

Santa Cruz County Guidelines for Sexual Assault Investigations

601.1 PURPOSE AND SCOPE

The purpose of this general order is to establish a policy and procedure for the investigation of sexual assaults, and the prosecution and management of juvenile sex offenders.

601.1.1 POLICY

It is the policy of this department that officers assigned to investigate sexual assaults will follow the guidelines set forth in the county wide protocols, the Santa Cruz County Law Enforcement Protocol for Use of Sexual Assault Response Team (S.A.R.T.) and the Santa Cruz County Protocol for Investigation, Prosecution and Management of Juvenile Sex Offenders. Responding effectively to sexual assaults requires a coordinated team effort between law enforcement social services and medical services.

601.1.2 PROCEDURES

- (a) When investigating cases of sexual assault, officers shall adhere to all applicable components of these protocols. A copy of each protocol is included with this order as an addendum.
- (b) In addition to the resources identified in the protocol, UCSC also has the following resources available:
 1. The campus rape prevention education program provides education and information on topics related to sexual assault. The program offers workshops and discussion groups about safety awareness, self-defense classes, referral services, and a variety of films and brochures dealing with campus safety issues.

601.2 SANTA CRUZ COUNTY PROTOCOL FOR INVESTIGATION, PROSECUTION AND MANAGEMENT OF JUVENILE SEX OFFENDERS

601.2.1 PARTICIPATING AGENCIES

Human Resources Agency; Child Protective Services; Probation Department; Santa Cruz Sheriff's Office; Santa Cruz police Department; Watsonville police Department; Scotts Valley police Department; Capitola police Department; UCSC Police Department; Cabrillio Police Department; and the District Attorney's Office.

601.2.2 PREFACE

This document is to ensure a consistent procedure for investigation, legal prosecution and treatment of the juvenile sex offender.

Management of the juvenile sex offender requires an inter-agency approach in order to be effective. Provision of treatment alone, even specialized treatment, may not be sufficient without legal support of the criminal justice system. Prosecution alone is insufficient without treatment.

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Monitoring of the offender's behavior and ensuring the victim's safety requires close coordination of treatment efforts with Probation, Child Protective Services and the treatment provider.

The commission of the sexual offense by a minor is symptomatic of a potentially serious disorder and is a predictor of future dysfunction. The earlier such problem behavior is identified and treated, the better the opportunity to stop it and protect the victims. It is also true that, frequently, minors who sexually molest other minors have themselves been sexually victimized. Since sexual acting out, short of assault, tends to be minimized in younger adolescents and those below the age of 12, participating agencies have adopted a protocol which will ensure a thorough investigation,

601.2.3 INVESTIGATION

- (a) Reports of sexual abuse committed by a minor shall be thoroughly investigated by law enforcement agencies to which they are referred.
- (b) Investigating officers will act to protect the community and victim from further victimization.
- (c) Investigating officers will work cooperatively with Child Protective Services in a coordinated, multidisciplinary response in the case of sexual abuse within the same household. A joint investigation is preferred.
- (d) Investigating officers shall consider and document the following during the course of their investigation:
 - 1. Is the offender's sexual behavior appropriate, for his or her age and developmental level?
 - 2. Was any violence, force, or coercion used in the commission of the act(s)?
 - 3. Do the ages of the involved minors differ by more than two to three years?
 - 4. Is there a significant difference in the size, physical stature or development levels of the minors involved, such that it would be clearly indicative of an imbalance of power; or are they peers with respect to age, size, cognitive abilities, and life experiences?
 - 5. Has the offender him/herself ever been the victim of sex abuse?
- (e) If the investigating officer is unable to determine if a sex act between two minors constitutes an offense, the police report should be written and forwarded to the Probation Intake Officer within 24 hours for further consideration.
- (f) If, after investigation, it has been determined that a sexual offense has occurred, all minors 12 years of age and older should be transported to the Juvenile Hall.
- (g) Minors 11 years and under should be cited, and a report forwarded to the Probation Intake Officer within 24 hours.

