

## **Sexual Assaults**

### **6.16.01 PURPOSE**

~~The purpose of this order is to establish general policies regarding investigations of sexual assault cases involving both adults and juveniles, and includes procedures when responding to and for investigating, gathering evidence, obtaining medical treatment, and preparing incident reports of sexual assault.~~

The San Francisco Police Department (SFPD) acknowledges that victims may feel unheard, disbelieved, or judged. SFPD members aim to build trust by treating all victims with dignity and respect, ensuring their concerns are taken seriously, and responding in a manner that supports their physical and emotional well-being.

### **6.16.02 DEFINITIONS**

- A. Sexual Assault** – Any crime or attempted crime of a sexual nature, which includes, but is 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 to meet the medical and emotional needs of the victim and the forensic needs of law enforcement.
- C. SART Examination** – A forensic-medical examination of the victim which provides:
  - 1. Forensic documentation and collection of evidence, and
  - 2. Medical evaluation and treatment.
- D. Sexual Assault Evidence Kit (SAEK)** – The packaged evidence from a SART Examination.
- E. Victim Advocate** – A trained professional who accompanies the victim and provides counseling, resources, information, and advocacy. They are allowed to be with the victim during interviews and medical examinations.
- F. Support Person** – Typically a friend or family member who accompanies the victim and provides emotional support. A victim may choose any person to serve as their support person. They are allowed to be with the victim during interviews and medical examinations. This role is in addition to the

Victim Advocate. The support person can be excluded if their presence obstructs the process.

## **I. 6.16.03 POLICY**

SFPD members shall follow procedures outlined in this order and shall treat all sexual assault reports seriously.

### **A. INVESTIGATIVE RESPONSIBILITIES.**

- ~~1. The Special Victims/Child Abuse Section of the Juvenile Division is responsible for the investigation of any type of sexual abuse, sexual assault or sexual molestation involving a victim under 14 years of age. The Child Abuse Section is also responsible for the investigation of any type of sexual assault, sexual battery or unlawful intercourse involving a victim between the ages of 14 and 17 when the perpetrator is a family member or in a position of trust with respect to the victim, i.e., coach, teacher, care provider, trusted family friend. Special Victims/Child Abuse Section also handles incest cases involving a victim under 18.~~
- ~~2. The Sexual Assault Section of the Investigations Bureau-Bureau of Inspectors is responsible for the investigation of any type of sexual assault, sexual battery or incest involving a victim 18 years of age or older. The Sexual Assault Section is also responsible for the investigation of any type of sexual assault, sexual battery, or unlawful intercourse involving a victim between the ages of 14 to 17 when the perpetrator is not a family member or adult in a position of trust with respect to the victim, i.e., stranger, boyfriend, acquaintance, etc. In rape cases with more than one victim, if victims are both under and over 14 years of age, assignment will be made on a case-by-case basis.~~
- ~~3. The Domestic Violence Response Unit and the Sex Crimes Detail may be assigned the investigation of cases when an individual alleges being the victim of both sexual assault and domestic violence. In all cases the Commanding Officer of the Sex Crimes Detail and the Commanding Officer of the Domestic Violence Response Unit shall meet and confer. The Commanding Officers may assign the investigation to the detail best suited for a successful investigation and prosecution. The protocol for Investigative Detail assignment is, as follows:~~
  - ~~a. If the crime(s) occurred within 72 hours of being reported the case will be assigned to the Sex Crimes Detail.~~
  - ~~b. In cases of domestic violence involving life threatening injury or great bodily injury, the case will be assigned to the Domestic Violence Response Unit.~~

- c. ~~In cases when the subject alleges a sexual assault which occurred four or more days prior and a more recent allegation of domestic violence is alleged, the case will be assigned to the Domestic Violence Response Unit.~~
- d. ~~In cases of an allegation of both sexual assault and domestic violence, an Inspector from Sex Crimes and Domestic Violence Response Unit may be assigned to work together on the investigation.~~

