

# **San Diego County Sexual Assault Response Team (SART)**

## **Mission Statement**

*"To promote social change that fosters a society responsive to victims/survivors, their families and our community that holds offenders accountable."*

## **Values**

### **Culture & Community Support:**

We are committed to meeting the diverse needs of all members of our community.

### **Education:**

We are committed to educating ourselves and the community through multi-disciplinary training and adhering to current standards of professional practice.

### **Professionalism:**

We are committed to an objective state of the art knowledge based practice, continuing education, non-judgmental, trauma informed, and honest interaction with victims and open, respectful communication with other professionals in the field.

### **Sensitivity:**

We are committed to recognizing the physical and emotional needs of the victims, providing gentle and thorough acute and follow-up care.

### **Communication:**

We are committed to listening to one another's concerns and opinions and offering support through community education and resources.

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## Introduction

In 1990, the San Diego County Board of Supervisors authorized the establishment of a multi-jurisdictional, interdisciplinary Sexual Assault Response Team (SART) Model in San Diego County.

There are two primary objectives of the SART Model.

- To improve the provision of services to victims of sexual assault in San Diego by providing sensitive, efficient, interdisciplinary services, and
- To ensure accurate evidence collection to promote the apprehension and prosecution of perpetrators

Necessary to the accomplishment of these objectives, especially in a Team comprised of a wide range and variety of disciplines, is a written outline for all team members describing the various roles, procedures and expectations for each discipline/team member. Consequently, the SART Systems Review Committee (SSRC) presents these *Standards of Practice* for the providers of care to define these roles, procedures and expectations for all team members. It is hoped that, with these *Standards*, the Team will be better able to accomplish its objectives and, ultimately, provide optimal care for the victim of sexual assault. By realizing these objectives, the Team hopes to promote social change that fosters a society responsive to victims/survivors, their families and our community that holds offenders accountable. The Team calls this "*Response with a Heart.*"

These *Standards of Practice* address the timeliness and quality of examinations, access and availability, cost, prosecutability, and communications among providers of services. As with any dynamic process, these *Standards* are a continual work in progress. It is recommended that they be reviewed and revised yearly.

## **SART Model**

The SART Model improves services offered to victims of sexual assault by providing:

### **Shortened Time from Victim Report to Medical-Legal Examination**

- Regional system for cases reported to law enforcement
- Designated sites for care, instead of multiple Emergency Departments
- Protocol for activating the SAFE/SANE and Advocate
- Algorithm for SAFE/SANE to access emergency medical care based on presentation and presenting symptoms of victim
- Streamlined communications between law enforcement and health care

### **Confidentiality**

- A dedicated private setting for the medical-legal examination, unless otherwise indicated due to patient's medical condition
- Waiting room separate, and at a distance from the interview room
- Compliance with Family Codes 6921 - 6938 regarding consent by minors 12 years and older

### **Emotional Care**

- Officers, Detectives, SAFEs, and Advocates trained in techniques to affirm and support victims
- A trained advocate to provide support and initial crisis intervention
- Provision of referrals for follow-up services
- Expert Sexual Assault Forensic Examiners (SAFEs) to integrate emotional care and crisis intervention during the medical-legal examination

### **A Sexual Assault Systems Review Committee, Authorized by the Board of Supervisors**

- An interdisciplinary think tank, decision making body
- Convene regional multi-jurisdictional meetings
- Approves Child/Adolescent/Adult SART Facilities
- Conducts quality assessment of interdisciplinary programs
- Provides on-site review by appropriate SART Committee members for unresolved breaches of protocol
- Provides recommendations from the SART committee to the SART community
- Tracks SART facilities, law enforcement, and advocate agency participation
- Tracks demographic victim information and medical-legal examination findings
- Monitors the quality of forensic exams based on interdisciplinary team member and victim feedback
- Provides grant funding and clinical research on sexual assault victims
- Tracks and evaluates judicial outcome
- Provides the County of San Diego Board of Supervisors with a Report outlining SART program accomplishments

### **Sexual Assault Forensic Examiner (SAFE)**

- Physicians, registered nurses, nurse practitioners, and physician's assistants licensed in

the State of California specially educated and experienced in care of sexual assault victims and suspects

