

## **Sexual Assaults**

### **6.16.01 PURPOSE**

The purpose of this order is to establish general policies and procedures when responding to and investigating reports of sexual assaults.

The San Francisco Police Department (SFPD) acknowledges that victims may feel unheard, disbelieved, or judged. SFPD members aim to build trust by treating all victims with dignity and respect, ensuring their concerns are taken seriously, and responding in a manner that supports their physical and emotional well-being.

### **6.16.02 DEFINITIONS**

- A. Sexual Assault** – Any crime or attempted crime of a sexual nature, which includes, but is not limited to, sexual assault, sexual battery, sexual molestation, unlawful intercourse involving a minor and incest cases.
- B. Sexual Assault Response Team (SART)** – A multidisciplinary team working to meet the medical and emotional needs of the victim and the forensic needs of law enforcement.
- C. SART Examination** – A forensic-medical examination of the victim which provides:
  - 1. Forensic documentation and collection of evidence, and
  - 2. Medical evaluation and treatment.
- D. Sexual Assault Evidence Kit (SAEK)** – The packaged evidence from a SART Examination.
- E. Victim Advocate** – A trained professional who accompanies the victim and provides counseling, resources, information, and advocacy. They are allowed to be with the victim during interviews and medical examinations.
- F. Support Person** – Typically a friend or family member who accompanies the victim and provides emotional support. A victim may choose any person to serve as their support person. They are allowed to be with the victim during interviews and medical examinations. This role is in addition to the Victim Advocate. The support person can be excluded if their presence obstructs the process.

### **6.16.03 POLICY**

SFPD members shall follow procedures outlined in this order and shall treat all sexual assault reports seriously.

## **6.16.04 PROCEDURES**

### **A. Initial Patrol Response**

1. Members should take sexual assault reports in a location that provides the victim privacy from the public. Station lobbies are not considered private. Sexual assault counter reports should be moved to an area away from public view (community room, report writing room, interview room, etc.)
2. Victims have experienced a traumatic incident and may not be willing or able to immediately assist with the investigation. Questioning should be tailored to the victim's emotional and physical state.
3. Adult Victims
  - a. Summon medical response, if needed.
  - b. Determine if elements of crime(s) exist.
  - c. Confirm location and timeframe of the incident.
  - d. Gather suspect's information, description, and/or whereabouts.
  - e. Secure crime scene(s) and/or evidence.
  - f. Notify Adult Protective Services if the victim is a dependent adult or aged 65 or over.
  - g. Notify Special Victims Unit (SVU) of the incident – SVU will interview the victim but may advise the officer to conduct the victim interview.
    - i. For purposes of [PC §679.04](#), this is considered the initial interview, not the formal investigative interview.
  - h. Interview witness(s).
  - i. Offer victim confidentiality per [PC §293\(a\)](#).
  - j. Provide victim forms
    - i. "Your Rights as a Survivor of Sexual Assault" (SFPD 540) ([PC §680.2](#)),
    - i. SVU Follow Up & Referral Card (SFPD 142),
    - ii. Other appropriate forms
4. Child Victims
  - a. Summon medical response, if needed.
  - b. Interview witnesses, including Child Protective Services (CPS) (if on scene), non-involved adult family members, social workers, hospital staff, teachers, and/or other witnesses.
  - c. If elements of a sexual assault can be established, avoid interviewing the child victim.
  - d. Notify SVU of the incident.
  - e. Notify CPS of the incident.
  - f. If the witness statements do not provide enough information for the responding officer to determine that the child is a victim of sexual assault, the officer may conduct a minimal facts interview to:

- i. Establish if the crime was sexual in nature,
  - ii. Determine if immediate medical attention is needed,
  - iii. Determine when and where it occurred,
  - iv. Determine who was involved,
  - v. Determine immediate protective actions.
- g. If any of the above information was already disclosed to the witness by the child, avoid asking the child about it again. A detailed interview will be conducted later by SVU and specially trained investigators.
- h. Offer victim confidentiality per [PC §293\(a\)](#).
- i. Provide victim forms
  - ii. *"Your Rights as a Survivor of Sexual Assault"* (SFPD 540) ([PC §680.2](#)),
  - iii. *SVU Follow Up & Referral Card* (SFPD 142),
  - iv. Other appropriate forms

**B. Notification Requirements** – Notify SVU of all reported sexual assault cases.

- 1. Call SVU directly. If unable to reach an SVU Investigator, notify the Department Operations Center (DOC).
- 2. After Hours and weekends – Department Operations Center.