## **H. 6.16.04 PROCEDURES**

### **A. Initial Patrol Response**

1. Members should take sexual assault reports in a location that provides the victim privacy from the public. Station lobbies are not considered private. Sexual assault counter reports should be moved to an area away from public view (community room, report writing room, interview room, etc.)
2. Victims have experienced a traumatic incident and may not be willing or able to immediately assist with the investigation. Questioning should be tailored to the victim's emotional and physical state.
3. Adult Victims
  - 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.
  - f. Notify Adult Protective Services if the victim is a dependent adult or aged 65 or over.
  - g. Notify Special Victims Unit (SVU) of the incident – SVU will interview the victim but may advise the officer to conduct the victim interview.
    - i. For purposes of PC §679.04, this is considered the initial interview, not the formal investigative interview.
  - h. Interview witness(s).
  - i. Offer victim confidentiality per PC §293(a).
  - j. Provide victim forms
    - i. "Your Rights as a Survivor of Sexual Assault" (SFPD 540) (PC §680.2),
    - i. SVU Follow Up & Referral Card (SFPD 142),
    - ii. Other appropriate forms
4. Child Victims
  - a. Summon medical response, if needed.

- b. Interview witnesses, including Child Protective Services (CPS) (if on scene), non-involved adult family members, social workers, hospital staff, teachers, and/or other witnesses.
- c. If elements of a sexual assault can be established, avoid interviewing the child victim.
- d. Notify SVU of the incident.
- e. Notify CPS of the incident.
- f. If the witness statements do not provide enough information for the responding officer to determine that the child is a victim of sexual assault, the officer may conduct a minimal facts interview to:
  - i. Establish if the crime was sexual in nature,
  - ii. Determine if immediate medical attention is needed,
  - iii. Determine when and where it occurred,
  - iv. Determine who was involved,
  - v. Determine immediate protective actions.
- g. If any of the above information was already disclosed to the witness by the child, avoid asking the child about it again. A detailed interview will be conducted later by SVU and specially trained investigators.
- h. Offer victim confidentiality per PC §293(a).
- i. Provide victim forms
  - ii. *"Your Rights as a Survivor of Sexual Assault"* (SFPD 540) (PC §680.2),
  - iii. *SVU Follow Up & Referral Card* (SFPD 142),
  - iv. Other appropriate forms

**~~A. FORENSIC EXAMINATION AND MEDICAL TREATMENT~~**

- ~~1. JUVENILES. Sexual assault victims under 18 years of age will be taken to San Francisco General Hospital as follows:
  - a. To the Pediatrics Outpatient Clinic, 6<sup>th</sup> floor, Main Building, during business hours, or
  - b. The Emergency Department at all other times.~~
- ~~2. ADULTS. Sexual assault victims 18 years of age or older will be taken to San Francisco General Hospital Emergency Department.~~

**~~B. PRELIMINARY INVESTIGATION AND COLLECTION OF EVIDENCE/RESPONSIBILITIES OF REPORTING OFFICER~~**

- ~~1. EVIDENCE COLLECTION. In addition to conducting a preliminary investigation, respond to the crime scene and collect evidence (see DGO 6.02, Physical Evidence). Each item of evidence must be placed in a separate property envelope (one item per envelope), including evidence taken from the suspect. Do not leave any evidence with the nurse or doctor examining the~~

victim; however, slides and swabs used for semen testing and sperm detection collected by the medical staff will be preserved and retained at SFGH.

**B. Notifications Requirements -**

- a. Notify **SVU of all reported sexual assault cases.** ~~the Crime Scene Investigations Unit when specialized techniques are required to collect and preserve evidence, e.g., blood, semen, fingerprints, or evidence that cannot be practically packaged.~~
- 3. **1. Call SVU directly. If unable to reach an SVU Investigator,**
  - a. ~~Notify the Child Abuse Section or the Sexual Assault Section as appropriate.~~ **nNotify the Department Operations Center (DOC).**
- 4. **2. After business hours and weekends -** ~~Notifications to the Investigative Details or Department Operations Center should be made as soon as practical to ensure an expeditious response by the on-call inspector(s).~~