- Demonstrate a willingness to work with sexual assault victims, law enforcement, and attorneys in prosecuting the cases and testifying in court
- Provide optimal use of photographic equipment and techniques to document findings for forensic purposes
- Ensure the preservation of evidence and chain of custody, based on current guidelines
- Provide thorough, consistent written documentation in compliance with state (Office of Emergency Services), federal (VAWA), and local (SART) standards
- Participates in related continuing education including monthly SAFE training/case review
- Meets annual competency standards
- Maintains objectivity in the medical-legal examinations of victims and suspects
- Informs law enforcement of the need for a forensic follow-up examination, coordinates with law enforcement, and conducts follow up examination when authorized by law enforcement
- In cases that include strangulation, follow up examination is always recommended
- Provides referral or treatment for general medical needs and STD concerns consistent with Centers for Disease Control and Injury Prevention (CDC) and California state guidelines

### **Improved Communication**

- An interdisciplinary team that facilitates the goal of timely efficient service to the victim
- Open networking between detectives and prosecutors
- Input from Criminalists at the crime lab on evidence collection by SAFE
- Provide for interdisciplinary evaluation through use of Feedback Forms and Victim Confidential Questionnaires
- Interaction with advocacy providers on victim services
- Cross training among SART team members
- Confidential communications per California state law
- Provide community educational outreach

### **Ethics**

- Maintain victim confidentiality and respect for all interdisciplinary communications
- Ensure that victims have an understanding of their legal rights
- Respect the human dignity and the uniqueness of the victim, unrestricted by considerations of racial, age, social or economic status, personal attributes, the nature of the health problems or the nature of the crime
- Maintain appropriate confidentiality of records, photographs and communications, while ensuring that all records are promptly and properly transferred, as required to appropriate persons or institutions

## Background

In response to a number of incidents wherein victims of sexual assault were not provided optimal care, the San Diego County Board of Supervisors and the Department of Health Services (now the San Diego County Health & Human Services Agency) responded by authorizing a Task Force to examine improved access to services and continuity of care for the sexual assault victim. This interdisciplinary, multi-jurisdictional Task Force was to investigate the issues in providing services to sexual assault victims and to make recommendations. Concurrently, Pomerado Hospital began operating a Sexual Assault Response Team, guided by two emergency nurses who had obtained training as sexual assault examiners. The Palomar-Pomerado Hospital Foundation supported this effort by acquiring a site on the hospital grounds but outside its Emergency Department, and by purchasing the required specialized equipment.

In August 1991, the County's Task Force recommended that the Board establish a regional Sexual Assault Response Team (SART) model to provide the most timely, efficient, and consistent services to sexual assault victims. The Task Force recommended that there be only a few designated sites for immediate care and for provision of the medical-legal examination, and that these examinations should be provided by examiners specially trained in that role.

The Sexual Assault Forensic Examiner (SAFE) is the health care arm of the SART team. The role of this individual includes the physical and psychosocial assessment of the victim, as well as the gathering of medical evidence to assist in the prosecution of the perpetrator. Appropriately trained physicians may serve in the SAFE role, as well as physician's assistants, nurse practitioners, and Registered Nurses (the American Academy of Forensic Sciences recognized forensic nursing as a scientific discipline and has sanctioned the role of the appropriately trained Registered Nurse to practice as a SAFE).

In October 1991, the first medical-legal examinations were conducted under this new regional SART model at three hospital-based centers in San Diego County. Services have been provided continuously since then, with over 3,000 examinations being conducted for sexual assault.

Activities of the San Diego County SART System are coordinated by the *SART Systems Review Committee* (SSRC). The purpose of the SSRC is to provide for ongoing guidance to the SART program in San Diego County. It serves as a forum for interdisciplinary communications, countywide protocols, recommendations for the resolution of concerns, and the development and revision of Standards of Practice for the SART Program. The SSRC includes representation from:

