

(Revised April 10, 2002)

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 fair, 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 focussing on the criminal prosecution of offenders and the reduction of sexual assault.

INSERT ORGANIZATION CHART

DUTIES AND RESPONSIBILITIES

I. Section Lieutenant

- A. Provide direct supervision to sergeants assigned to the Sex Crimes Unit.
- B. Ensure Unit goals and objectives are being met.
- C. Review and approve all case cancellations and follow-up reports.
- D. Insure that investigations are completed in a timely manner and all workable leads have been pursued.
- E. Review reports submitted to, and returned from, prosecuting agencies.
- F. Insure investigations and related reports are complete and conform to Department rules, policies, procedures and standards.
- G. Screen all Sex Crimes reports of consequence prior to the 0830 Special Operations Chief's briefing.
- H. Attend morning briefing to exchange information with other investigative units.
- I. Keep current on trends, including identification of series, and keep Investigations I Captain informed.
- J. Conduct periodic inspections.
- K. Review statistics and prepare management reports.
- L. Maintain liaison with District and City Attorney's offices, other law enforcement agencies and advocate groups.
- M. Review and update Department and Unit policies and procedures as necessary.
- N. Prepare news releases and coordinate media conferences.
- O. Check the Watch Commander's log to ensure that cases that meet the call-out criteria are included on the log. Monitor the log and provide ongoing training for Watch Commanders and their aides to make sure that the information documented on the log is appropriate, i.e., victim's name should not be included, general information about the

crime so as not to identify the victim, 100 block or intersections instead of complete address, etc.

P. Monitor budget and overtime expenditures.

II. Sex Crimes Unit Sergeants

A. Case Assignment - Assigns Cases and Referrals

1. Obtains reports from Records, Mail Room and Sex Crimes WPO.
2. Opens mail and checks desks for cases referred by Child Abuse and other Units.
 - a. CPS referrals will be routed to the Sex Crimes Receptionist who will check for the victim's name in the Sex Crimes database.
 - b. If previous referrals are located, the daily log will be printed to be forwarded to the Sergeant with the new referral.
 - c. The sergeant will determine whether the referral is a duplicate or if it needs to be assigned for further investigation.
3. Checks Watch Commander's log for in-custodies.
4. Prioritizes cases to be assigned
 - a. In-custodies
 - b. High profile cases
 - c. ARJIS 9's and CPS referrals
 - d. Refers appropriate 261.5 PC, Unlawful Sexual Intercourse cases to:
 - (1) Area stations if the suspected crime is a misdemeanor, (less than three years of an age difference between the victim and suspect.)
 - (2) Vice, if the 261.5 is a felony (the suspect is more than 3 years older than the suspect)

- (3) For the purposes of 261.5 PC, a person under the age of 18 is emancipated if the person has entered into a valid marriage whether or nor the marriage has been dissolved or if the person is active duty with the armed forces of the United States.
 - (4) Per Family Code 7002, a declaration of emancipation may be issued if;
 - (a) The minor is at least 14 years of age
 - (b) The minor willingly lives separate from the parents or guardian with the consent of the parents or guardian
 - (c) The minor is managing his/her financial affairs
 - (d) The source of the minor's income is not derived from any activity constituting any crime
5. If a Sexual Assault report is assigned to a Sex Crimes detective, the detective will be provided with the original report and any extra copies.
6. The Sex Crimes sergeant will return a copy of the referral or crime case to the Word Processing Operator with the name of the detective, the date the detective is assigned to investigate the report, and the crime code classification noted at the bottom of the front of the report.
 - a. The sergeant will highlight the elements of the crime and the MO for the WPO.
 - b. This report will be used to enter the appropriate information in the Sex Crimes database.
 - c. The log copy will be maintained by the WPO for a minimum of one year.
7. If the report is referred to another investigative Unit based on the facts of the case, i.e., the victim is under 14 (Child Abuse) or the suspect and victim live together (Domestic Violence), the report will be forwarded to the appropriate Unit by the sergeant without further documentation in the Sex Crimes database.
8. If the report is evaluated and referred to an area station or another Unit but the

facts are not clear at face value, the report will be entered on the Sex Crimes logs as a miscellaneous report.

9. Reports not assigned because a review by the sergeant reveals that either; no crime occurred; the victim has a documented history of being 5150 and the report is obviously improbable; or the crime is beyond the statute of limitations, will also be entered in the Sex Crimes database. The WPO will write in “unassigned” in the detective column.
10. Miscellaneous and unassigned reports will include the following information in the MO box in the database:
 - a. The basic facts and where the case was referred
 - b. The reason for classifying the report as miscellaneous or why the case was not assigned and the name of the sergeant completing the review
11. This procedure will ensure that the Sex Crimes Unit can track referrals and their disposition when inquiries are made about the status of a case by members of the Department or the public.
12. The Case Assignment Sergeant will read the daily log entries to ensure that the appropriate information, i.e., the correct crime classification, and case history is entered by the WPO.
13. The Case Assignment Sergeant will also review the media log to ensure that only general information is released, i.e., the 100 block or intersections, and a general description of the assault. Generally, the media is interested in cases they perceive as presenting a threat to the general public. Therefore, the media log should include the general relationship between the victim and the suspect, whether a weapon was used and the location of the assault, i.e., a residence, street, parking lot, beach, park, etc.

B. Sergeants' Responsibilities

1. Be available to Watch Commander by pager (after hours) for requests for call-outs. (See call-back procedures on page 75.) Sergeants will rotate duty every two weeks.
2. Respond to requests for call-outs to supervise sex crimes investigations when appropriate.

3. Maintain a case log showing cases, 153's, special investigations, etc.
4. Read and approve all reports, including follow-ups, cancellations, D.A. reports and cases initiated by detectives.
5. Provide Sex Crimes Lieutenant with a "Briefing memo" on major incidents and call-outs prior to the 0830 conference call.
6. Ensure that cases that meet the criteria are included on the Watch Commander's log and that only appropriate information is documented to protect the victim's confidentiality.

C. Supervise detectives, to include:

1. Direct supervision of detectives. Review direction and progress of investigation with investigators, advise and counsel.
2. Facilitating briefings with Sex Crimes personnel twice a week. One of the meetings will include case reviews to provide a forum to discuss investigative tactics, strategies, training, and team problem solving. The second meeting will address management/operation issues.
3. Developing and encouraging community partnerships to reduce the risk of sexual assault.
4. Establishing and maintaining a liaison and an exchange of information, cases, etc. with Area Command supervisors, Vice, Domestic Violence, Child Abuse and surrounding law enforcement agencies.
5. Keeping the Sex Crimes Lieutenant informed of important cases and other relevant matters.
6. Visiting patrol lineups and supervisors meetings to maintain and exchange information.
7. Establishing and maintaining 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, SAVIL, 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. Assigning appropriate personnel to handle requests in a timely manner.
12. Scheduling two detectives weekly, to serve as first and second up to handle call-outs and office duty.
13. Routing all media inquiries and assisting the Lieutenant with interviews and press releases.
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 and child molest 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. Approving detectives' requests for schools and ensuring that detectives attend training necessary to improve and maintain their skills.
19. Completing tri-annual evaluations of assigned employees.
20. Investigating complaints against personnel and services.
21. Conducting personnel and equipment inspections.
22. Conducting inspections of the holding cell log to ensure all entries on juvenile

suspects are filled out properly.

23. Reviewing divisional personnel files to ensure they are current and properly purged.
24. Submitting overtime and approval of overtime for assigned personnel within three (3) days.
25. Providing timely review of labor cards to ensure they correspond with daily time sheets.
26. Facilitating problem solving amongst detectives and other stakeholders.

D. Staff Work.

1. Prepare and submit weekly reports to the Unit Lieutenant by 0930 every Friday.
2. Prepare budget requests.
3. Record statistics. Prepare reports as appropriate. Monitor trends indicating an increase or decrease in case load, crime trends and hot spots.
4. Review detectives monthly recaps. Calculate caseload based on work hours available per detective and ensure workload is distributed equally.
5. Prepare quarterly case managements reports showing the status of assigned investigations. Ensure that cases are submitted by detectives within the appropriate time frame.
6. Project expected work load.
7. Request sufficient number of personnel and equipment to handle anticipated work.
8. Monitor SART contracts and ensure efficient operations between investigators, patrol and hospital personnel.
9. Compile information and prepare reports for response to special interest groups.

10. Answer letters of inquiry from the public.
11. Complete Route Slip investigations and prepare responses.
12. Conduct quarterly inspections for vehicle mileage and parking citations.
13. The use of City telephones, land line and cellular, is governed by Administrative Regulation 90.20 and Administrative Regulation 55.93. Review phone records to ensure compliance with department policies and procedures.

E. Case Investigation.

1. Be directly responsible for investigation and resolution of cases involving sex offenses. (See page 3 for cases handled 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. Review and approve lab requests. Meet with the DNA lab supervisor to prioritize assignments and provide timely updates on status of cases.
4. Supervise suspectless DNA program and reassign cases when DNA database information is provided by DOJ. Provide investigative results to Crime Lab Manager who will provide information to DOJ.

F. Develop partnerships and maintain liaison with:

1. Forensic Sciences (DNA, Trace, Latents, Toxicology)
2. Vice, Child Abuse/Domestic Violence and Elder Abuse Units
3. Juvenile Administration and Juvenile Service Teams
4. Sex Offender Registration Unit
5. Internet Crimes Against Children Unit (ICAC)
6. Regional Computer Forensics Laboratory (RCFL)
7. Computer and Technology Crime High Tech Response Team (CATCH)

8. Crime Analysis
9. District Attorney and City Attorney's Offices
10. Sexual Assault Response Team (SART)
 - a. Emergency Medical Services - San Diego County Sexual Assault Response Team Meetings (1st Wednesday of every month - (Subcommittees meet 0800-0930, general committee meets 0930-1100 at Emergency Medical Services, 6255 Mission Gorge Rd.)
 - b. University Community Medical Center (formerly VillaView Hospital)
 - c. Children's Hospital - Chadwick Center for Children and their Families (Child Protection Team meetings occur every Wednesday at Children's Hospital at 1000 hours. Call the center to schedule any case that needs to be reviewed by a panel of multi-disciplinary experts.)
 - d. Pomerado/Palomar Hospitals (Regional SART training facility)
 - e. Rape Crisis Groups
 - (1) Center for Community Solutions
 - (2) EYE Counseling and Crisis Services
 - (3) Women's Resource Center
 - (4) SAVII, 32nd Street Navy Family Advocacy Center
11. Parole/Probation (Habitual Sex Offender Parolee Profiling meetings take place on the 1st Wednesday of every month - Mid-City Division at 1000 hours)
12. Child Protective Services
13. Area Commands
14. SDPD Crisis Intervention
15. Psychiatric Emergency Response Team (PERT)

16. Maintain liaison and membership with expectations of active involvement in local, state and regional professional organizations concerning sexual assault crimes. (The San Diego Chapter of the California Sexual Assault Investigator's Association meets the third Wednesday of the month, 11:30-1:00 pm. The location rotates throughout the County.)

III. Sex Crimes Investigator's Responsibilities.

- A. Developing and encouraging community partnerships to reduce the risk of sexual assault.
- B. Creating problem solving partnerships to enhance cooperation between the Department and community organizations to enhance our ability to thoroughly investigate complaints of sexual assault using a victim centered approach, e.g.,
 - M Giving victims choices and options whenever possible and providing victims with time to process the information and make a well informed decision.
 - M Demonstrating sensitivity by using non-judgmental questions, comments and body language.
 - M Validating and normalizing a victim's responses by understanding and explaining Post Trauma Stress Disorder and Rape Trauma Syndrome.
 - M Being responsive to a sexual assault victim's needs, including those not necessarily a direct result of the assault, i.e., mental illness, drug addiction, and homelessness.
 - M Providing the victim with timely updates on the status of an investigation and the final disposition as soon as possible.

Examples of Partnerships include:

- M The Center for Community Solutions
- M Children's Hospital, Chadwick Center for Children and their Families (Child Protection Team meetings occur every Wednesday at Children's Hospital at 1000 hours - available to detectives for case review and professional guidance.)
- M Child Protective Services

- M San Diego County Sexual Assault Response Team
- M Parole High Risk Sex Offender Profiling Meetings (1st Wednesday of every month - Mid-City Division at 1000 hours)
- M San Diego County Probation
- M San Diego City Schools
- C. Establishing and maintaining liaison with Area Commands, and specialized Units such as Domestic Violence, Elder Abuse, Vice, Child Abuse, Juvenile Administration, Juvenile Service Teams, Psychiatric Emergency Response Teams (PERT) and Gangs.
- D. Sex Crimes detectives are each assigned to liaison with an assigned Area Command. Detectives are expected to attend first and second watch line-ups to exchange information and provide training at least once every shift change. Detectives are responsible for advising their supervisor of completed training so that this information can be included in the weekly report.
- E. Be available for 24-hour call-back when scheduled to be on-call and advised to be on stand-by. (See callback procedures on page 54)
- F. Receive case assignments
 - 1. Check report for correct information.
 - 2. Check records on suspects, victims, etc., including computer searches.
- G. Interview victims and witnesses of the crime.
 - 1. Contact the victim as soon as possible (within 24 hours) and identify yourself as the detective assigned to the case.
 - 2. Schedule an appointment for an interview.
 - 3. Advise the victim of her right to an advocate and or support person.

SPECIAL NOTE - A partnership has been developed with the Rape Crisis center to provide advocates to the Sex Crimes Unit to accompany detectives on victim interviews and DA appointments. Whenever possible, the Rape Crisis Center's goal is to have 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, DA interview, and trial.

4. Establish elements of the crime by testimony and/or evidence.
 5. Collect, identify, preserve and impound all evidence.
 6. Complete a neighborhood witness check.
 7. Per the San Diego County victim/witness protocol and the DA's policy, children under the age of 14 should be interviewed and video taped by a social worker at Children's Hospital. Severely developmentally delayed adults may also be taken to Children's Hospital for a forensic interview or a sexual assault examination if it will provide a better service to the victim and/or enhance the criminal investigation.
 - a. Prior to scheduling an interview, detectives generally must be able to establish or confirm the elements of a crime.
 - b. 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.
 8. Work with the District Attorney's Office Victim/Witness Assistance and the Rape Crisis Center to assist victims in preparing for court appearances.
 9. Develop and maintain partnerships with community advocates to provide support for sexual assault victims during the investigative process. Provide referrals when appropriate.
 10. Because of the sensitive nature of sexual assault and child molest investigations, detectives assigned must be specially trained and adaptable to interviewing emotionally upset victims. When requested by a parent, victim, officer or detective, an investigator of a specific sex may be requested to interview sexual assault victims.
- H. Question suspects, arrest (if appropriate) and obtain physical evidence.
1. Rape suspects are examined by University Community Medical Center (formerly VillaView Hospital) SART personnel at Headquarters. Blood and

buccal samples are taken for DNA reference samples, along with other trace evidence such as hair and fingernail scrapings.

2. Examine for physical evidence; i.e., clothing, any items used in the assault, injuries, blood, fibers, etc. Preserve all evidence for lab analysis and possible trial.
 3. Obtain or take suitable photographs for line-up process.
 4. Arrange for a live line-up at the County Jail if appropriate. (See page 70 for line-up procedures.)
 5. Interview witnesses.
 6. Prepare investigative reports and witness statements.
 7. Assess the evidence available and compare it to the suspect's defense if known. Based on the information known to the investigator, lab service requests should only be submitted to identify evidence which can either identify an unknown suspect or overcome a consent defense.
 8. Submit lab service requests to supervisors for approval based on the potential impact the evidence may have on the outcome of the case and potential prosecution. Assist with lab prioritization by immediately advising a supervisor when cases are canceled, i.e., VDP, DA reject or priorities change.
- I. SART Facility or Other Treatment Source
1. Obtain statements from medical personnel pertaining to the case.
 2. Obtain OCJP form 923 or 925 and include findings in investigative follow-up.
 3. Collect, preserve and package any physical evidence not collected by the SANE.
- J. Suspect processing.
1. Interview suspects.
 2. Prepare statements and admissions for prosecutor.

3. Collect and preserve any physical evidence.
 4. Submit lab service requests when appropriate paying special attention to trace or biological evidence that may have been transferred to the suspect by the victim during the assault.
 5. Prepare investigative reports.
- K. Prepare investigator's follow-up reports. Gather all related reports and package for prosecutor's office, including:
1. Case report.
 2. Arrest report and criminal history.
 3. Investigator's follow-up report, witness and evidence lists.
 4. Lab reports.
 5. Hospital reports
 6. OCJP form 923 or 925.
 7. Juris forms, statement of case part I and II.
- L. Present case to District Attorney and/or City Attorney.
1. Arrange a victim interview with the District Attorney.
 - a. Arrangements must be made as soon as possible if the suspect is in custody.
 - b. Detectives should do whatever necessary to help the victim with transportation.
 - c. Referrals should be made to both the Rape Crisis Center and Victim/Witness Assistance. (You will have a better chance of prosecution if the victim feels supported throughout the investigative process.)

- d. The District Attorney's office will generally not issue a case without interviewing the victim first. This includes requests for warrants.
 - e. Sexual assault cases should generally not be referred to the DA's office absent lab findings, i.e., biological evidence and/or toxicology, witness statements or some other form of corroborating evidence. Exceptions may be made if there is a likelihood the suspect will flee, destroy evidence or is a danger to the victim or the community. In that case, a district attorney should be contacted and included in the investigative process to ensure that the suspect can be arraigned or released pending further investigation.
 - f. Prior to beginning the interview, the detective should discuss who will write any follow-up report stemming from the DA interview. Some Deputy DA's write their own reports while others argue that they would then become witnesses. If the detective will be responsible for writing the report, a mechanism has to be in place to control the speed of the interview for note taking purposes. Taped interviews are also acceptable, however, this tactic should always be discussed with the DDA before the interview. Never tape record a DA interview without the DA's knowledge.
 - g. When a suspect is in custody, all available reports should be submitted to the DA's office as soon as practically possible. At a minimum, the DA package shall include the preliminary patrol report, the OCJP, a witness and evidence list and an investigative synopsis. Other documents may include the Communication's print out, videos, audio tapes and photographs. "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.
 - h. Once a DA package is submitted, additional reports will be documented on an addendum and forwarded to the DA's office.
- 2. Obtain arrest warrants and/or search warrants. Execute and return within 10 day time limit.
 - 3. Appear and testify in court in a professional manner.
- M. Complete follow-up investigations and/or cancellations on all case assignments in a timely manner.

1. Submit your reports to your supervisor for approval
2. Make changes or add content as requested by your supervisor.
3. Resubmit the revised report with the original draft attached showing the corrections requested. (This saves your supervisor a lot of time and expedites the approval process.)
4. Once your report has been approved, complete the yellow sheet, if inactivated or the cancellation form, if canceled. If you submit a report for DA review, you may inactivate the case by completing a tabbing sheet only and noting that the case is pending DA review. This will prevent the case from appearing as an open case on future case status reports.
 - a. Cases inactivated because they are pending DA review must be updated once you learn whether the case has been issued or rejected. Eventually the status of all these cases will be “canceled” either DA rejected or issued.
 - b. A periodic print out will be generated to remind you to either conduct computer checks or call the DA to update the status of your cases inactivated pending DA review.
5. You must continue to complete a yellow sheet if you were unable to corroborate the victim’s allegations or you have exhausted all leads.
6. Staple all original reports including the OCJP to the yellow sheet or cancellation form. If a report is a 153, it should be noted in the subject area.
7. Detectives should not submit copies of the crime report to Records with their original follow-up. In the past, detectives were allowed to make handwritten notes on a copy of a report which was then submitted as an ARJIS 9. Effective August 1, 1999, that policy was changed. Investigators are now required to complete an ARJIS 9 if he or she wishes the information to be added to the report file.
8. Complete a tabbing sheet with the required data and paper clip it to the top of the package. Do not staple this form. It is for internal case log purposes only.

9. Do not attach a tabbing sheet to the package if you want it to be returned to you for copies, etc. The tabbing sheet alerts your supervisor that the package is complete and ready to be routed.
 10. Resubmit this package to your supervisor. Your supervisor will approve and forward the complete package to the WPO who will update the Sex Crimes database. The WPO will then forward the package, minus the tabbing sheet, to the lieutenant for review.
 11. The package will be forwarded to Records by the WPO **AFTER** the lieutenant has reviewed and initialed the report.
- N. The following process should be followed to change crime reports with case numbers to miscellaneous reports or 153's. This procedure will ensure that our statistics are accurate.
1. If patrol completed a crime report and at the time, the victim provided the preliminary investigating officer with statements that included the elements of some form of sexual assault, but the victim later admits that she lied, the investigation should be canceled unfounded and is tabbed out as a false report.
 2. In some instances the victim may have been unclear to the preliminary reporting officer about what happened or she believes she was raped because she was coerced into a sexual act. However, when investigated further it is determined that the elements of the crime are missing. In these cases, the report should be canceled unfounded due to a lack of elements.
 3. If patrol took a report and the victim's statement never included the elements of sexual assault, but the patrol officer incorrectly obtained a case number, submit an inner office memo to Records requesting the crime code be changed to 981153ZZ. The case number will remain the same.
- O. On series crimes, prepare series case information, evidence analysis, charts, maps and stakeout information. Work with Crime Analysis Unit as appropriate. (See Appendix A, Forms and Reports)
- P. Keep supervisors informed of all important developments, status of cases, etc.
- Q. Keep monthly Detective assignment logs, recaps, and long distance telephone logs up to date and available for review by a supervisor at all times.

- R. Monthly recaps should be submitted to your supervisor on the last work day of the month.
- S. Attend required training and seek out training opportunities.
- T. Required training
 - 1. Sexual Assault Investigation (within one year of assignment)
 - 2. Child Abuse Investigation
 - 3. Interview and Interrogation
 - 4. Juvenile Procedures
 - 5. SDPD In-Service Training Menu Classes
 - a. Investigating Sexual Assault - 8 hours
 - b. Forensics and DNA - 8 hours
 - c. Victim Interviewing, Impact and Community Resources - 8 hours
 - d. Drug Facilitated Sexual Assault - 4 hours
 - e. RAVE Drug Identification - 4 hours

Once required classes have been satisfied, personnel will generally be limited to two POST schools per fiscal year. When appropriate, the following classes are also recommended:

- 6. Exploitation of children
 - 7. Homicide Investigation
 - 8. Legal Update
- U. General Regulations
 - 1. The Sex Crimes Unit Office hours 5 days a week, 0630-1800 hours. 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 supervisor.

2. Investigators 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. After hours requests by duty detectives for Lab personnel should be authorized by a Sex Crimes supervisor.
4. Prisoners will be handcuffed while in transport and while in the Sex Crimes office.
5. Employees wishing to access the Megan's Law CD-ROM for personal reasons must comply with the law and fill out an "Application to View" form and sign the viewing roster. This application specifies that the information obtained will not be used to annoy or harass sex registrants. Department personnel who are conducting a criminal investigation are not required to sign a waiver, however, you must sign the law enforcement viewing log. This log is maintained for three years.
6. 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 "red book". A telecommuting agreement must be completed and a copy placed in the employees Personnel and Division files.

V. Office routines:

1. Telephone Procedures
 - a. The Sex Crimes Unit will staff a detective to handle inquiries from patrol, other units and agencies. If unavailable due to a scheduling conflict, it is the duty detective's responsibility to arrange for back-up by the 1st up detective. If that detective is unavailable, the 2nd up detective will ask for a volunteer or consult with a supervisor.
 - b. The Duty and call-out detectives will be responsible for staffing the office phones from 1600-1800 hours, Monday through Friday.
 - c. Accept calls from the Sex Crimes secretaries without delay.
 - d. Investigators will assist the secretaries with incoming telephone calls when they are busy or whenever relief is needed.

- e. Detectives answering the telephone will give his/her rank and name.

2. Routine Office Duties

- a. Keep your case log and files orderly so that supervisors can obtain needed information if you are unavailable. Cases will be filed alphabetically by the victim's last name.
- b. Prepare Investigative Supplemental Format (PD-1052-CA) to Crime Analysis by 0800 hours. Remember to follow up with cancellations when applicable.
- c. Evidence, including photographs, negatives, audio and video tapes shall be impounded in the property room and shall not be kept in files, desks or lockers. Never leave weapons in unlocked desk drawers, unattended purses or brief cases.
- d. Dictated reports shall be clear and concise with all unusual names spelled out for the Word Processing Operator. Remember to pause and to put in periods, commas and paragraphs when necessary. Synopsise existing reports and refer to them tape recordings for further details.
- e. Detectives requesting lengthy transcripts of suspect or victim interviews must first obtain a supervisor's approval.
- f. Personnel shall not unnecessarily transfer calls of persons calling for information, but shall first try to help the calling party. If necessary, take the needed information from the person and either answer the person's request or see that the information is directed to the proper party.

W. Field Routines

- 1. Detectives must carry their pagers during working hours. Voice-mail messages should be checked at least twice a day.
- 2. Detectives will not conduct personal business while on duty. Any exceptions shall be approved by the Sex Crimes Sergeant.

3. Detectives must notify a supervisor and 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 page 79 for Inter-Agency Coordination Procedures.)
4. Your 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.

X. Duty Detective/Call-Out Responsibilities

1. "Duty" starts on Tuesday and terminates the following Tuesday morning. Due to scheduling conflicts, detectives may need to switch duty assignments. The duty supervisor must be notified in advance and the master duty schedule revised to reflect the correct duty person. The first up duty detective is responsible for completing the Sex Crimes call-out Notice on the Tuesday their duty starts. The form must be hand delivered to the Watch Commander's Office by 0800 hours. Provide a copy to the current duty sergeant.
2. Employees are eligible for one day of discretionary leave for every 300 hours on-call, up to a maximum of 2400 hours, or eight discretionary leave days per fiscal year. Employees will use the On-Call Hours Report (See Appendix A, Forms and Reports) to track on-call time. After accruing 300 hours, the detective must submit a copy of the on-call report to his or her supervisor who will prepare a memo which will be signed by the Unit Commanding Officer awarding one day discretionary leave. One memo will be prepared for each discretionary leave day earned, up to the maximum 8 days per year. The award will expire 6 months from the date the discretionary leave day is earned. The signed memo will be attached to the time card when the discretionary leave day is used. The on-call hours report will not be submitted to payroll but will be maintained by the Unit payroll clerk.
3. The Duty and call-out detectives are provided with a take-home car and a cellular phone because of their need to be available on a call-back basis. Therefore, they must be available by phone or pager during the entire fourteen day period. The first up detective will rotate to the second up duty detective position after the first 7 days.
4. The duty supervisor should be first notified by the Watch Commander in any high profile case that generates concern within the community or interest by the media, i.e., extensive injuries, potential series, hot prowls sexual assaults, young

children, elderly victims, unusual suspect profiles or suspects impersonating police officers. If the duty detective is incorrectly notified first, it will be the detective's responsibility to notify the duty sergeant. The duty sergeant will be notified in all cases requiring a call-back response prior to a detective actually responding.

