

# ***SEX CRIMES UNIT***

## ***Operations Manual***

**San Diego Police Department**



**2020**

## **SECTION I**

### **ORGANIZATION AND PERSONNEL**

#### **SAN DIEGO POLICE DEPARTMENT SEX CRIMES UNIT**

##### **MISSION and GOAL STATEMENT**

**The mission of the Sex Crimes Unit is to conduct thorough, impartial, and professional investigations of all felony sexual assaults, which occur within the City of San Diego.**

**The goal of the Sex Crimes Unit is to resolve these investigations working with Child Abuse, Domestic Violence, Vice, Service Area Investigators, prosecutors, medical professionals, community organizations and other law enforcement agencies in a problem-solving partnership focusing on the criminal prosecution of offenders and the reduction of sexual assault.**

## **DUTIES AND RESPONSIBILITIES**

### **I. Unit Lieutenant**

- A. Provide direct supervision to sergeants assigned to the Sex Crimes Unit.
- B. Ensure Unit goals and objectives are being met.
- C. Review reports submitted to, and returned from, prosecuting agencies.
- D. Ensure investigations and related reports are complete and conform to Department and Unit policies, procedures and standards.
- E. Review all Sex Crimes reports, briefings and/or investigative updates of consequence prior to the 0830 Morning Call briefing.
- F. Attend the 0830 Morning Call briefing, either in person or via the teleconference system to exchange information with other investigative units.
- G. Keep current on trends, including identification of series, and keep the Investigations I Captain informed.
- H. Conduct inspections as required by the Inspections Manual.
- I. Review statistics and prepare Quarterly Management Report (QMR).
- J. Maintain liaison with District and City Attorney's offices, other law enforcement agencies and advocate groups.
- K. Review and update Department and Unit policies and procedures as necessary.
- L. Prepare news releases and coordinate media conferences related to sexual assaults.
- M. Approve all Specialized Unit Release Requests related to on-going civil litigation.
- N. Monitor budget and overtime expenditures.

## II. Unit Detective Sergeant(s)

### A. Case Assignment – Assign Crime Cases and Mandated Report Referrals

1. Review crime cases, incident reports and mandated reporter referrals from NETRMS, Records Division and Unit clerical support staff daily. Ensure the crime and/or victim age meet the Unit criteria. If it is determined not to meet the SCU criteria as outlined in Department Policies and Procedures, immediately forward cases to the appropriate Investigative Unit (i.e., Child Abuse Unit, Area Investigations, ICAC, 290 and Domestic Violence).
2. Check for crime cases/incident reports forwarded by other Investigative Units or outside agencies via fax, electronic, interoffice or general mail delivery daily.
3. Check NETRMS Sex Crimes Working Organization Bucket for in-custodies.
4. In addition to incoming crime cases, the Supervisor will review any call-out briefing memos and/or investigative updates prior to the 0830 Morning Call briefing each day. The Sergeant will notify the Unit Lieutenant of any significant cases and/or case updates.
5. Courtesy Reports (999 outside agency) (See Protocol guide p) Sexual assault crime reports taken on behalf of another police agency or at the request of a sexual assault victim will be completed and forwarded to the appropriate investigating agency.
6. Prioritize cases to be assigned. Such as:
  - a. In-custodies.  

**(Deleted – records of security)**
  - c. High profile, stranger, and series cases.
  - d. All other crime cases.
  - e. Mexico Case (990000ZZ Courtesy)

These cases will be routed to CIU for assignment via NETRMS. The CIU sergeant will cancel the case via NETRMS and is responsible for managing any property tags or evidence associated with the case.

The crime case in the NETRMS system will be closed as “WORKABLE – NO” with a case status of “DEPARTMENT CLOSURE.”

If additional case reports exist (i.e. SART report, Property Tags, photographs) a copy of those items will be attached to the case file via NETRMS.

f. Incident Reports (981153ZZ Miscellaneous).

If an incident report is assigned, and the Detective determines a crime has occurred, the violation will be updated to the proper violation section via NETRMS.

g. Mandated Reporter Referrals.

7. The assigning Sergeant will electronically assign the crime case through NETRMS and complete the Unit crime case assignment log, reflecting the daily crime case assignments.

