

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 for a trauma-informed approach to sexual assault ~~assault cases~~ investigations, that prioritizes community values, the well-being of survivors, and ensures Safety with Respect.

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,
- C. B.** ~~comprised of~~ advocates, law enforcement officers (including prosecutors), forensic interviewers, Human Services Agency (HSA) protective services workers, mental health providers, and Sexual Assault Nurse Forensic Examiners (SANFEs).
- D. 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. A forensic, medical examination conducted by a
- E. C.** ~~SANE. Injuries, wounds, evidence, and the survivor's statement are documented during the examination. Post-exposure prophylaxis and therapeutic medications may be provided at the examination.~~
- F. D.** Special Victims Unit (SVU). A unit in the Investigations Bureau responsible for the investigation of sensitive crimes including any type of sexual assault all reported cases of sexual assault regardless of the age of the victim.
- G. E.** Sexual Assault Evidence Kit (SAEK). The evidentiary products of a SART Examination packaged for analysis and evidence storage.

~~H. **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.~~

~~A civilian representative of a non-government agency, included~~

~~F.~~

~~I. in the SART via a Memorandum of Understanding (MOU) or contract with the City and/or participating City agencies, that has undergone specialized training in the SART process, laws, and procedures.~~

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. It is the policy of the San Francisco Police Department (SFPD) that members recognize the profound impact of trauma on survivors of sexual assault and work to minimize re-traumatization, ensure respectful and empathetic interactions, and strive to preserve the integrity of the investigation and safety of 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)/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~~ notify SVU as soon as possible.

- **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~~ 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.** ~~Members shall prioritize the physical and emotional well-being of victims, treating them with respect and without judgment~~ 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 needed to determine if the reported crime is of a sexual nature, decide investigative next steps for the investigation, and establish safety. In juvenile cases, SVU typically collaborates with CPS at a later stage to conduct for a multidisciplinary interview, to gathering in-depth details about the abuse allegations,; however, 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.~~ **Initial Response.** After medical aid has been offered, members should attempt to collect general information from the survivor, without the need for in-depth details. Such details should include:
 1.
 2. ~~Type and elements of crime(s).~~
 3. ~~Location and timeframe of the incident.~~
 4. ~~Suspect information, description, and/or whereabouts.~~
 5. ~~Potential crime scene and/or evidence information.~~
 6. ~~Notify the Special Victims Unit as soon as practical to begin the SART process.~~
7. ~~Notifications. 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. Investigators will gather pertinent information to determine if their response is mandated.~~
8. ~~In all cases where an individual alleges that a sexual assault has occurred, even if an arrest is not made, members shall notify SVU main telephone number as soon as practical.~~
9. ~~In the event the notification is made after normal business hours, members shall notify the Department Operations Center (DOC). DOC shall review the~~

~~mandatory response criteria and telephone the on-call SVU teams.~~

10. Forensic Examination and Medical Treatment

- ~~11. 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.~~
- ~~12. All sexual assault victims, regardless of age, shall be afforded the opportunity to have a Sexual Assault Examination Kit (SAEK) performed by specially trained nursing staff at the Recovery/Rape Treatment Center (RTC) located within Zuckerberg San Francisco General Hospital.~~
- ~~13. Once notified by the Recovery/Rape Treatment Center, a member assigned to SVU shall respond to the Recovery/Rape Treatment Center and take custody of the SAEK no later than two days from the date of notification.~~
- ~~14. 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 Recovery/Rape Treatment Center staff.~~
- ~~15. In the event an outside law enforcement agency has completed a courtesy report for a sexual assault occurring within San Francisco, and the sexual assault victim has had a SAEK performed in another jurisdiction, it shall be the responsibility of the SVU to collect the SAEK from the outside law enforcement agency.~~
- ~~16. **Victim Interviews.** Members shall prioritize the victim's physical and emotional well being, remain non-judgmental and respectful of the victim.~~