5. The call-out detective will respond to requests for a call-back with the approval of the duty sergeant.
6. The unit supervisor should be contacted if there is a need for assistance from the back-up detective, or the major incident response team, due to the nature of a case, i.e., an extensive number of witnesses, multiple suspects, victims, or a complicated crime scene.
7. The call-out detective will complete a Sex Crimes Briefing memo (See Appendix A, Forms and Reports) which will be left on the case assignment sergeant's desk before securing. The sergeant will then forward the memo to the Sex Crimes Lieutenant prior to the Special Operations briefing with the Assistant Chief at 0830 hours. If the call-out detective is unable to complete the form for any reason, a voice mail message must be left for the sergeant, providing enough information for him or her to complete the memo in the morning.
8. The Duty and call-out detectives are responsible for being in the office to handle after hour calls from 1600-1800 hours, Monday through Friday. Both the first and second up detective will adjust their schedule to accommodate this schedule when they have duty. A supervisor should be notified if the phones cannot be covered during this period of time for any reason.
9. The duty and call-out detectives are responsible for forwarding the telephones, locking supply and file cabinets, locking the office, and turning off the lights upon securing for the night..
10. The Duty /call-out detectives must recharge the Unit's cellular phones when appropriate.
 - a. The chargers and operating manuals are located in the case assignment sergeant's office. The chargers will remain at this location and are not to be moved unless approved by a supervisor.

- b. The telephone numbers for the cellular phones are located on the front of each phone. The phone numbers are 206-2105 and 206-2115.

Y. Use of City Owned Take Home Vehicles

1. The first and second up detectives are "on-call" and subject to a call-back. As such, they are entitled to a take home vehicle. (See Department Procedure 1.16 for details.)

IV. Clerical Personnel Duties

A. Desk One (extension 12325)

1. Back up Desk Two, assist with typing requests as needed
2. Reception and phones
3. Prepare and maintain a desk manual describing the responsibilities of the WPO for desk One
4. Periodically update and maintain the instruction manual for the Sex Crimes Database
5. Update and Maintain Sex Crimes Database
 - a. Assign a control number to each referral and crime report
 - b. Review all assigned Sex Crimes reports and enter a synopsis of each case on the daily log.
 - c. Return Sex Crimes log and media log to case assignment sergeant for review
 - d. File and maintain log copies for a minimum of one year
6. Complete press log and forward to Media Relations.
7. Update daily log with case dispositions after investigations have been approved by a Unit supervisor.

8. Maintain monthly caseload statistics in computer. Prepare statistical reports from Sex Crimes database using ACCESS as requested by Sex Crimes Supervisors.
 9. Assist Unit Lieutenant with weekly briefing report due each Monday morning.
 10. Office Management and Files
 - a. Route copies of DNA reports to case detectives, Records and Sex Crimes DNA notebooks
 - b. File articles and publications in Sex Crimes library notebooks
 - c. Periodically update library table of contents with new articles
 - d. Assist with filing addendums and appropriate reports in Series notebooks as requested by Sex Crimes Sergeants and detectives
 - e. Maintain Master Copy of the Unit Operations manual, all spare copies, and copies of all changes issued to the manual.
 11. Maintain office equipment
 12. Receive yellow copy of property tags from detectives. Maintain computer records on property tags and provide monthly print outs of tags needing to be purged. File and maintain yellow copy of property tags until property is to be disposed.
- B. Desk Two (extension 12989)
1. Back up Desk One
 2. Answer incoming telephone calls.
 3. Prepare and maintain a desk manual describing the responsibilities of the WPO for desk Two
 4. Back up 290/ICAC Unit
 5. Prepare payroll sheets and maintain a payroll log.

- a. Notify the Medical Assistance Unit as soon as practical when an employee becomes available for light duty.
 - b. Maintain monthly overtime statistics.
 - c. Maintain file for standby logs and discretionary leave awards
6. Update and maintain Unit rosters (Alpha, call-back, pager)
 7. Sort and distribute incoming mail two times a day
 8. Retrieve and print arrest log, give to case assignment sergeant and then fax to DA daily.
 9. Retrieve a copy of the Watch Commander's Log to give to Unit Lieutenant each morning
 10. Type dictated reports and other assignments, such as memos, letters, rosters, phone lists, and forms, as directed.
 11. Retrieve subpoenas from computer. Log incoming subpoenas in Red Book to track court appearances and forward to detective's supervisors for distribution.
 12. Order supplies from Corporate Express
 - a. Maintain file with Store orders and Fiscal Management orders for tracking purposes
 - b. Maintain a file with copies of special orders and the name of the person requesting the merchandise.
 - c. Advise the person requesting the merchandise when the order is received.
 13. Manage requests from Facility Management
 14. Maintain long distance telephone logs for the main office number.

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

- A. Prepare reports on cases which can be taken over the telephone, i.e., suspected child abuse reports.
- B. Cross report suspected child abuse reports to Child Protective Services.
- C. Upon request, prepare photo-lineups for detectives accessing booking photographs, TRAK, DMV records, or using SX 70 photographs when a computerized photograph is not available. Duplicate photographs when needed.
- D. Conduct computer research for detectives to enhance cases and develop investigative leads.
- E. Conduct criminal history research on appropriate field interviews submitted to the Unit.
- F. Distribute incoming information to detectives at briefings and maintain field interview file.
- G. Review and evaluate all hot prowl burglary reports to determine if suspect modis operandi has sexual overtones.
- H. Maintain file system on all "for your information" reports and hot prowl burglary reports which have sexual overtones.
- I. Conduct follow-up telephone calls on incomplete 153's and Children's Services Bureau reports submitted to the Sex Crimes Unit. After obtaining the information, advise a Sex Crimes supervisor of your evaluation to determine a course of action, i.e., whether case should be assigned to a detective, closed or forwarded to another investigative unit.
- J. Assist detectives as the designated scribe on search warrants, when requested.
- K. If needed and no other priority assignments are pending, assist the 290 Unit.
- L. Obtain a copy of the case report and Investigator's follow-up report for the 290 Unit file. Request copies of case reports from outlying agencies whenever possible.

SECTION II

POLICIES

I. POLICIES

A. Objectives

1. To maximize the number of apprehensions and successful prosecutions of persons responsible for committing felony sexual assaults and other related offenses.
2. To maximize the opportunity for victims of sex crimes to promptly report these offenses and effectively participate in the successful prosecution of persons responsible.
3. To create problem solving partnerships to enhance cooperation between the Department, community organizations, and other agencies involved in efforts to reduce the risk of sexual assault and lessen opportunities for those who commit these offenses.

B. Goals

1. To maintain a cancellation rate of 50%.
2. To maintain a case issuance rate of 65%.

C. Investigative responsibilities - The Sex Crimes Unit is responsible for investigating felony sex crimes which occur City wide, involving victims fourteen years of age and older at the time of the disclosure. This includes investigations with juvenile suspects if the victim is fourteen or older. Misdemeanor sex crimes are investigated by the Area Commands.

D. Felony Cases handled by the Sex Crimes Unit

1. All rapes as defined by Penal Code section 261.
2. Assault with the Intent to Commit Sexual Assault — 220 PC
4. Oral Copulation — 288a PC
5. Child Molest — 288(a) PC Lewd and Lascivious Acts with a Child under the age of 14 (If the victim was molested at 13 but disclosed at 14, the Sex Crimes Unit will handle the investigation.)

6. 288(c) PC Lewd and Lascivious Acts with a 14 or 15 year old child when the suspect is at least ten years older.
 7. 647.6 PC - Annoying or Molesting children - after entering an inhabited dwelling without consent or having a prior 647.6, 288, or 311.4 conviction is a felony.
 8. Indecent Exposure (when the suspect has a prior conviction for 288 or having entered an inhabited dwelling without consent) - Felony 314.1 PC
 9. Kidnaping (in connection with sexual assault) — 207 PC. Jurisdiction will be determined by the origin of the kidnaping, not the location of the sexual assault.
 10. Sodomy — 286(a) PC
 11. Sexual Battery (felony section only) — 243.4(a) PC, requires skin-to-skin touching and **restraint**.
 12. Penetration with a Foreign Object — 289(a) PC
- M. The Child Abuse Unit will investigate all felony sexual assaults involving victims thirteen years of age and younger. The Child Abuse Unit will investigate all neglect and abuse case involving children under eighteen years of age.
- N. The Domestic Violence Unit investigates sexual assaults involving persons who are married, divorced, currently cohabitating, or if they have a child together. The Sex Crimes Unit will investigate felony sexual assaults involving victims, fourteen years of age or older, in dating relationships.
- O. The Vice Unit will handle all felony unlawful sexual intercourse cases. The Area Commands investigate misdemeanor unlawful sexual intercourse cases (three years of less of an age difference between the victim and the offender).
- P. The Robbery Unit shall have the responsibility for the initial investigative response to all active or in-progress kidnappings or abductions. An active/in-progress kidnapping or abduction is when a person is taken and is still missing, whether or not a ransom demand has been made.

1. The Robbery Unit will be called to establish containment of the incident and to initiate proactive measures to locate and recover the victim, locate and identify the suspect(s) and arrest the suspect(s).
2. If during the initial investigation by the Robbery Unit, it is determined the crime lays within the investigative responsibility of another unit, i.e., Sex Crimes or Child Abuse, then that Unit shall be notified to respond to the scene to coordinate with the Robbery Unit.
3. The Robbery Unit will work the kidnapping or abduction as long as it is active and circumstances dictate. When the situation becomes a cold incident that is not the investigative responsibility of the Robbery Unit, they will be relieved in a smooth transition by the responsible Unit.
4. The following are guidelines for the investigative responsibility for kidnappings where a victim has been recovered:

a.	Kidnapping for monetary gain (Ransom/Extortion)	Robbery
b.	Kidnapping for Robbery (Commercial)	Robbery
c.	Kidnapping for robbery (i.e., victim taken to ATM or carjacking)	Robbery
d.	Kidnapping for sexual assault (14 & older)	Sex Crimes
e.	Kidnapping for sexual assault (under 14)	Child Abuse
f.	Kidnapping which meets DV criteria	DV Unit
g.	Kidnapping for assault	AreaCommand
h.	Child stealing or child abduction	DA's Office
I.	Kidnapping across state lines/International Border	FBI

Q. The Elder Abuse Unit handles all Financial crimes and physical abuse cases involving Elders and Dependent Adults.

R. The Elder Abuse Aunity will receive and screen all Adult Protective Services referrals to the Department. All 368 PC (Elder Abuse), crime cases will be screened by the Elder Abuse Sergeant.

1. An elder is defined as 65 years or older
2. A Dependent Adult is a person, 18-64 years of age with a physical or mental disability resulting in an inability to proteft his/her own rights

3. A Caretaker is any person who has the care, custody or control of or who stands in a position of trust with an Elder or Dependent Adult
- S. The Sex Crimes Unit will investigate felony sexual assaults involving an Elder or Dependent Adult. However, Sex Crimes detectives will consider other overlapping violations such as financial or physical abuse and coordinate their investigations with the Elder Abuse Unit. Other Elder Abuse Resources include:
1. The District Attorney's Elder Abuse Unit
 2. The City Attorney's Elder Abuse Unit
 3. Adult Protective Services
 4. Public Guardian (To protect a victim's assets)
 5. Area Agency on Aging

VI. OTHER INVESTIGATIVE RESOURCES

- A. Computer Seizures and High Technology Crimes
1. The Department has many resources available to assist with the seizure and forensic examination of computer systems used in criminal activities.
 2. Specialized Investigative Units and joint task forces have been established to investigate high technology crimes. These Units include the Financial Crimes Unit (FCU), Regional Fraud Task Force (RFTF), Internet Crimes Against Children Task Force (ICAC), Regional Computer Forensics Lab (RCFL), and Computer and Technology Crime High Tech Response Team (CATCH).
 3. Detectives requesting assistance from one of the listed investigative Units, including the seizure of computer equipment as evidence, will contact the On-Call Financial Crimes Sergeant.
 4. The appropriate resource will be contacted to respond and assist with or handle the investigation.
- B. Crime Analysis - The Crime Analysis Unit may provide assistance and support for

1. Area Crime Evaluations - Compiling statistical information for specific geographical areas (from one address to city-wide, one crime type or all crime types).
 2. Suspect Identification - Crime Analysis vcan search the aUNIQUE FILE (formerly kown as Sherlock) a database of over 20 years worth of unique suspect identifiers.
 3. Locating a suspect - If you need a good current address for your suspect, the Crime Analysis Unit has access to systems that can provide new leads, like Auto Track, NICB (National Insurance Crime bureau), and the Welfare Public Assistance databases.
 4. Vehicle and Property Identification
 5. Series Identification - Based on MO, targeted victims, property, etc.
 6. Auto Theft/Recovery Information - Detailed information on thefts and recoveries by location, make/model, recovery condition, etc.
 7. Calls for Service Information - For chronic addresses; hundred block, beat, command,k or citywide4 ranges; for all or specific call types.
 8. Crime Mapping
 9. Computer Program Assistance - For ARJIS, SUN, County, Mugbook, and the City Parking Ticket System.
 10. Survey Development and Analysis - For Department and community suveys.
 11. Problem Solvinjg Support - POP, Tactical Action Plans, identifying crime trends and additional resources, brainstorming ideas, etc.
 12. Community Presentations - Statistical comparisons by neighborhood, service area, division, and citywide are compared quarterly and readily available.
- C. Violent Criminal Apprehension Program (VICAP) Critical Incident Response Group (CIRG) FBI Academy, Quantico, Virginia (800) 634-4097

1. VICAP's mission is to facilitate cooperation, communication and coordination between law enforcement agencies and provide support in their efforts to investigate, identify, track apprehend, and prosecute violent serial offenders.
2. VICAP is a nationwide data information center which analyzes crimes of violence. Cases analyzed by VICAP concern:
 - a. Solved or unsolved homicides (or attempts), especially those that involve an abduction; are apparently random, motiveless, or sexually oriented; or are known or suspected to be part of a series;
 - b. Missing persons, where the circumstances indicate a strong possibility of foul play and the victim is still missing;
 - c. Unidentified dead bodies, where the manner of death is known or suspect of being homicide.
3. Cases submitted to VICAP are compared to all other cases in the database in an attempt to identify similar cases, based upon victimology, modus operandi, physical evidence and suspect descriptors. Once similar cases have been identified, the agencies involved are notified.
4. Cases with an arrested or identified offender should be submitted to VICAP for comparison to and possible matching with unsolved cases in the VICAP database.
5. VICAP can offer assistance in other ways as well. These include:
 - a. Creating offender time lines, using NCIC off line searches, employment records, credit card receipts, etc.
 - b. Searching an NLETS teletype "library" of lookouts and announcements concerning violent crimes for similar cases.
 - c. Preparing VICAP Alerts for publication in the FBI's Law Enforcement Bulletin (LEB). These alerts summarize a case or series of cases by providing details on victimology, m.o., available evidence, and offender information. The LEB is sent to over 17,000 law enforcement agencies every month.

- d. Suggesting other investigative tools, such as profiling and behavioral assessment
 - e. Coordinating multi-agency investigative conferences, which can be very useful when suspect(s) have traveled throughout the country.
 - f. Training in violent crime analysis.
 - g. Providing (at no cost) the (VICAP) database structure to agencies who wish to use it both to track and analyze cases within their organization as well as to electronically transmit pertinent cases to VICAP.
- D. Psychiatric Emergency Response Team (PERT) - The Psychiatric Emergency Response Team pairs officers and licensed mental health clinicians to most effectively respond to incidents involving citizens who may need mental health services.
- 1. A high percentage of sexual assault victims have mental health issues and detectives should make the appropriate referrals whenever possible.
 - 2. Mental illness is defined as clinically significant behavioral or psychological patterns or a set of symptoms associated with present distress or with impairment in an important area of functioning, or associated with increased risk of death, pain, etc.
- E.
- F.
- G. Section 729 of the Business and Professions Code states that it is a misdemeanor for a psychotherapist to engage in (consensual) sexual intercourse, sodomy, oral copulation, or sexual contact with a patient or client. These cases will be referred to the appropriate Area Command for investigation.
- H. Misdemeanor sex crimes are investigated by the Area Commands. However, any Unit may request that Sex Crimes investigators handle a misdemeanor case involving multiple victims, or significant predatory behavior. Detectives and supervisors are encouraged to discuss and assist each other with any unusual incident requiring specialized attention or expertise. In addition, any Unit may request that Sex Crimes investigators handle a misdemeanor case involving multiple victims, or significant predatory behavior.

- I. Criminal sexual assault investigations involving peace officers from any agency require review at the Lieutenant level. Peace officers include those described in Chapter 4.5 of the California Penal Code and their equivalent from Federal or out of state employers.
 1. When the offense occurs in the City of San Diego, the case will be referred to the Professional Standards Unit for investigation. Sex Crimes Supervisors will make themselves available to assure consistency and thoroughness. The assistance will not be delegated to a detective.
 2. Sex Crimes cases involving other law enforcement personnel will be assigned to detectives for investigation.
 3. A copy of the case is to be given to the Sex Crimes Lieutenant the day it comes into the office.
 4. The investigation will be completed as quickly as possible.
 5. The Sex Crimes sergeant will provide a copy of the completed investigation to the Sex Crimes Lieutenant after it has been approved for prosecution or is ready for filing with any other disposition.
 6. When the investigation is complete, the Sex Crimes Lieutenant will notify the employing agency.

VII.

- A. Each investigator reporting to the Sex Crimes Unit will be provided with training in basic procedures. The Orientation and Training Check List (see page 3), provides a guide for the training.
- B. Screening - All cases, particularly those with suspects in custody, coming to the attention of the Sex Crimes Unit during normal business hours, will be carefully screened as a priority case. The Sergeant will be made aware of all such cases which are actively being worked in the field by patrol during normal business hours. In most cases, depending on the situation (i.e., condition of the victim or suspect, the time of day the Unit is notified, etc.), the Unit will become immediately involved in the case. Unless the victim is too tired, the victim will be re-interviewed, and if there is a suspect in custody, he/she will be brought in for questioning prior to being taken to jail. This decision must be made on a case by case basis. If there is no sergeant or acting

sergeant available to make this decision, the duty-detective will be responsible for making the decision after careful evaluation of all factors.

C. Policy Regarding Physical Fitness Conditioning During Working Hours

1. A personal commitment to physical fitness is encouraged for all members of the Department.
2. During normal work hours, physical fitness conditioning must be confined to the employee's lunch period. Employees with specific approval of their commanding officer, may extend their normal lunch break to one full hour to accommodate physical fitness conditioning. Employees who extend their lunch break must also extend their normal working hours accordingly. (See Department Order 98-19 for further details.)

D. Press Release Information

1. All press releases or responses to inquiries from the media with regard to any Sex Crimes case will be handled by the Sex Crimes Sergeant or Lieutenant. Unless specifically directed to do so, no Sex Crimes personnel shall discuss any investigation with the media.
2. **Information on 290 registrants is NOT public record.** Concerned citizens shall be directed to the CD-ROM or the DOJ 290 inquiry line at 1-900-463-0400. No information about sex offenders will be released to the public over the telephone.

E. Office Security

1. Office security is of prime importance due to the highly sensitive nature of sexual assault investigations. All personnel will adhere to the following security measures:
 - a. All personnel will display proper identification while in the station.
 - b. All unattended suspects/prisoners will be handcuffed and placed in the Detention Room and appropriately monitored.
 - c. No crime/arrest reports or investigative material will be left on desk tops. They will be locked in desk drawers or file cabinets at the end of the shift.

- d. Division personnel files will be maintained by the Sergeant.
- e. Cabinets and employee's desks will be locked and secured at the end of the shift.
- f. The Duty Detective is responsible for forwarding the telephones, locking the office, and turning off the lights upon securing for the night.

F. Conflict of Interest

- 1. It is the responsibility of all City of San Diego employees to engage in ethical behavior and practices. Every employee is responsible for both the actual and perceived conflict of interest that may arise as a result of the employee's actions, and it is each employee's responsibility to reduce or eliminate to the extent possible such actual and perceived conflicts of interest.
- 2. City of San Diego Administrative Regulation 95.60 dated May 23, 1990, contains detailed guidance on conflict of interest and employee conduct.
- 3. Employees engaging in outside employment must submit a Request for Approval of Outside Employment or Enterprise on January 1, each year. (See Department Procedure 5.12 for further information.)

G. Misuse of CLETS

- 1. Records accessed through the California Law Enforcement Telecommunications System (CLETS) are generally thought to be the most widely used records within the criminal justice system. Throughout the system, these records are relied upon as a primary source of information vital to decision-making and the exercising of discretion concerning the processing of criminal suspects.
- 2. The Department of Justice continues to receive information relating to the alleged unauthorized access and misuse of CLETS information, primarily Criminal Offender Record Information and Department of Motor Vehicles records.
- 3. Examples of such misuse are:
 - a. Accessing a criminal record for a part-time employer.

- b. Providing information to a former peace officer who is now a private investigator.
 - c. Using CLETS information for personal reasons.
- 4. Unlawful use of CLETS information is in violation of PC 502.

SECTION III

PROCEDURES

VIII. PROCEDURES

A. Victim Processing.

1. Juvenile Victim Interviews (See pages 54 and 50 for reporting and cross reporting requirements)
 - a. Children's Hospital, 3020 Children's Way, 576-5980 or 576-1700, is contracted to perform evidentiary examinations for victims under 18 years of age and victims over 18 years of age who are severely developmentally delayed.
 - b. During normal working hours, all sexual assault evidence examinations at Children's Hospital must be authorized by a Child Abuse detective at 531-2260 or by a Sex Crimes detective at 531-2210. During working hours or on weekends, the duty detectives can be reached in their offices or by pager. At all other times, the examinations must be authorized by the Watch Commander. The Watch Commander will arrange for the field unit to contact the on-call detective or supervisor, and for Children's Hospital to be notified by telephone when an examination is authorized.
 - c. Children's Hospital's Chadwick Center for Children and their Families - CCC (formerly Center for Child Protection -CCP) is normally operational between 0830 and 1700 hours. Appointments for non-acute examinations and forensic interviews may be made between 7:30 am and 5:00 pm, Monday through Friday.
 - d. The procedure for taking acute victims to the CCC is to call the appropriate duty detective, either in the office or via the Watch Commander after hours, for approval. After receiving authorization for the examination from the duty detective or Sergeant, the Watch Commander will arrange to notify the CCC of the need for a forensic examination and the officer's estimated time of arrival.
 - e. Between 1700 and 0830 hours, children will be transported to Children's Emergency Room (phone 974-8005). The Watch Commander will arrange to have the Emergency Room notified.

Special Note: Although the following procedures were developed by the San Diego County Victim/Witness Protocol Task Force specifically for investigations with child victims, whenever possible, the theory should be applied to all victims involved in intimate crimes of violence.

- f. When working with children, the goal is to prevent further trauma while determining whether there was a violation of law, and, where there is a possibility of prosecution, investigating the case and presenting it to the District Attorney. Every effort is made to limit the number of interviewers and minimize the times the child is interviewed while at the same time obtaining the evidence necessary for prosecution. If Children's Services Bureau is involved, the assigned social worker should be notified of pending interview(s) to reduce the number of times and different interviewers the child must face. See page 3 for information on coordinating with the District Attorney's Family Protection Unit.
- g. The Children's Services Bureau of the Department of Social Services is often the first agency notified concerning a child victim, and is responsible for initial protective assessments and crisis intervention. CSB provides support services through voluntary contracts or court intervention to children and their families determined to be at risk. Upon receiving a case for investigation, the detective should immediately contact CSB to determine their involvement. Once the investigator contacts the CPS worker, most potential conflicts can be mutually resolved.
- h. School personnel are an important support mechanism for child victims. However, it is not within the law for school personnel to conduct or sit in on the interview. School staff may only be present during the investigative interview if the child makes a request for their attendance. Staff's role is to document information and support the child during this process.
- i. Felony child abuse cases involving victims currently under the age of 14 are prosecutable through the District Attorney's Family Protection Unit. Misdemeanor child abuse cases occurring outside the city of San Diego are prosecuted by the District Attorney's office in the branch offices. Felony abuse cases involving victims presently 14 years old or older generally are referred to the Superior Court Division of the District

Attorney's Office, while juvenile perpetrator abuse cases are handled by the Juvenile Division.

- j. The assigned Deputy District Attorney meets with the child victim-witness and the supporting family. The primary purpose of this meeting is to evaluate the very young child for legal competency and to discuss all aspects of the criminal process. Generally, the Deputy District Attorney will have an opportunity beforehand to view the videotape from the forensic evidentiary interview so the meeting with the victim generally need not go into the details of the abuse already discussed on the videotape. Whenever possible, the assigned Deputy District Attorney will arrange with law enforcement to attend the evidentiary interview and meet with the victim at that time.
- k. A good investigation includes a joint response and a single interview conducted by law enforcement, Children's Services Bureau and any potential prosecuting agency. The interviews should be video taped, both to show a prospective jury that the child was not coached on answers and to reduce the number of times a child must repeat his/her story.
- l. A single incident may result in multiple investigations and often multiple interviews. If multi-disciplinary teams are established, the child's interviews should be conducted by one person, thus reducing the child's trauma.
- m. The following information needs to be gathered. Interviewing agencies should coordinate, before the interview, who will obtain what information.
 - (1) What happened?
 - (2) Who caused it? Who was present?
 - (3) When did it occur (date/time)?
 - (4) Who did you tell? When did you tell?
 - (5) Where did it occur? (Be specific)
 - (6) What instrument was used? (Hand, object, etc.)