8. Courtesy Reports (990000ZZ Courtesy)

If the crime case and beat (999) indicate the crime occurred outside the City of San Diego or was intentionally taken as a “Courtesy” report, the Sex Crimes Unit Sergeant will evaluate the case and confirm the crime occurred outside SDPD Jurisdiction. The Sergeant will identify and obtain the contact information for the responsible Agency.

The crime case in the NETRMS system will be closed as “WORKABLE – NO” with a case status of “DEPARTMENT CLOSURE.” The assigning Sergeant will notate the appropriate police agency within the notes section of the Unit Case Assignment Log. A copy of the crime case report will be provided to clerical staff to forward to the appropriate agency. The date and specific agency the referral was forwarded to and by whom and what means should be noted on the Unit Case Assignment Log.

Clerical staff will be responsible for forwarding the report and any attachments to the outside agency. The forwarding of the record may be done via US mail, E-mail or FAX.

Any evidence attached to the case i.e. SART kit, the Unit Sergeants will be responsible for preparing and authorizing transfer of evidence to an outside agency.

(See section II, A, 5 & IV, 7)

9. **(Deleted – records of security)**

10. Referrals

- a. Mandated Reporter Referrals (i.e.: CPS/APS/medical service providers) will be routed to a “referral officer” for review after clerical staff complete a records check.

Upon reviewing, the referral officer will determine if Investigative follow up is needed and complete a crime report (.1 report) if necessary. That crime report will subsequently be assigned to an investigator for further follow-up. In the event additional follow-up is not required, the referral officer will close the referral and NetRMS, summarize the reason(s) follow up is not needed (i.e., duplicate report/previously investigated, lacking the elements of a crime, outside agency jurisdiction, victim declines to participate with an investigation).

- b. When the referral indicates the incident(s) of possible criminal abuse occurred outside the City of San Diego, the Sergeant will notate the appropriate jurisdiction and return to clerical staff to forward immediately via fax, electronic or general mail delivery and close the referral in the Unit database by completing the required disposition fields and indicating in the summary the date and the agency the referral was forwarded.

11. On-call duty will rotate between the Unit Sergeants weekly, with the rotation to occur each Tuesday morning at 0700 hours.

- a. The on-call Sergeant will be available by phone for assistance to Field Sergeants in the direction of a sexual assault preliminary investigation.
- b. The on-call Sergeant will evaluate whether the incident requires the immediate response of the on-call detective(s) and/or Sergeant in accordance with the Sex Crimes Unit Call Out Procedures.
- c. The on-call Sergeant will provide the on-call Detective(s) with the location, incident number, scene Sergeant’s phone number and pertinent information known.
- d. The Unit Lieutenant will be advised of the call out, responding detective(s), and brief synopsis of the incident and whether the on-call Sergeant is also responding.

- e. The on-call Sergeant shall receive progress updates from the lead detective and forward significant information regarding the ongoing investigation to Unit Lieutenant.
  - f. The on-call Sergeant will ensure the lead detective completes and submits a Briefing Memo outlining the incident and investigation status.
  - g. The on-call Unit Sergeants are permitted 24 hour use of a Unit assigned or Department vehicle due to their required response on a callback basis as outlined in Department Policy and Procedures 1.16.
15. Records Retention for Sex Crimes Unit Crime Case Investigations
- a. Sex Crime Investigative files consist of documents resulting from the reporting and investigation of felony sex crimes. Contents of these files include but are not limited to the following: Crime/Incident Reports (ARJIS 2), Officer Reports (ARJIS 3), Officer Narratives (ARJIS 9), Complaint Request Evaluation (CRE), Lab requests and Reports, Arrest Reports (ARJIS 8) Photo line-up reports, Investigator follow-up summaries, audio recordings, photographs, notes, letters, etc.
  - b. **(Deleted – records of security)**
  - c. **(Deleted – records of security)**
  - d. When a Sex Crimes case is retained in Records division and has expired its 20-year retention period, Records Division will notify the Sex Crimes Unit of its intent to destroy the record(s). A Sex Crime Lieutenant will decide whether to house the physical documents or allow the record to be destroyed.

