

OFFICE OF CHIEF OF POLICE
OAKLAND POLICE DEPARTMENT

MEMORANDUM

TO: All Personnel

DATE: 16 Sep 14

SUBJECT: Revision of Training Bulletin IV-C, SEXUAL ASSAULTS
and Training Bulletin IV-E, CHILD ABUSE (Rev. 14 Apr 14)

The purpose of this memorandum is to notify members of a revision to Training Bulletin IV-C, SEXUAL ASSAULTS and Training Bulletin IV-E, CHILD ABUSE. The revision is identical in both documents and only affects follow-up investigators.

The revisions are on Page 5-6 of TB IV-C and page 23 of TB IV-E, as follows:

Previous language:

Submit lab requests for analysis of biological material in ALL cases with sexual assault kits and/or biological evidence, absent those deemed UNFOUNDED by the SVU supervisor. A detailed explanation of why the case was UNFOUNDED shall be documented in the follow-up investigation by the assigned investigator.

Revised language:

- Evaluate, inventory and assess all evidence for testing. Absent those items listed below as “exceptions” all lab requests for the analysis of biological material, e.g., SART Kits and/or other biological evidence, shall be submitted within 7-business days of the case being received by an investigator for investigation. However; if additional time is needed to evaluate the case to determine the necessity of the lab request, this fact must be articulated and documented in follow-up investigation report.

Exceptions to making lab requests:

- Based upon the investigator’s evaluation of the “totality of circumstances” of the case and with the expressed approval of the reviewing SVU supervisor, investigators may elect NOT to have a SART Kit and/or other biological evidence processed and analyzed by the Crime Lab. Reasons for not requesting such action must be clearly articulated and documented in the investigator’s follow-up investigation. These reasons may include, but are not limited to:
 1. Case is deemed UNFOUNDED, i.e., the crime did not occur;
 2. The victim’s lack of credibility and there does NOT appear to be a clear public safety issue;
 3. The victim’s outright refusal to cooperate and there does NOT appear to be a clear public safety issue;

4. The investigator has tried but has been unsuccessful in contacting/re-interviewing the victim, to confirm validity of the crime;
5. The testing of the evidence would have no impact on the case, e.g., both "known" parties admitted to having consensual sex but the victim later removed the consent.
[This DOES NOT APPLY TO ANY CASE INVOLVING A CHILD – person under the age of 18]

By order of



Sean Whent
Chief of Police

Date Signed: 9-18-14

TRAINING



BULLETIN

16 Sep 14

Index Number: IV-C
Alpha Index: Police Response to
Sexual Assaults

Evaluation Coordinator: YFSS Commander
Automatic Revision Cycle: 3 Years

"Department Training Bulletins shall be used to advise members of current police techniques and procedures and shall constitute official policy."

POLICE RESPONSE TO SEXUAL ASSAULTS

Introduction

The role of law enforcement in the area of sexual assault investigation is both diverse and complex. Officers and investigators must ensure that the Department provides effective and compassionate service to those who have been victimized, while at the same time, aggressively pursuing those who have offended and, thus, are a threat to public safety.

While no publication can capture every duty and task that needs to be done, this Training Bulletin will provide a general overview of items, at both the preliminary and follow-up stages of the investigation, which will lead to a complete and comprehensive investigation that can be evaluated by the District Attorney's Office for charging.

This Training Bulletin has been divided into seven (7) parts/components:

1. Rape Trauma Syndrome (RTS): Victimology and the Dynamics of Sexual Assault
2. First Responder Responsibilities
3. Follow-up Investigator Responsibilities
4. Supervisory & Command Responsibilities
5. Common Terms, Definitions and Process
6. Common Code Sections
7. Resources for Sexual Assault Victims (Survivors)

In the preparation of this publication, input was sought and obtained from the Bay Area Women Against Rape (BAWAR), the Alameda County District Attorney's Office, The California Commission on Peace Officers Standards and Training (POST) and experienced investigators from the Oakland Police Department.

NOTE: While this Training Bulletin will cover some of the issues involving child related sexual assaults, a more detailed guide on this specific subject can be found in Training Bulletin IV-E, CHILD ABUSE.