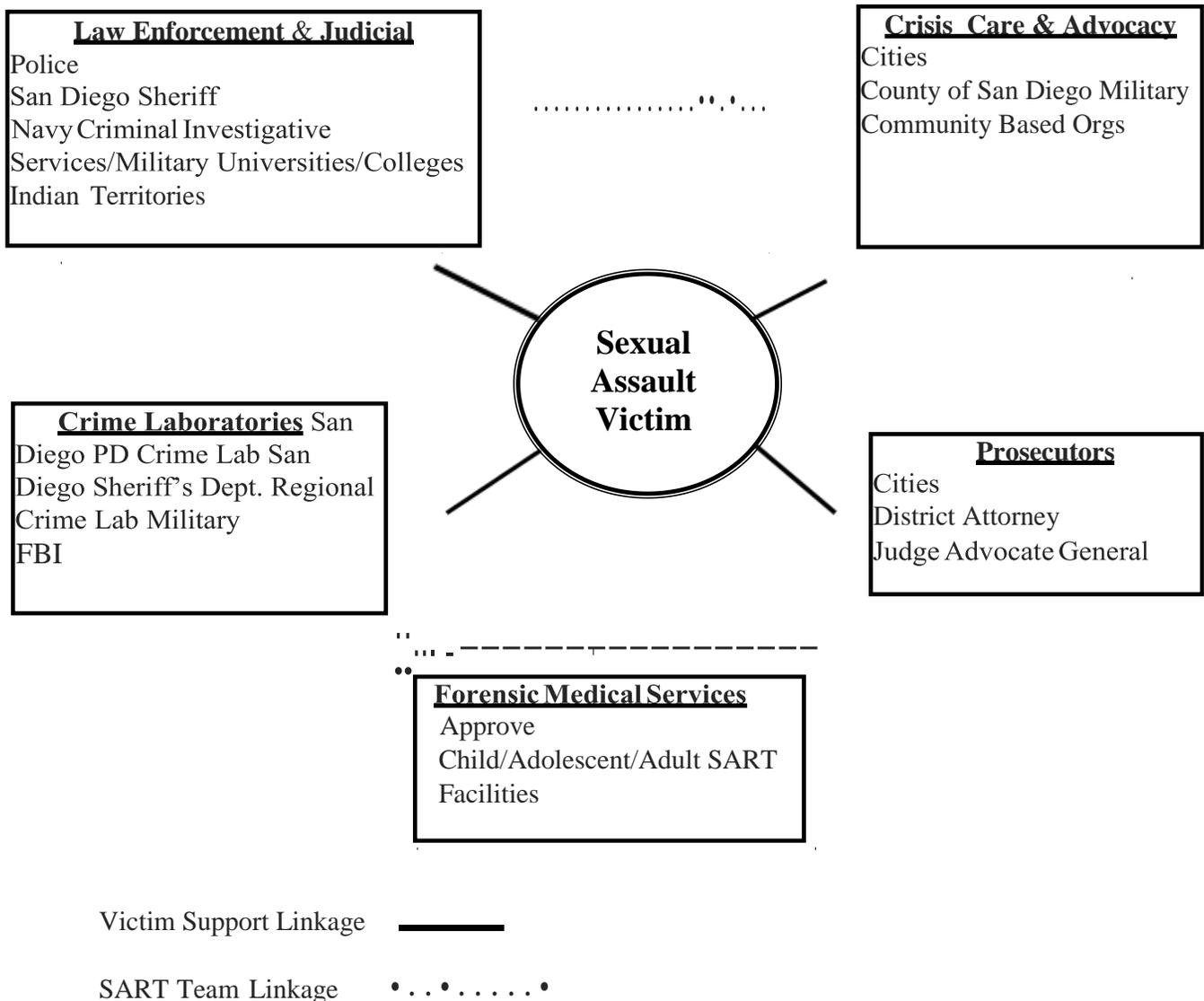
- o Child/Adolescent/Adult SART facilities
- o Chadwick Center at Rady Children's Hospital
- o Law Enforcement
- o OES authorized Rape Crisis Centers/Advocacy programs

- o District Attorney's Office and Victim/Witness Assistance Program
- o Crime Laboratories
- o San Diego County Health and Human Services Agency, Division of Emergency Medical Services
- o Palomar Health, Forensic Health Services

The County of San Diego, Health & Human Services Agency, Division of Emergency Medical Services provides administrative and technical support to the San Diego County SART Systems Review Committee. This support includes management of all SART data, the publication of periodic SART system statistics, and assistance with fundraising activities.