## B. Sergeant Responsibilities

1. Prepare and submit weekly reports to the Unit Lieutenant and Investigation I Captain every Friday.
2. Read and approve all reports, including follow-ups, cancellations, D.A. reports, (CRE's) and cases initiated by detectives.
3. Provide Unit Lieutenant with a Briefing Memo on major incidents and call-outs prior to the 0830 Morning Call and retain a running log of unit generated briefing sheets. These will be retained in paper copy, on the wall by copier, and digitally on the G: / drive under Briefing Memos.

4. Review and approve investigations ensuring cases are being cancelled per Department Policy. (Refer to Investigative Manual, page four and five).
5. Record statistics. Prepare reports as appropriate. Monitor trends indicating an increase or decrease in caseload, crime trends and hot spots.
6. Calculate caseload based on work hours available per detective and ensure workload is distributed equally.
7. Project expected workload.
8. Request sufficient number of personnel and equipment to handle anticipated work.
9. Compile information and prepare reports for response to special interest groups.

C. Supervise Unit detectives, to include:

1. Direct supervision of detectives. Review direction and progress of investigation with investigators, provide advice and counsel.
2. Facilitating briefings with Unit personnel bi-weekly. Meetings will include case reviews to provide a forum to discuss investigative tactics, strategies, training, and team problem solving.
3. Developing and encouraging community partnerships to reduce the risk of sexual assault.
4. Establish and maintain a liaison and an exchange of information, cases, etc. with Area Commands, Child Abuse, Domestic Violence, Vice, and surrounding law enforcement agencies.
5. Keeping the Unit Lieutenant informed of important cases and other relevant matters.
6. Visiting patrol lineups and supervisors' meetings to maintain and exchange information.
7. Establish and maintain liaison with the District Attorney and City Prosecutor's offices regarding policies, procedures and issuing guidelines.
8. On special series crimes, establishing surveillances, coordination with patrol and overall case supervision.



9. Ensuring notification of school officials in cases where school district employees are involved in sex offenses.
10. Establishing and maintaining liaison with various community groups functioning to assist sexual assault victims, i.e., the Center for Community Solutions, EYE Counseling and Crisis Services, SAVII, and SART. Encouraging input and utilizing these agencies to assist with community responses to series, other violent crimes and crime prevention.
11. Responding to requests for speakers to train or present information to community stakeholders. Assign appropriate personnel to handle requests in a timely manner.
12. Ensure the assignment of Unit detectives as on-call duty on a weekly basis.
13. Routing all media inquiries with requests for interviews and press releases to the Unit Lieutenant.
14. Advising the Unit Lieutenant of potential series and community concerns that may result in a press release.
15. Functional supervision of all Unit detectives and office personnel in the absence of their supervisors.
16. Working with and training investigators to understand the special dynamics involving sexual assault investigations.
17. Developing, promoting and mentoring in-service training programs to enhance the Department's ability to recognize and effectively respond to all forms of sexual assault.
18. Review requests submitted by Unit detectives to attend schools and training courses necessary to improve and maintain their skills. Approve appropriate requests while ensuring adequate Unit staffing.
19. Complete annual evaluations of assigned employees.
20. Investigating complaints against unit personnel and services in accordance with Department Policy and Procedures.
21. Conducting assigned personnel and equipment inspections. (Refer to Inspections Manual for investigative personnel).
22. Reviewing divisional personnel files to ensure they are current and properly purged.

23. Facilitating problem solving amongst detectives and other stakeholders.

#### D. Crime Case Investigation


1. Be directly responsible for the timely investigation and resolution of cases investigated by the Sex Crimes Unit.
2. Establish and maintain liaison with all investigative support personnel, including Forensic Sciences, Crime Analysis and other investigative units.
3. Supervise the Cold Case DNA program and reassign cases when DNA database information is provided by DOJ. Forward any investigative results to the Crime Lab Manager who will provide necessary information to DOJ. Refer to DNA/CODIS Log.

### III. Sex Crimes Unit Detective Responsibilities

- A. Developing and encouraging partnerships with organizations, community groups and associations to provide education, awareness and prevention strategies. By creating problem solving partnerships between the Department and community organizations we enhance our likelihood of successfully reducing sexual assault crimes.
- B. Establishing and maintaining liaison with Area Commands, and specialized Units such as Child Abuse, Domestic Violence, Elder Abuse, Gangs, Juvenile Administration, Juvenile Service Teams, Psychiatric Emergency Response Teams (PERT), and Vice.
- C. Unit detectives are each assigned to liaison with an assigned Area Command(s). Detectives should attend first and second watch line-ups to exchange information and provide training at least once every shift change.
- D. Be available for 24-hour callback when scheduled to be on-call and advised to be on stand-by. Be able to arrive on scene within one hour of being called out.
- E. Crime Report/Incident Report/Mandated Reporter Referral case assignments:
  1. Check report for accuracy, completeness and appropriate penal code violation(s) based on the elements described therein.