Part I

Rape Trauma Syndrome (RTS): Victimology and the Dynamics of Sexual Assault

Rape Trauma Syndrome (RTS)¹ is a specific form of a broader category of trauma response called Post-Traumatic Stress Disorder (PTSD). Although PTSD is most commonly associated with the traumatic experiences of Vietnam War veterans, it can be applied to reactions to many forms of trauma, including natural disaster, war, rape, and other forms of violent crime. RTS is specific to the experience of the rape survivor. Reactions to rape are considered separately from other forms of PTSD because of the specific nature of the trauma of rape. One researcher described this difference as her belief that rape is “the ultimate violation of the self, short of homicide, with the invasion of one’s inner and most private space, as well as the loss of autonomy and control”²

Rape Trauma Syndrome has three phases that can disrupt the physical, psychological, social, and sexual aspects of the survivor’s life. The first phase is the crisis, acute, or disruptive phase and can last from days to weeks. The second phase is denial, recoil, or suppression phase, which lasts from a few weeks to a few years. Sometimes survivors alternate between the acute phase and the denial phase. And finally, the third phase is the reorganization, assimilation, or integration phase in which the survivor works to reestablish order in her/his life and regain a sense of control in the world. This third phase can last from months to years.

Phase I: Acute crisis. The acute phase is the survivor’s immediate reaction to the assault and is characterized by shock and disbelief. Survivor’s expressions of these feelings might be either visible and outwardly expressed or more controlled. Whereas one survivor might sob outwardly, another might appear calm and unemotional. Some common physical issues at this stage of healing can include physical injury from the assault; tension, fatigue, difficulty sleeping and eating disturbances such as changes in appetite or nausea and stomach pains. Emotional reactions might include fear, shame, guilt, anger, embarrassment, revenge, and helplessness. Because the survivor is usually flooded with so many conflicting emotions, she/he can feel as though she/he is out of control or “going crazy”. One way to help the survivor is to validate and normalize the feelings.

Phase II: Denial. Numbing or reduced involvement with the environment is a characteristic of PTSD and the second phase of RTS. In this phase, the survivor might attempt to forget the assault and might explain that she is “over it”. This represents her/his desire for a mastery over the assault and is an expression of the desire to move forward with life. Frequently, the survivor alternates between the denial phase and the crisis phase.

Phase III: Reorganization or integration. The third phase of RTS frequently lasts from a couple of months to many years. The length of time this phase takes depends on how quickly she/he received crisis intervention, the specific nature of the assault, her/his past experiences with trauma, how she/he is treated by medical and legal professionals and rape advocates, and her access to support systems, family and friends. Symptoms of this phase of healing are psychological, social and sexual. Psychological symptoms of this phase could include nightmares, phobias, paranoia, and compulsive behaviors. Physical problems that might arise include gynecological problems, backaches, migraines and eating disturbances. It is also common for social responses to include disrupted relationships with family, friends and lovers.

One of the most empowering and comforting things to remind the survivor is that she/he is not alone and that what she/he is going through has been experienced by others.

¹ CALCASA’s (California Coalition Against Sexual Assault) training manual

² Burgess, *Rape and Sexual Assault*, p49 – CALCASA’s training manual



It is important for us to remember that each individual's experience of the assault is unique and so is her/his reaction to the assault. However, being aware of the commonalities found between survivors' reactions and using this information to educate each survivor you encounter can reduce isolation and help her/him understand her/his feelings and reactions.

People with developmental disabilities are disproportionately at a higher risk for violent victimization, including sexual assault. Many adults with developmental disabilities have been sexually victimized more than once. Factors that make this population more vulnerable to sexual assault include the fact that many adults with developmental disabilities have been taught since childhood to be compliant, they may have multiple caregivers, they may be isolated, they may be easily influenced and they may have limited sexual education or knowledge. When adults with developmental disabilities report a crime, they often are able to give credible witness statements. CALICO's skilled forensic interviewers are trained to interview victims with developmental disabilities.