- (7) Where was the non-perpetrating caretaker?
- (8) What action was taken by the non-perpetrating caretaker when the abuse was discovered?
- (9) How soon after the incident was discovered did the non-perpetrating caretaker take action?
- (10) Did the non-perpetrating caretaker have knowledge of this abuse or past abuse?
- (11) Should/could they have known?
- (12) What agencies were contacted?
- (13) What was said to the victim by the perpetrator, before, during or after it occurred?
- (14) What other persons were informed of the abuse (girlfriend, aunt, teacher, etc)?
- (15) What was going on before the abuse occurred?
- (16) How did it occur?
- (17) How often did it occur?
- (18) Are there other children in the home?
 - (a) Were they abused?
 - (b) Did they know of the abuse?
- (19) Are there multiple crime scenes?

2. Juvenile Victim Forensic Evidence Exams

- a. The mandated requirements for medically evaluating sexually-abused children are set forth in Title 22 of the California Administrative Code and are further defined in the California Medical Protocol for child

Sexual Abuse, published by the State of California, Office of Criminal Justice Planning.

- b. When the victim presents within 72 hours of the assault, the medical evidentiary should be obtained immediately. This examination consists of:
 - (1) Collection and proper bagging of clothing.
 - (2) Scanning of the body with ultraviolet light to detect semen.
 - (3) Collection of specimens to detect perpetrator body fluids (saliva, semen, etc.).
 - (4) Collection of other debris which may be present.
 - (5) Collection of standards from the victim (saliva, hair, blood).
 - (6) Careful examination of the body to detect injury.
 - (7) Testing for sexually transmitted diseases.
 - (8) Testing for pregnancy and offering post-coital contraceptive medication.
 - (9) Proper air drying and handling of specimens to prevent deterioration.
 - (10) Proper use and maintenance of chain of evidence.
 - (11) Preparation of OCJP form 925.

- c. When the child abuse victim presents later, sometimes days, weeks or even years later, the medical evidentiary examination should most likely still be obtained, but during normal working hours. This exam consists of:
 - (1) Careful examination of the genital and anal areas to detect any evidence of injury. This is generally done with good magnification and illumination, such as with a colposcope.

- (2) Photographic documentation of the status of the genitalia and anus, which heal with time, change with age, or may be injured later.
 - (3) Careful examination of the entire body to detect any other sign of abuse, neglect or abnormal medical condition.
 - (4) Photography to record any non-genital findings, testing for pregnancy when indicated, and for sexually transmitted disease.
 - (5) Preparation of OCJP form 925 as a report.
- d. In pre-verbal children or in nonverbal, mentally retarded individuals, the medical evidentiary examination is an essential ingredient of the investigation when there is concern about possible sexual abuse.
 - e. Adolescents who report sexual abuse that has occurred prior to the last three days, but within the last 14 days, may have evidence of healing trauma and a medical evidentiary examination may be worthwhile.
 - f. Unlike University Community Medical Center (formerly VillaView)Hospital, Children's Hospital does not impound the victim's forensic examination kit or clothing at the hospital. The evidence will be given to the transporting officer or detective to impound at Headquarters per Department Policy.

3. Adult Victim Interviews

- a. In accordance with 264.2 PC, sexual assault victims shall immediately be given the "Information of Domestic Violence/Sexual Assault" form (PD-964-FOS) by the first responding officer or detective. (See Appendix A, Forms and Reports.) For the purposes of this section, a sexual assault is defined as Penal Code sections 220, 261 through 267 and 281 through 292. The form outlines procedures victims should follow after an assault, provides information about a variety of community resources, and advises sexual assault victims of the following rights:
 - (1) Section 293 PC requires that any employee of a law enforcement agency who personally receives a report from a person claiming to be the victim of a sex offense, must inform

that person that his or her name and address will become a matter of public record, unless the victim requests that it not become so.

- (a) A copy of the "Information of Domestic Violence/Sexual Assault" form (PD-964-FOS) will be used to document the victim's response. The copy will then be attached to the preliminary investigation.
 - (b) Law enforcement agencies are prohibited from disclosing the victim's name and address to anyone other than law enforcement or the prosecutor if requested by the victim.
- (2) Per Section 293.5 PC, at the victim's request, the court may also order the identity of the victim in all court records and proceedings to be either Jane or John Doe if it is reasonably necessary to protect the privacy of the person and will not unduly prejudice the prosecution or the defense.
 - (3) Officers will use the victim's true name when completing their paperwork, i.e., crime and arrest reports, property tags, hospital records, etc. These records are necessary and a part of the criminal investigation which will be referred to the prosecutor.
 - (4) Per 679.04 PC, a sexual assault victim has the right to have an advocate and or support person present during any follow-up law enforcement interview. However, the support person may be excluded if the law enforcement authority or the District Attorney determines that the presence of a specific support person would be detrimental to the interview, i.e., the husband of a domestic violence victim, the parents, husband, or boyfriend of a sexual assault victim, or someone who was a witness to the crime.

4. General Rules for Rape Victim Interviews

- a. The victim interview is the single most important aspect of the investigation. Although an immediate interview might not be possible,

the detective will make every attempt to establish contact with the victim to set up an interview appointment the day the case is assigned.

- b. Investigators should be gentle, ("**feel**" for the victim). Do not use the statement, "I know how you feel." No matter what the victim might have done to increase her risk of sexual assault, let him or her know that you are sorry this happened to her and she is not responsible for the sexual assault.
- c. The victim should feel safe in the environment of the interview. The victim's home is preferable to the Police Department or the Hospital. (This is usually true unless the crime occurred in the victim's home.)
- d. Conduct the interview as soon as practical. The first stages of rape trauma syndrome (RTS) occurs immediately and can include shock, disbelief, denial, embarrassment, humiliation, guilt/self-blame and anger.
 - (1) Discuss symptoms of RTS with the victim to let her know her reactions are normal and to let her know you are aware of what she might be experiencing. Sexual assault survivors need time to complete the recovery process. Their physical and psychological states will readjust, and their lives will slowly return to normal. While the survivor may never actually forget the assault, her/his healthy recovery may depend greatly on the genuine concern, patience and support shown by you and others.
 - (2) Stage II of RTS (within a few hours to a few days later, includes sleeping and eating disorders, anxiety and irritability, frequent crying and difficulty with sexual relations.
 - (3) Stage III of RTS (within a few days to a few weeks) includes recovery of some personal control, but continued fearfulness, return of some normal activity, and flashbacks (initial terror may be relived). Survivor may doubt the ability to recover at this time.
 - (4) Stage IV of RTS (more than six to eight weeks later) includes extreme fear of crowds or of being alone, inability to have sexual relations, deep rage and frustration, prolonged and extreme depression/withdrawal. (Relatively few survivors

reach this stage unless the assault was particularly brutal or she has received little or no help or support from counseling, friends, etc.)

- (5) Stages of RTS are a general guideline only. Keep in mind that everyone processes trauma differently and time frames might vary greatly amongst victims.
 - e. Making the victim feel she is part of the investigative team is important.
 - f. Be available to answer any questions the victim might have and return all telephone calls as promptly as possible.
 - g. Offer the victim any assistance within your means.
 - h. Keep the victim apprised of the status of the investigation.
5. Victim interview specifics
- a. Physical behavior of the suspect
 - (1) His or her approach.
 - (2) The control method used (binding, threats, physical force, etc.)
 - (3) The use of weapons. (Did suspect bring a weapon or use one from the scene? Was it seen or only threatened?)
 - b. The description of the physical assault?
 - c. How victim resisted the assault?
 - d. The offender's reaction to resistance?
 - e. Any safeguards the suspect used to ensure his escape? (Cutting phone cords, leaving open door or window, position car for quick getaway.)
 - f. Any souvenirs taken by the suspect?
 - g. The offender's description.

- h. If suspect demonstrated any behavior change(s)?
- i. Verbal behavior between victim and suspect.
 - (1) Ask victim to recall everything victim and suspect said during the crime.
 - (2) Inquire if the suspect was **demanding** or **requesting** compliance?
 - (3) How forceful was suspect's tone of voice?
 - (4) Ask if the suspect was insulting or demeaning to victim?
 - (5) Was the suspect apologetic?
 - (6) Did the suspect request or demand the victim to make verbal statements or responses?
 - (7) What information did the suspect request or demand of the victim?
- j. Sexual behavior
 - (1) Erection. Was there one and how achieved/maintained?
 - (2) Was there penetration of the vagina? Anal penetration? With what? Was there oral copulation? By whom?
 - (3) Masturbation. By whom? Before or after penetration? Instead of penetration?
 - (4) Ejaculation. Before or after penetration? When, Where, How? What made the suspect ejaculate (or fail to ejaculate)?
- k. Victim background
 - (1) Obtain a complete activity history from the victim, hour for hour, for at least the previous 24 hours. Many rape victims are not by chance victims. They are selected and stalked.

- (2) Obtain a complete background of victim including address (home and crime scene), building description, neighborhood description, occupation, where and when does she work, transportation method to and from work, co-workers and friends at work, ID of husband/boyfriends, description of car, etc. Obtain as complete a profile of the victim's daily routine as possible.

6. Investigations Involving Undocumented Persons

- a. Sexual assaults involving undocumented victims with a suspect in custody, pose special investigative problems. The following procedures are to be followed in these cases.

- b. The first step is to obtain a special permit from the U.S. Immigration Department. This permit is called a Humanitarian Parole. The permit can be obtained 24 hours a day at the San Ysidro office or between 0800 and 1600 hours at the downtown office. To ensure that the victim will be present for the preliminary hearing, request a 15 day permit.

- (1) Humanitarian parole:
At border or after 1600 hours, contact Immigration Port of Entry, 720 East San Ysidro Boulevard, Phone: 662-7240 OR 662-7311

- (2) San Diego or until 1600 hours,

US Immigration Inspections,
185 W. "F" Street
Phone: 557-6275

- c. The second step is to find housing for victims who are not being detained on an immigration hold.

- (1) During regular working hours (0730-1600), employees of the Victim/ Witness Assistance Program can assist in locating accommodations.

Victim/Witness Assistance
Phone: 531-2772 or 531-2773

- (2) When a situation occurs after normal working hours, the following locations will usually provide temporary housing for victims:
 - (a) Salvation Army
726 "F" Street
Phone 239-8027
 - (b) St. Vincent De Paul
1501 Imperial Avenue
Phone: 233-8500
- d. When a victim is to be charged by the United States Immigration, victims will be temporarily housed in the following location:
 - (1) Casa San Juan
4047 Normal Street
Phone: 296-7459. (Enter through rear alley)
 - (2) Placement by United States Immigration, Casa San Juan Liaison, United States Marshal,
880 Front Street
Phone: 557-6620.
- e. When a victim has been assaulted in the United States and the suspect is arrested in Mexico, special procedures need to be followed. In most situations, Mexican authorities will want to file the charges in their country. To do this, they will need copies of all our reports. In addition, a short synopsis of the case is required so it can be translated into Spanish. Immediately contact one of the Mexican Liaison officers from the Criminal Intelligence Division and they will assist in the preparation of the case for the Mexican authorities.
- f. Investigators will also present the case to our local District Attorney's office. Be sure to advise the District Attorney that the suspect is being detained in Mexico. The District Attorney needs to review the case as soon as possible to determine if charges should be filed against the suspect. If charges are to be filed, a warrant will be prepared immediately. This is done in the event the Mexican authorities do not

prosecute. A warrant is needed to ensure the suspect will be transferred to our custody.

g. The following is a list of agencies, addresses, and phone numbers which may be of assistance during the follow-up investigation:

- (1) United States Border Patrol
Imperial Beach Station
1802 Saturn Boulevard
Phone: 662-7057 (area west of I-5)
- (2) Chula Vista Station
311 Athey Avenue
Phone: 662-7233 (area east of I-5 to Otay Mesa Road)
- (3) Brown Field Station
7060 Boeing Street
Phone: 661-3140 (area of Otay Mesa to Otay Mountain)
 - (a) Border Patrol Detention
311 Athey Avenue
Phone: 557-6667
 - (b) Other Border Patrol Phone Numbers:
 - i) Data Control: 662-7103
 - ii) Deportation: 661-3185
 - iii) Dispatch: 428-7321
 - iv) Personnel: 216-4069
 - v) Prosecution: 662-7246
 - vi) Temecula Border Patrol: Checkpoint (909) 679-8438
Station (909) 694-6871
 - vii) United States Customs Service Intelligence Specialists

2255 Neils Bohr Court
San Diego, CA 92173
Phone: 671-4700 (Information on vehicle crossing border for Mexico. Call and give call-back number. You will receive verbal information on vehicle. For print out of vehicle you need to contact the agent in charge.

- h. Victim/Witness Assistance Program
Spanish speaking Victim/ Witness investigative specialists are available for interpretive services at 685- 6660 or 531-3888.
- i. San Diego Police Department Mexican Liaisons:
 - (1) Criminal Intelligence Unit:
531-2518
 - (2) South Bay Jail: 691-4810
 - (3) Southern Division Station:
690-8350
 - (4) General Consulate of Mexico

Phone: (619) 231-8414

Tijuana Police: 011-52-66+38-5218.

7. Border Search Project

- a. California Department of Justice and Customs special agents are working a joint project to search selected convicted child molest offenders crossing into the United States from Mexico. Probable cause is not required. No system is in place to identify vehicles leaving the United States.
- b. When a vehicle listed crosses the border, US Customs will search for contraband, child pornography, drugs, guns, and stolen property. The case officer will immediately be notified of an arrest.

- c. Any children traveling with the subject will be questioned as to their relationship with the subject and possible victimization. If no crime is identified, the subject will be released and the case officer notified.
- d. The lookout will be effective for one year.
- e. Contact DOJ at (213) 889-5200 X 399 or US Customs at (619) 661-3045. Detectives must provide the Border Search Project with the following information:
 - (1) Exact vehicle plate number and state
 - (2) Subject's name, AKA's and DOB
 - (3) Date, month and year, subject is off Parole or Probation
 - (4) Reason for border lookout/search
 - (5) Case officer's name, title, agency and 24 hour contact number

B. Sexual Assault Forensic Examination Procedures for Adult Victims (Also see page 3 for DA coordination and page 19 for victim assistance.)

- 1. All victims of sex crimes shall be examined for forensic evidence if the nature of the case indicates evidence of bodily secretions such as semen, may be detected. Seminal fluid may be detected for several days or longer after an assault.
- 2. Young girls and women who have not been sexually active will generally show evidence of a rape or assault for a longer period of time than sexually active women.
 - a. As a rule, sexual assault exams should generally be obtained immediately within the first 72 hours of the sexual assault. The SANE (Sexual Assault Nurse Examiner) will complete the examination following OCJP guidelines. All physiological samples will be collected and packaged in the standard rape kit.
 - b. Complaints of vaginal or rectal discomfort or pain beyond the normal 72 hour window may indicate the continued presence of positive

physical findings and should be evaluated by the duty detective or a Sex Crimes supervisor who will determine whether a forensic exam should be obtained. These examinations will consist of a visual examination, appropriate physical specimens, documentation and colposcopic photographs. The complete rape kit will not be completed unless specifically requested by Law Enforcement.

3. It is not necessary for the suspect to ejaculate for evidence to be present. For example, saliva, pre-ejaculation body fluids and pubic hairs, and fibers are often exchanged during an assault.
4. Follow-up examinations for victims with serious or multiple injuries may be requested by detectives or sergeants. The examination will include a visual examination, photographs and documentation.
5. Injured sexual assault victims.
 - a. Sexual assault examinations are evidentiary and not medical. It is the responsibility of the preliminary reporting officer to determine whether the victim of a sexual assault should receive medical attention at a hospital. Those victims who are injured to the extent that immediate medical attention is necessary, shall be taken to the nearest emergency treatment facility.
 - (1) After emergency treatment, if the victim is released, the officer should transport the victim to a Sexual Assault Response Team (SART) hospital for an evidentiary examination. If the victim is admitted for further treatment or observation at other than a SART hospital, the officer shall advise Sex Crimes who will arrange for the evidentiary examination.
 - (2) Sexual assault victims must give consent before a SART exam can be authorized. Therefore, to reduce the SART hospital's liability, a search warrant must be obtained before a SANE will conduct a forensic examination on an unconscious adult victim, or victims who have been admitted to a psychiatric facility.
 - (a) The on-call Sex Crimes sergeant will be paged if this situation occurs after hours.

- (b) The on-call Sex Crimes supervisor will dispatch a detective to the hospital where the victim is being treated.
- (c) The detective will be responsible for obtaining the search warrant.
- (d) Medical procedures and the welfare of the victim take precedent over a forensic exam. Officers requesting an exam must verify that the patient is stable and the attending physician has approved the exam. However, it is imperative the forensic exam be conducted as soon as possible to obtain any evidence from the assault.
- (e) A conservator or legal guardian may authorize a forensic examination and therefore, eliminate the need for a search warrant.

6. Uninjured Sex Crimes Victims

- a. Victims not requiring medical attention shall be taken to the appropriate SART hospital.
 - (1) University Community Medical Center (formerly VillaView) Hospital for adults
 - (2) Children's Hospital for victims under the age of 18 and severely developmentally delayed victims.
- b. As soon as the need for a forensic examination is determined, the transporting officer shall advise Communications, who will call the hospital to notify them that a special examination is en route, and provide them with an estimated arrival time. (Victims shall not be referred to as a "rape" victim.)
- c. Unless the victim needs immediate medical attention or is arriving via ambulance/paramedics, do not stop at the Emergency Room. Proceed directly to the SART Center, the blue and white modular building located at the north end of the hospital parking lot, and enter through the "Law Enforcement Entrance".

- d. If the officer or detective arrives before a Nurse or Advocate, a Security Officer will meet the officer at the center to let the officer in.
- e. As you enter the building, please take a data form and complete it as soon as possible.
- f. Please ensure that an officer remains with the victim in the examination room until the nurse or advocate arrives. Make sure the victim is never left alone.
- g. Officers of the opposite sex are not to remain in the examination room during the examination of a victim.
- h. The transporting officer shall remain at the hospital until the examination is complete.
- i. SART nurses have been trained in the collection of evidence and all necessary materials and containers have been provided to them.
- j. Upon completion of the adult examination, the SANE will impound the evidence at University Community Medical Center (formerly VillaView) hospital using established procedures to maintain chain of custody.
- k. The hospital staff responds on a call-out basis; therefore, it is imperative that officers notify the hospital immediately if the exam is to be canceled.

7. Transportation of Victims

- a. The victim will be transported home or to the Police Department, as appropriate, by the initial reporting officer. **VICTIMS ARE NOT TO BE LEFT "STRANDED" AT THE HOSPITAL.** When possible, victims should be transported in the front passenger seat of the patrol unit. Riding in the back of a patrol unit can be traumatic for some victims and should be avoided if at all possible.
- b. In the case of an undocumented sexual assault victim, the officer shall notify the duty detective who will make arrangements for the victim to be held as a material witness. (See page 87 for more information.)

8. Charges and Other Costs

- a. All forensic examinations of victims will be conducted pursuant to a contractual agreement between the Police Department and the SART hospitals, and there will be no charge to the patient.
- b. This contract does not provide for treatment of injuries, follow-up medical care, or standard pregnancy testing. Payment for any such services will be the responsibility of the patient. However, victim assistance may be requested. (See California Victim's of Crime Program below for further discussion.) The officer shall provide the victim with this information.

C. California Victims of Crime Program

1. Victims shall be advised of the availability of the California Victims of Crime Program and referred to the Office of the District Attorney, Victim/Witness Assistance Program, telephone (619) 531-4041 for further information. The program is briefly summarized in the following paragraphs.
 - a. Eligibility
 - (1) Any victim who suffers physical and/or emotional injury as a result of a crime.
 - (2) Surviving family members of a homicide victim.
 - (3) Anyone legally dependent upon the victim for support.
 - (4) Anyone who was present during the crime and who has a close relationship with the victim.
 - (5) Victims and family members who must receive psychological treatment as a result of a crime, or who should be included in the psychological treatment of the victim.
 - (6) Anyone who takes legal responsibility and/or pays for a victim's medical or burial expenses.
 - b. NOT eligible.

- (1) Any victim who has committed a crime directly related to the incident.
- (2) Any victim who contributed to or took part in events which led up to the commission of a crime.
- (3) Any victim who refuses to cooperate with law enforcement agencies during the investigation and prosecution of known suspects.
- (4) Anyone who refuses to cooperate with the State Board of Control and/or local victim center in the verification of information in the application for compensation.

c. Mandatory Services Provided

- (1) Crisis Intervention
- (2) Emergency assistance
- (3) Resource and referral counseling
- (4) Follow-up counseling
- (5) Assistance in filing Victims of Crimes Claims
- (6) Property return
- (7) Orientation to the Criminal Justice System.
- (8) Court assistance and support
- (9) Presentations and Training for Criminal Justice and Victim Service Agencies.
- (10) Public presentation and publicity
- (11) Case disposal/status information
- (12) Notification of friends and relatives

- (13) Employer intervention.
- (14) Optional services (if funds and time available)
 - (a) Creditor Intervention
 - (b) Child care
 - (c) Witness call-off
 - (d) Funeral arrangements
 - (e) Crime Prevention information
 - (f) Witness protection
 - (g) Transportation
 - (h) Court waiting area
 - (i) Victim impact statements

D. The Sexual Assault Response Team - SART

- 1. SART is comprised of three disciplines: law enforcement, the sexual assault nurse examiner, (SANE) and a rape crisis advocate.
- 2. The SART team is dedicated to providing the best service possible to ensure that each person makes the transition from "victim" to "survivor" as quickly and smoothly as possible.
- 3. The Center for Community Solutions (CCS) has a contract with University Community Medical Center (formerly VillaView) hospital to provide advocate services to sexual assault victims.
- 4. Once the SART hospital is notified that an officer is en route, the sexual assault nurse examiner will notify the rape crisis hotline.
 - a. An advocate will be dispatched to the hospital to assist the victim during the examination and to provide referrals for community resources.

- b. When a CCS advocate is unavailable, the SART nurse has the option of requesting one of our Crisis Intervention Team members.
- c. The SDPD Crisis Intervention Team will respond to assist sexual assault victims during evidentiary examinations only when requested by the Sexual Assault Nurse Examiner (SANE) directly or via Communications and Patrol.
- d. If assistance is needed at the crime scene, or if there will be a significant delay in transporting the victim to the hospital, officers should request that a Crisis Interventionist respond to the scene. CCS advocates will not respond to the scene.
- e. This policy pertains to sexual assault cases only. Officers should continue to request Crisis Intervention Team Members at all other types of calls where their services are needed.
- f. The San Diego Police Department has contracts with two hospitals to provide forensic sexual assault examinations.

- (1) University Community Medical Center (formerly VillaView)Community Hospital
5550 University Avenue
San Diego, CA 92105
(619) 582-3516

- (2) Children's Hospital
Center for Child Protection
3020 Children's Way
San Diego, CA 92123
(619) 576-5803

- 5. University Community Medical Center (formerly VillaView)Hospital entered into an agreement with the San Diego Police Department resulting in a substantial savings in the cost of evidentiary examinations performed at their hospital. Consequently, University Community Medical Center (formerly VillaView)will be used unless there are emergency circumstances. In that case, Pomerado Hospital may be used for adult examinations with the approval of a Sex Crimes supervisor.

- a. Victims who are contacted at non-contract hospitals, i.e., Sharp Memorial, Kaiser, etc., should be transported to a contract hospital for an examination unless the victim is injured and cannot be transported.
 - b. In all cases, it is mandatory to notify the hospital that you are en route, an estimated time of arrival, and the number of victims to be examined. If the officer does not have access to a telephone, have Communications notify the hospital immediately.
- E. Procedures for Multiple Victims / Multiple Perpetrators.
1. The Interagency Investigative Team Protocol developed by the Multi-Victim/Multi-Perpetrator Ritualistic Abuse Task Force (of December, 1990) provides useful information for coordination of agencies investigating MV/MP crimes.
 2. Multi-victim/multi-perpetrator (MV/MP) child molest is unique in its devastation to children and families, to public confidence, to child protection professionals and to the basic effectiveness of judicial systems. Some of the common problems identified in MV/MP cases have included the insufficient allocation of resources to investigate the allegations in an expedient manner, inadequately trained and/or inexperienced investigators, confusion about who is in charge of the investigation, failure to communicate in a timely and consistent fashion, the lack of an integrated interagency approach, contamination of evidence and the overwhelming magnitude of the investigation.
 3. The primary responsibility for criminal investigations of serious crimes rests with the law enforcement agency of jurisdiction. This is the agency that coordinates the investigation with other law enforcement and social service agencies until such time as the allegations are determined to be unsubstantiated, or the allegations have been investigated and presented to the District Attorney for review for prosecution. The law enforcement agency will coordinate the Interagency Investigation Team (IIT), ensuring that all children identified as victims are referred for assistance to Child Protective Services.
 4. Other members of the IIT are:
 - a. Naval Criminal Investigative Services. (NCIS is the law enforcement agency with jurisdiction on Navy or Marine Corp facilities. NCIS is not involved in other cases.)
 - b. District Attorney

- c. Children's Services Bureau/Child Protective Services
- d. Licensing Agency (For cases involving facilities licensed under the California Health and Safety Code.)
- e. Victim-Witness Assistance
- f. Medical Evidentiary Examiners
- g. Forensic Interview Specialists
- h. Licensed Therapists
- i. Parent Liaison/Ombudsman

F. Suspect Processing (Also see line-up procedures)

1. Suspect Interviews

- a. Investigators shall interview all felony suspects in custody when legally permissible. Any exceptions must be approved by the unit sergeant. Identified suspects will be interviewed regardless of whether there is sufficient information to prosecute. This allows us to document suspect statements and enhance Sex Crimes intelligence information.
- b. Use of Interpreters.
 - (1) Sworn personnel used as interpreters should prepare a written report of their translation and forward it to the assigned investigator.
 - (2) Cases shall not be submitted to the District Attorney with the notation that a language barrier prevented an interview.
 - (3) Trustees at the County Jail will **NOT** be used as interpreters.

2. Suspect Evidentiary Examinations

- a. Suspect examinations should be authorized if the assault occurred within the last 24 hours. Longer periods of time should be considered

depending on the history of the assault, i.e., the victim bit or scratched the suspect, the victim described venereal warts or unusual genital structure, etc.