2. Check records on suspects, victims, etc., including computer searches.
3. Contact the victim as soon as feasible. Attempt(s) to make contact in person must be made when telephone contact is not successful.
4. Schedule an appointment(s) to conduct interview(s) with the victim(s) and witnesses of the crime.
5. Incidents Reports (981153ZZ Miscellaneous) that are investigated by a Unit Detective and determined to possess the elements of a crime will be updated to reflect to violation section, regardless as to whether the victim requests prosecution or declines. A “Change or Crime Code” will be completed and submitted via NETRMS. This will change the Incident Report to a Crime Case and appropriately effect statistical queries.
6. Incidents Reports (981153ZZ Miscellaneous) that are investigated by a Unit Detective and determined NOT to possess the elements of a crime will remain as Incidents Reports and cancelled with notes indicating the detectives follow up and conclusion.
7. Advise the victim of their right to an advocate and/or support person.

**SPECIAL NOTE** - A partnership has been developed with the Center for Community Solutions “CCS” to provide available advocates to accompany Unit detectives on victim interviews and DA appointments. Whenever possible, the CCS 's goal is to maintain vertical case management, meaning that they would like the same advocate to be available for the victim throughout the process, i.e., law enforcement interview, DDA interview, and trial.

8. **(Deleted – records of security)** 
9. Per the San Diego County Victim/Witness Protocol and the DA's policy, severely developmentally delayed adults may also be taken to Children's Hospital for a forensic interview if it will provide a better service to the victim and/or enhance the criminal investigation.
  - Prior to scheduling an interview, detectives generally must be able to establish or confirm the elements of a crime.
  - These interviews should be kept to a minimum, however, it is recognized that some information is needed to correctly determine the course of an investigation.
10. Work with the District Attorney's Office Victim/Witness Assistance and the

Center for Community Solutions to assist victims in preparing for court appearances.

11. Develop and maintain partnerships with community advocates to provide support for sexual assault victims during the investigative process. Provide referrals when appropriate.

**(Deleted – records of security)**

12. Assess the evidence collected and submit lab service requests as needed.

F. SART Facility or Other Treatment Source.

1. Obtain statements from medical personnel pertaining to the case. Obtain OCJP form 923 or 925 (SART Reports) and include findings in your investigative follow-up report.
2. Collect, preserve and package any physical evidence not collected by the SART.

G. Present case to District Attorney and/or City Attorney

1. Arrange a victim interview with the District Attorney.
  - Arrangements must be made as soon as possible if the suspect is in custody.
  - Detectives should do whatever necessary to help the victim with transportation.
  - Referrals should be made to both the Center for Community Solutions and Victim/Witness Assistance Program.
  - The District Attorney's office will generally not issue a case without interviewing the victim first. This includes requests for warrants.
  - If new information is learned during the interview, the detective will be responsible for writing a report documenting the new information, Interviews should always be recorded with the knowledge of the DDA
  - When a suspect is in custody, all available reports should be submitted to the DA's office as soon as practically possible. "Draft" investigations will not be submitted to the DA's office and under no circumstances will reports be referred to the DA's office without a supervisor's approval.
  - Once a DA package is submitted, additional reports will be documented on an addendum and forwarded to the DA's office.

- H. Complete follow-up investigations and/or cancellations on all case assignments in a timely manner (Refer to Investigative Operations Manual for guidelines).
  - 1. Submit your reports to your supervisor for approval. In the absence of your immediate supervisor, approval can be obtained from another Unit supervisor.
  - 2. Make changes or add content as requested by the approving supervisor.
  - 3. If you were unable to corroborate the victim's allegations or you have exhausted all leads, the case shall be inactivated.
  - 4. All follow-ups should be submitted via NETRMS.
  
- I. On series crimes, prepare series case information, evidence analysis, charts, maps and stakeout information. Work with the Crime Analysis Unit, in addition to other Units to increase efforts to identify and arrest the suspect(s).
  