Part II

First Responder Responsibilities

As with any criminal case, the actions of our first responders can make or break an investigation. The following are required tasks that must be addressed and completed during the preliminary stages of a sexual assault investigation:

- ☐ Assess risk to:
 - Self/other officers;
 - Victims/witnesses/family; and
 - Public.
- ☐ Assess medical needs of victim and transport to the appropriate facility, if necessary.
- ☐ Assess the need for a forensic medical exam (Sexual Assault Medical [SAM] Exam) of the victim (usually no longer than 72-hours after the assault) – this time frame also applies to "date rape drugs."

NOTE: Date Rape Drug recovery process: Request ACH/SART or other attending sexual assault examiners, to obtain two vials (urine/blood) – Officer processes them like DUIs

- 13 years and younger to Children's Hospital Oakland – Please call first 428-3000 and advise you are coming in.
- 14 years and older to Highland Hospital (ACH.)
- All suspects (regardless of age) to Santa Rita Jail. The YFSS Intake Desk Officer will make notifications to VBS Services³ for suspect exams and determine whether an exam should take place before or after the interview.
- ☐ Conduct preliminary interview of the victim and assess the following:
 - What took place? – Are the elements of the crime present? Is there probable cause to arrest? Is the suspect armed?
 - Jurisdiction (City) – Who should conduct the investigation?
 - Time frame of the assault.

³ VBS Services is the contractual service provider for all suspect sexual assault exams. Their services are activated by the YFSS Intake Desk and/or SVU investigator after notification by field personnel of an arrest and/or warrant.



Police Response to Sexual Assaults, Index Number IV-C

- Suspect identity – Is the offender known to the victim? What is the description, location, direction of flight, activity before, during and after the assault/incident?
- Any vehicle description or license number.
- Adult victims with developmental disabilities should be interviewed at CALICO.
- Communication Order completed – Date and time.
- Advise neighboring agencies if suspect might be in their jurisdiction.
- ❑ Assess Evidence & Collection
 - Be mindful of and attentive to possible biological evidence: blood, saliva, urine, feces, etc. and any objects (face, neck, breasts, genitalia, clothing, cloths, rags, bedding, etc.) onto which it may have been transferred.
 - Request a Technician to process the scene and collect evidence.
 - Identify the crime scene and determine if a warrant is necessary to seize possible evidence – if so, secure the area and get a warrant.
 - Photograph the victim and all injuries, prior to the examination if possible (injuries will be cleaned during the exam).
 - Photograph the crime scene and any evidence before it is collected or disturbed.
 - Document the location and status of all evidence in your report before it is collected or disturbed if possible.
 - Consider having the victim give you a crime scene walkthrough, when practical.
- ❑ Identify all other involved parties or potential witnesses and take statements whenever possible.
- ❑ Statements
 - Conduct a complete ‘frame by frame’ interview with the victim – trying to remember as much as possible (recognize and be compassionate to the needs of the victim and their state of being.) While attempting to obtain “Who, What, When, Where, Why and How” **avoid** the “Why” question – “Why” implies the victim is somehow at fault and this could impede your interview. Obtain victim’s involvement information using other types of questions.
 - Tell the victim of his/her rights per Penal Code Section 293 – Right to Identity Confidentiality.
 - Tell the victim of his/her rights per Penal Code Section 679.04 – Right to have present Rape Crisis/Support Staff (at ACH-SART; outside of ACH, BAWAR.)
 - ***For Children victims - Although child forensic interviews will be done at CALICO – still conduct a brief interview (take a statement) to establish the probable cause of the crime. CALICO also interviews child witnesses, not just child victims.***
 - ***Adults with developmental disabilities who are victims of sexual assault should also receive their forensic interviews at CALICO.***
 - Make sure to take a statement from the first person to whom the victim disclosed the information regarding a sexual assault– especially in child cases.
 - Remind all victims, witnesses, and others to provide good contact information and make themselves available to follow-up investigators.
- ❑ If the suspect(s) is/are arrested, ensure a Suspect Sexual Assault Exam is completed. In most all cases, a Special Victims callout should be made – notify your supervisor ASAP on each and every in-custody or other serious case.
- ❑ Contact the YFSS Intake Desk and have them conduct Megan’s Law check for 290 PC registrants in the area of the assault.