- b. Suspect examinations include:
- (1) A head to toe examination.
 - (2) Photographs.
 - (3) The suspect's hands and fingers will be examined and fingernail scrapings, or swabs, will be taken, if the suspect's fingernails are extremely short.
 - (4) Blood to be used as a reference standard for DNA analysis. (Although mouth swabs are appropriate when necessary, i.e., no probable cause for an arrest and the suspect will consent to a mouth swab, blood is always the best standard for DNA.
 - (5) Blood to be used for drug and alcohol analysis if appropriate.
 - (6) Head and pubic hair.
 - (7) A swab of the outside of the suspect's penis. (Any foreign DNA will be compared to the victim's DNA. Remember that suspect exams are important for locating trace and biological evidence transferred from the victim to the suspect during the assault.)
 - (8) The suspect's clothing
 - (9) Detectives processing suspects many days or months after the assault, may only need a blood sample for DNA analysis.
 - (a) This determination has to be made after assessing any evidence identified in the assault. As an example, if the suspect was a stranger to the victim, head and pubic hair might help to corroborate the identity of the suspect.

- (b) If only a blood sample is required, detectives do not need to authorize a full suspect exam. The suspect may be taken to room 138 to obtain a blood sample.
 - (10) The San Diego Police Department has a contract with University Community Medical Center (formerly VillaView)Hospital to provide sexual assault examinations for suspects at Headquarters on an on-call basis. Victims will be examined at contract hospitals per Department policy.
- c. Procedures for Suspect Examination.
- (1) Field Officer Procedures:
 - (a) The field unit determines the need for a suspect sexual assault forensic examination after an arrest.
 - (b) The unit sends a voice or CAD message to Dispatch requesting SART, prior to transporting the suspect to the sallyport.
 - (c) The unit checks in with the Watch Commander's Sergeant upon arrival at the sallyport.
 - (d) If the unit arrives first, the officer will stand by in the sallyport until SART personnel arrive.
 - (e) The unit meets with the SART nurse and monitors the prisoner during the exam.
 - (f) Officers of the opposite sex are not to remain in the examination room during the examination. However, SANE's will not be left alone with suspects. If needed, arrangements will be made for an officer of the same sex to stand by during the examination.
 - (2) Communications Procedures:
 - (a) The field officer sends a voice or CAD message to the "RC" (Radio Console) position.

- (b) The RC position relays the request to the desk.
 - (c) The desk pages SART and enters "SART paged" on the case, which records the time.
 - (d) When the SART nurse returns the call, the "RS" (Radio Supervisor) will:
 - i) Give the SANE the unit or incident number.
 - ii) Enter their ETA on the case.
- (3) Watch Commander's Officer Procedure:
- (a) When officers check in with the Watch Commander's sergeant, they will be told if the SANE has arrived.
 - (b) When the SANE checks in, the Watch Commander's sergeant will check on the ETA of the unit with the provided unit or incident number. When no Watch Commander's sergeant is on duty, officers and SART personnel will contact the Lieutenant.
- (4) SANE Procedure:
- (a) When paged, the SANE will call the number given and:
 - i) Provide an ETA to the sallyport. (Response time should be within 45 minutes.)
 - ii) Request a unit or incident number.
 - (b) On arrival, the SANE will check in with the Watch Commander's sergeant and:
 - i) Ask the sergeant to check on the unit's status by providing the unit or incident number.
 - ii) If officers have not arrived, the SART nurse will stand by for the unit in the forensic examination room.

- (5) SART personnel can respond to a hospital if the suspect is injured. However, any deviation from responding to Headquarters must be approved by the Watch Commander or a Sex Crimes Supervisor.
- (6) Injured suspects and victims shall not be taken to the same hospital.
- (7) The SANE will impound the suspect's rape kit and clothing.
- (8) Immediately following the examination, SART personnel will place the investigator's copy of the property tags and the OCJP Forms in the Sex Crimes bin in records.

3. Arrest Procedures

a. Arrest Warrants (See the San Diego Police Department Investigator's Notebook for a complete discussion of warrants and procedures.)

- (1) During normal working hours, help in obtaining arrest warrants is provided through the DA Liaison office at Headquarters, or through the DA's office, 8th floor, Hall of Justice..
- (2) After normal working hours, warrants may be obtained by contacting the Duty Deputy District Attorney through the Watch Commander who maintains a weekly roster for the Duty DA, or the Marshall's office at 531-4172.
- (3) The use of telephonic arrest warrants should only be used if the detective is unable to obtain a search warrant naming the suspect. The jail will not accept telephonic arrest warrants since the warrant has not been entered into CLETS and does not have a prosecutor case number.
- (4) See page 32 for sample warrants.

b. Arrestee's Rights to Three Completed Telephone Calls

- (1) In accordance with California Penal Code Section 851.5, any person who is arrested and held for three or more hours

without being booked into jail, has the right to make at least three completed phone calls.

- (2) The arrestee has the right to free telephone calls within the local dialing area, or at his/her own expense if outside the local area, to the following:
 - (a) An attorney of their choice or public defender. (The public defenders' phone number shall be listed.) This phone call shall not be monitored, eavesdropped upon, or recorded.
 - (b) A bail bondsman.
 - (c) A relative or other person.
- (3) These phone calls shall be given immediately upon request or as soon as practical. This does not remove an officer's duty to advise a suspect of his right to counsel or any other right.
- (4) Any officer who willfully deprives an arrested person of any right granted by this section is guilty of a misdemeanor.
- (5) At every police detention facility, a sign containing the arrestee's rights to phone calls, printed in bold block type, shall be posted in a conspicuous place. Signs are available at the Field Operations Administration Office.

4. Search Warrants

- a. A search warrant may be obtained by filling out an affidavit for a search warrant stating the reason for obtaining the evidence and the proposed search warrant.
 - (1) When a law enforcement officer brings a search warrant and affidavit to a judge for signature, the officer shall provide the original and one copy of each document.
 - (2) Once the search warrant and affidavit are signed by the law enforcement officer and the judge, the courtroom clerk shall call

the search warrant desk in the criminal business office to get the next search warrant number.

- (3) The courtroom clerk will provide the name of the requesting agency, name of the judge and the date issued. The criminal business office clerk will enter that information in the search warrant log and will initial the entry.
- (4) When a search warrant and affidavit are signed by the law enforcement officer and the judge, the number shall be entered on the search warrant and affidavit by the judge.
- (5) The judge shall place the original affidavit and copy of the search warrant in a confidential envelope provided by the officer. The search warrant number shall be written on the outside of the confidential envelope on the upper right corner. The envelope shall be sealed and the judge and law enforcement officer shall sign the sealed envelope flap.
- (6) The law enforcement officer, courtroom clerk or bailiff shall take the confidential envelope to the search warrant desk in the criminal business office by the close of business the day of issuance.

b. Court Search Warrant Log

- (1) The criminal business offices of the court shall maintain search warrant logs in order to have a record of the issuance of search warrants by the judges of the court. Upon receipt of the confidential envelope, the criminal business office clerk will check the log to verify the information previously entered. If the search warrant has been ordered sealed, or is to remain sealed following execution, the clerk shall also enter this information in the search warrant log.
- (2) After the entry in the log, the criminal business office clerk shall place the confidential envelope in the safe or vault. The envelope will remain in the safe or vault until the search warrant is returned after execution. The envelope will also remain in the safe or vault if the search warrant was ordered sealed by the

judge even after it has been executed or if the search warrant is never executed.

- (3) The Search Warrant Log will be a standardized form used in all divisions of the court. Any member of the public may view search warrant logs at any time a request is made.
- (4) When the law enforcement officer files the return of a search warrant note sealed by a judge, and the receipt and inventory, the criminal business office clerk may open the confidential envelope, remove the search warrant and attach the returned documents. A notation shall then be made in the log that the search warrant has been executed indicating the date of the return. The executed search warrant shall become public record.

c. Return of Search Warrant to Law Enforcement Officer

- (1) A search warrant may be returned to the law enforcement officer prior to execution or after expiration only upon written order, signed by the judge that issued the warrant, or in the absence of this judge, the supervising judge.
- (2) Upon receipt of a signed order, the business office shall remove the confidential envelope from the safe or vault and note in the log that the search warrant was returned to the officer.
- (3) The court order shall be maintained in place of the search warrant.

d. Lodging Additional Documents in Support of Search Warrant

- (1) If at any time prior to execution of the search warrant, additional documents are to be lodged with the court in support of the search warrant, the law enforcement officer shall go to the courtroom where the original search warrant was filed, or to the supervising judge.
- (2) The courtroom clerk shall call for the confidential search warrant envelope.

- (3) The judge and law enforcement officer shall be responsible for opening the confidential envelope and including any additional documents.
- e. 293 PC allows sexual assault victims to request that their name not become a matter of public record if requested.
- (1) **When appropriate, Detectives should request an order to seal any search warrant obtained as a result of a sexual assault investigation. If you do not specifically request that the warrant be sealed, all records, including the warrant, affidavit, and any attachments, will become a matter of public record within 10 days.**
 - (2) The judge shall enter, or direct the courtroom clerk to enter, the following information on the confidential sealed envelope:
“Search warrant to remain sealed after service or expiration of 10 calendar days by order of Judge _____.
 - (3) If the search warrant was ordered sealed by the judge, the returned search warrant and receipt and inventory shall be placed in an envelope and shall be sealed and initialed by the law enforcement officer. The criminal business office clerk shall staple this return envelope to the original confidential envelope and update the search warrant log noting the dates of execution and return. These search warrants will remain in the safe or vault.
- f.
- g. See Appendix A for sample warrants and order to seal.
- h. Assistance during normal working hours is available from the DA liaison office at Headquarters or from the District Attorney's office. After working hours, a telephonic search warrant may be obtained by contacting the Watch Commander who will provide you with the name of the Duty Deputy District Attorney for that week.
- i. The judge must sign the warrant. The detective must ensure it is executed within 10 calendar days (Saturdays, Sundays and Holidays count as a portion of the 10 days.)

- j. The same means applies to obtaining warrants for blood and/or saliva testing.
- k. Warrant execution.
 - (1) The detective's supervisor should be briefed as soon as the need for a search warrant has been determined and a tentative execution date should be scheduled.
 - (2) The detective(s) planning the execution of the search warrant should consider factors such as the overall situation, the suspect(s), vehicles, possible weapons possessed or available to the suspect and any counter surveillance suspected.
 - (3) Prior to conducting the mission, the detective(s) planning the mission will complete the Sex Crimes Warrant Operation form (See Appendix A, Forms and Reports) which will be used to brief all participating officers and supervisors. The briefing packet should include:
 - (a) Map (enlarged)
 - (b) Copy of Warrant
 - (c) Picture of house or other place to be searched.
 - (d) List of specific and/or general items of interest. Included must be items to establish Dominion and Control by the suspect.
 - (e) Picture of suspect(s)/victim.
 - (4) Personnel involved:
 - (a) Sergeant in charge
 - (b) At least one uniformed officer to be visible during "Knock and Notice".
 - (c) Scribe

- (d) Photographer
 - (5) Means of communications, frequencies, etc., must be established prior to conducting the warrant when the searching officers will be separated.
 - (6) All personnel not in uniform will wear jackets clearly marked with POLICE or other law enforcement agency identification. All participants will wear protective vests.
- l. Notification. The Case Agent will notify the following Department offices on the day of the execution of the warrant.
- (1) Watch Commander (531-2205)
 - (2) Communications Lieutenant (531-2120)
 - (3) NIN (Narcotics Information Network) 616-4151, will advise if any other operation is planned at or near the target location.
- m. Ensure the following items are available at the site where the warrant will be executed:
- (1) Receipt and inventory forms
 - (2) Camera and sufficient film
 - (3) Personnel list of persons involved
 - (4) Paper, pens and markers
 - (5) 3X5 cards
 - (6) Gloves
 - (7) Tape
 - (8) Door knocker (Narcotics Section or SIU)
 - (9) Boxes and paper Bags

- (10) Plastic viles for wet condoms or other biological evidence
 - (11) Plastic baggies
 - n. Photograph each room before you search
 - o. Searching officers will be advised that the lead detective will be notified if evidence is located. Photographs will be taken and the location of the evidence documented prior to moving or touching anything.
 - p. Type addendum report of what you found and where.
 - q. Ensure the suspect signs the Receipt and Inventory form (form 197). It must then be signed by the detective (3 places) and by the judge. **Property seized pursuant to a search warrant requires that Property Tags be plainly marked as seized during a search warrant.** See page 47 for more information.
5. Search Warrant Log Procedures
- a. A search Warrant Service Log is kept in the Watch Commander's Office to enable the Police Department to identify the number and location of executed search warrants. This log will contain a one line entry which consists of the date and time the warrant was served, the location, address, the search warrant number if available, the officer's name and identification number, and the Unit or Division.
 - b. Officers shall contact the Watch Commander's Office by telephone or in person to fill out the search warrant log prior to serving the warrant. This procedure includes telephonic search warrants.
 - c. The search warrant log will be collected on the first Monday of each month by a Narcotics Section Sergeant. This information will be cross-checked with a Court Calendar Clerk's search warrant journal for accuracy. A monthly statistical report indicating the number and location of the search warrants will be completed by the Narcotics Section and distributed to the Area Command Captains and other units that have served search warrants.
6. Subpoenas

- a. If an officer is unable to appear in court in response to a subpoena, he/she must:
 - (1) Call the DA and notify by phone.
 - (2) Complete the "Request for Excusal" form, have it approved by a supervisor, attach it to the subpoena and forward it to the Court Liaison.
 - (3) If the detective is already gone (not served) his/her supervisor must notify the appropriate District Attorney and Court Liaison.

7. Subpoena Duces Tecum/Court Order Procedures

a. Types of Documents

- (1) Court Order: An order from the Court, signed and sealed by the judge, ordering release of certain documents, records, materials, evidence, etc.
 - (a) Court orders should be directed to the Unit who maintains the items requested.
 - (b) These documents are orders; anything called for MUST BE RELEASED. If there is a question about the validity of a court order, contact the Department's legal advisors immediately.
- (2) Motion for Discovery: A request for a Court Order that is being routed to the Police Department involved to advise that an order is being sought.
 - (a) All Motion for Discovery documents should be directed to Internal Affairs.
 - (b) NO INFORMATION SHOULD BE RELEASED. This is notification only.
- (3) Subpoena Duces Tecum (SDT): A request for records, tapes,

evidence, lab tests, etc. An SDT can be served by a private citizen or their representative.

- (a) SDT's should be directed to the Unit who maintains the items requested.
- (b) SDT's should only be used in civil cases where no criminal charges are pending.
 - i) 1054.5 of the evidence code states defense attorneys shall make an informal request to the prosecuting agency for any desired materials and information.
 - ii) If the prosecuting agency fails to respond to the request within 15 days, the defense attorney may seek a court order.
 - iii) This exclusive means of discovery applies to law enforcement agencies which investigated or prepared the case against the defendant, or any other persons the investigating agency may have employed to assist them in performing their duties, i.e., SART personnel and SART records.
 - iv) If you incorrectly receive an SDT for a case pending prosecution, contact the prosecuting DDA immediately.
 - v) Whether or not items requested will be released is dependent on the validity of the request and the different laws regulating the release of information. The Department's Legal Advisor's should review all SDT's for final approval.

- (4) Consumer Notice: This document is required on all CIVIL subpoenas. It is a requirement of the Code of Civil Procedures 1985.3(a)(1) that the opposing attorney must be notified that records are being sought. The opposing attorney has fifteen (15) days before "personal records" of the "consumer" may be legally produced. This date should be noted when preparing a SDT for release.
- (5) Check for Consumer's Notice. If there is not one attached, accept the subpoena and call the attorney or the service and request that one be submitted prior to release of any documents.

b. Criminal or Civil Subpoena

- (1) Determine whether the Subpoena is Criminal or Civil:
 - (a) Criminal -- State of California versus an individual
 - (b) Civil -- Individual or Company/Corporation versus an individual or Company/Corporation.
 - (c) Make sure there is a case number on the face sheet of the subpoena.

c. Criminal Subpoena/Order

- (1) If the subpoena is criminal in nature, the Legal Advisor's Office will review it. Copies of all documents can be mailed to the Legal Advisor at:

MS 3A
City Attorney's Office

or

MS 707
PD Legal Advisor's Office

- (2) Check the County Computer by inquiring on the case number on subpoena ...RI05 Q_____. Print this information out and send to the Legal Advisor with copies requested. Complete processing.

d. Civil Subpoenas

- (1) If subpoena is Civil it must be reviewed by the Legal Advisor's Office. Copies of all documents can be mailed to the Legal Advisor at MS 3A.
- (2) The City of San Diego is subject to litigation in many civil cases. The City Litigation Office, extension 4700, should be contacted to determine if the City is being sued or not.
- (3) If the City is being sued, ask to speak to one of the City Litigation attorneys. They will advise you on how to handle. Usually, they will advise you to send to them to comply. Make a notation on top sheet of what City Litigation advises and send package to our Legal Advisor, MS 3A.

e. Processing Request

- (1) Place a routing top sheet on subpoena to make notations when searching information.
- (2) Research files for all documents requested.
- (3) Copy all documents that you find. Be sure to copy everything in the files.
- (4) Log SDT in Subpoena Notebook for future reference. All notations regarding dates and what occurred should be kept for easy reference if there are questions about the SDT's progress.
- (5) Mail complete package to the Legal Advisor, MS 707

f. Photo requests on Subpoenas

- (1) If copies of photos are requested in a subpoena, all photos should be given to Accident Records for duplication.

(2) Fees are charged per the current fee schedule.

g. Fee Charged for Civil Subpoenas

(1) Evidence Code 1563 provides for "reasonable costs" that can be charged to parties involved in civil subpoenas. Fees are as follows:

(a) \$4.00 per ¼ hour (15 minutes) spent on processing... We use a base minimum of three ¼ hour units (45 minutes) when charging for SDT processing (\$12.00 minimum fee.) The processor should keep track of time spent researching, particularly on a long search, and charge accordingly.

(b) Copies should be charged 10¢ a page. Only count one side of two sided copies.

(2) The equation on the bottom of the processing top sheet should be filled in with fees. This is done after receiving it from the Legal Advisor.

h. Release of Information to Requestor — Civil Subpoenas

(1) After receiving the subpoena/order package back from the Legal Advisors — signed and approved:

(a) Type information regarding case on "Certification of Records". Ie,

*John Smith VS James Jones et. al.
Case Number: 123 456

(b) Count the number of pages of documents provide, 1-side only. Note this number on the processing top sheet, in the bottom left corner.

(c) Place all reports with "Certification of Records" letter on top in a large envelope.

- (d) Type information regarding case on prepared label.
- (2) Contact the attorney or service to advise that subpoena is ready for pick-up and what the charge is for processing.
- i. Release of Information — Criminal Subpoenas
 - (1) Follow all procedures in i.(1) (a) - (d) above.
 - (2) Follow the instructions given by the District Attorney, City Prosecutor or Legal Advisors.
 - (3) THERE IS NO FEE FOR PROCESSING A CRIMINAL SUBPOENA.
- j. Information is Denied by Legal Advisor
 - (1) The Legal Advisor will advise you why information cannot be released or what is required to make a SDT valid.
 - (2) Contact individual or representative and advise them of our Legal Advisor's opinion. If there is a question, refer them to the Legal Advisor, 533-5800, (ONLY IF NECESSARY).
- k. Unable to Locate Information Requested
 - (1) After a thorough search of the files has been conducted and if the information provided by the requestor was sufficient to conduct a proper search, a letter of "No Record" should be prepared. See page 33 for a sample No Record letter.
 - (a) Type information regarding case in space provided on "Certification of No Records".
 - (b) Place form letter in an envelope and seal. Type information regarding case on prepared label.
 - (2) Contact the individual who is requesting information and advise that we were unable to locate the requested information. This letter can be picked-up or mailed after payment is received on

a civil subpoena. Charge should be \$12.00, or more, if an extensive search was required.

l. Purged Records — "Certification of No Record"

- (1) If the requested documents have been purged, the same letter should be sent as for a No Record. Note at the bottom of the Letter that documents have been purged and destroyed.
- (2) If the information requested fell into our purge criteria and if it is not possible to determine if the document ever existed in our files, make a note regarding our purge/destroy schedule.

m. Requestor Picking Up Copies

- (1) When copies are picked up a receipt is given (CIVIL CASES ONLY)
- (2) Remove the subpoena and top sheet and maintain for our files. Note the date and time SDT was picked-up. Also, note the receipt number for future reference.
- (3) Give all documents contained in envelope to person picking up information.
- (4) File the SDT and Processing Top Sheet in subpoena file.

n. Exceptions to Procedures

- (1) Compliance per Evidence code 1560 and 1561
 - (a) Legal Advisor may instruct you to send documents directly to the Court. These records will be given to the Judge in the matter to determine the acceptability as evidence in court.
 - (b) The SDT is prepared the same as any normal release, however, the documents are double sealed. Include a copy of the SDT.

- i) First envelope should have Case Title and number. The date SDT was served on the Sex Crimes Unit and the date, time and department that the case will be heard.
 - ii) This package should be placed in a second envelope with a cover letter and should be addressed to the Court. An ATTENTION line should be added noting date, time, and department case will be heard. Also note on face of envelope case title and number.
8. Authorized Release/Access of Arrest and Crime Case Information and Other Police Records.
 - a. Unless otherwise specified by State or Federal statute or a valid court order, arrest and crime reports or other police records or information contained therein may be released/accessed under the following circumstances:
 - (1) To law enforcement agencies for law enforcement purposes.
 - (2) To criminal justice personnel for the purpose of executing the responsibilities of their position in a matter relating to the individual whose record is requested.
 - (3) To attorneys representing the City of San Diego in any litigation in which the City of San Diego or any City officer or employee is named as a defendant arising out of an incident described in the report.
 - (4) To a bona fide researcher for research purposes upon written application to, and approval from the Chief of Police or his authorized representative, provided they agree to indemnify the San Diego Police Department and not make public or otherwise disseminate information that identifies particular individuals or to attempt to contact such individuals.
 - (5) Arrest reports to the individual who is the subject of the report provided the names and addresses or other reference to any victims and/or witnesses are purged from the report and

provided the individual produces satisfactory verification of his/her identity.

- (6) Crime reports to the victim of the report, to insurance companies and attorneys upon written application indicating they are the authorized representative of the victim of the report and provided they can produce satisfactory verification of identity, and any person suffering bodily injury or property damage as a result of the incident. Any reference to juvenile suspects must be purged from reports. **Suspects listed on crime reports are not entitled to receive crime case information.**

b. Government Code Section 6254 (f) defines information which **must** be made public unless release of the information would endanger the safety of a person or the successful completion of an investigation.

(1) Arrestee information:

- (a) The full name, current address and occupation of every adult arrested by the agency.
- (b) The arrestee's physical description including date of birth, color of eyes and hair, sex, height, and weight.
- (c) Date and time of arrest.
- (d) Location of arrest.
- (e) Factual circumstances surrounding arrest.
- (f) All charges subject is being held on.

(2) Incident information:

- (a) Time, date and location of occurrence.
- (b) Time and date of the report.
- (c) Name, age and current address of victims (**except that a sex crime victim's address shall not be released**)

and the victim's name may be withheld at the victim's request.)

- (d) The factual circumstances surrounding the crime or incident.
- (e) General description of any injuries, weapons, or property involved.

NOTE: *The Sex Crimes Unit* is responsible for notifying Records personnel when it is ascertained that release of information on reports would endanger the safety of a witness or other person involved in the investigation or in any way endanger the successful completion of the investigation. **ANY REQUESTS FOR HOMICIDE OR SEX CRIME REPORTS MUST BE APPROVED BY THESE UNITS.** The Sex Crimes Unit provides a daily log to the Public Information Officer which is available to the media.

G. Naval Criminal Investigation Service (NCIS) Liaison.

1. When to contact the NCIS Liaison Agent, 556-1017, pager, 969-9653. (After hours, the duty Agent can be reached by pager at 969-9652.)
 - a. If patrol and/or duty detectives respond to a situation in which an active duty Marine or Sailor is arrested or placed into custody on a felony charge, please page the Liaison Agent for notification.
 - b. If immediate investigative assistance is needed from NCIS, the Liaison agent will be able to assist or forward the information to the NCIS supervisor who will arrange for a duty agent to assist the detectives.
 - c. If no assistance is needed, the liaison will make contact with the military member's command and notify them that the sailor or marine is in custody.
 - d. The Liaison Agent will then contact the detective later to obtain a copy of the case.
 - e. The liaison will initiate a case to document the arrest of the military member and to enter them into the Defense Criminal Index of Investigation. This is an index within the Defense Department which files all criminal investigations done on military members by any of the military investigative agencies.

- f. All criminal cases are held in file in Washington DC for 25 years.
 - g. If the case is referred to the Sex Crimes Unit for investigation and there is a military connection, i.e., military suspect or victim, contact the NCIS Liaison.
 - h. If the detective does not have a point of contact within the NCIS San Diego Field Office, they may contact the Liaison Agent for assistance.
2. Resources available from the Liaison Agent:
- a. Military records for all active duty, discharged or retired military members. If they are currently active duty members, NCIS has access to them at the place where they are held such as aboard ship.
 - b. All military medical files of active duty members and dependents, if they were treated at a Naval Hospital or facility.
 - (1) These records are available to NCIS without a release from the active duty member or from the dependent.
 - (2) These records also include psychiatric or counselling records from any Naval facility, i.e, Family Advocacy Center, Family Service Center, etc., where the active duty member may have made admissions of criminal activity.
 - (3) These records will be released by NCIS under documentation to the SDPD for use in investigations.
 - (4) If the records are entered into evidence at trial, the District Attorney must use the agent for the foundation to enter the records.
 - c. If the records are for retired, Reserves or discharged members, the records are held in St Louis, MO. The NCIS office in St Louis will obtain the records. However, it may take a few weeks. Entire service record books can be either copied or a microfiche will be sent depending on the age of the record. Medical files are also maintained at St Louis. These files will usually have the medical history and treatment records for any medical treatment given while in the US

Navy/Marine Corps. Dependent medical files are also available under the military sponsor's name and social security number. They are available by where the sponsor was treated and the date, if available.

