

Abbreviated Sexual Assault Examination

603.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to comply with Penal Code section 13823.95 (b), and the Federal Violence Against Women Act, which provided any victim of sexual assault a medical evidentiary examination without being required to participate or to agree to participate in the criminal justice system, either prior to the examination, or at any other time.

603.2 POLICY

When a victim of a sexual assault presents at a hospital, care facility or to another mandated reporter, law enforcement should be contacted to initiate a criminal investigation. If the sexual assault victim indicates he/she does not want to cooperate with law enforcement yet seeks a sexual assault examination, the victim will be referred to a Sexual Assault Forensic Examiner (SAFE) with the Sexual Assault Response Team for consultation and evaluation for examination.

Officers from the UC Santa Cruz Police Department will assist in this process.

603.3 OFFICER RESPONSIBILITY

- (a) Officers should follow the guidelines set forth in Policy 601 and Policy 602.
- (b) With the victim's consent, Officers should obtain information necessary to complete any necessary report, as required by policy. If the victim chooses not to provide any information or only partial information, only that information provided will be documented in the report. If the victim chooses not to identify himself/herself, the use of a "Jane/John Doe" identifier will be used.
- (c) Officers will classify the report based on the information provided, and will designate the report as a Non-Investigative Report.
- (d) If the sexual assault victim declines to participate in the criminal justice system, an Abbreviated Sexual Assault Examination will be offered regardless if the examination may be conducted outside the standard timing considerations for collecting evidence, as set forward in A National Protocol for Sexual Assault Medical Forensic Examinations.
- (e) Officers will provide transportation to the appropriate facility and refer the victim to a Sexual Assault Forensic Examiner (SAFE) with the Sexual Assault Response Team for consultation and evaluation for examination.
- (f) Officers shall notify the Santa Cruz County Sheriff's Department of any victim requesting an Abbreviated Sexual Assault Examination.
- (g) Officers will provide victims with notification of their rights, in the form of Marsy's Card and UC Santa Cruz Reporting Options Handout for Sexual Assault, Dating Violence, Domestic Violence and Stalking.

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Any evidence obtained during the examination shall be collected by the Sheriff's Office on behalf of Santa Cruz County Law Enforcement Agencies and retained for a period of 24 months to allow the victim time to reconsider law enforcement participation. The evidence shall be destroyed after 24 months if the victim has not initiated contact with law enforcement to request investigation by the appropriate jurisdictional agency.

603.4 INFORMATION FOR VICTIMS REGARDING ABBREVIATED SEXUAL ASSAULT EXAMINATION

Officers will provide the victim the following information:

- (a) In accordance with the Violence Against Women Act of 2005, 42 U.S.C. § 3796gg-4(d), states and territories may not "require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam." Abbreviated Forensic Medical Exams provide individuals who have been reportedly sexually assaulted access to a Sexual Assault Forensic Medical Exam (SAFE) without engaging with law enforcement.
- (b) The victim will be referred to a Sexual Assault Forensic Examiner (SAFE) with the Sexual Assault Response Team for consultation and evaluation for examination.
- (c) By delaying an interview and not engaging with law enforcement at this time, the following may occur:
 - (a) An Abbreviated Sexual Assault Forensic Medical Exam collecting only perishable evidence will be performed.
 - (b) Evidence that would normally be collected by law enforcement will be permanently lost.
 - (c) Suspects and witnesses will not be interviewed, they may not be identifiable or located, or willing to cooperate at a later time.
 - (d) It may be more difficult, if at all possible, for a prosecutor to file charges against a suspect.
 - (e) A victim may or may not be eligible for California Victim Compensation Funds to pay for out-of-pocket expenses relating to this crime, including counseling, out-of-pocket medical expenses for medical evaluation and treatment, moving expenses and lost wages by not cooperating with law enforcement per State law.
- (d) If a victim decide instead to engage with law enforcement at this time, the benefits will include: Law enforcement will have an opportunity to collect evidence from the crime scene(s), interview suspect(s) and witnesses in a timely fashion, and a complete Sexual Assault Forensic Examination will be performed.

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- (e) A victim will not be billed for this exam per Violence Against Women Act (VAWA) of 2005, 42 U.S.C. § 3796gg-4(d)
- (f) After a Sexual Assault Forensic Medical Exam is performed, law enforcement will transport the evidence collected to storage, and law enforcement will store this evidence for 2 years.
- (g) All evidence collected during the Abbreviated Sexual Assault Forensic Medical Exam may be destroyed by law enforcement agencies after 2 years and a 60 day notice will be given to me pursuant to the Sexual Assault Victim Bill of Rights. Law enforcement will need, however, a current address on file. If requested in writing, victims will be notified before the evidence kits destroyed.
- (h) Medication is available to decrease the risk of pregnancy and/or sexually transmitted diseases that may occur as a result of the sexual assault. The SAFE can provide victims with a referral for this follow up medical care, if needed.
- (i) Material from the exam, including photographs, may be used without identifiers for education and scientific purpose.
- (j) The evidence and report for a victim's exam will be stored by the Santa Cruz County Sheriff's Department. Officers will provide the phone number for the Sheriff's Office Investigation Division.

603.5 REPORT PROCEDURE

Upon being notified by a victim or mandated reporter that a sexual assault examination is being requested, but that the victim does not wish to cooperate in the criminal justice system proceedings, the officer shall obtain only that amount of information necessary to complete an initial investigation to comply with the provisions of the Clery Act.

603.6 SANTA CRUZ COUNTY LAW ENFORCEMENT ABBREVIATED SEXUAL ASSAULT EXAMINATION PROCEDURES

In addition to this policy, the UC Santa Cruz Police Department will follow the guidelines outlined in the Santa Cruz County Wide Protocol.

603.7 NOTIFICATIONS

Officers will notify their supervisor of the reported sexual assault, the victim's determination not to cooperate with the criminal proceedings, and request for an abbreviated examination.

Notifications will also be made to the Chief of Police or designee in accordance with Policy 358 (Major Incident Notification).

Officers and supervisors will determine if notification to the campus community is warranted in accordance with Policy 822 (Jeanne Clery Campus Security Act). If notification is warranted, the officers will initiate the process.