- ❑ Sometimes it might be reasonable or necessary to keep the suspect out of custody – call an on-duty/on-call investigator and consult them about the case.
- ❑ Always notify your supervisor of in-custody and other serious cases (e.g., serial, ritualistic, sadistic, supervisor arrest approval as specified in DGO M-18, PROBABLE CAUSE ARREST AUTHORIZATION AND REPORT REVIEW, etc.)
- ❑ Always recognize the potential for the current case to be related to other crimes (e.g., serial rapist, gang initiation, domestic violence, etc.)

Part III

Follow-up Investigator Responsibilities

The following is a general outline of overall tasks and responsibilities for follow-up investigators.

Please note that per California Penal Code Section 13516 (C) – investigators assigned to cases involving sexual exploitation or sexual abuse of children, must attend specialized training (POST Certified) on this subject matter within 6-months of their assignment.

- ❑ Front End Assessments, Organization, Initial Decision Making
 - Log case for tracking
 - Organize case logically in caseload (e.g. – Alphabetically by Victim, RD#, etc.)
 - Read entire report
 - Prioritize case in caseload (e.g. – In-custody, DNA, severity, serial, media, active victim)
 - Communicate – Collaborate with fellow investigators, supervisors, District Attorneys
 - Assess investigative agenda, resource needs, media involvement
 - Make appropriate advisements to chain of command
 - Review log and hand check caseload regularly
- ❑ Investigative Execution and Investigation Techniques
 - Read entire report... Again!
 - Pursue/investigate case to an appropriate case disposition
 - Assess jurisdiction and Statute of Limitations
 - California Penal Code Sections 799 – 805
 - Document logically and orderly all case notes: Dates/times, Who, What, When, Where...
 - Present a complete picture of the events and investigative actions
 - Evaluate, inventory and assess all evidence for testing. Absent those items listed below as “exceptions” all lab requests for the analysis of biological material, e.g., SART Kits and/or other biological evidence, shall be submitted within 7-business days of the case being received by an investigator for investigation. However; if additional time is needed to evaluate the case to determine the necessity of the lab request, this fact must be articulated and documented in follow-up investigation report.
Exceptions to making lab requests:
 - Based upon the investigator’s evaluation of the “totality of circumstances” of the case and with the expressed approval of the reviewing SVU supervisor, investigators may elect NOT to have a SART Kit and/or other biological evidence processed and analyzed by the Crime Lab. Reasons for not requesting such action must be clearly articulated and documented in the investigator’s follow-up investigation. These reasons may include, but are not limited to:
 1. Case is deemed UNFOUNDED, i.e., the crime did not occur;
 2. The victim’s lack of credibility and there does NOT appear to be a clear public safety issue;
 3. The victim’s outright refusal to cooperate and there does NOT appear to be a clear public safety issue;



Police Response to Sexual Assaults, Index Number IV-C

4. The investigator has tried but has been unsuccessful in contacting/re-interviewing the victim, to confirm validity of the crime;
 5. The testing of the evidence would have no impact on the case, e.g., both “known” parties admitted to having consensual sex but the victim later removed the consent. [This DOES NOT APPLY TO ANY CASE INVOLVING A CHILD – person under the age of 18]
- Assess for a clarification victim statement
 - Victim Advocate – California Penal Code Sections 679.04 and 679.05
 - CALICO interview – adults with developmental disabilities, child witnesses, child victims
 - Interview with sworn partner
 - Assess for/determine/locate corroboration
 - Physical check of crime scene
 - Witness interviews – first party disclosure, medical personnel, and other persons. Child witnesses may be taken to CALICO to be interviewed.
 - Biological evidence – Blood, saliva, semen, discharges, hair, epithelial cells
 - Medical evidence – OES Medical/Forensic Reports:
 - OES 900 – Medical Report: Suspected Child Abuse and Neglect (Physical)
 - OES 923 – Forensic Medical Report: Acute Adult-Adolescent Victim (Sexual)
 - OES 925 – Forensic Medical Report: Non-Acute Child Victim (Sexual)
 - OES 930 – Forensic Medical Report: Acute Child Victim (Sexual)
 - OES 950 – Forensic Medical Report: Suspect (Sexual)
 - Other Evidence – Photographs, fingerprints, clothing, diaries, computers, telephone communications, records, etc. – all linked with witness testimony
 - Suspect interview – Custodial (Miranda), non-custodial, single party consent (pretext) telephone call
 - Review/monitor jail phone calls
 - Re-assess criminality of investigation - true nature of ALL offenses
 - Conduct systems checks – Victims, Witnesses, Suspects
 - Local – LEWI, CORPUS, CRIMS
 - State – CCI
 - Federal – FBI
 - Other Records – Local, Outside Agencies
 - Assess for liaison with other investigative support services
 - Alameda County Child Protective Services (CPS) (510-259-1800)
 - Victims of Crime (VOC) (510-272-6180)
 - Bay Area Women Against Rape (BAWAR) (510-347-6716)
 - Sexual Assault Response Team (SART) (510-437-8396)
 - Center for Child Protection (CCP) (510-428-3742)
 - CALICO Center (510-895-0702)
 - Other Social Welfare Organizations
 - Be attentive to and address other potential tangential issues – family members, school personnel, hospital personnel, local polity, and police agencies
- ☐ Prepare and present the case to the appropriate Deputy District Attorney for charging consideration
 - ☐ Prepare charged cases for submission to the court process
 - ☐ Submit closed case to appropriate supervisor for closure approval



