



# SAN ANTONIO POLICE DEPARTMENT GENERAL MANUAL



## Procedure 703 – Handling of Sexual Assault Complaints

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Forms Referenced in Procedure:	SAPD Form #2089-PSA	Related Procedures:	701

### .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*.

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

Biological Fluid Evidence	Intrusionary Removal	Name	Outcry Witness
Pseudonym	SANE	Trace Evidence	

### .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.
- E. During the course of the investigation, an officer does not express to the victim any personal opinion as to whether or not a sexual assault has been committed; nor does he write his personal opinion in the offense 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 leave the room during the physical examination of the sexual assault victim.

### .04 OBJECTIVES OF HANDLING SEXUAL ASSAULT COMPLAINTS

- A. To obtain the necessary physical evidence and witness testimony in order to lawfully arrest the offender and secure a successful conviction.
- B. To establish a procedure for the officer's interviewing and handling of the sexual assault victim. A certain degree of sensitivity should be incorporated while still obtaining the necessary information to assist the follow-up unit.
- C. To refer the victim to the appropriate support agency for obtaining medical and psychological assistance, if needed.
- D. To inform the victim they may choose a pseudonym instead of using their name in all public files and records concerning the offense.



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#### **.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, 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, and when possible return the victim so statements can be taken by the follow-up unit.
- C. For Uniform Crime Reporting purposes, the offense code for the report is 110010 - Outside jurisdiction.
- D. 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.
- 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.
- C. In the event the victim is in need of immediate medical attention, the officer follows departmental procedures regarding the administration of first aid and transportation of injured persons.
- 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:
  1. Determine the specific type of crime. This can be done by asking the victim questions about what occurred, such as:
    - a. Was there vaginal penetration and if so, by what means (penis, digital penetration, etc)?
    - b. Was force or a weapon used? If so, what type?
  2. Secure the crime scene and comply with GM Procedure 701, *Crime Scene Duties*, where applicable;
  3. Obtain a description of the offender and broadcast the description, if appropriate;
  4. Inform the victim they may choose a pseudonym. If the victim chooses not to have a pseudonym name, they have the right to choose a pseudonym at any time during the investigation;
  5. Gather the basic information for beginning an 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);
    - 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);



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- d. The above information must be included on the SAPD Form #2089-PSA, if the victim chooses a pseudonym, and forwarded to the Special Victims Unit.
  - e. Regardless of whether a pseudonym 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 enter their information on the offense report.
- E. If the victim has chosen a pseudonym, the reporting officer will provide the victim with SAPD Form #2089-PSA. The officer and the victim will complete the form.
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 fax a copy of the offense report and the officer will also fax a copy of 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 ninety-six (96) 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.
  3. 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.
- G. 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.
- H. 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.
- I. The officer may provide transportation for the victim to a medical facility for testing and from there to the Special Victims Unit office. The victim may be accompanied to the hospital by a friend or relative.
- J. 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.
- K. 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.
- L. 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.



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- M. Between the hours of 0745 and 1745, officers notify the Special Victims Unit immediately on all sexual assault cases. Between the hours of 1745 and 0745, a Night CID Unit investigator is immediately requested.
- N. A copy of the offense report is faxed along with the SAPD Form #2089-PSA, if used, to the Special Victims Unit prior to the end of the officer's tour of duty.

#### **.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 officer follows departmental procedures regarding the administration of first aid and transportation of injured persons.
- D. Officers receiving a call for child sexual/physical abuse notify Child 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;
  - 2. Make an online report to the Statewide Intake office by logging in to [www.reportabuse.ws](http://www.reportabuse.ws) and following the directions on the website; and
  - 3. Fax a copy of the officer's report to the Statewide Intake office at 1-800-647-7410.
- E. The notification and the means used will be documented in the officer's report.
- 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:
  - 1. Determine the specific type of crime. This can be done by asking the victim or reporting person questions about what occurred, such as:
    - a. Was there vaginal penetration and if so, by what means (penis, digital penetration, etc)?
    - b. Was force or a weapon used? If so, what type?
  - 2. Secure the crime scene 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. A pseudonym may be offered, however, a copy of any report detailing child physical/sexual abuse is not releasable as public information.
  - 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 report but include on SAPD Form #2089-PSA, if used).



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- c. Home telephone number and business telephone numbers and addresses where the victim's parents, or guardians, may be reached.
  - d. Regardless of whether a pseudonym 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.
- G. If the victim, or victim's parents or guardians choose a pseudonym, 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 fax a copy of the offense report and the officer will also fax a copy of the 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 96 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 Christus Santa Rosa Children's Hospital, 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 Christus Santa Rosa Hospital, 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.
- J. The officer is prepared to inform the medical staff of the details of the offense.
- K. The officer may provide transportation to a medical facility for testing and from there to the Special Victims Unit or Night Detectives Unit. A parent or guardian should accompany the victim.
- L. Between the hours of 0745 and 1745, officers notify the Special Victims Unit immediately on all child sexual assault and indecency with a child cases. Between the hours of 1745 and 0745, a Night Special Victims Unit investigator is immediately requested.
- M. A copy of the offense report and SAPD Form #2089-PSA, if used, is faxed to the Special Victims Unit prior to the end of the officer's tour of duty.



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#### **.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.
- B. The Christus Santa Rosa Children's Hospital, 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 by contact, 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 written consent.
  - 3. Suspects detained but not arrested may have non-intrusionary evidence collected from their persons only pursuant to a search warrant or through written consent, 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.
  - 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 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 the suspect kit from the sexual assault victim's kit and place the kits under separate Barcodes.
  - 8. Any film used 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.