## Regional SART Model - San Diego County

In the SART Model, the sexually assaulted person is in the center of the SART process, with the interdisciplinary team (including law enforcement, health care, and crisis care providers) supporting the victim. In San Diego County, the SART model contains the following components with technical and administrative support from the San Diego County Health and Human Services Agency, Division of Emergency Medical Services:



## **SART Team Training**

Ongoing training is an essential component of the SART model. The following training opportunities are offered for SART Team members and participants:

### **Interdisciplinary Training**

Office of the District Attorney

California Sexual Assault Investigators Association (CSAIA)

### **Examiner Training**

SAFE In-Service Training

Sexual Assault Forensic Examiner Course California Clinical Forensic Medical Training Center (CCFMTC)

International Association of Forensic Nurses (IAFN) - National & Local

### **Law Enforcement Training**

Basic Regional Law Enforcement Academy - for Recruits San Diego Police Department Menu Classes - for Officers

POST - Sexual Assault Investigations Class - for Sexual Assault Investigators POST - ICI

Advanced Sexual Assault Investigations Class - for Investigators CCI - Examination of Sexual Assault Evidence Class - for Criminalists

### **Advocate/Counselor Training**

OES State Certified Crisis Intervention Training CALCASA Leadership Conference

Rape Crisis Required Continuing Education In-Service Training

*In addition to the above offered courses, there are a number of websites that provide training and resources, as listed in Appendix D*

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Cross-training among SART members facilitates understanding and communications between the care providers. Most local training is open to any SART member.

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## **SART Outreach**

Crisis Center Outreach - Community and school district education is also conducted by the local Crisis Centers in each of their jurisdictions.

## Role of Standards

Standards are authoritative statements by which professions describe the responsibilities for which its professionals are accountable. Consequently, these standards reflect the values and priorities of the professionals that care for or relate to sexual assault victims. In the San Diego County SART Program, the following types of providers are represented:

- Law Enforcement - Officers, Deputies, Investigators
- Criminalists
- Sexual Assault Forensic Examiners (nurses, physicians, and physicians assistants)
- Rape Crisis Advocates
- Rape Crisis Counselors
- Prosecuting Attorneys
- Forensic Pathologists

Standards will provide direction and recommendations for professional practice and a framework for the evaluation of that practice. Written in measurable terms, standards also define the professional accountability to the public and the outcomes for which professionals are responsible. Standards are expected to change over time reflecting advancements in knowledge and in professional practice.

The scope of professional practice is bound by legislation and regulations, societal demands for expedient quality forensic care, economic climate, health care delivery trends, and the interface among professionals providing services to sexually assaulted victims. At these intersections, the professionals collaborate toward a common goal of improved transmission of information and services to victims of sexual assault. Standards of Practice help to achieve that goal of improved services by:

- Promoting communication, coordination, and consistency among law enforcement, health care providers, advocacy agencies, and prosecutors
- Projecting a compassionate, coordinated model for victim safety and offender accountability
- Describing the foundational structure for services in the disciplines
- Enhancing collection, preservation, and transmission of forensic evidence
- Guiding a deliberative evaluation of services and quality improvement
- Serving as practice goals, since the services described may not be available in all communities where assaulted victims are seen
- Encouraging research to validate and improve practice

The *STANDARDS* are organized as follows:

For each specific discipline or profession represented on the interdisciplinary team, various performance standards are identified. Performance standards may include such components as assessment, ethics, or research.

Each performance standard will include a rationale supporting that performance standard and expected final outcome. The specific measurable performance criteria that are intended to lead to the expected final outcome are outlined.

*Standards of Practice* are presented for the following SART Team members and organizations:

1. Law Enforcement: Patrol Officer/Deputy/Uniformed Officer
2. Law Enforcement: Investigator
3. Forensics: Criminalist/Forensic Scientist
4. Health Care Provider: SART Call Receiver
5. Health Care Provider: Sexual Assault Forensic Examiner
6. Health Care Provider: Approved SART facility
7. Crisis Care Provider: First Response Advocate
8. Crisis Care Provider: Rape Crisis Counselor/Advocate
9. Crisis Care Provider: Victim/Witness Assistance Advocate
10. Prosecutor: District Attorney/City Attorney/Judge Advocate General

## 1. **LAW ENFORCEMENT: PATROL OFFICER/DEPUTY/UNIFORMED OFFICER**

The officer responds to the assault call, assesses the medical needs of the victim, and interviews the victim to determine whether a crime has occurred. The officer should follow agency protocol to notify appropriate investigative personnel. Additionally, the officer submits a written report documenting his/her actions. The site of the crime or the origin of the crime (such as with a kidnapping) determines the jurisdiction.