- J. Keep supervisors informed of all significant new developments in your cases.
  
- K. Attend required training and seek out training opportunities.
  
- L. General Unit Regulations
  - 1. The Sex Crimes Unit Office hours are 0630-1700 hours, five (5) days a week. Work hours can be adjusted to meet the needs of a particular case. Adjusted hours will be pre-arranged and authorized by a Sex Crimes Unit Supervisor/Lieutenant.
  - 2. Detectives should be prepared to discuss cases and suspect information with other investigators. Exchange of information and team problem solving is expected and beneficial to all concerned.
  - 3. A Unit supervisor shall initiate after hour Lab response for scene processing or authorize an on-scene detective requesting their response when appropriate.
  - 4. Prisoners will be handcuffed while in transport and while in the Sex Crimes Unit office. Suspects will always be monitored by an Officer or Detective while in the Sex Crimes Unit Office.
  - 5. Detectives and supervisors opting to telecommute will obtain supervisor approval with sufficient advance notice to ensure adequate staffing needs are met for the

day in question. After approval, the telecommuting day will be logged in the Redbook. A telecommuting agreement must be completed, and a copy placed in the employees Personnel and Division files.

M. Office routines

1. Telephone Procedures

- The Sex Crimes Unit detectives will handle inquiries from patrol, other units and agencies. If no one is available, the Unit's clerical staff will refer the caller to the first up on-call detective's cell-phone. (Only LEO are provided the detective's cell phone number) Non-LEO will be advised a detective will return their call and a message will be routed to the detective with the information and persons callback number.
- Detectives will assist the Unit clerical staff with incoming telephone calls when they are busy or whenever relief is needed.

2. Keep your case log and files orderly so that supervisors can obtain needed information if you are unavailable.

3. Detectives requesting lengthy transcripts of suspect or victim interviews must first obtain a supervisor's approval.

N. Field Routines

1. Detectives must carry their Department issued cell phone during working hours unless they elect to utilize their personal cell phone so long as they can program the issued cell phone to forward calls to their personal cell phone. Voice-mail messages should be checked at least twice a day.

2. Detectives must notify a unit supervisor and law enforcement agencies responsible for other jurisdictions before conducting an investigation or making an arrest within their jurisdiction. Applicable agencies may desire to have one or more of their investigators accompany you. (See Inter-Agency Coordination Procedures.)

3. Department business card shall be left with all persons contacted on an investigation. Carry an adequate supply. Write the appropriate case number on the card before leaving it on a citizen's door.

O. On-Call Detective/Call-Out Responsibilities

1. "On-Call" begins on Tuesday at 0700 hours and terminates the following Tuesday at 0700 hours. Due to scheduling conflicts, detectives may need to switch on-call

assignments. The on-call supervisor must be notified in advance and the master on-call schedule revised to reflect the correct on-call detective.

2. Employees are eligible for one day of discretionary leave for every 300 hours on-call, up to a maximum of 10 discretionary leave days per fiscal year. Unit supervisors will record on-call hours worked by Unit detectives into the SAP through the OneSD system. Use of discretionary leave acquired as a result of on-call hours shall be used in accordance with Department Policy and Procedures.
3. The on-call detectives are permitted 24 hours use of a Unit assigned or Department vehicle due to their required response on a callback basis as outlined in Department Policy and Procedures 1.16. On-call detectives must be available by phone during the entire week period unless arrangements have been made and approved by a Unit supervisor for temporary unavailability.
4. **(Deleted – records of security)**
5. The on-call supervisor should be contacted if there is a need for assistance from the second or third-up detective(s), i.e., an extensive number of witnesses, multiple suspects, victims, or a complicated crime scene, or extensive evidence collection.
6. The lead on-call detective will complete or ensure the completion of a Sex Crimes Unit Briefing Memo prior to securing from the call-out. A copy will be placed on the briefing sheet clipboard within the Unit and an electronic copy shall be forwarded to the Unit supervisors, Unit Lieutenant and Investigations I Captain.