**C. Body Worn Cameras** – See DGO 10.11 Body Worn Cameras for deactivation guidance.

**D. Suspects**

- 1. Suspect Interviews
  - b. Adult Suspects
    - i. If the suspect is on-scene, officers should mirandize and attempt to get a statement.
    - ii. Officers should consult SVU before contacting a suspect at their home, workplace, or via a phone call as SVU has investigative techniques that are used before the suspect is detained or mirandized.
  - c. Juvenile Suspects – See DGO 7.01, Policies and Procedures for Juvenile Detention, Arrest, and Custody.
- 2. Penile DNA Swabs
  - a. If DNA or biological evidence may be present on the suspect's genitals, Officers shall take the following steps to protect the evidence while the suspect is in custody:
    - i. Keep the suspect handcuffed behind their back.
    - ii. Do not give suspect wet wipes, paper towels, tissues, or any other item that can be used to wipe off or dilute the evidence.
    - iii. Do not allow suspects to wash.
    - iv. Do not allow suspects to use the restroom without supervision.
  - b. SVU is the primary unit responsible for conducting the penile swabbing and collection of that evidence. CSI is the designated backup unit.
  - c. Patrol officers may serve as witnesses during the collection but shall not perform the collection.

**E. Incident Reports**

Members shall complete an incident report for all reported sexual assaults, even if SVU does not respond.

**F. Courtesy Ride**

Members may, with supervisor approval, provide the victim with a ride to a safe location. Avoid seating the victim in the caged section, if possible.

**G. SART Examination**

1. Members shall take sexual assault victims, with consent and regardless of age, to Zuckerberg San Francisco General Hospital and Trauma Center - Emergency Department (ZSFGH) where a Sexual Assault Forensic Examiner from the Rape Treatment Center/Child and Adolescent Support, Advocacy, and Resource Center will perform an examination which includes a SAEK.
2. Members shall not discourage a victim from receiving a medical, evidentiary or physical examination, pursuant to [PC §679.04\(d\)](#).
3. Members shall leave the SAEK with medical staff. SVU will respond and take custody. For all other evidence, see DGO 6.02, Physical Evidence and Scene Preservation.
4. SVU or designee shall take custody of the SAEK from ZSFGH no later than two (2) business days after the forensic examination is conducted.
  - a. SVU or designee shall transport and book the SAEK into evidence at the Property Control Division.
  - b. The Property Control Division shall deliver the SAEKs marked for testing to the Crime Lab within five (5) business days of evidence collection.
5. Outside jurisdiction – When an outside law enforcement agency completes a courtesy report for a sexual assault occurring in San Francisco or when a SAEK was performed for an outside law enforcement agency, SVU shall be responsible for collecting the SAEK within two (2) business days. Direct outside agencies to SVU for SAEK collection.

**H. SVU Investigation – Victim Investigative Interviews**

1. Before any investigative interview begins, members shall advise the victim of their right to have a Victim Advocate and a support person of their choosing present (either in-person or virtually) [PC §679.04](#).
  - a. If requested, members shall allow the victim a person of the same or opposite gender to be present during an interview, unless no such person is reasonably available (this request for a same or opposite gender is applicable to either law enforcement or the Victim Advocate present during the interview ([PC §679.04\(b\)\(1\)](#))).


