



SAN ANTONIO POLICE DEPARTMENT GENERAL MANUAL



Procedure 703 – Handling of Sexual Assault Complaints

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.01 INTRODUCTION

This procedure focuses primarily on the police officer's role in responding to complaints of sexual assault and does not outline the technical aspects of a sexual assault investigation, which are contained in the Special Victims Unit standard operating procedures and GM Procedure 701, *Crime Scene Duties*. Sexual Assault is a traditionally underreported crime, with estimates that only one in five victims report to the police. The San Antonio Police Department's goal is to bond with the community through a victim-centered, trauma-informed approach, geared toward increasing the likelihood victims will report offenses to us. Once an officer understands the effect a traumatic event will have on the victim and their ability to recall traumatic events, a true trauma informed approach can begin. Our commitment is evidenced through adopting the "Start by Believing" Campaign on behalf of the Department. The goal of this campaign is to improve outcomes for victims – one response at a time. When officers display empathy with understanding it will have a positive effect on the victim's recovery process and their cooperation with the investigation.

.02 TERMINOLOGY *(For specific use within this procedure, see Glossary)*

Biological Fluid Evidence	Intrusionary Removal	Outcry Witness
Pseudonym	SANE	Trauma Informed Investigation
Trace Evidence	Victim Centered Approach	SAFE

.03 POLICY

- A. The officer treats all victims with compassion, consideration, understanding, and patience while collecting necessary evidence and asking required questions.
- B. When talking to the victim, the officer uses language appropriate to the victim's age, intelligence, and emotional condition.
- C. The officer uses medical terms when referring to various parts of the body.
- D. The officer does not ask any embarrassing or personal questions which are irrelevant to the investigation. Once the elements of the offense have been established and the evidentiary questions are covered, the preliminary interview should stop. Victim centered investigations will reduce the number of times a victim must relive the incident through multiple interviews.
- E. An officer does not write personal opinion in the offense report. If the victim is reporting a sexual assault, the officer should confirm the elements of the offense and document them in the report.
- F. The officer makes no comment pertaining to the victim's behavior in providing the opportunity to be assaulted.
- G. An officer, under no circumstances, undertakes a physical examination of a sexual assault victim.
- H. Officers, dispatched to a hospital or doctor's office to take the report, interview, or investigate the offense, shall leave the room when the history is being discussed and during the physical examination of the sexual assault victim. The officer will remain with any suspect throughout the SAFE process.



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.04 OBJECTIVES OF HANDLING SEXUAL ASSAULT COMPLAINTS

- A. To treat all victims in a victim centered and trauma informed manner.
- B. In a victim centered manner, lawfully obtain all forms of evidence available in order to identify offenders and hold them accountable for criminal acts.
- C. To establish a procedure for the officer's interviewing and handling of the sexual assault victim. Victims of a sexual assault should be treated in a victim centered, trauma informed manner. A certain degree of sensitivity should be incorporated while still obtaining the necessary information to establish the elements of an offense and to assist the follow-up unit.
- D. To refer the victim to the appropriate support agency for obtaining medical and psychological assistance, if needed.
- E. To inform the victim they may choose a pseudonym name instead of using their real name in all public files and records concerning the offense.

.05 OUT OF JURISDICTION CASES

- A. When a Sexual Assault or Indecency with a Child is reported to the San Antonio Police, regardless of the jurisdiction of the occurrence, San Antonio police officers will initiate an investigation and report the offense on an offense report with the report being titled as the offense being reported, and officers will also notify the Special Victims Unit or Night CID Unit for proper follow-up. The actual location of the offense is listed in the appropriate box on the offense report. N-Code 6 does not apply in this situation.
- B. Officers conduct the preliminary investigation as if the offense occurred in San Antonio, to include taking the victim to the hospital for medical attention and evidence collection. EMS will determine the proper hospital to transport the victim to based on the victim's medical condition. Contact SVU or NCID to determine if a detailed statement should be taken from the victim at that time or postponed to a later time.
- C. The Special Victims Unit will notify the proper jurisdiction and forward all information required to properly complete the investigation.