#### **IV. Clerical Personnel Duties**

- A. Answer incoming telephone calls.
- B. Retrieve subpoenas from computer (County - DA37). Log all incoming subpoenas in the electronic subpoena log to allow the tracking court appearances, receipt and distribution of subpoenas. Place logged subpoenas in the detective's supervisor's mail bin for service. Update the subpoena log when signed subpoenas are returned, showing the date served and supervisor's name and ID. Electronically return the subpoena via computer (County - DA27) and mail the original signed subpoena to the issuing court (Court Liaison). Civil subpoenas must be routed to Fiscal management prior to service.
- C. Retrieve Unit mail from the mailroom and Records counter daily. Sort and distribute incoming mail. Deliver all outgoing mail in the Unit to the mailroom daily.
- D. Conduct a records check on any incoming mandated reports. Forward the referral to the designated referral officer via NetRMS

- E. Forward all outside agency courtesy reports and attachments to appropriately identified outside agency.
- F. Order supplies from City Stores and/or Staples as needed.
- G. Prepare the bi-weekly time sheet (SCU; CHAB; 290; ICAC). Complete and submit to the Payroll Unit each pay period with the original leave/overtime slips. Maintain a copy of submitted time sheets, leave and overtime slips for reference.
- H. With unit supervisor approval type dictated reports and other assignments, such as memos, letters, rosters, phone lists, and forms, as directed.
- I. Maintain and update Unit rosters as needed.
- J. Maintain Master Copy of this manual, all spare copies, and copies of all changes issued to the manual.
- K. Maintain a log of all NPR SART examine performed within the San Diego Police Department's jurisdiction.

**V. Approved Light Duty Personnel/Interns (when a light duty officer or intern is available for assignment to Sex Crimes):**

- A. Prepare reports only on cases that can be taken over the telephone.
- B. Cross report suspected child abuse reports to Child Protective Services.
- C. Conduct computer research for detectives to enhance cases and develop investigative leads.
- D. Conduct criminal history research on appropriate field interviews submitted to the Unit.
- E. Conduct follow-up telephone calls on Incident Reports and Mandated Reporter Referrals submitted to the Sex Crimes Unit. After obtaining the information, advise a Unit supervisor of their evaluation to determine a course of action, i.e., whether case should be assigned to a detective, closed or forwarded to another investigative unit.



## **NON-PARTICIPATORY SART REPORTING**

12-01R

### **I. PURPOSE**

The purpose of developing a Non-Investigative San Diego County Sexual Assault Response Team (SART) reporting process is to allow DNA and other physical evidence to be collected and stored in the event a victim decides to initiate the investigative process at a later time. This evidence may include SART kits, clothing, and photographs.

### **II. BACKGROUND**

The Federal Violence Against Women Act (VAWA) and Department of Justice Reauthorization Act of 2005 (HR 3402) prevents victims of sexual assault from being required to seek reimbursement from their insurance for forensic medical exams, and victims are not required to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam. The California Legislature passed Senate Bill 534, Victims of Sexual Assault, to reflect the amendments to VAWA. The bill was codified in California Government Code section 17612, and California Penal Code sections 13823.7, 13823.13, and 13823.95. The Penal Code provides that the cost of the examination is chargeable to the local law enforcement agency in whose jurisdiction the alleged offense occurred. In turn, local law enforcement agencies may seek reimbursement from the California Emergency Management Agency (CEMA) for the costs of the examinations of sexual assault victims who do not participate in the criminal justice system. The authorization for CEMA to use federal grant funds to reimburse local law enforcement agencies for medical evidentiary examinations will expire on December 31, 2013.

### **III. THE NON-PARTICIPATORY SART PROCESS**

Adult (18 years or older) victims who wish to have physical evidence collected pursuant to a sexual assault incident, but do not wish to participate in an investigation, may have this evidence collected at one of the adult SART facilities in San Diego County. Victims currently can report by a variety of methods including: a phone call to a sexual assault hotline or domestic violence hotline; a phone call to 911 or police communications; or, by a report from a medical professional or medical facility. To ensure consistent quality of care and proper collection of evidence in all cases, these victims will now be referred to the San Diego County DV Hotline (888-385-4657).

Victims may receive medical treatment, advocacy services, counseling, and an optional sexual assault forensic exam for the collection of physical evidence as needed. If the victim chooses the non-participatory reporting option, then a police investigation will not be initiated. At a later date, if the victim decides to report

the incident to law enforcement, then an investigation will be initiated using the evidence collected at the exam.