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- (h) The considerations delineated in § 26 of the Penal Code, regarding a minor, under the age of 14, knowing the wrongfulness of his or her act shall be addressed by law enforcement during investigation, but will be a judicial determination at the time of adjudication.

601.2.4 CHILD PROTECTIVE SERVICES (CPS)

- (a) CPS will become involved in the following case situations:
 1. The juvenile offender resides with the victim.
 2. The juvenile offender may have continuing access to the victim.
 3. Other children reside in the same house as the juvenile offender.
 4. The offender is at risk in his/her home as a possible victim of abuse or neglect.
 5. All other cases referred to the appropriate law enforcement agency for investigation as per Child Abuse Reporting Law.
- (b) The CPS Emergency Response social worker will contact the appropriate law enforcement agency in order to coordinate the investigation. A joint investigation is preferred.
- (c) The, Emergency Response social worker will determine the following:
 1. Is the victim at risk of future abuse from the juvenile offender?
 2. Are other children residing with the juvenile offender victims of abuse?
 3. Is the juvenile offender a victim of abuse?
 4. Is the parent/caretaker willing and able to adequately protect the victim?
- (d) The Emergency Response social worker shall, in conjunction with law enforcement and other agencies as appropriate, determine the appropriate level of intervention for the protection of the victim. This may include:
 1. Placement of the offender outside the home (may require protective custody or arrest initiated by law enforcement).
 2. Placement of the victim outside the home (may require protective custody initiated by law enforcement). As long as the safety of the victim can be reasonably ensured, it is always preferable to remove the risk from the victim rather than the victim from the risk.
 3. In-home family maintenance services where the victim may remain in the home safely only with such services.
 4. Filing of a Juvenile Court Dependency Petition.
 5. Case closure after investigation where there is a reasonable certainty the victim will be safe without CPS services.

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- (e) In any case, information and referral for treatment services for the victim and family will always be provided.

601.2.5 PROSECUTION AND DISPOSITION

- (a) All referrals received from police agencies at the Probation Department regarding juvenile sex offenders will receive priority treatment.
- (b) All referrals, with or without citations, detained or not detained, shall be referred to the District Attorneys Office by Probation for review on a priority status.
- (c) The District Attorney may order follow-up investigation by law enforcement if he or she deems it necessary, but priority handling will be given to all cases.
- (d) Use of booking into Juvenile Hall is encouraged to make an immediate connection between acts and consequences.
- (e) Probation Officers will evaluate cases for possible detention or release and attempt to ensure both victim and community safety by applying the scale for high risk offender characteristics.
- (f) The Probation Officer will ensure that professional, therapeutic treatment or assessment is obtained, whether or not the case is handled informally or brought before the court.
- (g) In cases where the minor is released from the Juvenile Hall, the Probation Officer shall provide the family and minor with information regarding the Juvenile Sex Offender Treatment Program or other specialized treatment providers.
- (h) In cases where the minor is released from the Juvenile Hall and there is CPS involvement, the Intake Probation Officer or Court Officer will contact the CPS Social worker to notify of release.
- (i) In cases where there is joint CPS and Probation involvement; Child Protective Services and Probation supervisors may need to determine the level of intervention, case plan and treatment focus in consultation with each other.
- (j) When ordered by the Court, or when handled by informal contract, Probation and/or CPS will endeavor to ensure that the sex offender receives specialized treatment for sex offenders by practitioners with expertise in the area. All treatment providers will need to agree to cooperate with the supervising agency. In all cases, if Court-ordered treatment is discontinued prior to completion, or if the minor fails to complete treatment as provided for in an informal contract, the Court will be notified.

601.3 LAW ENFORCEMENT PROTOCOL FOR USE OF THE SEXUAL ASSAULT RESPONSE TEAM (S.A.R.T.)

Law enforcement, social services and medical services recognize the benefit to victim/survivors, and to society, of the thorough investigation and successful prosecution of the sexual offender.

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In order to provide for the needs of victim/survivor, facilitate a timely investigation, collect and preserve any obtainable evidence and successfully prosecute all sexual offenders, the Sexual Assault Response Team (S.A.R.T.) Project has been adopted by the chiefs of police in Santa Cruz County, the Sheriff, Child Protective Services, Dominican Hospital, Watsonville Hospital and the District Attorney.

