

5-09/350.05 - Responsibilities of Station/Unit Personnel and Special Victims Bureau Personnel on Rape and Sexual Assault Cases

The crime of forcible rape or any sexual assault is a crime of violence and shall be investigated with high priority and subject to intensive follow-up. Because of the often severe personal trauma experienced by victims of rape or sexual assault, they shall be afforded the utmost courtesy and consideration during the entire investigation.

The initial response to a rape or felony sexual assault case, except those that occur in a custody setting, shall be a station/unit responsibility and the follow-up investigation shall be the responsibility of Special Victims Bureau (SVB). Cases involving the following Penal Code violations shall be assigned to SVB for follow-up investigation:

- 209(b)(1), Kidnapping with Intent to Commit Rape;
- 243.4(a), Sexual Battery (felony and all felony subsections);
- 261(a), Rape (all subsections);
- 262, Spousal Rape;
- 286, Sodomy (all subsections);
- 287 (or 288a), Oral Copulation (all subsections); and/or
- 289, Penetration by a Foreign Object.

Stations/units shall have the responsibility of handling both the initial response and the follow-up investigation of misdemeanor sexual assaults, including but not limited to Penal Code violations of 314, Indecent Exposure, and 243(e) (1), Sexual Battery.

Desk Personnel

Pursuant to a report of an alleged rape or sexual assault, station/unit desk personnel shall immediately dispatch a field unit to the location.

Responding Deputy

The responding deputy shall determine if a sexual assault has occurred, and if a sexual assault has occurred, shall proceed as follows:

- Provide the victim with immediate medical attention, if necessary;
- Inquire of the victim if he or she would like a deputy of the same gender or a different gender to conduct the interview; if so, every reasonable effort shall be made to accommodate their request. The inquiry and request shall be documented in the incident report or supplemental report. If a deputy of the same or opposite gender is requested, the requested deputy shall conduct the interview of the victim, and if a sexual assault is the primary crime, prepare the first report. If a sexual assault is the secondary crime, the requested deputy shall assist the handling unit and document the sexual assault in a supplemental report;
- The initial interview with a victim should determine if a sexual assault has occurred and if a radio crime broadcast should be made. Further information needed for the first report shall be obtained after the sexual assault examination. The in-depth interview of the victim shall be conducted by an investigator from the investigating unit which is assigned the case (the station/unit detective bureau or SVB);
- If the sexual assault incident occurred within 96 hours, transport the victim to the nearest County contracted hospital for treatment and obtain laboratory specimens in the manner prescribed for Department sexual assault evidence kits (sexual assault incidents which are over 96 hours old, do not require an immediate medical examination; if a sexual assault examination is necessary, the examination shall be arranged by SVB);
- Notify the local rape victim counseling center if a sexual assault victim is transported to the hospital for any medical evidentiary or physical examinations (264.2(b) (a) PC). The notification shall be documented in the incident report or a supplemental report;
- A sexual assault victim has the right to have a support person of their choosing present at any medical evidentiary or physical examination and law enforcement interview (this may or may not be a rape counselor). The support person may be excluded from the examination or interview if the deputy and/or the medical provider determines that the presence of the support person would be detrimental to the purpose of the examination or interview (264.2(b)(1-4) PC);
- Victims of a sexual assault shall be provided with the Department's "Sexual Assault" pamphlet by the interviewing deputy. This shall be documented in the incident report or supplemental report;
- Immediate notification shall be made to SVB without undue delay for cases to be assigned to SVB.;
- If the sexual assault suspect is detained or arrested and the incident occurred within 96 hours, transport the suspect to the nearest County contracted hospital for a sexual assault evidence examination to obtain laboratory specimens in the manner prescribed for Department sexual assault evidence kits. If sexual assault examinations are conducted on the victim and the suspect, ensure that they are kept separated at all times. **The suspect cannot be forced to submit to the examination without a warrant;** and
- Information and action taken by any other field unit shall be included in the first report or a supplemental report.

Station/Unit Detective

Station/unit detective follow-up investigations for a misdemeanor sexual assault shall be conducted with the utmost priority and shall proceed as follows:

- If a victim requests a deputy of the same gender or a different gender to conduct the interview, every reasonable effort shall be made to accommodate their request;
- A sexual assault victim has the right to have a support person of their choosing present at any law enforcement interview (this may or may not be a rape counselor). The support person may be excluded from the interview if the detective determines that the presence of the support person would be detrimental to the purpose of the interview;
- Victims of a sexual assault shall be provided with the Department's pamphlet entitled, "What Happens After Sexual Assault"; and
- If during the course of the station/unit detective's follow-up investigation of the misdemeanor sexual assault, it is discovered that the sexual assault rises to the level of a felony, the detective shall contact SVB and follow their instructions.

Station/Unit Responsibility

The initial felony incident report and all station supplemental reports shall be emailed to SVB immediately upon approval of the report, or as soon as practical.

Special Victims Bureau Detective

Detective follow-up investigations shall be conducted with the utmost priority and shall proceed as follows:

- When one or more of the following criteria are met, SVB shall respond to the incident. If after hours, contact the Department Operation Center (DOC) and have the on-call investigator notified;
 - A victim is taken to a hospital with serious injuries from physical and sexual assault;
 - A crime scene is encountered where the possibility exists of collecting evidence;
 - A suspect is in custody;
 - There is significant workable information available to apprehend a dangerous suspect;
 - There is a possible crime of kidnapping for the purpose of sex;

- MO is that of a known/unknown serial rapist; and
- At the request of a watch commander;
- If a victim requests a deputy of the same gender or a different gender to conduct the interview, every reasonable effort shall be made to accommodate their request;
- A sexual assault victim has the right to have a support person of their choosing present at any law enforcement interview (this may or may not be a rape counselor). The support person may be excluded from the interview if the detective determines that the presence of the support person would be detrimental to the purpose of the interview; and
- A victim of a sexual assault shall be provided with the Department's pamphlet entitled, "What Happens After Sexual Assault."

Sexual Assaults Occurring in a Custody Setting

The custody unit shall have the responsibility of all initial responses to sexual assaults that occur in a custody setting. Jail Investigation Unit (JIU) shall be responsible for the follow-up investigation for all of these felony sexual assaults. JIU shall determine if JIU or the custody unit shall have the responsibility for the follow-up investigations of misdemeanor sexual assaults.