.06 CASE HANDLING FOR ADULTS

- A. All Sex Offenses are written on an offense report and titled appropriately, based on the information provided.
- B. The officer assigned to respond to a sexual assault complaint is responsible for the preliminary investigation and immediate notification of the follow-up investigative unit. A preliminary investigation is to determine if a crime has been committed, the location of the crime scene(s), the proper care of the victim, and if possible, the identity of the accused.
- C. In the event the victim is in need of immediate medical attention, the officer requests EMS to respond to the location. The medical needs of the victim will take precedence, so EMS will make the decision of the most appropriate facility for the victim's care. The officer may request to victim to be transported to Methodist Specialty and Transplant if the medical condition is not life threatening. Suspects/prisoners will be handled in accordance with GM 601, Prisoners.
- D. Preliminary interview of the victim is conducted by one officer, who briefly interviews the victim privately away from all other officers, witnesses, and onlookers, to:



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1. Determine the specific type of crime. This can be done by asking the victim questions about what occurred, such as did any person intentionally or knowingly:
 - a. cause the penetration of the anus or sexual organ of another person, including the actor by any means and without that person's consent;
 - b. cause the penetration or contact of the mouth of another person by the sexual organ or anus of any person including the actor, without the other person's consent
 - c. Cause penetration or contact as described above with a child under the age of 17 regardless of consent.
 2. Determine and secure the crime scene(s) and comply with GM Procedure 701, *Crime Scene Duties*, where applicable. Remember, the crimes will be at a minimum the location where the assault occurred as well as the bodies of the victim(s) and the suspect(s)
 3. Obtain a description of the offender and broadcast the description, if appropriate. Officers should remember their authority to protect evidence from destruction until a warrant has been issued, including possible evidence on a suspect's body;
 4. Complete SAPD Form 2089-PSA Pseudonym Name Form for all victims of sexual assault, family violence, stalking or human trafficking. The chosen pseudonym name will replace the victim's real name on all official documents. John Doe or Jane Doe will be entered under the victim name section on the Offense Report and the pseudonym name will be listed as the nickname. The Pseudonym Form also provides the Victim the option to allow SAPD to release personal information to select agencies who serve as victim advocates. The victim has the right to refuse the use of a pseudonym name. In all cases, the Pseudonym Name form will be forwarded to the Special Victims Unit. Caution should be used when completing the Offense Report to avoid adding details in other sections of the report which could be used to identify the victim.
 5. Gather the basic information for the preliminary investigation, which includes:
 - a. Name of victim (pseudonym, if chosen by the victim);
 - b. Home address, business address, and any other addresses where the victim may be contacted. Omit on the offense report if the victim has chosen a pseudonym name;
 - c. Home telephone number, business telephone number, and any other telephone numbers where the victim can be called. Omit on the offense report if the victim has chosen a pseudonym name;
 - d. The above information must be included on the SAPD Form #2089-PSA Pseudonym Name Form and forwarded to the Special Victims Unit.
 - e. Regardless of whether a pseudonym name is used, the date of birth and sex of the victim must be included on the offense report.
 6. Identify any witnesses and enter their information on the offense report.
- E. If the victim has chosen a pseudonym name, the reporting officer will list the name on SAPD Form #2089-PSA. The officer and the victim will complete the form. The name section on the offense report will have either John Doe or Jane Doe and the pseudonym name will be listed under the nickname.
1. If necessary, the officer counsels the victim in choosing a pseudonym name by advising the victim the chosen pseudonym name will be used in subsequent legal documents and will be seen by officials such as judges and prosecutors. The officer encourages the victim to choose a conservative pseudonym which will not cause potential embarrassment to the victim. The officer provides the second page of SAPD Form #2089-PSA to the victim.