Teamwork, cooperation, communication and flexibility are essential for the success of the S.A.R.T. Project. The Sexual Assault Response Team will consist of a peace officer from the jurisdictional agency, a sexual assault nurse examiner (S.A.N.E.) and a victim advocate. This protocol is to outline the procedures for use of the Sexual Assault Response Team.

601.3.1 PARTICIPATING FACILITIES AND AGENCIES

(a) Hospitals

1. Dominican Santa Cruz Hospital
2. Watsonville Community Hospital

(b) Law Enforcement

1. Any law enforcement agency within Santa Cruz County with jurisdiction in a sexual assault case. Jurisdiction is determined by existing, accepted standards.

(c) Social Services

1. Child Protective Services is to be utilized in cases where the sexual assault victim/survivor is under the age of 18 and the sexual assault occurred within the victim/survivor's home or the perpetrator is within the victim/survivor's family.

(d) Support Services

1. Women's Crisis Support
2. Victim/witness Center
3. UCSC Rape Prevention Education Program

(e) Sexual Assault Nurse Examiner (S.A.N.E.) Project

1. All sexual assault nurse examiners shall have completed the prescribed course and shall be certified as a sexual assault nurse examiner.
2. Nurse examiners will be on call to respond to the hospital at the request of law enforcement officers.
3. S.A.R.T./S.A.N.E. coordinator is responsible for overseeing the training, certification process and scheduling of nurse examiners.

601.3.2 S.A.R.T. ROOM

(a) Hospitals

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1. Each hospital has a separate, private room set aside for the use of S.A.R.T.
2. Rooms are designed to be conducive to interviewing.
3. The rooms are supplied with evidence collection kits and instruments needed for collection of evidence.
4. The rooms are not directly in emergency rooms.
5. The S.A.R.T. project will work toward providing each S.A.R.T. room with state-of-the-art equipment to assist in the evidence collection.

601.3.3 INITIAL RESPONSE

(a) Jurisdictional law enforcement agency

1. S.A.R. T. is set in motion by law enforcement or CPS notifying County Communications that a criminal act of sexual assault has occurred and a nurse examiner is needed. County Communications maintains and implements procedures for notifying the on-call nurse examiner.
2. The jurisdictional agency will require the immediate response of the nurse examiner. The agency requesting services should remember the importance of a timely evidence exam. Evidence can be located as long as 72 hours after the incident even if the victim/survivor has washed.
3. Some physical findings may be documented 72 hours after the incident. A law enforcement officer may consult the on-call Nurse examiner to determine whether an exam is recommended.
4. The nurse examiner, when contacted by County Communications, will request a victim advocate be called out.
5. The nurse examiner and advocate will meet the officer and victim/survivor at a designated hospital's S.A.R. T. room.
6. When the victim/Survivor is in need of immediate emergency medical care, they will be handled as any other medical emergency. The assigned officer/deputy determines at what point S.A.R. T. is to be notified based on the victim/survivor's medical condition and ability to participate in the process.
7. When a victim/survivor goes directly to an emergency room to make the first report, the emergency room staff will contact the jurisdictional agency. Once the crime has been determined, the jurisdictional law enforcement agency will request the call out for the nurse examiner and advocate.

(b) Sexual Assault Nurse Examiners (S.A.N.E.)

1. Nurse examiners area available on-call 24 hours a day,

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2. Nurse examiners are called out by County Communications upon law enforcement's determination that a crime has occurred.
 3. Nurse examiners will respond to the appropriate hospital's S.A.R.T. room,
- (c) Advocate
1. Advocates are available on-call 24 hours a day.
 2. Advocates are called out by nurse examiners upon law enforcement's determination that a crime has occurred.
 3. Advocates may be coordinated through Women's Crisis Support, the Victim/Witness Center, or the Juvenile Victim Advocacy Program.

