This may be accomplished through brochures, media releases, or similar methods; and,
- D. The department shall maintain regular liaison with other agencies and organizations that provide services to victims/witnesses. **Rev. 2/2011**

4. Victim/Witness Assistance Between Victimization and Preliminary Investigation – The Department shall maintain a referral list which will have the names of services offered for victims/witnesses in need of medical attention, counseling, emergency financial assistance, safe homes, etc. See [General Order 401](#), Appendix A.

The Department's 24 hour emergency response phone number, 911, will be posted on all pay phones and on the inside front cover of all local phone directories.

The department's non-emergency telephone number of 223-1212 is answered 24 hours a day. This provides a single point of contact for victim/witness information to include referrals to other appropriate organizations.

5. Assistance For Threatened Victims –

- A. The Department will attempt to provide appropriate assistance within its capabilities to victims/witnesses in its jurisdiction who have been threatened, or express credible reason for fearing intimidation or further victimization.
- B. The victim/witness will be promptly notified when the Department becomes aware of danger to a victim/witness and appropriate measures will be taken.
- C. If the Department becomes aware of danger to a victim/witness in another jurisdiction, the Department shall inform the appropriate jurisdiction, requesting reasonable precautions be taken.

**6. Victim/Witness Assistance During Preliminary Investigation –**

A. Officers shall provide the following services to victims/witnesses during the preliminary investigation:

- 1) Providing information about applicable rights and services (counseling, medical, advocacy, emergency food or shelter, compensation programs, financial assistance, etc.);
- 2) Informing victims/witnesses of the case number, if known, and subsequent steps in the processing of the case, and;
- 3) Advising the victim/witness what to do if the suspect or suspect's companions/family threatens or intimidates them.
- 4) Providing a telephone number that the victim/witness may call to report additional information about the case or to receive information about the status of the case. **Rev. 12/2004**
- 5) If applicable, provide the Victim/Witness with ND SAVIN information to include the pin number. See Section 12 of this General Order for more information reference ND SAVIN. **Rev. 6/2012**

B. The Domestic Violence Lethality Screen should be initiated during the following instances:

- 1) When the situation involves an intimate relationship between a boyfriend/girlfriend, husband/wife, same sex relationships or when exes of these same relationships are involved;
- 2) The officer believes an assault has occurred;
- 3) The officer senses the potential for danger is high;
- 4) This is a second or subsequent call from either party involved;
- 5) The officer simply believes one should be conducted.

A Copy of the Domestic Violence Lethality Assessment screen and procedures on how to complete screen can be found at W:/PD ALL USERS/BPD Forms/Domestic Violence Lethality Screen. **Rev. 12/2013**

C. As necessary, the officer shall provide the information to the victim/witness in written form, which may include pre-printed information cards which contain this information. **Rev. 4/2008**

**7. Victim/Witness Assistance During Follow-up Investigation –**

Officers of the department shall work in cooperation with the Bismarck/Burleigh Victim/ Witness Coordinator to provide the following victim/witness assistance services during the follow-up investigation: **Rev. 12/2013**

- A. Recontacting the victim/witness periodically to determine if their needs are being met, if in the opinion of the investigating officer or a supervisor, the impact of a crime on a victim/witness has been unusually severe and has triggered above-average need for victim/witness assistance;
- B. Explaining to victims/witnesses the procedures involved in the prosecution of their cases and their role in those procedures, if not an endangerment to the successful prosecution of the case;
- C. Scheduling line-ups, interviews, and other required appearances at the convenience of the victim/witness as much as possible, and to provide transportation if required and feasible;
- D. Promptly returning victim/witness property taken as evidence as is allowable under law and rules of evidence and with approval of the appropriate prosecutor; and
- E. Ensuring a victim advocate, if available, is assigned to assist the victim/witness during follow-up investigation.

8. Victim/Witness Assistance at Arrest and Thereafter – The Bismarck/Burleigh Victim/Witness Coordinator, or designee, (police officer/detective) may provide to the victim/witness additional services upon arrest and during post-arrest processing of the suspect such as notification of the victim/witness of the arrest, the charges, and the custody status and changes thereto. This notification will be as timely as possible. **Rev. 12/2013**

9. For victim/witness assistance services to be rendered to agency personnel and their families following line-of-duty deaths or serious injuries, see [General Order 2204](#).

10. For procedures for notifying next-of-kin of deceased, seriously injured, or seriously ill persons, see [General Order 4102](#), Section 12. **Rev. 10/2014**

11. Victim Notification Requirements Under N.D. State Law; **Rev. 6/2012**  
In compliance with **NDCC 12.1-34-02**, when there is a personal victim of a crime where an officer arrests an individual for a crime, including all felony offenses; class A misdemeanors (excluding violations of 6-08-16.1 for no account checks); all violations of NDCC Chapters 12.1-17 (assaults, threats, coercion and harassments) and 12.1-20 (sex offenses), including corresponding violations of municipal ordinances (Simple Assault, Harassment), and the officer is placing the offender in jail, the officer must complete a “Victim Notification” form available at the Burleigh County Detention Center.