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2. The officer will email a copy of the offense report and SAPD Form #2089-PSA to the Special Victims Unit. The officer will return the original SAPD Form #2089-PSA to the Special Victims Unit in person or in a sealed envelope through the department bin mail.
- F. If the sexual assault occurred within One hundred twenty (120) hours of the report to the police, the officer requests the victim undergo a physical examination at the Methodist Specialty and Transplant Hospital located at 8026 Floyd Curl Drive if the victim is seventeen (17) years of age or older. The officer stresses the importance of the examination for the following reasons:
 1. The victim may require medical treatment for possible pregnancy, disease, or injury; and
 2. A medical examination obtains evidence critical to the successful prosecution of the offender.
- G. The officer calls the hospital prior to transporting the victim to ensure a SANE Nurse is contacted and available when the victim arrives. The officer is prepared to inform medical staff of the details of the offense, if requested.
- H. The officer will be requested to sign a form titled “Law Enforcement Request For Sexual Assault Exam”. This form is used to certify the assault has occurred within the last 120 hours or the exam is being requested by law enforcement or the exam is based on some other factor. This form is needed to certify to the Attorney General’s office the cost for the SANE exam is eligible for payment to the hospital by the AG’s. This form should be signed by the officer while at the hospital.
- I. When the victim wants to be examined by a private physician, the officer stresses having the medical examination done at Methodist Specialty and Transplant Hospital due to that hospital’s expertise in handling sexual assault cases.
- J. The victim may insist upon having the examination done by a private physician or at a hospital facility of his/her choosing, in which case it is permitted.
- K. The officer may provide transportation for the victim to a medical facility for testing and from there to the Special Victims Unit office or an alternative location. The victim may be accompanied by a friend or relative.
- L. The officer may be relieved from waiting with the victim at the hospital if:
 1. The victim is accompanied by an adult friend, adult relative, or a rape crisis counselor; and
 2. The victim has transportation from the hospital after the examination.
- M. The officer notes in his report the name, address, age, and title of the person in whose care the victim was left with at the hospital.
- N. The officer advises the victim to contact the Special Victims Unit to make arrangements for an interview by an Investigator. The officer stresses the importance of cooperating with the investigation.
- O. Officers have several available methods of contacting the Special Victims Unit, including:
 1. Contacting the Special Victims Unit detectives on the radio channel 3H;
 2. Calling the Special Victims Unit office at 207-2313, 7 days per week from – 0745-1745 hrs.;
 - a. After 1900, officers may contact the NCID offices at 207-7389.
 - b. A limited number of follow up detectives may be available from 0500-0745 and 1745-1900 hrs. and if available can be contacted via the radio on 3H.



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.07 CASE HANDLING FOR CHILDREN

- A. All sex offenses, which include Sexual Assaults and Indecency with a Child, are written on an offense report, regardless of who the reporting party is. (i.e. teachers, counselors, Child Protective Services caseworkers, etc.)
- B. The officer assigned to respond to a sexual assault complaint is responsible for the preliminary investigation and immediate notification of the follow-up unit.
- C. In the event the victim is in need of immediate medical attention, the medical needs of the victim will take precedence. EMS will make the decision of the most appropriate facility for the victim's care. The officer may request to victim to be transported to The Children's Hospital of San Antonio if the medical condition is not life threatening.
- D. Officers receiving a call for child sexual/physical abuse notify Texas Department of Family Protective Services by one of the following methods:
 - 1. Call the specially designated Child Abuse Statewide Intake hotline number for law enforcement at 1-800-877-5300; or
 - 2. Make an online report to the Statewide Intake office by logging in to [www.TexasAbuse Hotline.org](http://www.TexasAbuseHotline.org) and following the directions on the website.
- E. The notification and the means used will be documented in the officer's report, as well as the Reference Number received from Statewide Intake at the time of the referral.
- F. The preliminary interview of the child victim is never done in front of the suspect. An interview may be done privately, away from all other officers, witnesses, and onlookers, but if this is not possible, or the child is not available, the officer may obtain the preliminary information from the reporting persons; the outcry witness, the parent, teacher, Child Protective Services Caseworker, etc. This is done to determine the specific type of crime and is accomplished by asking the victim or reporting person questions about what occurred in order to:
 - 1. Determine if any person intentionally or knowingly cause the penetration or contact of the anus, mouth, breast or sexual organ of another person, including the actor by any means;
 - 2. Determine and secure the crime scene(s) and comply with GM Procedure 701, *Crime Scene Duties*, where applicable;
 - 3. Obtain the description of the offender and broadcast the description, if appropriate;
 - 4. Complete SAPD Form 2089-PSA Pseudonym Name Form for all victims of a sexual assault, family violence, stalking or human trafficking. The chosen pseudonym name will replace the victim's real name on all official documents. John Doe or Jane Doe will be entered under the victim name section on the Offense Report and the pseudonym name will be listed as the nickname. The Pseudonym Form also provides the Victim the option to allow SAPD to release personal information to select agencies who serve as victim advocates. The victim has the right to refuse the use of a pseudonym name but in all cases, the Pseudonym form will be forwarded to the Special Victims Unit. Caution should be used when completing the Offense Report to avoid adding details in other sections of the report which could be used to identify the victim.
 - 5. Gather the basic information for beginning an investigation, which includes:
 - a. Name of the victim (pseudonym if chosen);
 - b. Home address and telephone number where the victim may be contacted. Omit on Offense Report but include on SAPD Form #2089-PSA.