The law enforcement jurisdictions within San Diego County are:

- All city police departments within the County
- San Diego Sheriff's Department, whose jurisdiction includes the unincorporated areas of San Diego County, as well as contract cities and tribal communities
- Those specific to universities and colleges
- Those specific to the military
- Those specific to State of California and Federal buildings

### 1.1 ***STANDARD: Assessment***

The officer shall provide an accurate and thoroughly documented assessment of the crime reported in order to help reconstruct what happened.

Rationale: Documentation and assessment is a series of systematic, organized, and deliberate actions to identify and obtain data supporting the investigation.

Outcome: Appropriate case details are documented to facilitate continued case investigation. Measurement Criteria Should Include the Following:

The officer:

- where appropriate will notify the victim of his/her right to request a non-investigatory report, and explain what that process entails
- assesses immediate medical needs of the victim and refers as appropriate
- conducts preliminary interviews of victim and witnesses
- conducts the victim assessment - crime scene, general physical appearance, clothing
- requests additional resources to investigate the crime, document and collect evidence, i.e., requests assistance from investigations, crime lab, evidence technicians, etc.
- identifies and collects clothing and other crime scene evidence as determined by the victim's recollection of the assault
- contacts the appropriate person to facilitate the authorization of an evidentiary exam
- explains the purpose of an evidentiary exam and the need to ask personal detailed information about the assault
- allows the victim active decision making regarding evidentiary collection and exam
- provides the victim with the appropriate Domestic Violence and/or Sexual Assault victim rights information
- arranges transportation to and from a SART facility with sensitivity to the victim

- consults with the SAFE regarding the presenting situation, the crime scene, and other information or evidence that would help to focus the evidentiary examination
- contacts the appropriate person to locate an interpreter if needed
- may participate in the interdisciplinary interview part of the evidentiary examination
- ensures that evidence is safely secured by the SAFE or, depending on agency policy, impounds the evidence

Officer Processes Suspect:

- assists in the identification of the suspect
- may develop probable cause for arrest and/or evidence collection
- contacts the appropriate person to authorize the suspect evidentiary examination
- informs the forensic examiner about details of the assault prior to the evidentiary examination
- provides for the safety of the forensic examiner during the evidentiary examination

**1.2** *STANDARD: Investigative Response*

The officer conducts the preliminary investigation and ensures that appropriate identification and collection of evidence is completed.

Rationale: A full understanding of the incident with supporting evidence helps to resolve a case in a timely manner.

Outcome: The successful identification and collection of evidence facilitates the investigation of the crime.

Measurement Criteria: The Officer:

- deliberately establishes and follows the steps in an investigation
- activates the SART response
- may request authorization for a suspect forensic examination
- follows the chain of custody in submitting the physical evidence to the crime lab, property room, or otherwise handling the evidence
- completes a thorough and accurate written report

## 2. LAWENFORCEMENT:INVESTIGATOR

The investigator gathers evidence in order to conduct a fair, impartial, sensitive, and professional investigation.

### 2.1 *STANDARD: Case Investigation and Evidence Collection*

Rationale: Clear, complete evidence supporting the facts of the case may assist the prosecutor in determining case issuance and successful prosecution.

Outcome: Provides evidence to the prosecutor that resolves the investigation by demonstrating identity of the perpetrator, the victim's inability to give consent (due to disability, drugs including alcohol), or the use of force. The overriding goal is to facilitate the prosecution of offenders through vertical case management and prosecution.