- A. By state law, law enforcement is responsible for notifying victims and witnesses of certain crimes (listed above) of their rights, to include, but not limited to:
  - 1) Availability of and the methods available for registration with the statewide automated victim information and notification system (ND SAVIN).
  - 2) Notice of pretrial release –

- a) Registered victims must be given prompt notice of any hearing in which the arrested person's pretrial release status will be determined. If the alleged offender is scheduled to be released prior to an appearance in court, prompt notice must be given to the registered victim and witness.
- b) Victims who are not registered must be given prompt notice, by the law enforcement agency that has made an arrest in any case involving a crime of violence, of any hearing in which the arrested person's pretrial release status will be determined. If the alleged offender in a crime of violence is scheduled to be released before an appearance in court, the custodial authority shall give prompt notice to the victim and witness or, if unavailable, to the arresting law enforcement agency, which shall provide the notice to the victim or witness. The law enforcement agency or custodial authority may fulfill its obligation to notify by registering the victim with the system.

**12. North Dakota Statewide Automated Victim Information and Notification/ND SAVIN – Rev. 6/2012**

The North Dakota Statewide Automated Victim Information and Notification (ND SAVIN) Program is a free service available 24/7 for crime victims, those who care for them, and other concerned citizens in North Dakota. ND SAVIN provides phone, text, email, or TTY notifications of significant events related to status changes in offender custody, probation, and parole; criminal court cases; and protection orders. In Burleigh County, ND SAVIN has implemented a system enhancement that will automatically register victims for notifications when an offender and corresponding victim are entered into the system by the Burleigh County Detention Center. This enhancement commenced on February 21, 2012.

A. Officers shall adhere to the following procedure when working with victims of the crimes cited above:

- 1) If the offender is known and in custody (going to jail) officers shall:
  - a) Write the victim's four-digit PIN\* on a sheet in the ND SAVIN tear-off pad and give the sheet to the victim. The victim's PIN will be the last four digits of the phone number they provided. The victim's cell phone number should be the primary number used, if no cell phone, then use the victim's home phone. Ensure the phone number is accurately documented for the police report.
    - (1) Providing victims with the four-digit PIN is particularly important, as future notifications will continue until the PIN is entered.
  - b) Verbally inform victims that they:
    - (1) Will be automatically entered into the victim notification system (ND SAVIN);
    - (2) Will receive an automated confirmation call when they have been entered in the system;
    - (3) Will receive updates on the status of the offender after their confirmation call;
    - (4) Should remember their PIN\* (the last four digits of the phone number they provided), as they will need it to confirm future notifications; and
    - (5) May opt-out of notifications by calling the number on the tear-off pad.

- B. Upon transporting the offender to the detention center, officers shall complete the Victim Notification form, ensure the accuracy of the phone number written on the form, and retain a copy of the form to be included with the case report.
- C. If the offender is being released without going to the detention center or is bonding out at the police department, the officer must notify the victim and inform them of the offender's release status and document in the report that the victim was contacted and notified of the offender's release status.
- D. If the offender is unknown or not in custody, officers should provide victims with general information on the ND SAVIN program (such as with a blank sheet from the tear-off pad or a SAVIN brochure) and verbally let them know they can register for updates once the offender is apprehended by going to [www.vinelink.com](http://www.vinelink.com) or calling 1-866-631-8463.
- E. Officers may also register themselves to receive notifications for any offender, criminal case, or protection order by visiting [www.vinelink.com](http://www.vinelink.com) or calling 1-866-631-8463. For any questions about the ND SAVIN Program, the ND SAVIN Program Manager can be reached at 701-328-1108.

**13. Abused Adult Resource Center (AARC) – AARC is the local advocacy agency that works with victims of domestic violence and sexual assault; providing services to include crisis intervention, education, support, assistance in obtaining protection orders, referrals to community resources, emergency shelter, and support group. AARC utilizes a Safe House and a Transitional Shelter, hereafter referred to as “shelter(s),” whose locations are confidential and are not to be released to the public. **Rev. 12/2013****

- A. Contacting Residents at the Shelters – Numerous women and children live in the Shelters at any given time. AARC is mandated by law to maintain strict confidentiality regarding the identity of their residents. Due to the personal and private nature of law enforcement business that may need to be conducted with a resident of a Shelter, officers should conduct their business as discretely as possible to ensure confidentiality and private information is protected from other residents. The Shelters are locked facilities and when the doorbell is used it activates an intercom system where the residents throughout the Shelter can hear the conversation. Therefore, when an officer of the Bismarck Police Department needs to speak with a resident of the Shelters, unless an emergency situation exists, officers shall follow the following protocol: **Rev. 12/2013**
  - 1) Do not call, nor go directly to the Shelters
  - 2) During business hours, 8:00 a.m. – 5:00 p.m., Monday –Friday, call the AARC Main Office (number on file at Commander's Desk) and ask to speak with the Director of Victim Services (DVS) or the Executive Director (ED) (AARC can contact them 24 hours a day)
  - 3) After business hours, Weekdays after 5:00 p.m. and on weekends, call the Hotline number (number on file at Commander's Desk) identify yourself, advise you need to speak with the DVS or ED and request that they contact either the DVS or ED and have them call you.
  - 4) The officers shall advise the DVS/ED that they need to speak with someone who they believe is residing at their Shelter. The officer will need to provide the name;