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- c. Home telephone number and business telephone numbers and addresses where the victim's parents, or guardians, may be reached. Omit on Offense Report but include on SAPD Form #2089-PSA.
 - d. Regardless of whether a pseudonym name is used, the date of birth and sex of the victim must be included on the offense report;
6. Identify any witnesses, especially the outcry witness and document their information on the offense report.
 7. If the child is living with the actor involved in the abuse, officers need to consider the child's safety. If the officer feels the child will be in further danger, the child should be taken to the Children's Shelter or other location identified by Child Protective Services and the information noted in the offense report. See Family Code Section 262.103: Taking Possession of a Child in Emergency Without Court Order for additional details.
 8. **DO NOT GO INTO DETAILED QUESTIONING WITH THE CHILD.** Detailed statements from a child will be obtained through either a forensic interview coordinated by the Child Advocacy Center (ChildSafe) or by detectives assigned to the SVU office.
- G. The reporting officer will provide the victim and the victim's parents or guardians with SAPD Form #2089-PSA.
1. If necessary, the officer counsels the victim in choosing a pseudonym by advising the victim the chosen pseudonym will be used in subsequent legal documents, and will be seen by officials such as judges and prosecutors. The officer encourages the victim to choose a conservative pseudonym which will not cause potential embarrassment to the victim. The officer provides a copy of the SAPD Form #2089-PSA to the victim.
 2. The officer will email a copy of the offense report and SAPD Form #2089-PSA to the Special Victims Unit. The officer will return the original SAPD Form #2089-PSA to the Special Victims Unit in person or in a sealed envelope through the department bin mail.
- H. If the sexual assault occurred within one hundred twenty (120) hours of the report to the police, the officer requests the victim undergo a physical examination at a hospital prior to giving a statement. The officer stresses the importance of the examination for the following reasons:
1. The victim may require medical treatment for possible pregnancy, disease, or injury; and
 2. A medical examination obtains evidence critical to the successful prosecution of the offender.
- I. When the parents or guardians want the victim to be examined by a private physician, the officer stresses having the medical examination done at the Children's Hospital of San Antonio, if the victim is sixteen (16) years of age or younger, due to that hospital's expertise in handling cases involving children.
1. If the parents do not wish to go to the Children's Hospital of San Antonio, a sexual assault examination may be done at the Methodist Specialty and Transplant Hospital, provided the child is over 13 years of age.
 2. The officer immediately notifies hospital personnel so they may contact one of the SANE nurses.
 3. The officer will be requested to sign a form titled "Law Enforcement Request for Sexual Assault Exam". This form is used to certify the assault has occurred within the last 120 hours or the exam is being requested by law enforcement based on some other factor. This form is needed to certify to the Attorney General's office the cost for the SANE exam is eligible for payment to the hospital by the Texas Attorney General's Office. This form should be signed by the officer while at the hospital.
- J. The officer is prepared to inform the medical staff of the details of the offense if so requested.