Measurement Criteria:

When appropriate the investigator:

- assumes an on-call schedule
- receives case assignments
- obtains a court order for a medical-legal exam if the patient is unconscious or otherwise unable to consent to an examination
- advises the victim of his/her right to an advocate or support person
- interviews sexual assault victims and witnesses utilizing appropriate interviewing specialists
- provides referrals
- establishes elements of the crime by testimony and/or evidence
- interviews suspects, obtains arrest warrants and/or search warrants
- obtains, examines, and preserves physical evidence from suspects
- prepares legal photographic or live line-ups
- identifies, collects, preserves, and ensures that evidence is impounded
- obtains reports from the SAFE regarding the medical-legal examination
- assesses evidence and submits lab service requests based on the case history and the potential impact of possible lab results
- completes a neighborhood witness check
- prepares investigative reports and witness statements
- gathers all related reports and packages them for the prosecutor's office
- presents the case to the DA and/or City Attorney
- consults with the DA's office, Victim/Witness Assistance and Rape Crisis Center to prepare the victim for court appearances
- arranges a victim interview with the DA
- completes follow-up investigations in a timely manner
- keeps supervisor informed on the status of cases
- encourages community partnerships to reduce the risk of sexual assault and to support victims
- enhances cooperation between the law enforcement agency and community organizations

- maintains a victim-focused approach
- provides the victim with timely updates on the status of the investigation and the final disposition
- establishes and maintains liaison with area commands and specialized units
- appears and testifies in court
- attends required training

## 2.2 **STANDARD: Non-Investigative Reports**

Rationale: To comply with National and County protocols and provide forensic services to victims who are undecided at the time of the exam and do not choose an immediate law enforcement investigatory response.

Outcome: To preserve the integrity of the evidence collected during forensic exams in the event the victim later requests an investigatory response.

### Measurement Criteria:

When appropriate the investigator:

- Will obtain information from the SAFE facility necessary for tracking and impounding the evidence collected
- Provide an event/incident number to the SAFE facility ensuring that the evidence impounded can be cross referenced if an investigation is subsequently requested
- After notification to the SART Facility, may authorize the destruction of this evidence if, after a period of a minimum of 18 months, there has been no request for an investigation
- Will initiate an investigation if requested to do so by the victim, and will obtain the forensic evidence collected and submit that evidence to a laboratory for appropriate forensic testing

## 3. **FORENSICS: CRIMINALIST / FORENSIC SCIENTIST**

The Criminalist analyzes evidence submitted by law enforcement. Specialties in forensic science include: DNA analysis, toxicology, latent print analysis, and trace evidence analysis among others.

### 3.1 **STANDARD: Evidence Analysis**

Rationale: Laboratory evidence may support or refute the history given by the crime victim, establishing sexual contact, identifying the suspect, and/or corroborating the use of force.

Outcome: Helps prove or disprove the stated link between the victim and the suspect by using DNA and/or other types of evidence. Toxicological analysis may help establish the elements of sexual assault, such as drug facilitated sexual assault.

Measurement Criteria:

When appropriate the Criminalist:

- may respond to crime scenes to identify and collect potential forensic evidence
- receives and reviews the laboratory service requests
- determines the needed analysis, considering the lab service request and additional information provided by the investigator
- examines evidence relevant to the questions in the case in a systematic matter
- analysis of potential biological evidence may include:
  - presumptive and confirmatory tests for biological materials
  - identifying DNA profiles in the biological material from the SART kit and comparing those profiles to victim, suspects, or other consensual partners
  - identification of potential DNA evidence from an assailant
  - exploring the local, state, and national DNA databases (CODIS) seeking a match for "forensic unknown" DNA profiles
- providing investigators with any matches made through (case to offender hit or case to case hit)
- conducts other analyses (i.e. toxicological, latent prints, and trace evidence analysis) appropriate to the history of the assault and request of the investigator
- provides a verbal and written report to the case investigator
- communicates directly to the prosecutor if the trial is immediately pending
- maintains the chain of custody
- provides feedback regarding lab analysis and collection of evidence to the investigators and the SAFEs
- provides teaching to the interdisciplinary team, as requested
- participates in periodic training
- appears and testifies in court as an expert witness

**4. Health Care Provider: SART Call Receiver (each SART is activated slightly differently depending on the resources of the SART)**

**4.1 STANDARD: SART Activation**

**Each approved SART facility will have 24-hour activation and backup procedures in place to ensure timely and appropriate response to provide medical-legal examination services for victims of sexual assault.**

Rationale: In response to law enforcement's request for a medical-legal examination, approved SART facilities shall have a process to activate the SAFE and the advocate team.

