
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 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. **Preliminary Investigation.** In addition to calling for medical assistance when necessary or requested, members should attempt to collect general information from the victim (or a witness if the victim is incapacitated) to determine if a crime has occurred and identity of the suspect(s). This information includes, but is not limited to:

- 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.

According to [California Penal Code 680.2](#), during the initial interaction with a sexual assault victim, members must provide the victim with a "*Your Rights as a Survivor of Sexual Assault*" card. This card explains all the rights of sexual assault victims and includes information for the local rape crisis center.

B. **Notifications.**

1. **Notification to Child Protective Services (CPS):** If the victim is juvenile and CPS is not notified/engaged already, members shall notify CPS as soon as practical.
2. **Notification to SVU:** In all cases of reported sexual assault, notify SVU as soon as possible.
 - **Business Hours:** Call the main telephone number and speak with a Live person as soon as practical. If a Live person within the SVU cannot be reached, members shall notify the Department of Operations Control (DOC).
 - **Outside of Business Hours:** Notify DOC. DOC shall review the mandatory response criteria and telephone the on-call SVU teams.

If SVU is not responding immediately to take over the investigation or based on further guidance of an SVU Investigator or Patrol Supervisor, members may need to conduct a preliminary interview with the victim (or a witness if the victim is incapacitated). See DGO 10.11, Body Worn Cameras, for authorized deactivations of body worn cameras.

C. **Victim Preliminary Interviews.** Given that the victim experienced a traumatic incident, members should tailor their questions to the victim's emotional and physical state, remain non-judgmental, and be respectful to the victim.

1. **Adult Victims:**

- a. 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.
- b. Preliminary interviews are not considered the final interview as additional interviews will be conducted as the investigation develops.
- c. Pursuant to the [California Penal Code Section 679.04](#), once it is determined that a sex crime has occurred and the suspect's identity is known and prior to the commencement of a preliminary interview, members shall advise the victim of their right to have a Victim Advocate and a support person of their choosing present (either in-person or virtually) during any investigative interview. However, the support person may be excluded from an interview if their presence is deemed detrimental to its purpose. Additionally, pursuant to the [California Penal Code Section 679.04\(a\)](#), the victim has the right to request a person of the same or opposite gender as the victim to be present during an interview with law enforcement or the district attorney, unless no such person is reasonably available.
- d. If requested, refer to "*Your Rights as a Survivor of Sexual Assault*" card, that has contact information for local rape crisis center to arrange for a Victim Advocate.
- e. If a Victim Advocate is requested and cannot be arranged by a local rape crisis center within a reasonable amount of time for a preliminary interview, members shall document this in the incident report. The victim should be given the choice to either continue without a Victim Advocate or postpone the interview to a later date, as long as the delay does not negatively impact the investigation.

2. Juvenile Victims:

- a. Due to the sensitive nature of these crimes, members responding to the scene 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 minimal fact interviews 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 minimal facts interview with the child is necessary, the responding officer should only ask essential questions to determine if the crime is sexual, decide investigative next steps, and establish safety. SVU typically collaborates with CPS later for a multidisciplinary interview, to gather in-depth abuse allegations, but an SVU Investigator may request the responding officer to ask additional questions if needed.

B. Forensic Examination and Medical Treatment

1. Pursuant to [California Penal Code Section 679.04\(d\)](#), a member shall not discourage a victim from receiving a medical evidentiary or physical examination.

2. 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.
3. Pursuant to [California Penal Code Section 264.2](#), members shall immediately notify the local rape victim counseling center whenever a victim of an alleged violation of California Penal Code Sections 261, 261.5, 262, 286, 288a or 289 is transported to the hospital for any medical evidentiary or physical examination.
4. 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.
5. 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.
6. 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.
7. If an outside law enforcement agency completes a courtesy report for a sexual assault occurring in San Francisco, or if RTC/CASARC completes and collects the SAEK for a sexual assault in another jurisdiction, the SVU or its designee shall be responsible for collecting the SAEK from the agency or RTC/CASARC, within two business days after the forensic examination. Members should instruct representatives from outside law enforcement agencies to contact SVU directly for SAEK collection.

C. Suspect Interviews

1. Adult Suspects

If the suspect is not on scene, contact SVU prior to attempting to contact the suspect, otherwise, standard procedures apply.

2. Juvenile Suspects

See DGO 7.01 (Policies and Procedures for Juvenile Detention, Arrest, and Custody).

D. Evidence Collection.

- See DGO 6.02 (Physical Evidence and Scene Preservation).
- **Note:** SAEK collected by medical staff should be the only evidence left with SAFE examining the victim. If any questions arise regarding the collection of SAEK, contact SVU.

E. Other Duties/Services

- If requested, provide the victim with transportation to their residence or another appropriate location within San Francisco. As a reminder, victims are not suspects and are not required to sit in the backseat. Therefore, when

feasible, they should be allowed to be transported in the front seat of a police vehicle.

- In addition to providing the victim with the “*Your Rights as a Survivor of Sexual Assault*” card, provide them with the “Marsy’s Rights” Card, “Victims of Crime” Form (SFPD 369), SVU Follow Up & Referral Card (SFPD 142), and a Follow-up Form with the incident case number.
- Pursuant to [California Penal Code Section 293\(a\)](#), members shall inform victims that their name will become a matter of public record unless they request otherwise. Members shall offer victims confidentiality for incident reports.

F. Incident Reports. Members shall complete an incident report for any reported sexual assault whether a SVU Investigator responds or not to the incident.

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

References

Field Training Manual, SFPD

“*Your Rights as a Survivor of Sexual Assault*” Card

SFPD 142 SVU Follow Up and Referral Card

SFPD 369 Victims of Crime

SFPD DGO 7.01 (Policies and Procedures for Juvenile Detention, Arrest, and Custody)

SFPD DGO 6.02 (Physical Evidence and Scene Preservation)

SFPD DGO 10.11 (Body Worn Cameras)