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- K. The officer may provide transportation to a medical facility for testing. Contact the Special Victims Unit or NCID to determine how to proceed with the investigation. A parent or guardian should accompany the victim and bringing a change of clothing for the victim is highly recommended should the child's clothing need to be collected as evidence.
- L. Calling the Special Victims Unit office at 207-2313, 7 days per week from – 0745-1745 hrs.;
 - a. After 1900, officers may contact the NCID offices at 207-7389.
 - b. A limited number of follow up detectives may be available from 0500-0745 and 1745-1900 hrs. and if available can be contacted via the radio on 3H.
- M. A copy of the offense report and SAPD Form #2089-PSA, is emailed or hand delivered to the Special Victims Unit prior to the end of the officer's tour of duty and the original is either dropped off in person to SVU or via bin mail.

.08 MEDICAL EXAMINATION LOCATIONS

- A. The Methodist Specialty and Transplant Hospital, located at 8026 Floyd Curl, is the primary location for examinations in all sexual assault cases involving victims seventeen (17) years of age and older and for all suspects of any age.
- B. The Children's Hospital of San Antonio, located at 333 N. Santa Rosa, is the primary location for examinations in all sexual assault cases involving victims sixteen (16) years of age and younger.

.09 COLLECTION OF EVIDENCE FROM SEXUAL ASSAULT SUSPECTS

- A. If an officer arrests or detains a suspect, adult or juvenile, within a reasonable amount of time after the sexual assault or indecency with a child, he immediately notifies the follow up unit. Depending on the circumstances of the case, the processing of the suspect for evidence may involve the following:
 - 1. Collection of evidence from an arrested person, that is non-intrusionary, including photographs of defensive wounds, may be collected for the immediate preservation of evidence without a warrant.
 - 2. Evidence that requires intrusion into the human body, such as the withdrawing of blood or the taking of a sample of DNA from inside the mouth, must be accomplished pursuant to a search warrant or through the voluntary written consent of the suspect.
 - 3. Suspects detained but not arrested may have non-intrusionary evidence collected from their persons only pursuant to a search warrant or through the voluntary written consent of the suspect, unless exigent circumstances can be clearly articulated by the officer and/or detective assigned to the case stating why there was not enough time to procure a warrant.
 - 4. The suspect, regardless of age, will be taken to the Methodist Specialty and Transplant Hospital (8026 Floyd Curl) for the examination. An on-call SANE Nurse will be notified to conduct the examination to remove any biological or trace evidence, including the photographing of defensive wounds, from the sexual assault suspect. Since Suspects and Victims are both taken to Methodist Specialty and Transplant, the officer must call to coordinate the suspect's arrival to the location. **It is critical suspects and victims do not encounter each other at the hospital.** Contact the appropriate follow up unit with a detained juvenile to ensure they are handled correctly.
 - 5. All evidence removed from the suspect, except photographs of defensive wounds, will be packaged by the SANE Nurse and turned over to the officer.
 - 6. The officer will place all collected evidence received from the SANE Nurse in the Property Room under the appropriate case number;
 - 7. Normally, the victim's sexual assault kit remains at Methodist Transplant or Christus Santa Rosa Hospital and is transported to the crime lab by follow up unit personnel. If the officer comes into possession of the victim's



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sexual assault kit, such as when the victim's SANE exam was performed at a location other than one of the above hospitals, the officer will separate any suspect kit from the victim's sexual assault kit and place the kits under separate barcodes. It is critical to avoid the possibility of cross contamination when handling or transporting SANE kits or other biological material.

8. Any photographs taken by the SANE Nurse at the time of evidence collection will remain at the medical facility and will be picked up by the follow-up unit.