Part IV

Supervisory & Command Responsibilities

Officer/Investigator Wellness

While overall police work can be a very draining and taxing job, dealing with crimes against children and women can be some of the most exhausting and emotional of these assignments. Whether a first responder or a follow-up investigator, it is absolutely crucial that supervisors and commanders monitor their staff for signs of fatigue or “burn-out.” Ensuring our staff’s wellbeing is a critical component to our Department’s ability to provide the best possible service available.

Supervisors and/or commanders becoming aware of concerns or issues with their staff should respond in accordance with current policy and practice and offer/obtain assistance for their people as appropriate.

Investigative Efforts and Coordination

Because criminals do not recognize or adhere to geographical boundaries, it is important that supervisors and commanders recognize the potential for the current case to be related to other crimes (e.g., serial rapist, gang initiation, domestic violence, etc.)

Supervisors and commanders are encouraged to coordinate investigative enforcement operations between field and follow-up efforts. Such activities as undercover vice operations, surveillances, stings and similar operations can be very useful tools in addressing chronic and/or serial related crimes and conduct.

Notifications

The section commander shall ensure that the appropriate notifications are made regarding sexual assault offenses involving school personnel as outlined in DGO P-6, OFFENSES INVOLVING SCHOOL PERSONNEL. In addition, it is vital that all serious, high profile and media driven type cases are brought to the attention of the Bureau Commander, via the chain of command.

Supervisors and commanders shall also ensure that press releases (Criminal Case Information) are completed in an accurate and presentable manner. Such items shall be forwarded to the Public Information Officer with the approval of the Division Commander when appropriate.

Call-outs

For Patrol Watch Commanders and supervisors, the following chart outlines basic guidelines for sexual assault “call-out” activations:



Police Response to Sexual Assaults, Index Number IV-C

ADULT SEXUAL ASSAULTS

- ☐ Nature of relationship between suspect and victim.
- ☐ If both parties are known to one another – these cases can oftentimes wait until business hours.
- ☐ Is this a serious and immediate public safety issue?
- ☐ Are complex and involved crime scene warrants required that go beyond a generic warrant?
- ☐ Each case is different. Some suspects will need to be interviewed sooner rather than later which might result in an immediate call-out; however, in some cases, the suspect interview might wait until the next business day.
- ☐ Remember – the suspect interview is usually done towards the end of the investigation or at least at a point in the investigation where the majority of information has already been obtained, processed, and confirmed.
- ☐ Has the incident become a “High Profile” Case / media involved – driven?
- ☐ It is not necessary to make a call-out for investigators to write a crime scene search warrant. These warrants are easy to write and get signed AND are not time consuming. The Intake Desk can assist in obtaining a judge (during non-business hours) to sign the warrant.
- ☐ It may take upwards of 4-hours for investigators to be called to the scene. Patrol can facilitate the process by preparing and collecting the appropriate reports/statements and then writing, obtaining a signature from a magistrate, and serving the warrant.
- ☐ Patrol must stand-by and secure the scene during the securing of a warrant.
- ☐ Crucial to any sexual assault is the proper and timely collection of evidence (biological and physical).
- ☐ Sending a victim to ACH and a suspect to Santa Rita for sexual assault exams does NOT require an investigator.
- ☐ A consultation with the call-out team (and YFSD-ISS Commander) is encouraged when in doubt about a call-out.