## I. Procedure for Initiating a Non-Participatory SART

A. If a sexual assault victim reports an assault to a mandated reporter, (i.e. hospital staff, counselor, therapist), and that mandated reporter or the victim calls the San Diego Police Department Communications Center, they will be advised of their right to a Non-Participatory (NPR) SART exam.

1. If the victim does not wish to participate a criminal investigation, but is interested in participating in a NPR SART exam, they will be directed to call Palomar Healthcare at the following numbers:

### a. (Deleted – records of security)

2. The victim will be directed to the appropriate SART facility by the Palomar Healthcare Forensic Services representative.
3. When the victim arrives at the SART facility, the SART Nurse will determine where the assault occurred and when.
4. If the assault occurred within the established forensic time table (120 hours), and within the city of San Diego, the SART nurse will contact the San Diego Police Department Communication Center.
5. The Lead Dispatcher will confirm the assault occurred within the city of San Diego.
6. If the assault occurred outside the city of San Diego, the Lead Dispatcher will refer the SART nurse to the appropriate law enforcement agency.
7. If the assault occurred within the city of San Diego, the Lead Dispatcher will generate a SART event noting the location of the assault, and SART nurse's name. They will then provide the event number to the SART nurse.
8. The SART nurse, in turn, will provide the Lead Dispatcher with the NPR tracking number which will be added as notes to the event.
9. The Lead Dispatcher will then close the event with a 'K'.

## II. OFFICER PROCEDURES

A. If Officers contact a sexual assault victim at a non-SART facility (i.e. hospital, counseling office, school), and the victim does not wish to participate in a criminal investigation, officers shall:

1. Advise the victim of their right to participate in a Non-Participatory SART examination.
2. Provide the victim with the telephone numbers of Palomar Health Forensic Services:

a. **(Deleted – records of security)**

b. **(Deleted – records of security)**

B. Officers are not required to transport the victim to the SART facility. Transportation to the facility is the responsibility of the victim. However, if the victim is unable to obtain transportation an officer is not precluded from offering to provide transportation to the victim.

### **III. IMPOUNDING OF EVIDENCE FOR NPR CASES**

Evidence recovered from the NPR SART exam will be obtained and impounded by police Property Room personnel utilizing the assigned CAD event number. During the physical impound, Property Room personnel will include the date, time and location where evidence was recovered, as well as the CAD event number and NPR tracking number on the digital impound tag.

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### **V. PROCEDURE FOR ACTIVATING A CRIMINAL INVESTIGATION**

At the time of the exam, the SART nurse will advise patients, if at a later date they decide to report the incident to law enforcement, they should contact the SART facility that performed the exam. The patient's evidence and documentation will be accessed using the tracking number generated by the SART facility. The SART facility will contact the appropriate law enforcement agency for investigation. An updated authorization form signed by the patient will be required to initiate a law enforcement investigation and to examine the physical evidence collected.

The SART facility will then notify the law enforcement agency with jurisdiction over the incident and the appropriate advocacy agency. The victim will be informed that law enforcement will contact them to proceed with a criminal investigation and processing of physical evidence.

### **VI. PROCEDURE FOR RELEASE AND STORAGE OF NPR EVIDENCE**

The patient/victim will sign a form indicating that they are choosing to proceed with the non-participatory reporting option.

The patient will be given the following details in writing:

- Possible length of time the evidence will be stored.
- Where evidence will be stored.
- How to change a non-participatory report to a standard report.
- Where to call with questions.

The SART facility will assign a tracking number to the case. The tracking number will be generated by the collecting facility in the following format: **Facility Identifier.Year.NPR-#**.

(For example: PPH.2011.NPR.001 or IFS.2011.NPR.015 where PPH=Palomar/Pomerado Health, IFS=Independent Forensic Services; 2011 is the calendar year of exam; NPR=non-investigative report; 001 = 1<sup>st</sup> NPR exam of 2011 by PPH; and 015 = 15<sup>th</sup> NPR exam of 2011 by IFS).

The sexual assault exam report forms will have the victim's name, other identifying information, and the tracking number.

The original of these forms will be kept in the standard confidential manner by the SART facility. Photos taken during the exam will be kept in a secure digital format by the SART facility.

Additional medical documentation by hospital personnel will follow the standard hospital protocols and will not be released without signed authorization by the patient.