17. Adult Victims

- ~~18. If the victim is reporting a sexual assault, members shall provide as much privacy as reasonably possible, including the use of an interview room if available.~~
- ~~19. Members should conduct a preliminary interview and obtain statements to establish the nature of the crime committed.~~
- ~~20. If it is determined by the on-call team at SVU that SVU is responding to take over the investigation, members shall not conduct an in-depth interview of the victim.~~
- ~~21. Victim dictates the time of the interview depending on their trauma, in some cases requiring a period of 24 hours before they can articulate the details of the reported sexual assault.~~
- ~~22. If it is determined by the on-call team at SVU that SVU is NOT responding to take over the investigation, members shall conduct an in-depth interview of the victim.~~

~~23.~~

24. Juvenile Victims

- ~~25. Due to the sensitive nature of these types of investigations, it is not recommended that responding officers conduct in-depth interviews with juvenile victims.~~
- ~~26. A SVU Investigator may ask the responding officer to conduct a preliminary interview of the victim to establish the nature of the crime committed, if it hasn't already been disclosed.~~

- ~~27. The responding officer shall obtain as much information as possible from the adult family member, social worker, hospital staff, or teacher regarding the assault prior to conducting minimal facts interview or questioning the child.~~
28. The responding officer shall only ask the necessary questions to enable them to determine if the reported crime is of a sexual nature and not question the juvenile victim in detail about the reported offense. A SVU Investigator may ask the responding officer to conduct a preliminary interview of the victim to establish the nature of the crime committed, if it hasn't already been disclosed.
- ~~29.~~
30. When a juvenile has been sexually abused or assaulted by a stranger or known person, a joint investigation including but not limited to SFPD SVU, Child Protective Services, and Children Advocacy Center, shall be conducted. It is important to note that SVU's investigative focus may differ from that of the social worker.
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 has completed completes a courtesy report for a sexual assault occurring within in San Francisco, or if the RTC/CASARC has completed and collected completes and collects 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 within two business days after the forensic examination. Members should direct instruct representatives from outside law enforcement agencies to contact SVU directly regarding the collection of the for SAEK collection.

B.—Suspect Interviews

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1. Adult Suspects

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

~~If SVU responds to the investigation, patrol officers shall not conduct a suspect interview and shall follow the instructions and guidance provided by the assigned SVU investigator.~~

~~If SVU does not respond to the investigation, patrol officers shall follow all current Department policy and procedures. Members shall ensure the Miranda Advisement is provided prior to conducting a suspect interview.~~

~~If probable cause **does not** exist to place an adult suspect under arrest, patrol officers shall not attempt to interview the suspect as this may compromise the integrity of the investigation. Patrol officers shall notify an SVU Investigator as soon as practical. SVU Investigators will provide instructions and guidance to the reporting officers.~~

2. Juvenile Suspects

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

~~a. See DGO 7.01 Juvenile Policies and Procedures for Youth Non Psychological Detention, Arrest, and Custody.~~

D. Evidence Collection. ~~It is the responsibility of the officer who first arrives on scene to isolate and protect the crime scene from contamination until relieved by the direction of a superior officer (see DGO 6.02, Physical Evidence).~~

- See DGO 6.02 (Physical Evidence and Scene Preservation).
- **Note:** SAEK collected by medical staff should be the only evidence left with the Sexual Assault Forensic Examiner (SAFE) examining the victim. If any questions arise regarding the collection of SAEK, contact SVU.
~~Do not leave any evidence with the nurse or doctor examining the victim. However, as stated above, all SAEKs collected by medical staff will be retained at the Recovery/Rape Treatment Center.~~

E. Other Duties/Services

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- 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.**
- 1. In addition to
 - providing the victim with the “Your Rights as a Survivor of Sexual Assault” card, provide them with ~~In addition to providing the victim with a “Marsy’s Rights” Card, “Victims of Crime” Form (SFPD 369), SVU Follow Up & Referral Card (SFPD 142), and and at the “Your Rights as a Survivor of Sexual Assault” card,~~ **Follow-up Form with the** provide the victim a Follow up form with the incident case number, and a Victims of Crime Form (SFPD 369).

- 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. the person requests that it not become a matter of public record.” Members shall offer victims confidentiality for incident reports.

~~2.~~

~~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.~~

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

~~A. 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~~
- ~~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

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 Form 540 Your Rights as a Survivor of Sexual Assault

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)