CHILD SEXUAL ASSAULTS

- ☐ Safety of the child is paramount.
- ☐ Can the family protect the child?
- ☐ Is the suspect an immediate threat to the child and/or the public?
- ☐ Is the incident now a “High Profile” Case / media involved – driven?
- ☐ We have 48-hours (two court business days) to present a case to the DA upon an arrest. Within that time period, the following tasks need to take place:
 - o CALICO interview of the victim – coordinated with CPS, the DA’s Office and the investigator
- ☐ Forensic medical exam(s) at either Children’s Hospital Oakland or Highland Hospital, depending on age
- ☐ Witness Statements– CALICO may be used to interview child witnesses and/or adult witnesses who have developmental disabilities
 - o Lab Request and evidence analyzed
 - o Pre-text phone call(s) – especially on old disclosures of crimes that took place beyond a few days
- ☐ Often, investigators are not able to present a “chargeable” case to the DA and thus the suspect is released (849b). Eventually, the case may get charged but the victim and the victim’s family may have lost faith and confidence in the police and the system which subsequently leads the victim or family not to follow through with the case.
- ☐ Ideally, the arrest is the last thing accomplished during the investigation. It is preferable, when possible, to utilize the “complaint warrant” process so that when the suspect is arrested, he/she is more likely to remain in custody. There is a sense of “closure” for the victim.



Billing and Financial Issues

The YFSD-Investigative Services Section commander shall be responsible for the reviewing, approving and tracking of all medical bills related to:

- ☐ Sexual Assault Exams of victims (SART)⁴
- ☐ Suspect Sexual Assault exams of offenders⁵
- ☐ Analysis of biological evidence tested related to sexual assaults⁶

In addition, the commander will be the project manager for any service provider contract or agreement and will be required to work with both City and OPD Fiscal Departments; subsequently, preparing Agenda Reports and such for City Administrator approval.

Always recognize the potential for the current case to be related to other crimes (e.g., serial rapist, gang initiation, domestic violence etc.) For example, a burglary might actually be an attempted rape that was interrupted and/or not completed.

Part V

Common Terms, Definitions & Process

The following information not only explains terms but also its potential importance to any criminal investigation:

TERM	DEFINITION	PROCESS
Automated Fingerprint Identification System (AFIS)	Statewide file of full or partial rolled fingerprints collected from known individuals; can be referred to compare with fingerprints from unknown source collected at a crime scene.	Technician collects / requests Crime Lab processing
Deoxyribonucleic Acid (DNA)	A substance found in the chromosomes in the nucleus of human cells that provides genetic coding information unique to every person.	
Drug Facilitated Sexual Assaults AKA "Date Rape Drugs"	Drugs such as (but not limited to) Rohypnol, GHB (gamma-hydroxybutyrate) are put into a victim's food/drink by an offender to incapacitate a person prior to sexually assaulting them. <i>Street names:</i> Rohypnol (Ruffies, Roofies, Rope, Rib) GHB (Liquid X or E or Ecstasy, Easy Lay, Soap)	Collect during Sexual Assault Exam). Best if taken within 12 hours but can be taken up to 72-hours after the assault Request ACH/SART to obtain two vials (urine/blood) – R/O processes them like DUIs – mark as "date rape"
Human Biological Fluids and Stains	Human <u>biological fluids</u> and stains such as blood, semen, vaginal secretions, saliva, or perspiration may be found at any crime scene, not just those crime scenes associated with violent crimes.	

⁴ California Penal Code Section 13823.95 – Sexual assault victims; examination to gather evidence for prosecution; costs. The law enforcement jurisdiction for where the offense took place AND not where the exam was conducted shall be legally responsible to pay for all exams associated with the criminal case.