- d. NCIS also has access to military pay records. Current records (within the past year) are held locally. Past records are held at the Finance Center in Cleveland, OH. Again, allow a few weeks for the NCIS office in Cleveland to access the records.
- e. NCIS has resources available worldwide for interviews of military members and/or former members who have left the San Diego area. NCIS has agents on deployed carriers and who service the Battle Groups which travel with the carriers. NCIS also has agents on all Navy or Marine Corps bases worldwide who may be tasked for interviews, searches, etc., in connection with a criminal investigation.
- f. NCIS is very responsive to the needs of local law enforcement when a military suspect is involved in a criminal investigation.
- g. The SDPD NCIS Liaison Agent will do everything possible to assist detectives with obtaining the information needed. NCIS will also liaison with other military investigative agencies (Army CID or Air Force OSI) if needed.
- h. NCIS can also assist in the apprehension of military suspects if they are out of the local jurisdiction. NCIS also liaisons with the local military commands to effect warrant service of state arrest warrants for military suspects on federal installations.
- i. NCIS can obtain federal search warrants for personal rooms, lockers, etc., assigned to military suspects on board the ship or the base. These warrants must be based on probable cause which is usually established by the detective.
- j. It is imperative that NCIS is involved in the case if it involves an active duty Marine or Sailor as soon as possible.
- k. If a case involves a military suspect, NCIS can assist with personnel needs for surveillance.

1. NCIS also has technical support and assistance, training facilities, laboratory facilities, polygraph, etc.

H. Evidence Collection and Impounds (see Property Tag Control Procedures)

1. All clothing worn by the suspect at the time of the offense shall be impounded.
2. Clothing worn by the victim that may be contaminated or contain evidence shall be impounded. If a victim's clothing is to be impounded as evidence, the officer shall have the victim take a change of clothing to the hospital.
3. Victim and suspect clothing must be impounded in separate paper bags. Do not impound in plastic bags.
4. Evidence that cannot be obtained by the reporting officer must be protected until the assigned investigator determines if an evidence technician is needed.
5. All other items that could possibly contain evidence (i.e., bedding, condoms and packaging) should be collected, bagged separately and impounded.
6. The pink copy of the forensic examination form (OCJP 923 or 925) shall be attached to the rape kit before being impounded. All other copies will be forwarded to the appropriate investigative unit with the preliminary investigation.

I. Procedure for Impounding Vehicles

1. All vehicles involved in **felony** sexual assault investigations, **where the vehicle is the crime scene**, should be impounded as evidence at the police impound lot with a "HOLD" for Sex Crimes. Appropriate procedures outlined in PD 7.8, Vehicle Impound and Release Procedures, should be followed.
2. The Police Impound facility is located east of Traffic Division at 9265 Aero Drive. As of July 31, 2001, all vehicles with a hold are to be impounded at this location.
 - a. Traffic Division does not have control of this facility and does not release holds for vehicles stored there. Do not list Traffic Division as the impound location. The impound location should be listed as the **POLICE IMPOUND FACILITY.**

- b. ALL impounds MUST be approved by the Watch Commander. Once the request has been approved, the Watch Commander will de-activate the alarm. Officers will enter the facility through the door to the right of the roll up door.
 - c. Once inside, follow the impound instructions posted on the wall.
 3. Vehicles should not be processed in the field for semen or other bodily fluids by patrol evidence technicians. Special equipment such as an alternate light source is needed to properly detect biological evidence. If there are extenuating circumstances, i.e., the crime occurred in the victim's vehicle and the victim has no other means of transportation, contact a Sex Crimes supervisor to arrange to have a laboratory evidence technician respond to the scene. If this is not possible, impound the vehicle and request that the laboratory process the vehicle as soon as possible.

J. Control Procedures on Property

1. The sergeant responsible for case assignment will give yellow copies of property tags to the assigned investigator who will make sure the following information is annotated on the tag:
 - a. Crime type
 - b. Case number
 - c. Description of property
 - d. Location of the incident (address where item was found)
 - e. Victim and/or suspect
 - f. Where impounded, date, time, etc.
 - g. Assigned detective's name and ID #
2. Place a copy of the yellow property tag with the case file.
3. Place the yellow property tag in the property tag in-bin

4. Detectives should view the impounded property as soon as possible. Any property determined not to be evidence should be disposed of following Department procedures.
5. The detectives, when disposing of property, will complete the appropriate sections on the back of the tag and return it to the secretary.
6. If the property is to be released to the owner, the detective is responsible for completing a property release form (PD 184) and mailing the original copy to the owner. (See page 67 for release procedures.) The detective returns the property tag, with a copy of the property release attached, to the secretary.
7. If a warrant is in the system, or if the property needs to be held for any reason after obtaining a disposition, mark HOLD, the reason and give to the secretary.
8. If the investigator makes a partial release of items listed on the same property tag, appropriate sections should be marked on the back of the tag and returned to the secretary.
9. If property needs to be retained longer, the investigator will place a note on the front of the tag indicating when to review the tag again. The property tag is then given to the secretary.
10. The Sex Crimes Property Tag system is maintained in a computerized database. Entries and updates are completed by the secretary. Once the yellow property tag is placed in the property tag in-bin, any disposition of property will be routed through the secretary for updates in the system. The secretary is responsible for:
 - a. Logging all new property tags into the computerized database system.
 - b. Generate a report from the database after the first six months period and deliver to the appropriate sergeant for distribution to detectives.
 - c. If the disposition is to "retain" the property, the secretary will enter the reason on the database in the "Dispo" field and retain for another 120 days.
 - d. Partial property release will be deleted in the "Property" field by deleting **only** the property released.

- e. On release of **all** property, "released" will be noted in the "Dispo" field and the release date noted in the "Dispo Date" field.
- f. Tags are filed by the **day** of the month it is to be purged.

K. Disposition of Impounded Property

1. The disposition of property seized pursuant to a search warrant is governed by Penal Code Sections 1535 through 1540. **Property seized under a search warrant will not be released without a Court Order.** To avoid premature or incorrect release, take special care to insure that property tags and reports are identified as search warrant property.
2. Evidence will be retained for a minimum of six months if the victim declines prosecution. (This will allow the victim time to change her mind about pursuing prosecution if desired.)
3. Evidence will also be retained for a minimum of six months if the District Attorney rejects the case due to insufficient evidence. (More cases could surface and/or additional evidence develop that could make the case prosecutable.)
4. Evidence in cases proven to be unfounded or trials resulting in an acquittal should be disposed of as soon as possible.
5. Evidence in cases resulting in a guilty verdict by a jury should be retained for at least one year after adjudication and then only disposed of after approval of the trial deputy.

L. Release of Impounded Property

1. Property will only be released during Property Room hours 0730-1700 Monday through Friday. Citizens must have valid picture identification and Property Release Form (PD 184) to receive property. No citizens should be sent to the Property Room to receive property without the required release form.
2. Citizens with court orders for the release of property must present them to the appropriate investigator so that they can receive a property release form before going to the Property Room.

- a. For security reasons, the public is not authorized to enter the officer impound area of the Property Room.
 - b. The public should access the Property Room through the E Street Entrance. This policy applies even if the citizen is escorted by a police officer.
 - c. It is incumbent upon the assigned Investigator or Investigative Aide to release property to its rightful owner or arrange for disposal of property as soon as practical. The officer shall notify the owner or finder when and where to pick up the property. Specify the Police Property Room location.
 - d. The officer will prepare a Property Release Form (PD 184) in triplicate, forward the ORIGINAL to the Property Room, and make a copy for the property owner or his agent as named on the form. The third copy will be retained by the investigator.
 - e. If all property listed on the Property Tag (PD 727) is to be released, the officer will mark the reverse side of the YELLOW copy of the Property Tag to read "ready for Release to Owner." Indicate the date and manner by which the owner was notified. This copy will then be forwarded to the Property Room with the ORIGINAL of the Property Release form. The copy of the Property Release Form will be sent by the Investigator to the person to whom the property is to be released.
 - f. When only a partial release of property is to be made, note this on the YELLOW copy and retain the YELLOW copy until final disposition of all listed property. Several partial releases may be prepared on a single Property Tag. Each release must be specific as to each item to be released. Originals of all property releases sent out will be sent to and retained by the Property Room, M.S. 729.
 - g. A SEPARATE Property Release Form is required for each individual Property Tag Number. Whenever property from the same case is impounded on multiple tags, a separate Property Release Form is required for each Property Tag. A single Property Release form will not be accepted for more than one tag.
3. Procedure for Returning Property Directly to the Owner.

- a. It is permissible, in certain situations, to release property directly to the owner.
 - b. The officer must sign a receipt for the property by using the reverse side of the ORIGINAL copy of the Property Tag Form. Obtain a signed receipt from the person receiving the property using the Property Release Form.
 - c. When all property is released, it must be so indicated on both the ORIGINAL copy of the Property Tag and the Property Release Form.
 - (1) The YELLOW copy of the Property Tag will then be forwarded to the Headquarters Property Room with the Property Release Form signed by the person who received the property.
 - (2) The signed forms are filed in the Headquarters Property Room.
 - d. When a partial release of property directly to the owner is to be made, the officer will follow the same procedure, except the YELLOW copy of the Property Tag will be retained until final disposition of ALL property is complete.
4. Property Checked out for Court Use
- a. When property is checked out for court use, the officer receiving it will be given a Court Evidence Receipt Form (PD 233).
 - b. The form will be completed and returned to the Property Room if evidence is not returned.
 - c. If the evidence is retained by the Court, it is imperative that the Court Clerk sign for any evidence retained by the Court.
 - d. The Court Evidence Receipt Form will be returned to the Headquarters Property Room on the same day the Court assumed control of the evidence.
 - e. If the Headquarters Property Room is closed, the form shall be left in the gray mail box in the impound area office.

- f. Failure to complete the Court Evidence Receipt Form will result in notification of the appropriate Commander.

M. Issuance Procedures

1. Effective January 1, 1996, Penal Code section 825(a) was amended to change the time limits on arraignments of defendants after arrests. (See the Investigative Procedures Manual, page 17, for further details.)
2. Prisoners shall be arraigned within 48 hours of their arrest. This means that a person arrested during court hours (generally before 5:00 p.m.) must be arraigned no later than 48 hours from the time of the arrest.
3. When determining the date of arraignment, Saturdays, Sundays and official court holidays are not included.
4. For example, under the 48 hour rule, if the person was arrested after 5:00 p.m. on Tuesday, the arrestee must be arraigned before the end of the day on Friday. If the arrest was before 5:00 p.m., then the arraignment would take place before the close of business on Thursday. Thus, the time of the arrest determines the day of the arraignment.

NOTE: An exception to the 48 hour rule occurs when a defendant is arrested on a non-holiday Wednesday. Any case resulting from a Wednesday arrest must be filed on Friday, regardless of the time of the arrest unless either: 1) the Wednesday or 2) the following Friday is a court holiday.

5. The effect of this statutory change provides, in most cases, an additional court day to arraign an in-custody defendant. However, the District Attorney's Office requests that all law enforcement agencies continue their practice of submitting cases for issuance and arraignment on the second day after the arrest. Saturdays, Sundays and holidays are still excluded from this computation.
6. In most cases, the completed investigative package should be in the DA's office on the second day after arrest. However, this statutory change provides an excellent opportunity to allow additional investigation in complex cases.
7. If the case will be handled by the downtown prosecutor's office, Detectives should have their DA Package to JURIS by 1300 hours.

8. Arraignments are assigned to the prosecutor's office where the arrest occurred. If the arrest is a San Diego case, the detective needs to contact the DA liaison at 531-4359, by 0900 hours, to arrange for the arraignment to be held downtown. If the case will be handled by an outlying office, such as Southbay, the DA package must be delivered to that office by 0900 hours.
9. Detectives should advise the DA Liaison by telephone (531-4359) of the disposition of an in- custody by 1000 hours. This will allow Juris to complete the necessary paperwork within the appropriate time frame.
10. Drop charges or a change in charges shall be evaluated and approved by the Sex Crimes sergeant. A sergeant's signature is not required to add charges. Coordinate releases and/or change of charges with other Units concerned.
11. It is the assigned investigator's responsibility to have a prisoner charged within the time frame, or to make arrangements for other dispositions.
12. It is the responsibility of all sworn personnel processing prisoner releases and/or Change of Charge forms to FAX the form directly to the appropriate detention facility. The original should be forwarded to records. **The Watch Commander's office is no longer responsible for forwarding the release order and/or Change of Charge form to the jails.**
 - a. Detention facility FAX numbers.
 - b. Men's facility -- 615-2576
 - c. Women's facility -- 258-1514

N. Criteria for Crime Case Cancellation (See page 47 for further information)

1. Crime cases may be canceled only under one of the following conditions:
 - a. Cancelled by Arrest:
 - (1) Suspect is arrested and charged with the offense; suspect is arrested but charged with a lesser included offense; suspect is arrested out of state and tried in that jurisdiction, and is not likely to return to California; or a Notify Warrant is issued for the suspect.

- b. Cancelled by Exception:
 - (1) Suspect is arrested or identified and the victim refuses to prosecute; the City or District Attorney refuses to issue a complaint because of prosecutorial discretion; the City or District Attorney refuses to issue a complaint because of a defective arrest; a Notify Warrant is requested but not issued; extradition is denied; or the suspect dies (including suicide).

- c. Cancelled as Unfounded:
 - (1) The investigation proves the crime did not occur (elements not present, false crime report, lost property, etc.); or there is no victim.
 - (2) Crime cases cannot be cancelled simply because a warrant of arrest has been issued; the case cannot be cancelled until the warrant is served. It is permissible to cancel cases when a suspect provides sufficient information to indicate that he is responsible, even though the information might be provided outside his Miranda rights or for some other reason cannot be used for prosecution purposes. Cases cannot be cancelled based solely on the suspect's method of operations.

2. Sex Crimes Unit Cancellations

- a. It is the investigator's responsibility to insure the crime code section on the cancellation form is correct. Therefore, the following procedure for processing cancellations through Data Entry will be adhered to:
 - (1) All crime cases will be canceled by the information provided on the "Crime Case Cancellation" form (PD 1101).
 - (2) When the code section listed on the crime case differs from the code section listed on the cancellation (PD 1101), the Data Entry Operator will change the code section for the case in the ARJIS System and cancel the case with the new code section. For example, if case #99-000001 was originally reported as a 459 PC, but the cancellation comes in as a 484 PC, the operator will change the code section on the report in ARJIS to a 484 PC

- (3) Investigators should make any requested crime code section changes on their work copies in order to maintain the most up-to-date information. If an investigator requested a change on a code section of a crime report prior to the cancellation of the case, but fails to put the new code section on the cancellation form, the case will be changed to reflect the code section on the cancellation. For example, if case #99-000001 was originally reported as a 459 PC and was changed to a 484 PC, but cancelled as a 459 PC, the computer entry will be changed to 459 PC
- (4) All cases associated with "Key" cases will be canceled by the crime code given on the cancellation form. For example, Key Case #99-000002 a 459 PC, has five other cases associated with it. Two are 459's and three are 484's. If case #99-000002 is canceled as a 459 and all other cases are listed on the same PD-1101, the 484's will be changed to 459's and canceled. If the investigator wants the 484's canceled as 484's, he/she must prepare a separate PD 1101, still noting the key case, but using the crime code of 484 PC
- (5) Investigators will be notified of discrepancies only if the ARJIS System will not take a change in crime type because of an incompatible "MO." (ARJIS has specific "MO" criteria for various code sections which must match before entry can be made.)

O. Detention of Minors

1. The placement of minors in secure detention is governed by the following guidelines:
 - a. Secure detention is permitted only if the minor is 14 years or older, has committed a criminal law violation (section 602 W&I) and represents a serious security risk of harm to self or others.
 - b. Detention of the minor may not be longer than six (6) hours. The time of detention begins when the minor enters the station.

- c. The time constraint does not include field detention time, transportation time, or the time a juvenile is in a vehicle in the sallyport.
 - d. Minors must be separated from adults.
 - e. Minors must know how long the incarceration can last.
 - f. The Juvenile Detention Log must be completely filled in on each minor placed in secure detention.
2. The failure to follow these guidelines may subject you to civil liability.

P. Notification Procedure and Order of Call Back

- 1. The Sex Crimes Unit Sergeant should be notified of any of the following sex crimes:
 - a. Complicated crime scenes requiring lab or detective personnel.
 - b. Exceptionally violent cases where the victim is severely injured.
 - c. Kidnaping/Sexual Assaults
 - d. Residential hot prowls involving sexual assaults.
 - e. Any case suspected of being part of a series.
 - f. High profile cases or those that will generate concern within the community or unusual interest by the media, i.e., young children, elderly victims, unusual suspect profiles or suspects impersonating police officers.
- 2. The Sex Crimes Unit (531-2210) should be notified of any sex crime occurring during business hours. The Unit is operational Monday through Friday from 0630 to 1800 hours. A Sex Crimes Unit detective also works weekends between 0730 and 1800 hours and may be reached by phone or pager.
- 3. After normal working hours, notification and call- back of Sex Crimes personnel should be initiated through the Watch Commander's office. The Watch Commander maintains a list of the on-call Sex Crimes sergeant and detective and will make the appropriate notification.

Q. Polygraph

1. Detectives must make arrangements with the Polygraph Unit for examination of a suspect. Approximately two days lead time is required, although short notice polygraphs can be obtained if justified.
2. If an investigator knows a suspect or other person will be coming to the office for an interview and a polygraph may be required, he/she should make arrangements with the Polygraph Unit sufficiently in advance to arrange for an appointment.
3. 637.4 PC prohibits law enforcement from requiring or requesting any sex crime victim to submit to a polygraph examination as a prerequisite to filing an accusatory pleading.
4. The detective must provide specific questions to the polygraph technician prior to the appointment. Detectives should be careful how questions are framed, i.e., "Did you molest the child?" could be ambiguous since "molest" could be interpreted a number of different ways. Specific questions should be asked, i.e., "Did you put your finger in (the victim's name) vagina?"

R. Witness Interviews.

1. The same care should be exercised with juvenile witnesses as with juvenile victims. Refer to page 2.

S. Coordination with District Attorney and City Attorney Offices.

1. District Attorney:
 - a. D.A. Package (See page 47 for additional information). The package sent to the DA shall consist of the following, arranged as specified, in a file folder. All items will be two hole punched and securely fastened.
 - (1) Left side of the folder (arranged in the following order from the top of the stack down.)
 - (2) **NOTE: The left side of the folder has information which is confidential. The information on the right side of the folder is Discoverable.**

- (a) Statement of case - Part 1 (form DA-160)
 - i) Fill out Defendant Information, Offense and Arrest Information, and Case Information.
 - ii) In the Charge Information, fill in only the Report # block with the case number.
 - iii) In the Special ID For Case block on the bottom of the form, write IN RED the hospital code. (See page 15 for hospital codes)
- (b) Officer's Report (Form DA-26)
- (c) A BLANK Progress Report form. (Form DA-88)
- (3) On the right side of the folder, include the following information:
 - (a) Criminal History
 - (b) Follow-up report
 - (c) Arrest Report
 - (d) Declaration and Detention
 - (e) Case Report
 - (f) Witness list
 - (g) Impound Slips
 - (h) Photo line-ups (if applicable)
 - (i) Due Diligence form (if the suspect is not in custody and an arrest warrant is being requested.)
 - (j) Staple business card to the folder on the bottom of the right side.

- b. Detectives will immediately call the appropriate DA unit when working an in-custody.
- c. Detectives are responsible for routing all cases through JURIS. In-Custody (see page 50)
- d. D.A. Issuing Guidelines for different specialized units, i.e., Child Abuse, Statutory Rape Vertical Prosecution Unit, Domestic Violence, and Superior Court, are contained in Section IV.
- e. In most cases, the DA's office will not issue a sexual assault case without interviewing the victim first. This includes requests for warrants.
- f. Complaint Request Evaluation (CRE) Procedures
 - (1) CRE's are routed to the Unit supervisor via the District Attorney Liaison. The supervisor will forward the CRE to the assigned detective who will complete any additional work required within the requested time frame, or, if a due date is not advised, as soon as possible.
 - (2) Follow-up work and addendums will be approved by a supervisor. All CRE's will be routed to the DA Liaison who will forward the paperwork to the requesting District Attorney. CRE's **will not** be routed to the DA directly since the Liaison must log receipt of the requested work. If this policy is not adhered to, the DA Liaison will send late notices through the investigator's chain of command.
 - (3) Supervisors will review all CRE rejections. Detectives will insure that the original copy is filed in Records, and a cancellation is completed. The cancellation is then routed through a supervisor for approval and to update the log book.

2. City Attorney:

- a. For those cases referred to the City Attorney under 17 b (4) PC, the investigator will complete the CITY PROSECUTOR'S CASE REPORT (see page 44 for form).

- b. Attach the basic investigation forms (essentially the right hand side of the District Attorney's package) to the completed form and forward to the City Attorney's Office.
- c. When necessary, complete a follow-up report and attach it to the package.

T. Children's Services Bureau:

1. Children's Services Bureau frequently receives the first report of a child abuse via the Child Abuse Hotline. However, the public often turns to the police when it believes a child needs protection or a crime has been committed against the child. The public is also aware that officers are available 24 hours a day for responding to emergencies.
2. By law, the Child Abuse Hotline and Law Enforcement cross report all suspected child abuse reports. Based upon the information received, an assessment is made as to whether an immediate response is required. The law enforcement response might involve an immediate dispatch of a patrol officer or an investigation by a detective. In many instances, suspected child abuse reports go directly to the detectives.
3. Patrol officers frequently respond to radio calls to "meet the social worker". Officers must conduct an investigation if a crime has occurred. **They are not "cover officers" for social workers.**
4. Levant Street facility.
 - a. The Levant Street facility operates the Child Abuse Hotline (which can be reached at 560-2191) between 0700 hours and 2300 hours. At other times, Polinsky Center will provide similar services.
 - b. The Hot Line receives approximately 5,000 calls per month. Nearly 125 of these are serious enough to warrant removing the child from the home and placing in Polinsky Center. Immediate danger to the child is the key to removal. (See page 59 below.)
 - c. An investigation must be completed by CPS within two days after the child is placed in Polinsky Center.

- d. Children's Services Bureau can share local records, and information from other jurisdictions throughout the state on juveniles, and adult child abusers, with law enforcement.
 - e. All incidents should have a minimum of a 153 completed. This is necessary to track potential problems within the county when incidents occur in different jurisdictions (San Diego, La Mesa, National City, etc.)
5. Procedures to remove child from home and place in Polinsky Center.
- a. The Polinsky Center is located at 9400 Ruffin Road, San Diego, CA 92123. The Center's staff is dedicated to meeting the needs of the growing number of abused, neglected and abandoned children in San Diego County.
 - b. Under Section 305 of the Welfare and Institutions Code, any PEACE OFFICER may, without a warrant, take into temporary custody a minor:
 - (1) When the officer has reasonable cause described in Section 300 W&I (see below) and that the minor has an immediate need for medical care, or the minor is in immediate danger of physical or sexual abuse, or the physical environment or the fact that the child is left unattended, poses an immediate threat to the child's health or safety.
 - (2) Who is in a hospital and release of the minor to a parent poses an immediate danger to the child's health or safety.
 - (3) Who is a dependent child of the juvenile court, or concerning whom an order has been made under Section 319, when the officer has reasonable cause for believing that the minor has violated an order of the juvenile court or has left any placement order by the juvenile court.
 - (4) Who is found in any street or public place suffering from any sickness or injury.
 - c. Section 300(a) of the Welfare and Institutions Code allows a law enforcement officer to remove a child from his/her home when:

- (1) The minor has suffered, or there is a substantial risk that the minor will suffer, serious physical harm inflicted non-accidentally upon the minor.
- (2) The minor suffered, or there is a substantial risk that the minor will suffer, serious physical harm or illness as a result of the failure or inability of his or her parent or guardian to adequately supervise or protect the minor, or the willful or negligent failure of the minor's parent or guardian to adequately supervise or protect the minor from the conduct of the custodian with whom the minor has been left.
- (3) The minor is suffering serious emotional damage, or is at risk of suffering serious emotional damage toward self or others, as a result of the conduct of the parent or guardian.
- (4) The minor has been sexually abused or there is substantial risk that the minor will be sexually abused.
- (5) The minor is under the age of five and has suffered severe physical abuse by a parent, or by any person known by the parent, if the parent knew or reasonably should have known that the person was physically abusing the minor.
- (6) The minor's parent or guardian has been convicted of causing the death of another child through abuse or neglect.
- (7) The minor has been left without any provision for support; the minor's parent has been incarcerated or institutionalized and cannot arrange for the care of the minor; or a relative or other adult custodian with whom the child resides or has been left is unwilling or unable to provide care or support for the child.
- (8) The minor's sibling has been abused or neglected and there is a substantial risk that the minor will be abused or neglected. The officer should consider the circumstances surrounding the abuse or neglect of the sibling, the age and gender of each child, the nature of the abuse or neglect and the mental condition of the parent or guardian.

6. Mandated reporting requirements.
 - a. The San Diego Police Department is a Child Protective agency, and as such, employees must report every suspected incident of child abuse it receives to Children's Services Bureau (CSB) and if applicable, the agency who has jurisdiction where the crime occurred.
 - b. There are two separate reporting requirements. Mandated reporting requirements for child abuse cases are contained in 11165 through 11174.5 of the California Penal Code. Essentially, the first requires that you cross report any suspected instance of child abuse to Children's Services Bureau as soon as practically possible by telephone and submit a written report thereof within 36 hours of receiving the information concerning the incident.
 - c. If law enforcement receives a report of suspected child abuse from CSB (usually referred to Sex Crimes on a CAIR), then the detective does not have to cross report the allegation.
 - d. Investigators assigned hold pending investigations, ARJIS 9's or crime reports, involving a child under the age of eighteen which was initiated by patrol officers **MUST** cross report by telephone as soon as practically possible and submit a written report to CSB within 36 hours.
 - (1) Cross reporting by telephone can be accomplished by calling the hotline at 560-2191.
 - e. The second requirement states that a Child Protective agency must report every incident of suspected child abuse for which they conduct an investigation to DOJ on Form SS 8583.
 - (1) Form SS 8583 needs to be completed if the incident is cross reported to you on any form other than the SS 8583. **No other form will be accepted in lieu of Form SS 8583.** (You do not need to complete one if it has already been done.)
 - (2) Form SS 8583 must be submitted as soon as an active investigation is initiated, unless proven to be unfounded. Reasons for unfounding an incident include:

- (a) False reporting: factually improbable; accident; and/or the incident does not constitute child abuse as defined under Section 11165 PC.
 - (b) Acts of consensual sexual behavior between minors under the age of 14 years who are of similar age.
 - (c) Reports of adults who report themselves as the victims of prior child abuse.
 - (d) Child stealing, unless involving sexual abuse.
- (3) You are required to complete and forward the form as soon as possible, after notification, within a few days, even if the investigation is not concluded. Forwarding the form should only be delayed in those cases where the investigation will be completed within a few days of your initial notification. **Do not routinely delay reporting until your investigation is complete.**
 - (4) The form has four (4) pages which are, respectively, sent for reporting to DOJ, CPS (CSB), and the District Attorney's Office. The white copy stays with your investigative file and will be sent with the completed follow-up package to Records Division.
 - (5) All areas of the report must be appropriately completed or DOJ will return it to the originating agency for completion.
 - (6) See page 150 for instructions for completing the form.