The physical evidence collected at the exam will be marked with the tracking number and will be transferred to the appropriate law enforcement agency for storage (jurisdiction where incident occurred). The evidence will be kept by the appropriate law enforcement agency for a period of 18 months from the date of the exam. Should the patient/victim not initiate an investigative report during this time period the evidence will be destroyed per agency guidelines.

## **NON-INVESTIGATIVE SART KIT IMPOUND, RETENTION AND DISPOSAL PROCEDURES.**

### **I. NON-INVESTIGATIVE REPORT**

When an NPR SART examination occurs patrol officers are **NOT** responsible for taking possession of the sexual assault evidence kits while at the SART facility. The physical evidence collected at the exam will be retained initially by the SART nurse. The evidence will be marked with the police incident number and NPR number but **WILL NOT** include the victim's name or contact information. Property room personnel will collect NPR SART Kits from the IFS facility and complete all impounds of such evidence.

The SART Facility will hold all other evidence and information collected during the sexual assault exam (exam forms, photos, etc. **excluding the SART kit**). Evidence held by the SART facility will include the victim's name, contact information, and reference NPR number; this information will not be released to law enforcement.

## **II. NPR SART KIT IMPOUND PROCEDURE**

Evidence recovered from the SART exam will be obtained by SART nurse personnel and retained at the SART facility. Twice a week NPR SART kit evidence will be collected and impounded by police property room personnel utilizing the assigned CAD incident number. During the physical impound, property room personnel will include the date, time and location where evidence was recovered, as well as the CAD incident number, and IFS NPR tracking number on the digital impound.

## **III. ACTIVATION OF A NPR TO A CRIMINAL INVESTIGATION:**

If a sexual assault victim who previously selected to participate in an anonymous NPR wants to come forward and now participate in a criminal investigation, the detective assigned to the investigation is responsible for updating the NPR digital impound to a criminal investigation digital impound, to include the victim's biographical information and all pertinent case information, such as the victim's name, crime location, incident number and case number. If two incident numbers exist, both must be included along with the case number, when submitting lab requests.

To update the digital impound the detective will enter the Online Property Room "On Q" and log in. Once inside, the investigator will enter the associated incident number and locate the NPR digital impound to be edited. Updated digital impound lists should be printed out once the case information and victim's information has been included.

This step is very important because under the NPR retention protocol the victim's SART kits will only be retained for 18 months, and then will be disposed of. Failure to update the property tag to an active criminal investigation can result in an accidental disposal of evidence.

## **VI. OTHER IMPOUNDING OF EVIDENCE FOR NPR CASES:**

On occasion, patrol officers or detectives may be directed by the Sex Crimes Sergeant to recover SART kits from local medical facilities outside of the City of San Diego. If detectives or patrol officers are utilized for this function, they will be responsible for completing the physical impound and must include the date, time and location where evidence was recovered as well as the NPR tracking number and CAD incident number. If the incident number is not known, Communications will generate an incident number to be used to complete the digital impound.

## **SEX CRIMES COLD CASE UNIT**

In January 2020, the Sex Crimes Cold Case Unit was formed in response to Senate Bill 22. SB22 sets forth stringent rules for the receiving, processing and testing of Sexual Assault evidence. Also included in the bill is a mandate requiring all sexual assault kits to be tested. In order to comply with the mandate set forth in SB22, all historical sexual assault kits in SDPD evidence were sent to a contracted laboratory (BODE) for testing in early 2020.

The unit consists of one Detective Sergeant and two detectives. The responsibilities of the unit are to:

- Ensure all impounded SART kits are submitted to the lab within the prescribed timeline set forth by SB22 from all units.
- Review all case reports received from BODE or the SDPD lab regarding sexual assault evidence from *all SDPD units* to determine the need for additional follow-up and proper documentation.
- Prepare addendum reports for cases that do not need additional follow-up to document that the results received from BODE were reviewed.
- Conduct follow-up on all cold sex crimes cases when appropriate based on the results of any new evidence and or CODIS hits.
- Refer BODE and SDPD lab results to other units for follow-up when appropriate.
- Act as the investigative liaison for the SDPD lab and the District Attorney Cold Case project to include CHOP database updates.
- Keep ongoing statistics on how many cases and CODIS hits are received and worked.