

---

## SEXUAL ASSAULT INVESTIGATIONS

### 6.16.01 PURPOSE

The purpose of this order is to establish general policies and procedures when responding to and investigating reports of sexual assault cases.

The San Francisco Police Department (SFPD) is committed to a victim-centered and trauma-informed approach in sexual assault investigations: ensuring respectful and empathetic interactions, building trust, minimizing re-traumatization, and understanding victims' varying life circumstances often requiring additional awareness and resources.

### 6.16.02 DEFINITIONS

- A. Sexual Assault.** Any crime or attempted crime of a sexual nature, which includes, but not limited to, sexual assault, sexual battery, sexual molestation, unlawful intercourse involving a minor and incest cases.
- B. Sexual Assault Response Team (SART).** A multidisciplinary team working collaboratively to meet the medical and emotional needs of the sexual assault victim and the forensic needs of the criminal justice system. This team includes, but is not limited to, advocates, law enforcement officers (including prosecutors), forensic interviewers, Human Services Agency (HSA) protective services workers, mental health providers, and Sexual Assault Forensic Examiners (SAFEs).
- C. SART Examination.** A forensic-medical examination conducted by a Sexual Assault Forensic Examiner (SAFE). During a SART Examination, the victim is offered: 1. Forensic documentation of injuries as well as collection of evidentiary products for purposes of a law enforcement investigation, and 2. Medical evaluation and treatment.
- D. Special Victims Unit (SVU).** A unit in the Investigations Bureau responsible for the investigation of sensitive crimes including all reported cases of sexual assault regardless of the age of the victim.
- E. Sexual Assault Evidence Kit (SAEK).** The evidentiary products of a SART Examination packaged for analysis and evidence storage.
- F. Victim Advocate.** A service provider, rape crisis counselor, domestic violence advocate, social worker, or victim witness provider within a governmental or non-governmental agency, who is trained to assess and address the needs of the victim as well as to provide counseling, advocacy, resources, information, and support. A victim/survivor may choose an individual not defined as a Victim Advocate to serve as their support person,

as long as the individual is not involved in any capacity with the case.

### **6.16.03 POLICY**

The San Francisco Police Department (SFPD) members shall treat all sexual assault reports as genuine, follow proper procedures to apprehend and assist in conviction of perpetrators, and ensure the safety of victims and the community.

### **6.16.04 GENERAL PROCEDURES**

#### **A. Notifications.**

1. **Notification to Child Protective Services (CPS)/Child Welfare Agency (CWS):** If the victim is juvenile and CPS/CWS is not notified/engaged already, members shall notify CPS/CWS as soon as practical.
2. **Notification to SVU:** In all cases of reported sexual assault, notifications are made to inform investigators of the potential need for their response and guidance on the case and should be made as soon as possible to ensure an expeditious response.
  - a. **Business Hours:** In all cases where an individual alleges that a sexual assault has occurred, even if an arrest is not made, members shall notify the SVU by calling the main telephone number and speaking with a live person as soon as practical. If a live person within the SVU cannot be reached, members shall notify the Department Operations Center (DOC).
  - b. **Outside of Business Hours:** Members shall notify the DOC. DOC shall review the mandatory response criteria and telephone the on-call SVU teams.

**B. Victim Interviews.** Members shall prioritize the physical and emotional well-being of victims, treating them with respect and without judgment.

#### **1. Adult Victims:**

- a. **Preliminary Victim Interview:** In addition to calling for medical assistance for the victim when necessary or requested, members should conduct a preliminary interview with the victim (or with a witness if the victim is incapacitated) to determine the nature of the crime committed. This will occur before a thorough follow-up interview that may be conducted later. Questions should be tailored to the victim's emotional and physical state. Information to be collected includes:
  - Type and elements of crime(s).
  - Location and timeframe of the incident.
  - Suspect information, description, and/or whereabouts
  - Potential crime scene and/or evidence information.