⁵ VBS Services is the contractual service provider for all suspect sexual assault exams. Their services are activated by the YFSS Intake Desk and/or SVU investigator after notification by field personnel of an arrest and/or warrant.

⁶ National Medical Services (NMS) is the contractual service provider for all biological analysis exams.



Police Response to Sexual Assaults, Index Number IV-C

TERM	DEFINITION	PROCESS
Latent Finger Print	Impression left by secretions from perspiration or oils on the skin; NOT visible to the naked eye without special treatment or development	
Nonporous Surface	Any surface that does NOT absorb liquids or oils (e.g., plastic, glass, etc.)	
Porous Surface	Any surface that absorbs liquid or oils (e.g., cloth, unfinished wood)	
Semen or Vaginal Secretions	Seminal fluid and vaginal secretion stains collected at a crime scene from a victim may provide evidence leading to the identification or elimination of a possible suspect(s).	Possible locations for items: <input type="checkbox"/> Bedding <input type="checkbox"/> Articles of discarded clothing <input type="checkbox"/> Towels and washcloths <input type="checkbox"/> Condoms <input type="checkbox"/> Vehicles NOTE: Any item collected should be allowed to air dry, if necessary, and packaged and preserved according to current police <input type="checkbox"/> Tech / Crime Lab Request
Tool Mark	Any impression, scratch, gouge, cut, or abrasion on an object that is the result of a tool forcibly coming into contact with the object.	
Trace Evidence	Any evidence that is very small and usually cannot be seen with the naked eye without close scrutiny.	
Transfer Evidence	Any evidence that is easily transferred or passed when two objects touch.	
Visible Fingerprint	An impression left behind in blood, paint, or other similarly colored liquid that does not require any treatment in order to be visible to the naked eye.	

Part VI

Common Code Sections

Penal Code Sections that normally apply to sexual assault investigations:

- 207 – Kidnapping (Felony)
- 207 – Kidnapping <14 (Felony)
- 209 – Kidnapping for Rape (Felony)
- 236.1 – Human Trafficking (Felony)
- 261 – Rape (Felony)
- 261(a) (1) – Incapable due to mental disorder/development (Felony)
- 261(a) (2) – Against one's will – force, violence, duress, menace or fear (Felony)
- 261(a) (3) – Intoxicate or under the influence of anesthetic substance (date rape drug) (Felony)
- 261(a) (4) – SEE BELOW
- 261(a) (4) (A) – Unconscious or asleep (Felony)
- 261(a) (4) (B) – Unaware, unknowing or cognizant that act occurred (Felony)
- 261(a) (4) (C) – Same as (B) but due to offender's fraud in fact (Felony)
- 261(a) (5) – Belief person was spouse (Felony)
- 261.5 (a) – Unlawful sexual intercourse with person under 18; (Definition)



