

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 for a trauma-informed approach while responding to and investigating sexual assaults, investigations. SFPD members aim to build trust, mitigate re-traumatization, and address specific needs of victims. ~~that prioritizes community values, the well being of survivors, and ensures Safety with Respect.~~

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, ~~comprised of,~~ advocates, law enforcement officers (including prosecutors), forensic interviewers, Child Protective Services or Adult Protective Services workers, mental health providers, and ~~Sexual Assault Nurse Forensic Examiners (SANEs).~~
- 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. ~~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.~~
- ~~Special Victims Unit (SVU).~~** ~~A unit in the Investigations Bureau responsible for the investigation of any type of sexual assault regardless of the age of the victim.~~
- 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. ~~A civilian representative of a non-government agency, included~~
F.E. 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

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.

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. 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. ~~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:~~
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 Type and elements of crime(s) exist.
 - c. Confirm Location and timeframe of the incident.
 - d. Gather Suspect's information, description, and/or whereabouts.

e. ~~Secure Potential-crime scene(s) and/or evidence information.~~
Notify the Special Victims Unit as soon as practical to begin the SART process.

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. Notifications 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 ~~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.
- a.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. ~~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.~~

- 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. ~~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.~~

~~d.a. **Forensic Examination and Medical Treatment**~~

~~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.~~

~~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.~~

~~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.~~

~~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.~~

~~e.b. 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.~~

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.
 - ~~f. 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)).~~ Members shall prioritize the victim's physical and emotional well being, remain non-judgmental and respectful of the victim.

- ~~g. Adult Victims~~
- ~~h. 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.~~
- ~~i. Members should conduct a preliminary interview and obtain statements to establish the nature of the crime committed.~~
- ~~j. 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.~~
- ~~k. 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.~~
- ~~l. 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.~~
- ~~m.~~
- ~~n. Juvenile Victims~~
- ~~o. Due to the sensitive nature of these types of investigations, it is not recommended that responding officers conduct in-depth interviews with juvenile victims.~~
- ~~p. 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.~~
- ~~q. 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.~~
- ~~r. 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.~~
- ~~s. 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.~~

~~Forensic Examination and Medical Treatment~~

~~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.~~

~~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.~~

~~—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.~~

~~t. The SVU member or designee who collects the SAEK shall transport and book the SAEK into evidence at the Property Control Division. Pursuant to , 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.~~

~~u. 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.~~ **Suspect Interviews**

~~v.—~~

~~w. Adult Suspects~~

~~x. 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.~~

~~y. If SVU does not responds 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.~~

~~z. 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.~~

~~aa. Juvenile Suspects~~

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

~~cc.—~~

~~dd. **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).~~

~~ee. 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.~~

~~ff. **Other Duties/Services**~~

~~gg.—~~

~~hh. If requested, provide the victim with transportation to their residence or another appropriate location within San Francisco.~~

- ii. 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).
- jj. 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. Pursuant to , 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
- kk.
- b. 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.

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

C.

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:

- SFPD Crime Laboratory number
- Date evidence collected from victim by Trauma Recovery/Rape Treatment Center
- Date evidence collected from the custody of Trauma Recovery/Rape Treatment Center
- Date evidence submitted to the Crime Lab
- Analysis start date
- Analysis completion date
- Whether or not a DNA profile of the assailant was developed and if so, the date the DNA profile was developed
- Whether or not a DNA profile of the assailant was uploaded into CODIS and if so, the date this occurred
- 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
- 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

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

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

D.H. SFPD DGO 6.02