- b. **Preliminary Interview Location:** Members should make reasonable efforts to provide a non-public and comfortable location that's free from distractions and provides as much privacy as reasonably possible. Station lobbies do not meet the criteria for non-public interview locations for sexual assault reports.
- c. **SVU Response:**
  - If the on-call SVU team determines they will take over the investigation at the time of incident reporting, members should limit their questioning to initial interview questions as mentioned above.
  - If the on-call SVU team determined they will NOT take over the investigation at the time of incident reporting, members shall continue to collect any additional information as directed by their patrol supervisor or SVU investigator.

## **2. Juvenile Victims:**

- a. Due to the sensitive nature of these crimes, the responding officer should obtain as much information as possible from CPS (if they are the first to arrive on the scene) and/or adult family members, social workers, hospital staff, teachers, or witnesses, prior to conducting a minimal facts interview or questioning the child.
- b. If enough information about the nature of the crime and immediate actions is obtained from a reliable adult or CPS, members should avoid further questioning the child.
- c. **Minimal Facts Interview:** When a minimal facts interview with the child is necessary, the responding officer should only ask questions needed to determine if the reported crime is of a sexual nature, decide next steps for the investigation, and establish safety. In juvenile cases, SVU typically collaborates with CPS at a later stage to conduct a multidisciplinary interview, gathering in-depth details about the abuse allegations; however, SVU Investigator may request the responding officer to ask additional questions if warranted.

## **C. Forensic Examination and Medical Treatment**

1. All sexual assault victims, regardless of age, shall be taken, with the victim's consent, to Zuckerberg San Francisco General Hospital and Trauma Center - Emergency Department.
2. All sexual assault victims, regardless of age, shall be afforded the opportunity to have a Sexual Assault Examination Kit (SAEK) performed by specially trained medical staff at the Rape Treatment Center (RTC)/Child and Adolescent Support, Advocacy, and Resource Center (CASARC) located within Zuckerberg San Francisco General Hospital.

3. SVU or designee shall take custody of the SAEK from the RTC/CASARC no later than two business days after the forensic examination is conducted.
4. The SVU member or designee who collects the SAEK shall transport and book the SAEK into evidence at the Property Control Division. Pursuant to California Penal Code Section 680, SAEKs are required to be delivered to the Crime Lab within 5 days after the evidence has been collected from the victim by the RTC/CASARC staff.
5. If an outside law enforcement agency has completed a courtesy report for a sexual assault occurring within San Francisco, or if the RTC/CASARC has completed and collected the SAEK for a sexual assault that occurred in another jurisdiction, the SVU or its designee shall be responsible for collecting the SAEK from the outside law enforcement agency or from RTC/CASARC, respectively, no later than two business days after the forensic examination. Members should direct outside law enforcement agency representatives to contact SVU directly regarding the collection of the SAEK.

#### **D. Suspect Interviews**

##### **1. Adult Suspects**

- a. If probable cause **exists** to arrest an adult suspect, notify an SVU Investigator as soon as practical. If SVU is responding to take over the investigation, follow their guidance. If not, follow Department policy and supervisor instructions. Ensure Miranda Advisement before a suspect interview.
- b. If probable cause **does not** exist to place an adult suspect under arrest after obtaining victim/witness statements, patrol officers shall not attempt to interview the suspect as this may compromise the integrity of the investigation.

##### **2. Juvenile Suspects**

- a. See DGO 7.01 Policies and Procedures for Juvenile Detention, Arrest, and Custody.

#### **E. Evidence Collection.**

1. See DGO 6.02 (Physical Evidence and Scene Preservation).
2. **Note:** SAEK collected by medical staff should be the only evidence left with the nurse or doctor examining the victim.