U. Laboratory Service Request Procedures:

- 1. The Lab Service Request forms for toxicology and DNA have been specifically designed for our needs.
- 2. When requesting DNA work, detectives will complete the lab services request form and the preliminary rape case information form. PD 481 **will not** be used for DNA work. Requests for DNA analysis must be approved by a sex crimes supervisor.
- 3. The DNA Lab Service Request Form must be complete and include:

- a. Unit and mail station number
- b. Date of request
- c. Victim's first and last name
- d. Suspect's first and last name
- e. Offense code and case number
- f. Detective's name and direct phone number
- g. Detective's sergeant's name and direct phone number
- h. Cases will be given processing priority by the status of the case.
 - (1) The first priority will be given to cases pending trial. Therefore, it is imperative that you provide the lab with the name of the assigned DDA and any court dates as soon as they become available. The lab must also be notified of any change in the status of the case, i.e., the suspect pleads guilty, as soon as possible.
 - (2) The second priority will be given to those cases where the District Attorney will issue the case if forensic evidence is identified.
 - (3) The third priority will be given to cases with possible suspects.
 - (4) Potential series will also be evaluated and prioritized based on the magnitude of the series and possible evidence.
- i. Note whether a victim/suspect/consensual partner reference sample has been collected. List the property tag number and the B number. **DNA work will not be requested if a suspect reference sample is unavailable.** If several suspects are possible, the reference samples should all be submitted for analysis at the same time.
- j. Clearly note whether you are looking for trace evidence; hairs or fibers, or biological evidence; blood, semen, saliva, or fingernail scrapings.

- k. Prioritize and list the items you want examined based on the victim's history of the assault. The first item listed should be the one most likely to provide DNA evidence.
 - l. Consider the possible consequences of your request, i.e., "Examine the victim's rape kit for semen." If the suspect admits to having sex with the victim but claims it was consensual, identification of the suspect's DNA is most likely unproductive. Forensic evidence is typically used to identify a suspect. A request, however, might still be made to identify the victim's blood if she was injured during the assault. Blood could corroborate force and help to overcome a consent defense.
4. The Preliminary Rape Case Information must be complete and include:
- a. Case #
 - b. Detective's Name
 - c. Victim/Suspect's name
 - d. Whether the victim had consensual sex with a partner within 96 hours of the time the rape samples were collected. If yes, a reference sample must be obtained from all consensual partners before submitting a request for DNA analysis to the laboratory.
 - e. The type of sexual assault;
 - (1) Oral, fellatio or cunnilingus, victim on suspect or suspect on victim?
 - (2) Anal activity?
 - (3) Did the suspect ejaculate and where?
 - (4) Whether a condom was worn during the assault?
 - (5) Whether the victim or suspect were bleeding during the assault and from what areas of the body?
 - (6) Whether the victim or suspect received a blood transfusion?

- (7) Was the victim menstruating?
- (8) Was clothing collected other than what was worn to the hospital, i.e., clothing collected from the scene?
 - (a) What clothing was worn during and after the assault?
 - (b) Based on the victim's history, which items of clothing are most likely to have seminal fluid stains from the suspect?
- (9) Was bedding collected?
 - (a) Based on the victim's history, which item of bedding is most likely to have seminal fluid stains from the suspect?
 - (b) Did any type of consensual sex act take place on the bedding since the last time it was washed? If yes, unless the seminal fluid stains related to the assault can be identified for the analyst, it will be necessary to obtain blood and saliva standards from all individuals before any comparison analysis is performed.
 - (c) If information concerning the history of the bedding is not obtained, the bedding will not be examined.
 - (d) Bedding that has not been washed since any consensual sex acts between the victim and the suspect took place will not be examined.
- (10) Were any other items collected from the scene? If yes, list items collected.
- (11) Has a suspect been identified and are reference samples available?
- (12) Do the suspect and victim know each other? If yes, at the time of the assault, were they involved in a consensual sexual relationship?

(13) Other relevant information.

5. Requests for fingerprint examinations will be made on Form PD 877.
6. The investigator will hand carry or mail completed Lab Service Requests to the Laboratory.
7. The Sex Crimes Toxicology request form is used for toxicology analysis for drugs and alcohol. (This form is different than the form used by Units other than Sex Crimes.) The San Diego Police Department Forensic Science Unit has a contract with Bio-Tox Laboratories in Riverside, California, to screen for general and prescription drug panels. Bio-Tox will test the urine by immunoassay and confirm any positive result using Gas Chromatography-Mass Spectrometry (GC/MS). Drugs generally screened include:
 - a. Amphetamines
 - b. Cocaine
 - c. Opiates **URINE SAMPLE PREFERRED**
 - d. Phencyclidine **FOR THIS PANEL**
 - e. Benzodiazepines
 - f. Marijuana
8. In a drug facilitated sexual assault investigation, prescription drugs will most likely need to be screened also. These may include:
 - a. Chlorpheniramine
 - b. Diphenhydramine
 - c. Brompheniramine
 - d. Destromethorphan
 - e. Meperidine
 - f. Verapamil
 - g. Orphenadrine
 - h. Amitriptyline **URINE SAMPLE PREFERRED**
 - i. Meprobamate **FOR THIS PANEL**
 - j. Methaqualone
 - k. Barbituates
 - l. Carisoprodol
 - m. Desipramine
 - n. Imipramine
 - o. Lidocaine

- p. Thioridazine
9. Some drugs require highly sensitive testing which is available at a higher cost and require additional time for analysis. In addition, the tests are performed in different laboratories. Specialized drug panels are screened by the Department of Justice Toxicology Laboratory in Sacramento, CA. In a suspected DFSA, Detectives need to make sure there is enough urine to split the sample between the two laboratories. If there is an insufficient amount of urine and a DFSA is highly suspect, it may require that the sample be submitted directly to DOJ. If there is more than one urine sample, it is critical that the first void urine be submitted to DOJ for the specialized drug panel since these drugs are most difficult to detect with the passage of time.
 10. DOJ has developed 5 ng detection levels for Rohypnol metabolites and Scopolamine. A specialized panel also includes:
 - a. Barbiturates
 - b. Rohypnol
 - c. GHB **URINE SAMPLE PREFERRED**
 - d. Soma **FOR THIS PANEL**
 - e. Ketamine
 - f. Scopolamine
 11. Detectives requiring a specialized panel will complete a Sex Crimes Toxicology request form and obtain a supervisor's approval. The form must include:
 - a. Unit, Mail Station and Date of request
 - b. Subject's last name, first name and DOB
 - c. Detective's name and phone number
 - d. Sergeant's name and phone number
 - e. Property tag number
 - f. Blood Alcohol number, if known
 - g. Urine Alcohol number, if known
 - h. Date/Time of assault

- i. Date/Time of Forensic Examination
 - j. Number of hours between incident and sample collection
 - k. Blood alcohol result, if known
 - l. Time of first void urine
 - m. Time of second void urine
 - n. Objective symptoms suffered by subject following ingestion
 - o. Drug panel selected
12. The form will be submitted to the lab toxicology supervisor who will authorize the testing and complete the appropriate Bio-Tox form.
- a. After approval, the toxicology supervisor will forward the Bio-Tox request form to the vault as authorization to prepare the sample for testing. The lab will maintain the Sex Crimes toxicology request with a copy of the Bio-Tox request form.
 - b. The evidence will be picked up by Lab personnel from the Property Room.
13. Detectives will make a copy of lab service requests which will be placed in the Lab Notebook at the front desk and maintained by the Unit secretary for tracking purposes.
14. A copy of the Lab Service Request and the results will be included in the prosecution package presented to the prosecuting agency.
15. When completing the witness list (see page 56), the investigator will list the Lab expert's name and the Lab number (found on the Lab Service Request form).
16. Forensic Paternity Testing
- a. The San Diego Police Department has a contract with Paternity Testing Corporation, 3501 Berrywood Dr., Columbia, MO 65201 (800) 888-

837-8323, to provide paternity testing of a live child using blood or buccal swab reference samples.

- b. Paternity may also be established using fetal tissue in those cases where the victim elects to have an abortion of in the case of a spontaneous abortion.
- c. The laboratory will notify the detective if a sample does not meet the criteria for acceptance and a re-draw will be coordinated as soon as possible.
- d. Paternity testing on fetal samples.
 - (1) Fetal tissue collection kits are stored in the Sex Crimes Unit with the other forensic supplies. The fetal tissue collection kit should include:
 - (a) Sterile 50 cc screw-cap centrifuge tube
 - (b) Labels for centrifuge tube
 - (c) Permanent marker (Ultrafine point)
 - (d) Plastic ziploc baggie
 - (e) Security seal
 - (f) TYVEK 12" X 15" envelope
 - (g) Small Cooler
 - (2) Have the physician collect 3-5 cc of fetal material and place in the sterile screw-cap tube provided. Label the tube with the name of mother, date and time.
 - (3) Place the collected fetal tissue in a ziploc plastic bag and put on ice in a small cooler. A cooler can be obtained in advance from the Forensic Biology Unit.
 - (4) Fill out the San Diego Police Department Request for Paternity Evaluation Form. After obtaining a Sex Crimes supervisor's approval, submit the form to the Forensic Science Section, MS #715.
 - (5) The Forensic Biology Section will send the fetal tissue samples to Cellmark Diagnostic Laboratories in Maryland for analysis. The analysis should take at least four weeks to perform.

- (6) All samples should be taken to the property room and assigned a Property Tag Number.
 - (7) The Property Room should be told that blood samples must be refrigerated and mouth swabs and fetal material must be frozen.
- e. When the analysis is complete, the detective will receive a copy of the laboratory report addressing biological parentage in connection with the samples submitted. An explanation sheet will be attached to help interpret the results. Any questions should be referred to our Forensic Biology Unit.

V. Required Reports and Record Keeping:

- 1. Unit Daily Crime Log.
- 2. Unit Arrest Log.
- 3. Monthly Statistics Sheet.
- 4. Property tag procedures (see page 47).
- 5. Long distance telephone logs

W. Live Line-ups

- 1. In most major felonies where eyewitnesses are available and the suspect is in custody, a physical live line-up should be conducted. The rules concerning live line-ups change frequently, but there are general instructions that should be adhered to.
- 2. Once a line-up is determined necessary, the investigator must consider: the timeliness of the line-up, the availability of the witness(es), the admonishment and control of both witnesses and defendant, and strict impartiality in the demeanor of the line-up.
- 3. Organizing the Line-up
 - a. Contact the Central Jail and ask to speak to the live line-up deputy at 615-2443 to arrange for the line-up.

- b. Be prepared to submit the name of the suspect, his physical description and booking number to the deputy.
- c. Allow the deputy sufficient time to view your suspect, in order to select like-appearing participants for the line-up. All subjects in the line-up should be as close as possible in age, height, weight, skin tone, hair length and coloring. If anything of an unusual nature exists with your suspect, this should be considered as well.
- d. The Sheriff's Line-up Deputy will usually assign you the first available appointment for your line-up. (Remember the deputy has restrictions on the number of line-ups which can be handled and there are numerous agencies making requests for these appointments.)
- e. Once a line-up appointment has been obtained, contact your witnesses and have them meet with you at least 30 minutes prior to the appointed line-up time. When calling witnesses to a line-up, refrain from giving an indication that "the suspect" is in custody; merely request that they appear to view a group of individuals pertaining to the investigation of their reported crime.
- f. **The detective conducting the live line-up is responsible for notification of the District Attorney's office and the defense attorney.**
- g. Always view the line-up yourself prior to putting it on stage. If it is obviously not a good line-up, DO NOT go through with it. Generally, the suspect should be allowed to select his number in the line-up. Prior to the start of the line-up, instruct the participants of the type of movements you wish them to make, giving specific directions. Be certain that every participant in the line-up does and says exactly the same thing.
- h. Procedure for Attorneys at Line-ups
 - (1) The suspect is entitled to a lawyer at a live line-up whether charges have been filed or not.
 - (2) The suspect must be advised of the right to have an attorney present at the line-up as soon as possible prior to the line-up

and should be asked whether or not an attorney has been retained.

- (3) If not, the suspect should be advised that if an attorney cannot be afforded, one will be provided free of charge.
- (4) If the suspect indicates that counsel can be retained, explain the date and time of the line-up and impress the fact that it is the responsibility of the suspect to have the attorney present.
- (5) No later than the day before the line-up, the suspect should be re-contacted and asked whether the necessary arrangements have been made, and if not, contact Defender's Inc. at 234-8741.
- (6) Contact the District Attorney's Liaison Office and a form notice will be prepared for Defender's Inc. to insure the appearance of an attorney from that agency at the line-up.
- (7) If the suspect's lawyer does not appear at the line-up or indicates in any way that an appearance will not be made at the line-up, contact the Deputy District Attorney handling the case or the District Attorney's Liaison before proceeding with the line-up.
- (8) A suspect may waive the right to an attorney at the line-up, but it must be done freely, intelligently and in writing.
 - i. Carefully instruct your witnesses of the line-up procedures prior to the start of the line-up. Utilize the SDPD line-up card (PD-133 (7-71)). Have each witness fill out the personal information portion of the card prior to the line-up. Inform them that each person in the line-up will stand under a designated number. In the event they recognize one of the subjects in the line-up as being responsible for their crime, place his number on the line-up card. Inform the witnesses that the participants in the line-up will be asked to speak, face different directions and walk a short distance.
 - j. Maintain absolute control of the seating arrangement of your viewers. Spread them out and strongly admonish them that there will be no communication, verbal or otherwise, during the line-up. Have your

viewers seated before the line-up participants are brought onto the stage. After the line-up has been run through once, ask the viewers individually if there is anything else they want the subjects to do or say. Any requests by the victim(s) or witness(es) should be written on the form and collected by the detective.

- k. The line-up will be documented using 35mm film or a video camera.
- l. In instances where you have a series with a large number of victims and/or witnesses, it may be advantageous to video tape the line-up, as well as the normal photograph procedure. The video tape can then be used to show the same line-up to the victims and/or witnesses who were not present at the live line-up.

Special Note - Consider videotaping all of the subjects from head to toe. There have been instances where sex offenders have been sexually aroused when asked to repeat statements made to a victim during an assault.

- 4. At the conclusion of your line-up, obtain a copy of the line-up participants from the Sheriff's Deputy for identification purposes and include this report as an integral part of your investigative report.
- 5. The detective conducting the live line-up is responsible for bringing the needed equipment and forms to the line-up (i.e., suspect/witness admonitions, witness cards, camera, pencils, clothing, ski masks, etc.) The equipment needed is kept in the "Live Line-up" case. D.P. 4.2 (Eyewitness Identification) addresses line-ups in general.
- 6. Admonition given to the suspect
 - a. The following admonition should be given to the suspect prior to starting the line-up:

* * * * *

ADMONITION TO SUSPECTS

We are going to conduct a line-up in which you will participate. Witnesses will observe you and determine whether you are responsible for the crime of _____ or if you are not involved. You will be asked to speak, walk, turn, assume a stance or a gesture or don clothing. You have a right to remain

silent and need not answer any questions; however, witnesses will be asked whether or not they can identify you or your voice. While they look at you, I will ask you to repeat certain words. Although you need not answer any questions I ask, your right to remain silent does not give you a right to refuse to repeat these words or follow other direction. Your refusal can and will be used as evidence against you in court.

* * * * *

NOTE: If judicial process has been originated in the matter for which your line-up is being conducted, then you must also advise the defendant as to his right to have counsel at the line-up. (For the purpose of this instruction, Judicial Process commences with the presentation of the case to the District Attorney for complaint.)

- 7. Admonition given to witnesses:
 - a. Prior to starting the line-up, give the following admonition to the witness(es) just prior to the line-up and after witnesses have been seated:

* * * * *

ADMONITION TO WITNESSES

Ladies and Gentlemen, in a few moments, several men will appear on the stage. Each man will be assigned a number, and will be referred to only by number. Each person will be asked to do certain things, such as turning, walking, and speaking. When the entire line has completed this process, I will ask whether anyone desires one or more of the subjects to repeat something. If you do, please write your request on the card, raise your hand and an officer will read your request. In the event one subject is asked to repeat, I will ask the entire line to repeat.

Please do not talk with each other at any time. Communicate only with an officer, and then do so only in writing. When the line-up is completed, please fill out the card we have given you and hand it to an officer, whether you have made an identification or not. If you can identify a subject, mark the card with his corresponding number in the line-up. On the card, write your comments relative to your identification.

* * * * *

8. At the conclusion of the line-up, advise the witnesses of the following:
 - a. You are under no obligation to discuss the case or your identification with anyone, but you may do so if you wish.

9. **REMEMBER:** Never have the suspect do or say anything unless everyone in the line-up does it. **"A POOR Line-up IS WORSE THAN NO Line-up AT ALL!"**

X. Curbstone Line-ups

1. When conducting a curbstone line-up, the following procedures should be adhered to:

2. Always take the witness to the suspect unless:
 - a. Probable Cause to Arrest
 - (1) If you have probable cause to arrest the suspect, you may transport him to the witness(es) for identification.

 - b. Consent
 - (1) If you obtain the valid, voluntary consent of a detainee to move him to the witness for a showup, the movement is lawful.

 - c. Impracticability
 - (1) If it is impossible or impractical to bring the witness to the suspect, the courts will often permit the movement of the suspect to the witness.

 - d. The Witness Is Injured
 - (1) If the witness is injured, it is clearly permissible to transport the suspect to the witness.

 - e. Availability of Officers Is Limited

- (1) If the detention occurs in an area where there are not enough officers to secure the scene, chase other suspects, transport the witnesses, etc., courts have permitted the immediate transportation of the suspect to the witness.
- (2) A one-on-one confrontation between the suspect and a witness or victim is automatically suggestive just because there is only one person to look at, and he is already in police custody.
- (3) Nevertheless, the courts reluctantly make an exception to the general rule that the suspect deserves a full line-up because a show-up held shortly after the offense benefits everyone: The witness has the culprit's image fresh in mind - so an innocent suspect is released immediately, and the police can go on with their investigation while the trail is still fresh.

The amount of time that went by between the crime and the line-up probably should not be more than an hour or two at the most; however, a four hour period has been upheld in a case where all of the other factors have been strong.

- f. Before allowing the victim/witness to view the suspect, read the admonition on the curbstone line-up form to them.
- g. After the victim/witness has viewed the line-up, fill out the form provided.

Y. Photographic Line-ups (Also see page 4 for further information)

1. The construction and documentation of a photographic line-up during an investigation is extremely important and critical toward successful prosecution.
2. The possession and display of photographs should constantly be safeguarded, and for this reason, should never be indiscriminately displayed or allowed to lay out in the open on desks, etc.
3. The main purpose for utilizing a photographic line-up is as an investigative aid to identify or eliminate a suspect prior to focusing on a particular suspect, or where probable cause to arrest has not yet been established.
4. When it is determined that a photographic line-up is in order, the following procedures should be adhered to:

- a. Scrutinize your suspect as to race, skin tones, weight, hair (color, length, style), facial hair or lack of, general facial contour and any other prominent features.
- b. Use the most recent picture of the suspect.
- c. Obtain photos of other persons of the same sex and race with similar facial characteristics.
- d. Make a concerted effort to select fill-in photographs which are as close as possible to that of your suspect.
- e. An acceptable line-up should consist of a minimum of five photographs, including your suspect. Preferably the line-up should consist of six photographs. (Once your photographs have been selected, it is recommended that you have a fellow investigator view your line-up for concurrence regarding the selected group.)
- f. Record separately the names, dates of birth and numbers assigned to each photograph.
- g. If multiple investigators are involved in an investigation, and numerous victims and witnesses are to be shown photographs, use only one photographic line-up throughout the investigation. If at all possible, assign the photographic line-up presentation to one investigator. During the investigation, if a victim or witness is shown photographic line-ups on different occasions, each presentation should be documented.
- h. Give each witness the directions contained in the form on the following page prior to showing the spread.

CASE NUMBER _____

On _____ (date), at _____ (hours),

at _____ (location),

the (victim) (witness) _____

was read the following statement and then allowed to view the photographic line-up:

It is requested that you look through this group of ____ photographs. You are under no obligation to pick out any photo. The suspect(s) may or may not be in this photographic line-up. Please look through the photographs and, to the best of your ability, see if you can identify any of the photographs as the suspect(s) who committed the crime.

(Victim)(Witness) allowed to view the photographic line-up and identified photograph # ____ as the suspect.

(Victim) (Witness) allowed to view the photographic line-up and did not identify any of the photographs. ____

Victim/Witness and officer showing the photographic line-up sign and date the back of the photograph(s) of identified suspect(s).

Photographic line-up presented by _____
(Officer)

of _____, on _____
(Agency) (Date)

Additional comments: _____

- i. If multiple suspects need to be shown, a separate photographic line-up will be used for each suspect.
 - j. If the witness picks a photograph, ask him/her to initial the back of the photo, then initial the photograph yourself.
 - k. Regardless of whether the witness picks the "right" or "wrong" pictures, do not discuss his choice with him/her.
 - l. Place all photographs in an evidence envelope, seal, initial, date and place the evidence with the case packet or with the District Attorney's package.
5. When utilizing photographic line-ups, the investigator must constantly guard against any form of bias or prejudice in his/her presentation of photographs, statements or actions. During the prosecution testimony, it will be incumbent upon the investigator to establish the makeup, documentation, presentation and control of the photographic line-up.
6. See Section IV, District Attorney Interface, (page 4) for further information regarding Photo Line-ups.

Z. Inter-agency Notification Policy

- 1. The following is a copy of the San Diego County Law Enforcement Inter-Agency Notification Policy

SAN DIEGO COUNTY LAW ENFORCEMENT INTER-AGENCY NOTIFICATION POLICY

The nature of undercover narcotics investigations and the proliferation of task forces and teams involved in cross-jurisdictional surveillance and various types of enforcement emphasize the importance of an accepted protocol for inter-agency notifications.

Equally important is the need for recognized procedures in the event of field contacts or confrontation between uniformed and plainclothes officers.

This policy shall address two issues:

1. A protocol for the notification of planned events in another agency's jurisdiction.
2. Suggested procedures to follow in situations involving a field contact or confrontation between undercover officers and uniformed personnel.

I. Definitions.

1. A service agency is the law enforcement agency initiating an investigation or planned event which enters into another agency's jurisdiction.
2. A venue agency is that law enforcement agency having primary responsibility for the delivery of police services in a geographical area.
3. A planned event is a law enforcement activity which can be/is planned in advance, such as the service of a search or arrest warrant, a money or narcotic show, a protracted surveillance, etc.

II. Notification.

1. Prior to a planned event, the service agency shall notify the venue agency, in a timely manner, of the proposed event. Notification will normally be to the venue agency's Watch Commander. Such notification should include:
 - a. The time and location of the planned event and the names of involved persons, if applicable.
 - b. The nature of the planned event, i.e., search warrant, arrest warrant, etc.

- c. An assessment of the potential for problems.
- d. What assistance, if any, is or may be, required of the venue agency.
- e. Descriptions of vehicles involved (suspect and police).

III Narcotics Related Investigations.

1. The following additional steps shall be taken to avoid confrontation between law enforcement officers involved in narcotics related cases and to reduce the overlap of investigative steps taken:
 - a. Inquiry to Narcotics Information Network (NIN) at 614-4151.
 - b. Inquiry to the specific venue agency Narcotics Division.
 - c. Inquiry to the San Diego County Integrated Narcotics Task Force.
2. Once received, the venue agency is responsible for:
 - a. Maintaining the confidentiality of the information and any intra-departmental notifications which they deem necessary.
 - b. Providing reasonable assistance, if requested.
3. At the conclusion of the event, the service agency shall make an exit notification to advise of the event's termination. If possible, this notification should be to the same individuals or their reliefs. Should the event result in a noteworthy incident (i.e., a large seizure, arrest of a notable person, etc.) this information shall likewise be conveyed to the venue agency. Press notifications, if appropriate, should be handled by the service agency or jointly.

SPECIAL NOTE: The volume of warrants served by the San Diego Marshall's Office (SDMO) and the geographical area they serve, makes it impractical for them to routinely follow this policy. Absent reason to believe that the warrant they are about to serve will involve a subject known to currently be under investigation by another law enforcement agency or that the subject of the warrant has a significant propensity for violence, the SDMO is not required to notify local jurisdictions when they are serving arrest warrants.

IV. Field Contact/Confrontations.

1. Because plainclothes/undercover officers are not readily identifiable as law enforcement officers, contacts between them and uniformed personnel include the potential for confrontation. The primary responsibility for avoiding or defusing this risk lies with the non-uniformed officer(s).
 2. Their actions and deportment when contacted by a uniformed officer is critically important. The following suggestions are intended to assist in avoiding or alleviating tension in such contacts:
 - a. Where direct confrontation with suspects is anticipated, the officers involved in the contact should wear clothing (such as a bright yellow raid jacket with the word POLICE clearly printed on it) that clearly identifies the officers.
 - b. When not clearly identified as a police officer, the undercover officer should carry his/her firearm well concealed rather than partially or completely exposed to view.
 - c. When stopped, identify themselves verbally and indicate where credentials and weapons are located.
 - d. Follow the instructions of the uniformed officer explicitly.
 - e. Avoid any sudden movement which could be interpreted as suspicious or threatening. Keep hands in sight and open.
 - f. Comply with any requests of the uniformed officer without hesitation.
 - g. Be prepared to provide the telephone number and name of a supervisor or other agency member who may be contacted for verification as requested by the uniformed officer.
- V. Unplanned Events. Recognizing the changing nature and direction that investigations may take, service agencies may find it necessary to enter into a venue agency's jurisdiction without prior coordination. In such instances, the venue agency will be notified as soon as possible, conforming to above procedures.