601.3.4 INTERVIEW (VICTIM/SURVIVOR)

(a) Law Enforcement

1. The investigating police officer/deputy or assigned investigator is responsible for a complete investigative interview with the victim/survivor.
2. The police officer/deputy determines the timing of the investigative interview. The police officer/deputy should consider the victim/survivor's well-being, the urgency of the investigation and the present ability to preserve evidence when deciding to interview the victim/survivor prior to or after the evidence exam.
3. The police officer/deputy should consider use of video or audio tape when interviewing the victim/survivor.
4. The interview of the victim/survivor, when conducted by the police officer/deputy, should include the nurse examiner so that the necessary information to conduct the medical exam without the victim/survivor having to endure repeated questioning and the advocate as a support person. This is not to be construed that either the nurse examiner or the advocate will interfere with the police interview and investigation.
5. If for some reason the nurse, examiner is not present during the interview the officer/deputy will be sure to relay any information about medical history or possible evidence to the nurse examiner prior to the evidence collection process.

(b) Sexual Assault Nurse Examiner

1. The primary focus of the nurse examiner in the interview process is to obtain and fully document as complete a medical history as possible.
2. The nurse examiner may assist during the interview process, with the approval of the investigating police officer/deputy.

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3. The nurse examiner will tell the police officer/deputy any information relevant to the investigative process and the evidence collection.

(c) Advocate

1. The advocate is there for the support and comfort of the victim/survivor and to educate the victim/survivor of the S.A.R.T. process. They are not "fact finders" or interviewers.
2. Advocates may be present during all stages of the S.A.R.T. process.
3. If a victim/survivor chooses to have a non-team member as a support person, it is the responsibility of the team to ensure that the chosen support person conducts him herself appropriately.
4. It is recommended that the advocate be given time alone with the victim/survivor prior to the interview and/or exam.

601.3.5 EVIDENCE COLLECTION " TO BE COMPLETED ONLY WITH THE VICTIM/SURVIVOR'S SIGNED CONSENT (O.C.J.P. FORM 923/925)

(a) Law Enforcement

1. The Police officer/deputy receives the evidence from the nurse examiner noting the chain of evidence.
2. The police officer/deputy books the evidence per agency policy.
3. The police officer/deputy does not have to be present during the collection of evidence.

(b) Sexual Assault Nurse Examiner

1. The nurse examiner is responsible for the collection of evidence from the victim/survivor's person. The evidence is to be collected and documented in accordance with state protocol, local policy laws of evidence.
2. The nurse examiner gives the evidence to a police officer/deputy. The chain of evidence is annotated.
3. The nurse examiner retains a duplicate copy of O.C.J.P. form 923/925 and film from the colposcopic exam. These remain in S.A.R.T /S.A.N.E. records.

(c) Advocate

1. The advocate may be present during evidence collection with approval of the victim/survivor.

601.3.6 REPORT PROCEDURE

(a) Law Enforcement

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1. Police officer/deputy writes any reports required by his/her agency.
 2. Police officer/deputy obtains any required medical information releases from the victim/survivor.
 3. Police officer/deputy fills out and signs forms needed to authorize the evidence collection exam at public expense.
- (b) Sexual Assault Nurse Examiner
1. Nurse examiner is responsible for O.C.J.P. form 923 (adult victim) or form 925 (child victim) and film from colposcopic exam.
 2. Nurse examiner distributes copies appropriately.
- (c) Advocate
1. Advocate does not write any reports.

601.3.7 FOLLOW-UP CONTACT

- (a) Law Enforcement
1. Police officer/deputy, or assigned investigator, stays in contact with the victim/survivor during investigations and prosecutions.
 2. Police Officer/deputy can make referrals for the victim/survivor regarding available support services.
- (b) Sexual Assault Nurse Examiner
1. Nurse examiner provides information and referral for any needed medical follow-up.
 2. Nurse examiner will provide a referral to victim/witness.
- (c) Advocate
1. Advocate provides information and referral to community resources for victim/survivor.
 2. Advocates may be available for follow-up contacts with victim/survivor or give referral to Victim Witness Center for follow-up.
 3. Advocate may be used as a support person during the court process,
 4. Advocate may assist victim/survivor in making necessary personal arrangements.