#### **F. Other Duties/Services**

1. If requested, provide the victim with transportation to their residence or another appropriate location within San Francisco.
2. In addition to providing the victim with a SVU Follow Up & Referral Card (SFPD 142) and the *“Your Rights as a Survivor of Sexual Assault”*

card, provide the victim a Follow up form with the incident case number, and a Victims of Crime Form (SFPD 369).

3. If an individual responds to a District Station to report they were the victim of a sexual assault, members shall follow all guidelines set forth in this order. Members shall advise the victim of their right to have a victim advocate and a support person of their choosing present during the report taking at district stations.

**G. Incident Reports.** Members shall complete an incident report for any reported sexual assault. Whether or not a SVU Investigator responds to an incident or is notified, the responding officer is expected to submit an initial and/or supplementary report indicating information reported, observations, statements, evidence, and other related information.

**H. Data Collection and Reporting.** SVU and the Crime Lab shall partner to compile a semiannual and annual report, pursuant to Police Commission Resolution 16-28. The report shall be submitted to the Chief of Police for review and submission to the commission office. These reports shall include at the minimum:

- a. SFPD Crime Laboratory number
- b. Date evidence collected from victim by Trauma Recovery/Rape Treatment Center
- c. Date evidence collected from the custody of Trauma Recovery/Rape Treatment Center
- d. Date evidence submitted to the Crime Lab
- e. Analysis start date
- f. Analysis completion date
- g. Whether or not a DNA profile of the assailant was developed and if so, the date the DNA profile was developed
- h. Whether or not a DNA profile of the assailant was uploaded into CODIS and if so, the date this occurred
- i. Whether or not there was a match between the DNA profile of the assailant and a DNA profile contained in CODIS, and if so, the date this match was discovered, and the date this information was provided to the Special Victims Unit
- j. Any other outcome information such as arrests and convictions, provided that disclosure would not impede or compromise any ongoing investigation
- k. Whether or not sexual assault victims were notified of developments of forensic testing and the investigation of their cases, including the date and manner of notification. In cases where notification was not provided to the victim, an explanation as to why notification was not provided

**J. Airport Bureau Operations.** Airport Bureau members shall follow Airport Bureau General Orders and San Mateo County Protocols.

## **6.16.05 LEGAL GUIDELINES**

- Pursuant to [California Penal Code Section 293\(a\)](#), members shall inform victims that their name, “will become a matter of public record unless the person requests that it not become a matter of public record.” Members shall offer victims confidentiality for incident reports.
- Pursuant to [California Penal Code Section 680.2](#), members shall provide the victim with SFPD Form 540 “Your Rights as a Survivor of Sexual Assault” information card.
- Pursuant to [California Penal Code Section 679.04\(a\)](#), a victim has the right to have an advocate and support person of the victim’s choosing present during any interview with law enforcement. Members may exclude a support person from an interview if the member determine that the presence of that individual would be detrimental to the purpose of the interview. A victim has the right to have a person of the same or opposite gender present in the room during any interview unless no such person is reasonably available. [California Penal Code Section 679.04\(b\)\(4\)](#).
- Pursuant to [California Penal Code Section 679.04\(d\)](#), a member shall not discourage a victim from receiving a medical evidentiary or physical examination.
- Pursuant to [California Family Code Section 6228](#), SFPD shall provide, upon request and without charging a fee, one copy of all incident report face sheets, one copy of all incident reports, a copy of any accompanying or related photographs of a victim’s injuries, property damage, or any other photographs that are noted in the incident report to any victim, or the victim’s representative (as defined by 6228) of a sexual assault no later than 5 working days after request. Face sheets shall be made available no later than 48 hours after being requested. Members shall direct victims to CISU to submit a request for their report.

## **References**

DGO 10.11 (Body Worn Cameras)  
Field Training Manual, SFPD  
SFPD 142 SVU Follow Up and Referral Card  
SFPD 369 Victims of Crime  
SFPD Form 540 Your Rights as a Survivor of Sexual Assault  
SFPD DGO 7.01  
SFPD DGO 6.02