**I. Airport Bureau–** Airport Bureau members shall follow Airport Bureau Orders and San Mateo County Protocols.

## How do I track the status of my sexual assault kit?

In order to track the status of your sexual assault kit, please follow the instructions below:

1. Visit the California Department of Justice, Office of the Attorney General Sexual Assault Kit Location and Status Website at **[kitstatus.doj.ca.gov](http://kitstatus.doj.ca.gov)** or scan the QR code below with your smartphone.
2. Enter the name of the investigating law enforcement agency and your sexual assault kit number.

If you are unable to locate your kit, please contact Victims' Services Unit by phone or email.

 **877-433-9069**

 **[VictimServices@doj.ca.gov](mailto:VictimServices@doj.ca.gov)**

**Sexual Assault Kit Number:** \_\_\_\_\_

**Law Enforcement Case Number:** \_\_\_\_\_

Scan here to get  
your kit status.



## Additional Resources

### Rape, Abuse & Incest National Network (RAINN)

The nation's largest anti-sexual violence organization that works to help survivors and prevent sexual assault  
**800-656-HOPE (4673) • [www.rainn.org/resources](http://www.rainn.org/resources)**

### National Domestic Violence Hotline

24-hour confidential national hotline that provides support to survivors of domestic violence  
**800-799-SAFE (7233) • Text START to 88788**  
**[www.thehotline.org](http://www.thehotline.org)**

### National Human Trafficking Hotline

24-hour confidential hotline for victims and survivors of sex and labor trafficking  
**888-373-7888 • Text 233733**  
**[www.humantraffickinghotline.org](http://www.humantraffickinghotline.org)**

### ValorUS

California-based coalition of rape crisis centers and sexual assault prevention programs  
**916-446-2520 • [www.valor.us](http://www.valor.us)**



# YOUR RIGHTS

as a Victim of Sexual Assault





# KNOW YOUR RIGHTS


## Rights of Sexual Assault Victims


You are not required to participate in the criminal justice system or receive a free sexual assault exam in order to keep your rights as a victim under the law.

The following is a list of those rights, resources and information:







 **You have a right to have a 24-hour confidential sexual assault counselor (victim advocate) or other support person(s) with you during any exam or interview.**

 **You have a right to ask for a temporary protection order.** If you feel like you are in immediate danger, ask law enforcement for an Emergency Protection Order (EPO). Learn more about family law and civil protection orders here: [www.courts.ca.gov/1260.htm](http://www.courts.ca.gov/1260.htm).

 **You have a right to track the status of your kit.** You can get the name of the investigating law enforcement agency and your sexual assault kit number from the officer or medical provider.

 **You have a right to a free copy of your crime report.** To get your report, submit a written request to the investigating law enforcement agency.

### Did you know...

-  **You have the right to a free forensic exam,** which should be conducted as soon as possible after the assault.
-  Should you decide to get a physical examination, **law enforcement will never use your DNA against you.**
-  **You have a right to certain information about the testing of your sexual assault kit.**
  - Did your evidence provide the DNA profile of your attacker?
  - Was the evidence DNA profile entered in the law enforcement database?
  - Did the evidence DNA profile match any offenders in the database?
-  If your attacker is convicted, **you have a right to their sex offender registry information.**
-  **The sexual assault kit must be taken to the lab and analyzed within 24 months.** Your kit must be kept for 20 years, or until you turn 40 (if you were under 18 when the assault happened).
-  **You have a right to restitution,** if a criminal case has been filed in the county, state, or federal court where the assault took place. Please refer to your Victims' Bill of Rights: Marsy's Law for more information or visit [oag.ca.gov/victimservices/marsys\\_law](http://oag.ca.gov/victimservices/marsys_law)

## Resources

### Local Rape Crisis Center

Contact your local rape crisis center for support, advocacy, and information about their services.

### Local Victim-Witness Program

Contact your local victim-witness program for advocacy and information about the criminal justice process.

### California Victim Compensation Board (CalVCB)

Helps reimburse victims for mental health counseling, loss of income, crime scene cleanup, relocation, medical and dental bills, and other costs related to the assault  
**800-777-9229 • [www.victims.ca.gov](http://www.victims.ca.gov)**