AA. Overtime Procedures

1. The Memorandums of Understanding with the POA, MEA, and Local 127, provide for minimum overtime of four hours for sworn personnel and two hours for non-sworn personnel, in those cases when an employee is called back to work. In order to facilitate accurate processing of overtime, additional information is required on the PD 621 (Overtime Authorization Request). The three areas listed below must be clear.
 - a. **Reason for Overtime:** Provide detail as requested. (Nature of call, victim, suspect, court, etc.) Write "callback", if applicable, and indicate supervisor who called you back.
 - b. **Overtime Occurred:** Indicate actual day, date, and hours (military time) worked.
 - c. **Overtime:** Indicate anticipated hours earned. For instance, if you showed time worked to be from 1600-1700, and you indicated "callback" under reason for overtime, then enter 4.0 hours (sworn) or 2.0 hours (non-sworn) here.
2. Callback hours for sworn personnel are awarded as follows for court and for other callback situations.
 - a. **Court** — Those sworn persons working the day shift will receive the minimum of 4 hours for time spent in court prior to the beginning of shift. Time spent in court that continues beyond the end of shift is considered an extension of shift so overtime hours awarded are equal to overtime actually spent in court. Those persons working shifts other than the day shift will receive the minimum of four hours for time spent in court outside the normal work shift or actual overtime hours, whichever is greater.
 - b. **Other Call-back** — Call-back minimum hours will be awarded only when personnel are actually called back to duty from home or another non-work location. Voluntary overtime does not qualify for the callback minimum overtime.
 - c. Employees will earn one day of discretionary leave for every 300 hours on-call, up to a maximum of 1200 hours, or four discretionary leave days per fiscal year.

- d. Department shoots, and training classes are to be scheduled during normal working hours.
- e. Supervisory meetings are to be scheduled during normal working hours. Those supervisors who come from home to attend a supervisor's meeting qualify for call-back minimum overtime.

3. Refer to Department Procedure 1.20 for a full discussion of overtime.

BB. Notification of Medical Assistance Unit of Sick/injured and Light Duty Employees.

- 1. The Medical Assistance Unit (MAU) is responsible for tracking sick and injured employees, and assigning these employees to light duty assignments. It is important that the MAU be notified promptly when an employee is injured or becomes ill so that the employee receives all benefits to which he/she is entitled.
- 2. Department procedure 5.2 states that commands are responsible for notifying the MAU as soon as practical when an employee becomes available for light duty. The Light Duty Coordinator in the MAU is responsible for making all light duty assignments within the Department. The Telephone Report Units have first priority for light duty personnel. If all of these positions are filled, light duty personnel may be retained by a command for up to thirty days, if appropriate light duty work is available and the MAU concurs.
- 3. Commands should provide timely updates on the medical progress of light duty employees, as observed on-the-job, to the MAU. All medical reports received by the commands should be forwarded as soon as practical.

CC. Employee Performance Evaluation Procedures

- 1. The San Diego Police Department Performance Review Program booklet contains detailed instructions for Employee Performance Evaluations. The flow chart below details the required steps for completion of fair and honest evaluations of all personnel.

EMPLOYEE PERFORMANCE EVALUATION FLOW CHART

PERSONNEL DIVISION NOTIFIES COMMAND WHEN EVALUATION IS DUE. SEX CRIMES SENIOR LOGS AND FORWARDS TO APPROPRIATE SUPERVISOR.

9

IMMEDIATE SUPERVISOR MAKES A COPY OF SIGNED PERFORMANCE PLAN AND USES COPY FOR PERFORMANCE EVALUATION. SUPERVISOR COMPLETES EVALUATION.

9

IMMEDIATE SUPERVISOR AND SECOND LEVEL SUPERVISOR DISCUSS EVALUATION. SECOND LEVEL SUPERVISOR INITIALS EVALUATION.

9

IMMEDIATE SUPERVISOR AND EMPLOYEE DISCUSS AND SIGN THE EVALUATION. EVALUATION IS FORWARDED TO SECOND LEVEL SUPERVISOR.

9

SECOND LEVEL SUPERVISOR REVIEWS AND SIGNS EVALUATION AND FORWARDS TO THIRD LEVEL SUPERVISOR.

9

THIRD LEVEL SUPERVISOR REVIEWS AND SIGNS EVALUATION AND RETURNS TO IMMEDIATE SUPERVISOR.

9

FILES A COPY OF THE COMPLETED EVALUATION IN THE EMPLOYEE'S DIVISION FILE, GIVES COPY OF EVALUATION TO THE EMPLOYEE AND SENDS ORIGINAL AND ONE (1) COPY OF THE TOP SHEET TO SEX CRIMES SENIOR.

9

SEX CRIMES SENIOR COMPLETES LOG AND SENDS ORIGINAL AND THE TOP SHEET TO PERSONNEL DIVISION.

9

PERSONNEL DIVISION FILES ORIGINAL IN EMPLOYEE'S PERSONNEL FILE AND SENDS TOP COPY TO CITY PERSONNEL FOR FILING.

PUT A COPY OF THE COMPLETED EVALUATION IN THE EMPLOYEE DIVISION
JACKET

1. Refer to the SDPD Employee Evaluation Manual for Department Policy and Procedures on evaluations and goal setting.

SECTION IV

DISTRICT ATTORNEY INTERFACE

IX. D.A. Issuing Guidelines for Child Molest

A. Jurisdiction

1. Superior Court Division will handle all cases which do not come within the guidelines of a specialized unit.
2. The Domestic Violence Unit reviews all cases relating to domestic situations which meet their criteria. See page 6 for further information.
3. Family Protection Division will handle all felony cases involving victims currently under the age of 14. This is based on the victim's age at the time the case is submitted, not the age at the time of the offense.
4. In cases with multiple victims, jurisdiction will be governed by the age of the youngest child. If the youngest child is currently under 14, Family Protection Division will handle.
5. In cases where the victim is a **minor** over the age of 13, Family Protection Division will handle if the child is developmentally delayed.
6. If there is an unusual circumstance that makes you believe that the Family Protection Division is the best place for a case to be prosecuted, call the Chief of the Unit and explain the reason for your request.

B. Submitting Case Files

1. If the victim interviewed was videotaped, a copy should be included with the reports, in addition to any audio or videotape of the suspect interview. Please do not send any originals except for Polaroid photographs.

C. In-custodies

1. Advise the District Attorney's office as soon as possible when you have an in-custody. Call them even if you have not seen the paperwork.
2. The DDA must submit the paperwork to the court by 1300 hours on the third day.

3. The assigned DDA will make every effort to personally witness the interview at CCC on in-custodies. Their ability to attend depends on the amount of advance notice given.
4. Get whatever information you have to the District Attorney's Office as soon as possible, even if the investigation is not complete and the reports are not typed.

D. Statute of Limitations

1. If the child is 17 years old or younger, we have one year from the time of the first disclosure to an adult to get a complaint filed on all the molests that happened, even those that go beyond the six year statute of limitations. At least one of the molests must be within the statute of limitations (PC §803(f)).

E. Interviews/Exams at the Center for Child Protection (Children's Hospital) when victims are under the age of 14 or severely developmentally delayed

1. The preferred procedure is to have an interview and exam done at the Center for Child Protection.
2. The Family Protection Division is a strong advocate of videotaped interviews because showing the video helps to defeat the defense that the victim was coached. Many jurors have commented that the videotapes have been very helpful, especially if the victim later recants. A videotape can also reduce the number of times a victim must repeat his/her story.
3. The Family Protection Division specifically desires that where a videotaped interview exists, the DDA should review the videotape and **not re-interview the child on subjects that were already covered adequately.**
4. If the DDA has reviewed the videotape and wants to meet with your victim solely to be introduced and explain courtroom procedures, the detective need not be present at the meeting.
5. If the DDA has reviewed the videotape and finds that there are unanswered questions concerning the molest, the detective should be present at the interview for documentation purposes. It may be too, that the victim discloses additional information.
6. Assuming the victim's disclosure was adequately documented on videotape, no DDA should re-interview the victim about the entire event, nor should the DDA interview a child without having reviewed the videotaped interview first.

7. Videotapes can be helpful in getting pleas prior to trial or in convicting the suspect if the case goes to trial. Seeing firsthand the child's reaction to the questions and seeing for themselves that the child was not coached makes a powerful impact on the jury.

F. Original Evidence

1. Original evidence, such as video/audio tapes, diaries, negatives from 35mm, etc., should not be sent to the DA's office. The one exception is Polaroid pictures.
2. The DA's office does not have the facilities to safe keep evidence, and they do not want to become part of the chain of custody.

G. Follow-up Investigations

1. In multiple victim cases, call the DA in early. The case can be assigned before the investigation is completed. The DDA may be able to go with you on interviews or otherwise assist you with the case.

H. Arrests

1. The District Attorney's office likes to see the suspect in custody in those cases where he/she can be kept in custody. Once a suspect has been arrested and released, the DDA will not issue a Warrant of Arrest. The most you will get is a Notify Letter. The only way to be sure a suspect can be **kept** in custody is to have a very strong case which has been fully investigated and documented prior to the arrest.

X. BAILED OR LATE CASES

- A. When a defendant has posted bail, the investigator must have the case to the District Attorney's Office **no later than 0900 hours on the court return date (ten days from the date of release)**.
- B. Cases not submitted in a timely manner cause additional work for the investigator, DA's office, the Court and Marshal's office as the defendant is released and the case must be pursued via an arrest warrant.

XI. PHOTO LINEUPS

- A. **PHOTO LINEUP:** Probably the most frequently used means of identification, photographic lineups comprise one of the most important investigative tools available to the investigator. And, not surprisingly, few problems are encountered in their use. However, some problems do arise which can be avoided if the following suggestions are followed.
1. The United States Supreme Court ruled that a violation of due process occurs if a photographic lineup procedure is "so impermissibly suggestive as to give rise to a very substantial likelihood of irreparable misidentification". U.S. vs Simmons (1968) 390 U.S. 377. In other words, if the lineup is fair, a court will look at the lineup itself and listen to the procedure used in showing the lineup to a witness. For a good check list approach related to procedures to follow in showing the lineup to a witness, please refer to the California Peace Officers Legal Source book, Pages 8.1 through 8.6.
 2. Insofar as the actual preparation of a photographic lineup is concerned, the best test of it's fundamental fairness is conducted by looking at the lineup after it is put together. Is there anything about the final lineup that draws your attention to the suspect's photograph? If there is, eliminate it or your lineup may be at risk.
 3. For instance, besides the obvious need to find fillers who are generally similar in appearance, the relative head size and background should be similar. If the fillers are not going to have the same color of shirt as the suspect, be sure that all fillers are not the same but vary in color or style, provided such clothing is not pertinent to the suspect description. Obviously, if the suspect was described to be wearing a plaid shirt, a lineup wherein only the suspect had a plaid shirt on would be doomed.
 4. While the defense will attribute something unique in the photograph related only to the suspect to your guile and need to convict the client, a DDA will know better. He/she realizes that through inadvertence a lineup might end up that way. Don't give the defense the ammunition. Carefully select your fillers in preparing a lineup and eliminate anything which tends to draw witnesses' attention to the suspect except the fact that they recognize the suspect as the perpetrator of the crime.
 5. Don't mix DMV photos with booking photos or SX 70 photos. Don't use fillers that vary in head size or backgrounds. If any photograph has to be enlarged or

made smaller or otherwise changed to eliminate unfairness, try to limit such to the suspect's photograph. It is far easier to change one photo than attempt to make changes in several fillers.

6. For unique facial characteristics of the suspect such as visible scars, tattoos, or pigmentation variances, when suitable fillers cannot possibly be found, use identical sized paper cutouts to conceal the distinguishing feature on the suspect then glue or otherwise attach identical cutouts over the same portion of each of the fillers' faces. If your only photo of the suspect shows him wearing a hat or unique clothing, try and cover the suspect and filler as above or crop each photograph in the same manner. Remember, the ultimate test is to look at the lineup to see if anything draws your attention only to the suspect.

XII. Domestic Violence Sexual Assaults

- A. The District Attorney's Domestic Violence Unit now reviews all sexual assault cases which occur between:
 1. Spouses or former spouses.
 2. Past or present cohabitants (heterosexual and homosexual)
 3. Persons who share a child.
 4. Past or present dating or engagement relationships.

NOTE: To qualify as "cohabitants" the parties must live together in an intimate, as opposed to, platonic relationship.

To qualify as a "dating" relationship, the parties must be involved in a long term, exclusive, intimate relationship. (Casual or occasional dates and traditional "date rape" cases do not qualify.)

- B. Any sexual assault crime occurring between the above relationships will be reviewed by the Domestic Violence Unit including PC §§ 262, 261, 289, 288a, 286, etc.
- C. All investigating officers with such cases should contact the Domestic Violence Unit as soon as possible to have the case assigned and a victim interview arranged. It is the Family Protection Unit's policy that all sexual assault victims will be interviewed by a DA prior to issuance unless there is cause for exception.

XIII. STATUTORY RAPE VERTICAL PROSECUTION UNIT

- A. The SRVPU is administered out of the Family Protection Unit. The Unit vertically prosecutes cases involving consensual sexual intercourse, 261.5 PC, between an adult defendant and a minor victim, five or more years younger. Pregnancy is not a requirement. All of these cases are filed in the downtown courthouse.
- B. Cases with less than five years of an age difference between the minor and the adult are still violations of 261.5 PC, however, they should be referred to Superior Division.
- C. Cases with less than a three year age difference between the minor and the adult, are misdemeanors and should be handled by Area Commands who will refer them to the City Attorney's office for prosecution.
- D. Child molest cases, 288(a) and © PC, where the victim is under the age of 14, 14 or 15 and the suspect is ten years or more older, should be handled as child molest cases and referred to Superior Division.

XIV. MAJOR VIOLATOR UNIT COORDINATION

- A. The Major Violator Unit (MVU) can be called whenever you have a defendant who is under arrest or you are seeking an arrest warrant for a defendant for one or more charges of robbery, car jacking, residential burglary, or violent crimes connected with robberies, car jackings or residential burglaries, such as sexual assaults, attempt murders or murders.

IF

- 1. The defendant has a qualifying prior record.

OR

- 2. The defendant has committed three or more separate robberies, car jackings or residential burglaries.

- B. If a defendant is suspected of committing a series of crimes, but you have him arrested on only one, the MVU may assist in any pre-arraignment lineup or investigation after a review of the information you have connecting him to the series. MVU may also be able to take the case temporarily, filing a single count and handling a post arraignment

lineup to determine if he will qualify. If he doesn't qualify, the case will most likely be transferred to the Superior Court division.

C. No case will be accepted without personal screening of the case by an MVU deputy.

D. Limitations

1. While a defendant must qualify for the division by statute, personnel and time limitations may not allow acceptance of all qualifying cases. Preference in case acceptance to the unit will be given to the following defendants/cases:

- a. The offender, single or series, who uses a weapon, and who has a record including serious felony convictions.
- b. The violent offender, where economic motive is evidenced.
- c. Offenders who have previously been handled by the unit.
- d. Cases in which the victim and offender are not known to each other.
- e. The residential burglar who has a record including serious felony convictions.
- f. Cases which are not already in the system

E. Criteria for Career Criminal Prosecution (PC 999e)

1. The individual who may qualify is under arrest for:

a. **THREE** or more **SEPARATE ROBBERY, RESIDENTIAL BURGLARY or CAR JACKING** offenses.

OR

b. **ONE** or more **ROBBERY, RESIDENTIAL BURGLARY or CAR JACKING** offenses **AND a prior record consisting of at least ONE CONVICTION of:**

- (1) PC 211, 1st or 459, 1st or Car Jacking
- (2) PC 451 or 452
- (3) PC 261(2), 288a© or 286©

- (4) PC 288(a)
- (5) PC 209 or 187

OR

c. **TWO or more separate convictions of:**

- (1) PC 211 or 459, 2nd
- (2) PC 487.1, 496.1, or (VC10851)
- (3) PC 245(a)(1), weapon
- (4) PC 207
- (5) H&S 11351 or 11352

F. The MVU may be contacted at 531-4064

APPENDIX A

FORMS AND REPORTS

SEX CRIMES UNIT
FORMS AND REPORTS

XV. FORMS

The following standardized forms will be used whenever possible.

A. Orientation and Training

1. All personnel assigned to the Sex Crimes Unit will complete an orientation training based on the following check list:

**SEX CRIMES UNIT
ORIENTATION AND TRAINING CHECK LIST**

Procedure 1

Introduction to all investigators and supervisors. _____

Performance expectations and supervisory philosophy _____

Procedure 2

Read and review copies of Sex Crime cases involving the following:

- (a) Rape - 261 PC _____
- (b) Attempted Sexual Assault - 220 PC _____
- © Oral Copulation - 288a PC _____
- (d) Sodomy - 286 PC _____
- (e) Sexual Battery - 243.4 PC _____
- (f) Child Molest - 288(a) PC _____
- (g) Penetration with a Foreign Object - 289 PC _____
- (h) Unlawful Sexual Intercourse _____
- (I) 290 PC Sex Offender Registration Violation _____

Procedure 3

Work with a minimum of two detectives during two week training period. _____

Procedure 4

Case assignment and report routing. _____

Procedure 5

Case Investigation:

- a. Observe and conduct victim interviews (minimum of 3). _____

- b. Observe and conduct witness interviews. _____
- c. Observe and conduct suspect interviews (minimum of 3). _____
- d. Spend at least one Tuesday or Thursday morning working with 290 detectives and observe at least one 290 interview. _____
- e. Composite training. _____
- f. Explain when a suspension of affidavit is used. _____
- g. Investigative procedures for cases with multiple victims, possible series, and coordinations of reports _____
- h. Photographic line-ups. _____
- I. Digital photographs and computerized line-ups. _____

Procedure 6

Forensic Examinations (Children's Hospital):

- a. Arrange for an interview and physical examination. _____
- b. Forensic examinations for adolescents beyond 72 hours. _____
- b. Notify DA before hand when appropriate. _____
- c. Walk through and sign in procedures. _____
- d. Brief social worker, nurse and doctor _____
- e. Observe play therapy interview/video taping. _____
- f. Obtain reports by physician/social worker. _____

Forensic Examinations (University Community Medical Center (formerly VillaView) Hospital):

- a. Adult procedures for exams within 72 hrs of assault. _____
- b. Exams beyond 72 hours, post-menopausal, prepubescent, force. _____
- c. When to obtain follow-up SART exams. _____
- d. Obtain OCJP Reports _____
- e. Interpretation of findings _____
- f. Unconscious victims/warrants. _____

Procedure 7

District Attorney:

- a. D.A. package. (See page 56) _____
- b. Telephone call policy for case assignment. _____
- c. Juris "walk-through" procedure. _____
 - 1. In-custody _____
 - 2. Other, i.e., review, warrant request _____
- d. D.A. issuing guidelines for different specialized units, i.e. Child Abuse, Domestic Violence, and SRVPU _____
- e. Observe D.A./victim pre-charging interview. _____

- f. Cancellation procedures. _____

Procedure 8

City Attorney:

- a. City Attorney package. _____
- b. "Walk through" or mail-in procedure. _____
- c. Cancellation procedures. _____

Procedure 9

Children's Services Bureau:

- a. Levant Street facility walk-through. _____
- b. Coordination with social workers and law enforcement liaison. _____
- c. Procedure to remove child from home and place in Polinsky Center. _____
- d. Cross reporting requirements. _____

Procedure 10

Suspect Processing:

- a. Discuss arrest procedures including detective arrests. _____
- b. Evidentiary exams. _____
- c. Polygraph. _____
- d. Interviewing techniques and interview room audio and video recording capability. _____
- e. Review arrangements for live lineup and observe live lineup, if possible. _____
- f. Photographic lineups and necessary forms. _____
- g. Warrants for blood and saliva. _____
- h. Procedures for multiple suspects. _____

Procedure 11

- a. Lab processing of evidence, DNA/Serology. _____
- b. Tour of Lab and contact with supervising criminalist. _____

- c. Lab Service Requests for DNA and Toxicology
- d. Preliminary Rape Case Information

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Procedure 12

Weekend/Call-out Duty:

- a. Weekend duty responsibilities. (See attached.)
- b. Call-out policy.
- c. Format for pulling up pending cases and explanation.
- d. On-call Hours Tracking Report.

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Procedure 13

Miscellaneous duties:

- a. Case log and monthly statistic sheet.
- b. Car assignments.
- c. Property tag procedures, 6 month retention policy.
- d. Long distance call log.

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B. DROP CHARGES FORM (PD-1136)

1. The form has three (3) possible choices concerning the disposition of charges, the detective should select only one (1). The following definitions apply when selecting a disposition.
 - a. Drop Charges:
 - (1) When all original charges have been dropped and no additional charges have been added.
 - b. Change of Charges:
 - (1) When there are charges still pending, but a change in the original submitted charges have been made or charges have been added.
 - c. 17B(4) PC to C.A.:
 - (1) When the original charge per District Attorney policy is reduced to a misdemeanor.
2. In the body of the form, the detective has two (2) possible choices when selecting a disposition on the in-custody suspect.
 - a. This is your authority to release the above named prisoner per section 849(B) PC subject to any holds now pending.
 - b. The charge(s) against the above named prisoner have been changed or dropped.
 - c. The detective should check only one (1) of the possible dispositions available. Choice two (2) should be selected only if the suspect will continue to have charges pressed against him/her. This includes misdemeanors or felonies reduced per District Attorney policy to a misdemeanor. Choice one (1) should be selected only when ALL charges have been dropped.
3. Detectives should only authorize release of the suspect when no charges are pending. It will be the burden of the Sheriff's Department to release suspects charged with only misdemeanors.

INSERT DROP CHARGES FORM

C. AFFIDAVIT OF SUSPENSION OF INVESTIGATION

1. Sexual assault victims who ask to have their investigation terminated or decline prosecution should sign an affidavit of suspension of investigation whenever possible.
2. Detectives who are unable to meet with a sexual assault victim to obtain a signature should document at least three attempts to contact in their investigation.
3. In unusual cases, i.e., allegations involving law enforcement personnel or whenever a conflict of interest or bias could be argued, detectives should send the affidavit of suspension via certified mail.

Insert Affidavit of Suspension

D. Lab Service Requests

1. The DNA Lab Service Request Form must be complete and include:
 - a. Unit and mail station number
 - b. Date of request
 - c. Victim's first and last name
 - d. Suspect's first and last name
 - e. Offense code and case number
 - f. Detective's name and direct phone number
 - g. Detective's sergeant's name and direct phone number
 - h. Cases will be given processing priority by the status of the case.
 - (1) The first priority will be given to cases pending trial. Therefore, it is imperative that you provide the lab with the name of the assigned DDA and any court dates as soon as they become available. The lab must also be notified of any change in the status of the case, i.e., the suspect pleads guilty, as soon as possible.
 - (2) The second priority will be given to those cases where the District Attorney will issue the case if forensic evidence is identified.
 - (3) The third priority will be given to cases with possible suspects.
 - (4) Potential series will also be evaluated and prioritized based on the magnitude of the series and possible evidence.
 - i. Note whether a victim/suspect/consensual partner reference sample has been collected. List the property tag number and the B number. **DNA work will not be requested if a suspect reference sample is unavailable.** If several suspects are possible, the reference samples should all be submitted for analysis at the same time.

- j. Clearly note whether you are looking for trace evidence; hairs or fibers, or biological evidence; blood, semen, saliva, or fingernail scrapings.
- k. Prioritize and list the items you want examined based on the victim's history of the assault. The first item listed should be the one most likely to provide DNA evidence.
- l. Consider the possible consequences of your request, i.e., "Examine the victim's rape kit for semen." If the suspect admits to having sex with the victim but claims it was consensual, identification of the suspect's DNA is most likely unproductive. Forensic evidence is typically used to identify a suspect. A request, however, might still be made to identify the victim's blood if she was injured during the assault. Blood could corroborate force and help to overcome a consent defense.

INSERT LAB SERVICE REQUEST FORM

- E. The Preliminary Rape Case Information must be complete and include:
- a. Case #
 - b. Detective's Name
 - c. Victim/Suspect's name
 - d. Whether the victim had consensual sex with a partner within 96 hours of the time the rape samples were collected. If yes, a reference sample must be obtained from all consensual partners before submitting a request for DNA analysis to the laboratory.
 - e. The type of sexual assault;
 - (1) Oral, fellatio or cunnilingus, victim on suspect or suspect on victim?
 - (2) Anal activity?
 - (3) Did the suspect ejaculate and where?
 - (4) Whether a condom was worn during the assault?
 - (5) Whether the victim or suspect were bleeding during the assault and from what areas of the body?
 - (6) Whether the victim or suspect received a blood transfusion?
 - (7) Was the victim menstruating?
 - (8) Was clothing collected other than what was worn to the hospital, i.e., clothing collected from the scene?
 - (a) Which clothing was the victim wearing at the time of the assault?
 - (b) Which clothing did the victim put on after the assault?

- (c) Based on the victim's history, which items of clothing are most likely to have seminal fluid stains from the suspect?
- (9) Was bedding collected?
- (a) Based on the victim's history, which item of bedding is most likely to have seminal fluid stains from the suspect?
 - (b) Did any type of consensual sex act take place on the bedding since the last time it was washed? If yes, unless the seminal fluid stains related to the assault can be identified for the analyst, it will be necessary to obtain blood and saliva standards from all individuals before any comparison analysis is performed.
 - (c) If information concerning the history of the bedding is not obtained, the bedding will not be examined.
 - (d) Bedding that has not been washed since any consensual sex acts between the victim and the suspect took place will not be examined.
- (10) Were any other items collected from the scene? If yes, list items collected.
- (11) Has a suspect been identified and are reference samples available?
- (12) Do the suspect and victim know each other? If yes, at the time of the assault, were they involved in a consensual sexual relationship?
- (13) Other relevant information.