Outcome: The activation process results in the timely initiation of the medical-legal examination, documentation, and retrieval of critical evidence.

Measurement Criteria: The call receiver:

- receives a call from law enforcement for a medical-legal examination
- obtains pertinent information regarding the case and patient
- activates the on-call SAFE and provides information about the patient and

- special needs
- the designated appropriate personnel will be contacted for special circumstances

The SAFE:

- contacts the advocate, provides information regarding victim demographics, language needs, and the timing of the exam
- will make decisions regarding any special circumstances regarding the needs for a medical- legal examination
- medical-legal examinations for patients will be done at the appropriate SART facility based on the victim's age and developmental needs
- schedules medical-legal examinations for victims and suspects at different times and/or place
- may provide off-site medical-legal examinations at the request of law enforcement
- provides feedback and recommendations to help make the SART system more efficient
- keeps updated via communications and training regarding new procedures and changes in SART protocols
- maintains continuing education as required by the SART policies

#### **4.2 NON- INVESTIGATIVE/RESTRICTED REPORTING: SART Activation**

If a victim contacts a crisis hotline, a victim advocacy agency, or a medical facility and wishes to have a SART exam done, but doesn't want an active law enforcement investigation, they may still have evidence collected at a SART facility.

Rationale: In response to federal law (VAWA) requiring access to evidence collection from victims who are undecided at the time of the exam whether to participate in a law enforcement investigation, approved SART facilities shall have a process to activate the SAFE and the advocate team.

Outcome: The activation process results in the timely initiation of the medical-legal examination, documentation, and retrieval of critical evidence.

#### Measurement Criteria:

The victim will be counseled that Non-Investigative SART exams:

- will require direct contact to a SART exam facility, requesting call back to the victim by a Forensic Examiner
- will include the collection of all evidence by a certified examiner and this evidence will be stored by law enforcement for of a minimum of 18 months before it is destroyed
- will NOT generate any investigation by law enforcement unless they opt to begin one
- will NOT result in any evidence being processed or tested unless they opt to have an investigation to begin
- may include a law enforcement officer present at the SART facility. They have the right to withhold all details about the assault and any identifying information. They may have to describe for the officer where the assault took place, but this is to determine which law enforcement agency jurisdiction the assault occurred in for

- payment purposes and if they later opt to begin an investigation
- will require that they provide their own transportation to the SART facility if law enforcement is not involved. In some instances advocacy may assist in providing or arranging transportation to the SART facility
- will trigger a report to law enforcement by the Forensic Examiner when mandated by law
- may be audio recorded for preservation of the victim's statement if the victim declines to pursue a criminal investigation, with victim's consent

## 5. **Health Care Provider: Sexual Assault Forensic Examiner (SAFE)**

A registered professional nurse licensed in the State of California, nurse practitioner, physician's assistant or physician who has successfully completed an eighty-hour initial course of preparation and continues to complete annual competency assessment. Military providers must hold a valid license from state that the license was obtained. The SAFE performs the medical-legal examination for any sexual assault victim. This involves collecting evidence, maintaining the chain of custody, providing emotional support, treating for STD exposure and for injury, referring for follow-up care, consulting with law enforcement and prosecutors and testifying as an expert witness at trial.

### 5.1 **STANDARD: Assessment**

The SAFE shall provide an accurate and thorough assessment of the physical and psychosocial status of the victim, based upon data collected, and related to forensic health care needs.

Rationale: Assessment is a series of systematic, organized and deliberate actions to identify and obtain data. This assessment provides the database for the determination of the plan of care for the victim.

Outcome: A valid medical-legal examination is conducted by a specially educated SAFE.