**C. Body Worn Cameras** – See DGO 10.11 Body Worn Cameras for deactivation guidance.

**D. Suspects**

- 1. Suspect Interviews
  - b. Adult Suspects
    - i. If the suspect is on-scene, officers should mirandize and attempt to get a statement.
    - ii. Officers should consult SVU before contacting a suspect at their home, workplace, or via a phone call as SVU has investigative techniques that are used before the suspect is detained or mirandized.
  - c. Juvenile Suspects – See DGO 7.01, Policies and Procedures for Juvenile Detention, Arrest, and Custody.
- 2. Penile DNA Swabs
  - a. If DNA or biological evidence may be present on the suspect's genitals, Officers shall take the following steps to protect the evidence while the suspect is in custody:
    - i. Keep the suspect handcuffed behind their back.
    - ii. Do not give suspect wet wipes, paper towels, tissues, or any other item that can be used to wipe off or dilute the evidence.
    - iii. Do not allow suspects to wash.
    - iv. Do not allow suspects to use the restroom without supervision.
  - b. SVU is the primary unit responsible for conducting the penile swabbing and collection of that evidence. CSI is the designated backup unit.
  - c. Patrol officers may serve as witnesses during the collection but shall not perform the collection.

2. OTHER DUTIES/SERVICES

- a. ~~If requested, provide the victim with transportation to his/her residence or another appropriate location within San Francisco.~~
- b. ~~Give the victim the incident case number along with a Victim of Violent Crime Notification form (see DGO 6.19, Victim of Violent Crime Notification).~~

**E. Incident Reports, INTERVIEWS AND RECORDS**

- 1. ~~STATEMENTS. In cases involving victims under 18 years of age, information may be taken from the doctor or nurse examining the victim if interviewing the victim is impractical and there is an extended delay for the medical examination.~~
- 2. ~~INCIDENT REPORT. When a Child Abuse Section Investigator responds on a case to conduct the investigation, he or she is responsible for making the initial report. Child abuse investigators may require the responding officers to submit an initial or supplementary report indicating initial information reported to police, observations, statements, evidence and other related information. If, however, the investigator determines that an immediate interview of the victim is not practical or warranted (due to the child's age, time of night, etc.), he/she may request that the patrol officer complete the initial incident report. In all other cases, the patrol officer~~ **Members shall complete an incident the initial report for all reported sexual assaults, even if SVU does not respond.**
- 3. ~~CONFIDENTIALITY OF PUBLIC RECORDS. Penal Code Section 293, requires that you inform the victim that her/his name will become public record unless she/he requests that it not. Indicate in the incident report that you have advised the victim and indicate the victim's response. Also see DGO 3.16, Release of Police Reports. All confidential reports shall be stamped in red "CONFIDENTIAL"~~
- 4. ~~MEDICAL REPORT. In cases involving victims 18 years of age or older, place the medical examination report in a plain envelope, write the case number on the face, and forward it to the Sexual Assault Section. Medical examination reports of victims under 18 years of age will be retained by the medical staff and forwarded to the Juvenile Division or the Sexual Assault Section.~~

**F. Courtesy Ride**

**Members may, with supervisor approval, provide the victim with a ride to a safe location. Avoid seating the victim in the caged section, if possible.**

**G. 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 Sexual Assault Forensic Examiner from the Rape Treatment Center/Child and Adolescent Support, Advocacy, and Resource Center 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 PC §679.04(d).
3. Members shall leave the SAEK with medical staff. SVU will 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 (2) 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 five (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 (2) business days. Direct outside agencies to SVU for SAEK collection.

**H. SVU Investigation – Victim Investigative 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) PC §679.04.
  - a. 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 (PC §679.04(b)(1))).

**I. Airport Bureau - OPERATIONS:** Airport Bureau members shall follow Airport Bureau General Orders and San Mateo County protocols.

THE FOLLOWING FLOW CHART ASSISTS MEMBERS IN  
DETERMINING CASE ASSIGNMENT FOR  
SEXUAL ASSAULT INCIDENTS