to include any known aka's used, of the person being sought so AARC can confirm whether or not the person is residing in their Shelter. Because AARC is bound under confidentiality laws (NDCC 14-07.1-18) they will need to know the basic reason for needing to speak with them, i.e. warrant, suspect, witness, etc. The officer ~~may~~ is encouraged to provide additional information if it will not jeopardize the investigation or purpose for needing to speak with that person. The DVS/ED, or designee, will arrange to meet the officer outside the identified Shelter.

- 5) Upon meeting the DVS/ED/designee outside the Shelter the DVS/ED/designee will go inside and, if at the residence at that time, will bring the person to the officer at a previously agreed upon location appropriate for the situation.
- 6) Business should be conducted as discretely as possible; therefore, if necessary, the DVS/ED/designee will provide a private area for the meeting to take place, to ensure individual confidentiality is maintained from the other residents.
- 7) In situations in which the person is a suspect, witness, or missing person, the AARC may be unable to provide information to law enforcement due to restrictions under (NDCC 14-07.1-18). In these situations the AARC will need to have as much information as possible to enable them in working with the resident to encourage and assist them in making arrangements to meet with or contact law enforcement. If the person residing in the shelter refuses to speak to law enforcement then the AARC designee can only indicate that they cannot help the officer. The officer would then need to follow normal police procedure/protocol.
- 8) If someone living at the Shelter(s) needs to make a non-emergency report an Advocate will determine, on a case by case basis, whether it is appropriate to have an officer respond to the Shelter or whether they will bring the person down to their Main Office or down to the PD to file that report.
- 9) Officers should remain aware of, and remain sensitive to, the confidentiality requirements that must be maintained. The DVS/ED will work with, and cooperate with, law enforcement to the best of their ability to assist in every way possible, while adhering to the laws regarding confidentiality.

**Rev. 12/2013**

B. Confidentiality of AARC Advocates' Names, Addresses, Phone Numbers – Due to the nature of the work of an Advocate they are many times the focal point of possible threats from offenders. Therefore, when an Advocate's personal information is needed in a report, the following shall apply:

- 1) When an Advocate is Filing/Making a Police Report
  - a) Name – Just like any other citizen, the officer should use the Advocate's name in the report.
  - b) Address and Phone Number – The officer should use the Advocate's work address and phone number in the report (AARC Main Office).
- 2) If the Advocate is not the one who is actually filing/making the report, but is only involved due to the nature of their job, and the officer feels the need to include that involvement in the report, the officer should just mention that an "AARC Advocate" was present, etc. **Rev. 12/ 2013**

[Quoted text hidden]

----- Forwarded message -----

From: Mark Buschena [REDACTED]

To: [REDACTED]

Date: Wed, 13 Jan 2016 18:29:12 +0000

Subject: RE: City of Bismarck, ND Open Records Request Letter on behalf of Joyful Heart Foundation

Those numbers are through December 31<sup>st</sup>. He ran the report on the 30<sup>th</sup>, but in checking we didn't have any sane kits submitted into evidence or sent to the lab on the 31<sup>st</sup>.

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**From:** [REDACTED]  
**Sent:** Tuesday, January 12, 2016 11:10 AM  
**To:** Mark Buschena  
**Cc:** Steven Scheuer; Dave Draovitch  
**Subject:** RE: City of Bismarck, ND Open Records Request Letter on behalf of Joyful Heart Foundation

Hello Sgt. Buschena,

Happy New Year to you and your staff.

Again, thanks for sending us a rapid response to our inquiry on behalf of the Joyful Heart Foundation. We appreciate the quick and thorough response from the City of Bismarck and its openness in sharing this data.

Per my voicemail message earlier today, in reviewing the data provided, we noticed that the number of GSI kits processed in 2015, as a percentage of kits received, was significantly lower than in prior years (18% in 2015 vs. 37% in 2013 (second lowest percentage) vs. 96% in 2003 (highest percentage)). Can you confirm if the data provided for 2015 was through December 2015 or if there is a backlog in the reporting data (i.e. all rape kits received and/or processed for 2015 have not been fully tallied)?

As expressed in our initial letter, the goal of this initiative is to work with jurisdictions to develop and implement survivor-centered reforms, not to point fingers or blame. To the extent we can assist in advocating for resources necessary to provide such reforms in order to benefit the victims of sexual assault, we want to collaborate with the City of Bismarck, its police department and other local authorities in pursuit of this goal.

If it's easier to discuss by phone, please let me know a convenient time when we can conference.

I look forward to hearing from you on this matter.

[REDACTED]  
[REDACTED]  
[REDACTED]