INSERT PRELIMINARY RAPE CASE INFORMATION

- F. The Sex Crimes Toxicology Request form will be used for drugs and alcohol analysis. A **blood** sample is preferred for alcohol analysis while a **urine** sample should be submitted for any of the drug panels.
- G. Detectives requiring a specialized panel will complete a Sex Crimes Toxicology request form and obtain a supervisor's approval. The form must include:
- a. Unit, Mail Station and Date of request
 - b. Subject's last name, first name and DOB
 - c. Detective's name and phone number
 - d. Sergeant's name and phone number
 - e. Property tag number
 - f. Blood Alcohol number, if known
 - g. Urine Alcohol number, if known
 - h. Date/Time of assault
 - i. Date/Time of Forensic Examination
 - j. Number of hours between incident and sample collection
 - k. Blood alcohol result, if known
 - l. Time of first void urine
 - m. Time of second void urine
 - n. Objective symptoms experienced by subject following ingestion
 - o. Drug panel selected

INSERT SPECIALIZED TOXICOLOGY REQUEST FORM

1. Requests for Paternity Testing

- a. The San Diego Police Department has a contract with Children's Hospital's Molecular Genetics laboratory to provide paternity testing.
- b. Contact the laboratory director at Children's Hospital's Molecular Genetics Laboratory, 8110 Birmingham Way, San Diego, (619) 495-4911, to obtain a fetal tissue collection kit.
- c. Fill out the chain of custody documentation form and, if applicable, the Parentage Study Identification Form.

INSERT CHAIN OF CUSTODY DOCUMENTATION

2. The Parentage Study Identification form must be filled in. Items that are not filled in such as ethnicity, signature, transplant/transfusion status must be obtained before testing can proceed and a written report issued.

INSERT PARENTAGE STUDY IDENTIFICATION FORM

H. Sex Crimes Unit Briefing Memo

1. The call-out detective will complete a Sex Crimes briefing memo which will be left on the case assignment sergeant's desk before securing. The sergeant will then forward the memo to the Sex Crimes Lieutenant prior to the Special Operations briefing with the Assistant Chief at 0830 hours. If the call-out detective is unable to complete the form for any reason, a voice mail message must be left for the sergeant, providing enough information for him or her to complete the memo in the morning.

INSERT SEX CRIMES BRIEFING MEMO

I. Medical Release Forms

1. The following forms may be used when medical information is required during the course of an investigation.

INSERT MEDICAL RELEASE FORMS

J. Long Distance Telephone Bill Logs

1. Long Distance Telephone Bill Logs will be completed and submitted with each detective's recap at the end of the month.
2. The case assignment sergeant will submit the completed forms to the Unit WPO.

INSERT LONG DISTANCE TELEPHONE BILL LOG

K. On-Call Hours Report

1. Employees are eligible for one day of discretionary leave for every 300 hours on-call, up to a maximum of 1200 hours, or four discretionary leave days per fiscal year.
2. Employees will use the On-Call Hours Report to track on-call time and a copy will be attached to the request for discretionary leave prior to supervisor approval.

INSERT ON-CALL HOURS REPORT

INSERT SEX CRIMES UNIT WARRANT OPERATION PLAN

INSERT SAMPLE WARRANTS

INSERT SAMPLE NO RECORD LETTER

INSERT LIVE LINEUP CARD (PD-133)

INSERT CURBSTONE LINEUP FORM

INSERT FORM PD-964

INSERT FORM OCJP 923

INSERT FORM OCJP 925

INSERT FORM DA-160 PART 1

INSERT FORM DA-26

INSERT FORM DA-88

INSERT SDPD SEX CRIMES UNIT VICTIM PROFILE SHEET

INSERT SAMPLE INVESTIGATOR'S FOLLOW-UP REPORT

Insert CITY PROSECUTOR'S CASE REPORT

Insert Investigative Supplemental Format

Insert SDPD SEX CRIMES UNIT DETECTIVE'S WORKLOAD RECORD

XVI. SEX CRIMES UNIT REPORTS

A. Investigator's Follow-Up Report

1. The following formats are to be used by Sex Crimes investigators when writing follow-up investigative reports:
 - a. Cases cancelled by arrest, unfounded, or exceptional not presented to the District Attorney's office will be written using the same format as those presented to the District Attorney's office, less the pre-formatted top sheet.
 - b. An inactivated case requires a completed Investigator's Follow-up Summary (PD-869). If the case permits, this form could contain the entire follow-up information. Be sure to thoroughly complete the information in all areas. If the case involved an extensive follow-up investigation and documentation of the investigation is not appropriate for the "Comment" portion on the follow-up form, then a formatted follow-up shall be made, following the same format described in Section 2 above (cancelled cases not presented to the District Attorney).
 - c. If the case is a Hold-Pending, 153, or CSB Referral, use your discretion on how the report should be written, with the following considerations:
 - (1) If the case is a bonafide Arjis 9 where the circumstances are questionable or you are unable to establish or verify the elements of the crime, it should remain an Arjis 9. Follow the same format as described above for inactivated or cancelled cases not presented to the District Attorney's office. Remember, child molest cases cross reported on the various forms are considered Arjis 9's, unless you obtain a case number.

Insert INVESTIGATOR'S FOLLOW-UP SUMMARY (PD-869)

2. Packaging completed reports to go to records
 3. Cancelled Cases
 - a. One (1) original follow-up report and all other documents pertinent to the case, i.e. medical reports, copies of search/arrest warrants, etc.
 4. Inactivated Cases
 - a. Same as Cancelled Cases.
 5. 153/Hold-Pending/Miscellaneous Reports
 - a. If you have to do a separate follow-up report, use the same procedure as Inactivated Cases above.
- B. Child Abuse Investigation Report (FORM SS-8583).
1. 11165 PC states that incidents of suspected child abuse will be cross reported by telephone immediately or as soon as practically possible. Written notification must be completed within 36 hours of receiving the information concerning the incident. Written notification may take the form of a variety of reports, i.e, an ARJIS 9, Crime Report or Child Abuse Telephone Referral Form. Form SS 8583 can also be used for cross reporting purposes. However, this form must be submitted as soon as an active investigation has been conducted unless proven to be unfounded. No other form will be accepted in DOJ in lieu of Form SS 8583.
 - a. The San Diego Police Department is the first notifying agency, i.e., you received a crime case, hold pending or Officer's Report (ARJIS 9 - 153) on an incident.
 - b. The incident is cross reported to you on any form other than the SS 8583. (You do not need to complete one if it has already been done.)
 2. You are required to complete and forward Form SS 8583 as soon as possible, after notification, within a few days, even if the investigation is not concluded. The form can be delayed only in cases where the investigation will be completed within a few days of your initial notification. **Do not routinely delay reporting until your investigation is complete.**
 3. The form has four (4) pages which are respectively sent for reporting to DOJ, C.P.S., and the District Attorney's office. The white copy stays with our

investigative file and will be sent with the completed follow-up package to the Records Division.

4. All areas of the report must be appropriately completed or DOJ will return it to the originating agency for completion.
- C. Once the SS-8583 is submitted to the Department of Justice (DOJ), it is entered into the Child Abuse Central Index (index) maintained by the DOJ pursuant to Penal Code 11170.
 - D. When a child protective agency forwards a Child Abuse Investigation Report Form SS-8583 to the Department of Justice after completion of an investigation, the agency must provide the suspect with written notification that s/he has been reorted to the Child Abuse Central Index. The written notification shall contain the Name of the Reporting Agency, the Report Number and the Date of Report. Each child protective agency should designate an official for the suspect to contact to request a review if the suspect believes he or she has been incorrectly listed.
 - E. The index maintained by the DOJ serves as a pointer system, referring child abuse investigators, licensing agencies and the courts to investigative reports retained by local child protective agencies. The Licensing agency or court conducting the background check is required to obtain your investigative report and make its own independent assessment (Penal Code 11170(b)(6)(A)). Therefore, prior to release of information, the DOJ must confirm that your investigative report is available and meets the current retentive standards.
 - F. To determine the status of a law enforcement investigation, the DOJ may send an inquiry requesting the following information:
 1. Availability of report
 - a. Does your agency continue to maintain the investigative records that correspond with this report? (Penal Code section 11170(a)(3), provides that reports designated as inconclusive or unsubstantiated must be retained for a minimum of 10 years.
 - b. There is no provision for deletion of reports designated as substantiated.)
 - c. If the report is not available, the report will be deleted from the DOJ Index.
 2. Where is the investigative file currently maintained?
 - a. Active Files

- b. Closed Files
- c. Microfilm
- d. Archives
- e. Storage
- f. Other

G. Retention Standards

1. Because the definitions and standards governing submission of reports to the Child Abuse Central Index have changed over the years, DOJ needs to confirm that your report meets current statutory standards.
2. Was an active investigation conducted in this case per penal code section 11169 PC?
3. Regardless of the original designation given this report, which one of the following current statutory definitions applies to the report:
 - a. Unfounded - Penal Code section 11165.12(a) - Record will be deleted
 - b. Substantiated - Penal Code section 11165.12(b)
 - c. Unsubstantiated/Inclusive - Penal Code section 11165.12(c)
 - d. None of the above - Please call the Child Protection Program at DOJ at (916) 227-3285.
4. Suspect personal descriptors may be used to match information regarding an individual involved in a recent report of child abuse or seeking to care for a child. Please complete as much information as possible.
5. Information should be mailed or faxed to:

Department of Justice
Child Protection Program
PO Box 903387
Sacramento, CA 94203-3870
(916) 227-3253 Fax
(916) 227-5054 Phone

INSERT FORM SS-8583 COVER SHEET

INSERT FORM SS-8583 DATA SHEET

6. Complete the form as follows:

a. Part A - INVESTIGATING AGENCY

- (1) Investigating Agency - San Diego Police Department. Check "POLICE" box.
- (2) Agency Report No./Case Name - If case, write case number, i.e. 90-000100. If 153, write "153" with the victim's name, i.e. 153/JONES, Jane W.
- (3) Agency Address - 1401 Broadway, San Diego
- (4) Agency Telephone - 531-2325.
- (5) Name of Investigating Party - Your name and rank.
- (6) Date Report Completed - Appropriate date.
- (7) Agency Cross-Reported To - Welfare.
- (8) Person Cross-Reported To - C.P.S.
- (9) Date Cross-Reporting - Appropriate date.
- (10) Action Taken - Check appropriate action.
- (11) Comments - Write any comments you feel are important to the case.

b. II. Part B - INCIDENT INFORMATION

- (1) Date of Incident - Appropriate date. (If any part is unknown, write "UNK".)
- (2) Time of Incident - Appropriate time.
- (3) Location of Incident - Appropriate address/information.
- (4) Name of Party Reporting Incident - Your name and title.
- (5) Employer - SDPD.

- (6) Telephone - (619) 531-2325.
- (7) Type of Abuse - Check appropriate box(es).
- (8) If Abuse Occurred In/Out-Of-Home

c. Part C - INVOLVED PARTIES

(1) VICTIMS

- (a) Complete all boxes and information for each victim. If unknown, write "UNKNOWN". Do not leave any information blank. If none is a response, write "NONE", i.e. if the victim sustained no injuries, write "NONE" in the Nature of Injuries designated space.

(2) SUSPECTS

- (a) Complete all boxes and information for each suspect. If unknown, write "UNKNOWN". Do not leave any items blank.

(3) OTHER

- (a) Parents and/or siblings names. Complete all boxes and information for each person. If unknown, write "UNKNOWN". Do not leave any items blank.

d. Forwarding Completed Forms

- (1) Forward the completed form to your supervisor for approval and appropriate routing. Retain the white copy for our records.

e. Additional Information

- (1) Upon completion of **any child molest investigation**, a copy of your follow-up report must be sent to C.S.B. (Include this copy marked "C.S.B. copy" as a part of your completed follow-up work to the supervisor for cancellation or inactivation of a case. The supervisor will forward the copy to C.S.B. to insure that it's not overlooked. EXAMPLE: If you cancel a child molest case, your follow-up package to Records, via the sergeant for approval, will include your original blue follow-up report, plus

two copies of the follow-up; one as the computer copy and one as the C.S.B. copy.) See attached example for additional help.

H. 11160 PC Medical Reporting Requirements

1. Any health practitioner employed in a health facility who in his or her professional capacity or within the scope of his or her employment, provides medical services for a physical condition to a patient whom he or she knows or reasonably suspects is a person suffering from any wound or other physical injury inflicted upon the person where the injury is the result of assaultive or abusive conduct.
 - a. Assaultive or abusive conduct shall include rape, sodomy, oral copulation, penetration with a foreign object, 220 PC, child molest, child abuse, elder abuse, incest, sexual battery, spousal rape, administering controlled substances or anesthetic to aid in the commission of a felony in violation of 222, and pimping and pandering.
 - b. A report by telephone shall be made immediately or as soon as practically possible.
 - c. A written report shall be prepared and sent to the local law enforcement agency within two working days of receiving the information regarding the person.
 - d. The report shall include but not be limited to the following:
 - (1) The name of the injured person, if known.
 - (2) The injured person's whereabouts.
 - (3) The character and extent of the person's injuries.
 - (4) The identity of any person the injured person alleges inflicted the assault.

INSERT EMS MEDICAL REPORTING FORM

I. Notice of Arrest of Public School Employee

1. 291 PC requires that you immediately telephone the superintendent of schools of the school district employing a teacher (a classified employee) who has been arrested for any of the offenses listed in 290 PC, and immediately give written notice of the arrest to the Commission for Teacher Preparation and Licensing and to the superintendent of schools in the county where the suspect is employed.
2. Upon receipt of the notice, the county superintendent of schools shall immediately notify the governing board of the school district employing the suspect.
3. If the suspect is a non-teacher or non-classified employee, but employed by a public school, i.e., tutor, supervisor aide, bus driver, etc., you must immediately telephone the superintendent of schools of the school district employing the suspect and shall immediately given written notice of the arrest to the governing board of the school district employing the suspect.
4. A Sex Crimes supervisor should be alerted any time an investigation involves a school employee.
5. Telephone notification can be made by calling San Diego City School's Chief of Police or his designee.
6. See A-60 for a sample letter demonstrating the proper format for written notification to the Commission for Teaching Preparation and Licensing.

April 10, 2002

Commission for Teaching Preparation and Licensing
1020 O Street
Sacramento, CA 92812

Reference: John (NMN) Doe
DOB: 06-09-55
SS#: 533-34-0100

Dear Agent:

On January 15, 2002, Mr. Doe was sexually involved with a seventeen year old student on the campus of Southwest High School in violation of 261.5 Pc (Unlawful Sexual Intercourse). The matter was presented on January 17, 2002 to the San Diego County District Attorney's office for a formal complaint. Mr. Doe was officially charged with 261.5PC and 288a(b)(1) PC Oral Copulation with a minor.

I am advising you of this matter in accordance with Section 291 of the California Penal Code. If I can be of any assistance, please feel free to contact me.

Sincerely,

David Bejarano
Chief of Police

By: Sex Crimes Unit Lieutenant
Investigations Section I
Child Abuse & Sex Crimes Units

USE SAME FORMAT FOR NARCOTICS CASES

J. Domestic Violence Protective Orders

1. If you receive a Domestic Violence Protective Order attached to one of your cases, the following copies go to:
 - a. PINK - the victim. (should have already been handed out).
 - b. WHITE - Family Court, M. S. #C44.
 - c. GOLDENROD and YELLOW - Records (the yellow is to be attached to the original case report. If the case is a H.P., turn the yellow in when you get a case number).

INSERT DOMESTIC VIOLENCE PROTECTIVE ORDER FORM

SEX OFFENDER REGISTRATION FORMS

APPENDIX B

DEFINITIONS AND APPLICABLE LAWS

DEFINITIONS AND APPLICABLE LAWS

Q. Definitions

1. Abuse As defined in Penal Code §§ 11165 et.seq.
2. Child A minor under the age of 18.
3. Victim A person who is the subject of abuse.
4. Witness A person who has knowledge of the abuse of another/

R. Criminal Statutes

- | | |
|-------------------------------|--|
| 1. Penal Code §288 | Lewd acts with a child |
| 2. Penal Code §288.5 | Continuous sexual abuse |
| 3. Penal Code §220 | Assault with intent to commit |
| 4. Penal Code §207 | Kidnapping with intent to sexually assault |
| 5. Penal Code §261 | Rape |
| 6. Penal Code §261.5 | Unlawful Sexual Intercourse |
| 7. Penal Code §262 | Spousal Rape |
| 8. Penal Code §285 | Incest |
| 9. Penal Code §286 | Sodomy |
| 10. Penal Code §288a | Oral Copulation |
| 11. Penal Code §288a(g) | Oral Copulation of a Dependent Adult |
| 12. Penal Code §288(b)(2) | Molest of Dependent Adult |
| 13. Penal Code §289 | Penetration by Foreign Object |
| 14. Penal Code §273 | Child Abuse/Neglect |
| 15. Penal Code §273d | Corporal Punishment |
| 16. Penal Code §187 | Murder |
| 17. Penal Code §311 | Child Exploitation |
| 18. Penal Code §647.6 | Annoy/Molest a Child |
| 19. Penal Code §290 | Sex Offender Registration |
| 20. Penal Code §11165 et.seq. | Reporting Laws |
| 21. Penal Code §11160 | Health practitioner mandated reporter |
| 22. B&P 729 | Sexual Exploitation by a Psychotherapist |

S. Dependency Statues

1. Welfare and Institutions Code:
 - a. §300 Dependency Statues
 - b. §305 Custody by Law Enforcement
 - c. §306 Custody by Social Worker

- d. §311 Petition, Notice
- e. §313 Pre-petition Custody
- f. §317 Counsel for Parent, Counsel for Minor
- g. §318.5 County Counsel or District Attorney
- h. §328 Duty of Social Worker
- i. §827 Inspection of Petition and Reports
- j. §830 Confidential Records; Disclosure Evidence Status

2. Evidence Code

- a. §700 Witness Presumed Competent
- b. §701 Witness Disqualification
- c. §764 Leading Question, Definition
- d. §767 Leading Question and Child Witness
- e. §1200 Hearsay, Definition
- f. §1228 Exception, Def's admission
- g. §1054.5 Exclusive means of discovery

3. California Constitution, Article I, §30(a) — Hearsay Preliminary Hearings.

T. Procedure and Protection

1. Evidence Code

- a. §765 Court Control Mode of Questions
- b. §782 Rape Shield Law
- c. §1012 Confidential Communications Between a Patient and Psychotherapist

2. Penal Code

- a. §288(d) DA and Court Shall Act to Prevent Psychological Harm to Child.
- b. §861.5 Postpone Preliminary Examination, Child Less than 10 Years Old.
- c. §868.5 Presence of Support Persons
- d. §679.04 Right to a support person and advocate
- e. §868.6 Special Room for Minors
- f. §868.7 Exclusion of Public
- g. §868.8 Protect Minor Witness from Intimidation, Recesses, Remove Robes, REstructure Courtroom, Limit Testimony to School Hours.
- h. §1112 No Psychological exam to Determine Creditability.
- i. §1346 Videotaping of Preliminary Exam

j. §1347 Closed Circuit 2-way TV

3. Welfare and Institutions Code § — Court Control Juvenile Court Proceedings, Testify in Chambers

SDPD Sex Crimes Unit

Cheat Sheet

220 PC Assault with the intent to commit mayhem, rape, sodomy, oral copulation, Felony rape in concert, child molest or rape with a foreign object.

All other attempt crimes are charged with 664 PC

240 PC To understand 220 PC, you must understand 240 PC which defines an assault as an unlawful attempt, coupled with a present ability, to commit a **violent** injury on another person

261 PC Rape - Sexual intercourse (penis/vagina), penetration, no matter how Felony slight, not the spouse of the perpetrator when

- (a)(1) a person is incapable of giving legal consent
- (a)(2) force or fear is used
- (a)(3) unable to resist because of intoxication (drugs/alcohol)
- (a)(4) unconscious

Consent means positive cooperation in act or attitude. The person must act freely and voluntarily and have knowledge of the nature of the act

262 PC Spousal Rape - Sexual intercourse with a spouse using force or fear of Felony retaliation in the future.

For prosecution purposes, the offense must be reported to law enforcement within one year of the offense. This section applies to persons legally married, not ex-spouses.

Threats to retaliate include a threat to kidnap, falsely imprison or inflict extreme pain, injury or death.

261.5 PC Unlawful sexual intercourse with a person under the age of 18, when the Felony victim is more than three years younger (The victim is a willing participant, however, the act is illegal because of the victim's age. This section applies to girls and boys equally which causes a problem when both are under the age of 18).

261.5 PC Unlawful sexual intercourse with a person under the age of 18, when Misd. there is three years or less of an age difference between the victim and perpetrator, (The victim is a willing participant, however, the act is illegal because of the victim's age.)

286 PC Sodomy - contact between the penis of one person and the anus of Felony another, penetration no matter how slight, when

(b)(1) the victim is under 18
Felony

- (c) the victim is under 14 **and** the suspect is more than 10 years older **OR** by means of **force or fear**
- (f) the victim is unconscious
- (g) a person is incapable of giving legal consent
- (i) unable to resist because of intoxication (drugs/alcohol)

288a PC Oral Copulation - the mouth of one person to a sexual organ or anus of Felony another person when

- (b)(1) the person is under the age of 18
- a(c) the person is under 14 years **and** the suspect is more than ten years older **OR** the act is accomplished against the victim's will by force or fear of future retaliation
- a(d) oral copulation in concert
- a(f) Victim is unconscious and this is known or reasonably should have been known to the suspect
- a(g) The victim is incapable of giving legal consent
- a(i) the victim is unable to resist due to intoxication

290 PC Registered Sex Offender Violation

(a)(g)(2) Any person required to register under this section based on a felony conviction **OR** a prior conviction

(a)(g)(1) Any person who is required to register under this section based on a Misd. misdemeanor conviction

Failure to Register:

1. **Within 5 working days of moving to a new jurisdiction**
(This includes temporary visits over 5 days)
2. **Within 5 working days of moving to a new residence within the same jurisdiction**
3. **Annually within 5 working days of the registrant's birthday**

As of January 1, 1998, transients and those 290's classified as sexually violent predators must register every 90 days.

243.4(a) Felony Sexual Battery - Any person who touches the skin of an intimate part of another person while victim is restrained, and against the will of the victim.

Touches means physical contact with the skin of another person whether accomplished directly or through the suspect's clothing, i.e., a gloved hand

An intimate part of the body means the sexual organ, anus, groin, or buttocks of any person, and the breast of a female

Effective January 1, 1998, 243.4 became a registrable offense retroactive to 1944.

243.4(d) Sexual Battery - Any person who willfully touches an intimate part of
Misd. another person, against that person's will

This section applies to over the clothing or under the clothing absent restraint

314 PC Indecent Exposure - Every person who willfully and lewdly exposes their
Misd. person or private parts, in any public place or any place where persons are present to be annoyed

314 PC Indecent exposure is a felony if the suspect has a prior conviction for 314
Felony or 288(a). It is also a felony if the suspect exposes himself after entering an inhabited dwelling without consent

A 314 conviction is a registrable sex offense

289 PC Penetration with a foreign object, no matter how slight, of the genital or
Felony anal openings and one of the following conditions exists

- (a) against victim's will by force, fear, or retaliation
- (b) the victim is incapable of giving legal consent
- (d) victim is unconscious
- (e) the victim is unable to resist because of intoxication
- (j) the victim is under 14 **and** the suspect is more than 10 years older

A foreign object is anything except a penis

293 PC Any employee of a law enforcement agency taking a report from a person alleging to be a sexual assault victim, shall inform the victim that his or her name will become a matter of public record unless he or she requests that it not

The officer must document that the admonishment was given and the response must be memorialized in the report

293.5 PC This section is intended to protect the victim's identity from the public and the media. Information may be released to other law enforcement agencies for law enforcement purposes. **Officers shall use the victim's real name on the crime report, property tags, etc.** The District Attorney will explain the advantages and disadvantages of anonymity during the court proceedings.

679.04 PC Gives sexual assault and domestic violence survivors the right to have a victim advocate and at least one other support person of their choice present at any follow-up interview with law enforcement authorities, deputy district attorneys and defense attorneys. Preliminary investigation/emergency response interviews are exempt.

285 PC Incest - Persons within the degrees of consanguinity who marry or have
Felony sexual intercourse.

Consanguinity is defined as mother/son, father/daughter, Aunt-Uncle/Niece-Nephew, any degree of grandparent-grandchild, brother-sister, half-blood brother-sister.

Incest only applies to marriage and sexual intercourse. It does not apply to first cousins, foster, adopted or stepparents and stepchildren.

Additional crime codes to consider when investigating Sexual Assaults:

288(a) PC	Lewd & Lascivious Acts with a child under 14
207 PC	Kidnaping with the intent to commit a sexual assault or a child molest
236 PC	False Imprisonment
222 PC	Administering/supplying drugs to assist in commission of a felony (chloroform, ether, laudanum, any controlled substance, anaesthetic, or intoxicating agent)
347(a) PC	Poisoning Food, Drink or Water
647.6 PC	Misdemeanor Child Molest (Felony when suspect enters an inhabited dwelling or if the suspect has a prior conviction for 288(a) or 311.4 PC)
264 PC	Sexual Assault in Concert applies to 261, 262 & 289 PC
422 PC	Terrorist Threats/Stalking
647(k)(2) PC	Any person who uses a concealed camcorder or photographic camera of any type to secretly film another identifiable person under or through the clothing being worn by that person, without the consent or knowledge of that person
632 PC	Eavesdropping on confidential communications
729 B&P	Any physician or therapist who engages in any sexual contact with a patient is guilty of a misdemeanor
637.4 PC	No employee of a state or local governmental agency, involved in the investigation or prosecution of a sex crime, shall require or request any victim to submit to a polygraph examination as a prerequisite to filing charges
52.3203MC	On April 17, 2000, the San Diego City Council enacted emergency legislation for the enforcement of Clonazepam (Rivotril). The schedule IV controlled substance is now illegal to possess without a prescription and is bookable into County jail. 10 or more tablets of Clonazepam can be charged as a felony and booked for 11375 H&S.

www.leginfo.ca.gov is an excellent internet resource that can be used to search by penal code and subject

Cheat Sheet Revised April 10, 2002

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