- 261.5 (b) – less than 3-years age difference b/t parties (Misdemeanor)
- 261.5 (c) – more than 3-years age difference b/t parties (Wobbler)
- 261.5 (d) – Victim under 16 – Suspect over 21 (Wobbler)
- 262 (a) – Rape of a Spouse (Felony) – see types
- 264.1 – Rape in Concert (Felony)
- 266h – Pimping (Lives off of victim's prostitution) (Felony)
- 266i – Pandering (makes them prostitute) (Felony)
- 267 – Abduction (person under 16) for purpose of prostitution) (Felony)
- 269(a) – Aggravated Sexual Abuse of Child (*Victim <14 - Suspect 7+ yr. older*) (*15 to life*) (Felony)
- 286 (a) – Sodomy (Felony)
- 286(b) (1) – Victim under 18 (Felony)
- 286(b) (2) – Suspect over 21 and victim under 16 (Felony)
- 286(c) (1) – Suspect more than 10-years older than victim under 14 (Felony)
- 286 (2) – Via force, violence, duress, menace, fear etc. (Felony)
- 286.5 – Sexual Assault of Animals (Felony)
- 288(a) – Lewd/Lascivious Acts w/ Child <14 (Felony)
- 288(b) (1) – Lewd/Lascivious Acts w/ Child w/ Force <14 (Felony)
- 288(c) (1) – Lewd/Lascivious Acts w/ Child (*V 14/15 S 10 or more older*) (Felony)
- 288a (b) (1) – Oral Copulation with V <18 (Felony)
- 288a (a) – Oral Copulation (Felony)
- 288a (b) (1) – Victim under 18 (Felony)
- 288a (2) – Suspect over 21 and victim under 16 (Felony)
- 288a (c) (1) – Victim under 14 and suspect more than 10 years (Felony)
- 288.2(a) – Harmful Matter (Wobbler)
- 288.2(b) – Harmful Matter using the Internet (Wobbler)
- 288.3(a) – Contact w/ intent (Felony)
- 288.5(a) – Continuous Sexual Abuse (In home or recurring access–no less than 3 months/ 3 or more substantial sex abuse V<14) (Felony)
- 288.7(a) – Sexual Intercourse/Sodomy [V<10 – S>18 (25 to life)] (Felony)
- 288.7(b) – Oral Copulation [V<10 – S>18 (15 to life)] (Felony)
- 289 (a) (1) – Forcible acts of sexual penetration (Felony) (SEE PC for further crimes)
- 311 (a) – “Obscene matter” (Definition)
- 311.7 – Possession of Obscene Matter, Receipt, etc. (Misd)
- 311.1(a) – Distribute/Produce Child Porn (Felony)
- 311.3(a) – Sexual Exploitation of Child (Memorializes via media – sex abuse of child) (Felony)
- 311.4(a) – Employment for Same (Felony)
- 311.11 – Possession of Child Porn (Wobbler)
- 313.1(a) – Providing Harmful Matter to Children (Misd – w/ prior Felony)
- 647.6(a) – Annoying / Molesting a Child (Wobbler)



Part VII

Resources for Sexual Assault Victims (Survivors)

Victims (survivors) of child abuse or sexual assault may be referred to statewide and local resources, who may direct them to other local agencies. Such resources are listed below:

- Bay Area Women Against Rape – 470 27th Street, Oakland CA, 94607 94612 (Alameda County Family Justice Center) (510-267-880/510-4301298)
- Highland Sexual Assault Center, 1411 East 31st Street, Oakland, CA 94602 (510-534-9290/510-534-9291)
- Center for Child Protection, Children’s Hospital Oakland, 747 52nd Street, Oakland, CA 94609 (510-428-3742)
- West Coast Children’s Clinic, 3301 E. 12th Street, Suite 259, Oakland, CA 94601 (510-269-9030)
- Tri-Valley Haven, 3663 Pacific Avenue, Livermore, CA 94550 (925-449-5845)
- The Link to Children, 1904 Franklin St, Suite 400, Oakland, CA 94612, (510-428-2028)
- Child Abuse Prevention Program, Crime Prevention Center, Office of the Attorney General, PO Box 944255, Sacramento, CA 94244-2550 (916-324-7863)
- California Child Care Resource and Referral Network, 111 New Montgomery, 7th Floor, San Francisco, CA 94105 (415-882-0234 or 800-998-9114)
- California Consortium for the Prevention of Child Abuse, 1414 Fourth Street, Sacramento, CA 95814(916-448-9135)
- Community Care Licensing, State Department of Social Services, 744 P Street, MS 19-35, Sacramento, CA 95814 (916-574-2346)
- Giaretto Institute: Parents United, Inc., Parents United/Daughters and Sons United, Adults Molested as Children United, PO Box 952, San Jose, CA 95108 (408-453-7616)
- Governor’s Office of Criminal Justice Planning (OCJP), 1130 K Street #300, Sacramento, CA 95814 (916-324-9100)
- La Cheim Children and Family Services, 5741 Telegraph Ave., Oakland, CA 94609 (510-5968137)
- Office of Child Abuse Prevention (OCAP), State Department of Social Services, 744 P Street, MS9-100, Sacramento, CA 95814, (916-657-2030)
- Parents Anonymous, 520 South Lafayette #316, Los Angeles, CA 90057 (213-388-6685)
- Protect the Children Resource Center, PO Box 5223, Concord, CA 94524 (925-674-1384)