

## **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 while responding to and investigating sexual assaults. SFPD members aim to build trust, mitigate re-traumatization, and address specific needs of victims.

### **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, Child Protective Services or Adult Protective Services workers, mental health providers, and Sexual Assault Forensic Examiners.
- 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. Sexual Assault Evidence Kit (SAEK)** – The evidentiary products of a SART Examination packaged for analysis and evidence storage.
- E. 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 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

SFPD members shall follow procedures outlined in this order and shall treat all sexual assault reports seriously with the goal of apprehending and assisting in the conviction of perpetrators while prioritizing the safety of victims.

### 6.16.04 PROCEDURES

#### A. Patrol Initial Response on Scene or at District Stations

1. The initial patrol response should aim to collect basic information from the victim (or witnesses, if the victim is incapacitated). This phase is strictly fact-finding to establish the nature of crime and guide the next steps in investigative processes.
2. Members should make reasonable efforts to take sexual assault reports in a location that prioritizes the victim's privacy. Station lobbies are not considered suitable for taking sexual assault reports, as they do not meet the standards for privacy and non-public settings.
3. Members are reminded that victims have experienced a traumatic incident and may not be willing or able to immediately assist with the criminal investigation. Therefore, questioning should be limited according to the victim's emotional and physical state.
4. Adult Victims – Preliminary Investigation. Responding officers shall do the following at the minimum:
  - a. Summon medical response, if needed.
  - b. Determine if elements of crime(s) exist.
  - c. Confirm location and timeframe of the incident.
  - d. Gather suspect's information, description, and/or whereabouts.
  - e. Secure crime scene(s) and/or evidence.
5. Child Victims – Preliminary Investigation. Responding officers shall:
  - a. Obtain information from Child Protective Services (CPS) (if on scene), non-involved adult family members, social workers, hospital staff, teachers, and/or other witnesses before conducting a **minimal facts interview** of the child victim.
  - b. If the witness information allows the responding officer to determine that the child is a victim of sexual assault, the responding officer should avoid questioning the child victim.
  - c. If the witness information does not provide enough information for the responding officer to determine that the child is a victim of sexual assault, the responding officer may conduct a **minimal facts interview** (confirm crime was sexual in nature, outline next investigative steps, or ensure safety of child). Nothing precludes the responding officer from asking

open-ended questions needed to determine suspect information or confirm elements of a crime.

6. See DGO 10.11 Body Worn Cameras for deactivation guidance.

## **B. Notifications**

1. Notification to Child Protective Services (CPS)/Adult Protective Services (APS) –
  - a. If the victim is a juvenile and CPS is not notified/engaged already, the responding officer shall call CPS as soon as practical.
  - b. APS Notification – If the victim is a dependent adult or aged 65 or over and APS is not present on the scene, the responding officer shall call APS.
2. Special Victims Unit (SVU) Notification – Members shall notify SVU of all reported sexual assault cases. The SVU Investigator or Patrol Supervisor will provide the responding officer with guidance on the next steps. Next steps may include directing responding officers to wait at scene for SVU, taking the victim to ZSFGH, or asking victim/witnesses additional questions.
  - a. Business Hours – Call SVU to speak with an SVU Investigator directly. If no one in SVU can be reached, notify the Department Operations Center (DOC).
  - b. After Hours – Notify DOC.

## **C. Other Duties/Services**

1. With approval from a supervisor, members may offer a ride to victims, within 50 miles of the city and county. Avoid seating the victim in the caged section or backseat, if possible.
2. Members shall provide the victim or adult family members of minor victims with “*Your Rights as a Survivor of Sexual Assault*” card ([California Penal Code 680.2](#)), “*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.

## **D. Suspect Interviews**

1. Adult Suspects – Responding officers should seek SVU guidance prior to interviewing the suspect, except during exigent circumstances.
2. Juvenile Suspects – See DGO 7.01, Policies and Procedures for Juvenile Detention, Arrest, and Custody.

- E. Incident Reports** – Members shall complete an incident report for any reported sexual assault whether a SVU Investigator responds to an incident or not. Additionally, members shall offer victims confidentiality in incident reports pursuant to [California Penal Code Section 293\(a\)](#).

**F. SART Examination**

1. Members shall take sexual assault victims, with consent and regardless of age, to Zuckerberg San Francisco General Hospital and Trauma Center - Emergency Department (ZSFGH) where a SAFE from the Rape Treatment Center (RTC)/Child and Adolescent Support, Advocacy, and Resource Center (CASARC) will perform an examination which includes a SAEK.
2. Members shall not discourage a victim from receiving a medical, evidentiary or physical examination, pursuant to [California Penal Code Section 679.04\(d\)](#).
3. Members shall leave the SAEK with medical staff, until SVU can respond and take custody. For all other evidence, see DGO 6.02, Physical Evidence and Scene Preservation.
4. SVU or designee shall take custody of the SAEK from ZSFGH no later than two business days after the forensic examination is conducted.
  - a. SVU or designee shall transport and book the SAEK into evidence at the Property Control Division.
  - b. The Property Control Division shall deliver the SAEKs marked for testing to the Crime Lab within 5 business days of evidence collection.
5. Outside jurisdiction – When an outside law enforcement agency completes a courtesy report for a sexual assault occurring in San Francisco or when a SAEK was performed for an outside law enforcement agency, SVU shall be responsible for collecting the SAEK within two business days. Members, if contacted by an outside agency, shall direct them to SVU for SAEK collection.

**G. SVU Investigation – Victim Interviews**

1. Before any investigative interview begins, 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) [California Penal Code Section 679.04](#).
  - a. Members may exclude the support person during any investigative interview if the member determines the presence of the individual obstructs the interview process.
  - b. If requested, members shall allow the victim a person of the same or opposite gender to be present during an interview, unless no such person is reasonably available (this request for a same or opposite gender is applicable to either law enforcement or the Victim Advocate present during the interview ([California Penal Code Section 679.04\(b\)\(1\)](#))).

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