#### Measurement Criteria:

The SAFE:

- explains the medical-legal examination in terms appropriate to the age and anxiety of the patient
- ensures that patient understands the medical-legal process before obtaining written consent to proceed with the medical-legal examination
- ensures a guardian or conservator is contacted or a court order is obtained in the case of an unconscious victim, severely disabled victim, or a victim who is otherwise unable to give informed consent
- obtains legal authorization for the examination and an incident/case number from law enforcement, when applicable
- communicates with law enforcement throughout the examination, when appropriate
- provides the opportunity of having the advocate and/or another support person in

- attendance during the medical-legal examination
- performs the initial assessment in a timely manner
- assesses the patient/victim's understanding and needs throughout the medical-legal examination
- conducts the medical-legal examination according to the California Medical Protocol and local guidelines or DOD guidelines
- explains procedures for the medical-legal examination and obtains the victim's informed consent for the examination, photographs, specimens, and communication with law enforcement concerning the results of the examination
- refers the patient/victim, as indicated for further medical care based on the patient's request or medical findings
- obtains consent from the patient/victim to have their statement audio recorded and provided to law enforcement
- performs required written and photographic documentation according to the California Medical Protocol or DOD protocol
- works with the advocate to help the patient/victim identify personal supports for medical and psycho-social-spiritual needs
- provides appropriate referrals for follow-up care for all patients/victims
- provides medical treatment according to CDC, other standard protocols, and local guidelines
- maintains confidentiality of records, photographs, and communications
- provides a copy of the OES 923, 925, 930, or DD Form 2911 documentation to law enforcement
- consults and testifies about cases when requested

## **5.2 STANDARD: Forensic Conclusion**

The SAFE analyzes the assessment data and provides a forensic conclusion based on the interview as well as objective and subjective physical examination findings.

Rationale: Provides vital input for health care referral and for legal and judicial processing.

Outcome: A systematic process of assessment and data analysis should be reflected in appropriate conclusions.

Measurement Criteria: Conclusions are based on:

- identifiable data obtained in the medical-legal interview
- accepted current bodies of knowledge and the experience of the SAFE
- the identification of visible and/or subjective findings
- whether the findings support the history
- a review of photographic documentation of findings

## **5.3 STANDARD: Evaluation**

The SAFE evaluates and modifies the plan of action, when necessary, to achieve optimal outcomes.

Rationale: Evaluation of care allows for a deliberate revision of procedures if indicated.

Outcome: Patient care data is evaluated concurrently and retrospectively to ensure that an acceptable quality of services is provided.

Measurement Criteria:

The SAFE:

- involves the patient in the evaluation process
- evaluates each case systematically and continuously
- revises conclusions, outcomes, and future interventions based on the evaluation
- documents the patient's response

**5.4 STANDARD: Research**

The SAFE recognizes the need for forensic research, utilizes research, and participates in research to further forensic nursing practice

Rationale: Research helps to develop a body of validated knowledge on which forensic nursing is based and is improved.

Outcome: The SAFE identifies research that is useful for practice Measurement

Criteria:

The SAFE:

- suggests modifications to practice based on research
- facilitates research within the SART community
- provides the County with data regarding the SART process and forensic findings (excepting military facilities)
- discusses ideas from research at training sessions for the SAFEs

**5.5 STANDARD: Patient and SART Resource Utilization**

The SAFE considers factors related to safety, effectiveness, cost, and mobilization of the patient's resources in planning and delivering forensic services.

Rationale: Timeliness, safety, cost effectiveness, and mobilization of the victim's own resources improves the appeal for the patient and helps to sustain SART services.

Outcome: SART facilities should efficiently utilize resources to help maintain the viability of the SART programs in San Diego County.

Measurement Criteria:

The SART facility:

- considers timeliness, safety, cost effectiveness, and mobilization of the victim's own resources
- provides feedback and recommendations appropriately to streamline the

- provision of care
- identifies deficiencies in providing forensic care to victims and suspects
- identifies options for resolving deficiencies and for improving care
- provides a system for the SAFE to obtain a second opinion

## 6. Health Care Provider: Approved SART Facility

Each approved SART facility develops policies and procedures and provides accommodations and equipment to ensure sound forensic evidence collection.

### 6.1 *STANDARD: Accommodations and Equipment*

Rationale: To provide private trauma-informed areas to conduct comprehensive medical-legal examinations and interviews.

Outcome: SART facilities should provide accommodations and equipment that ensure victim confidentiality and promote legally acceptable evidence collection.

Measurement Criteria:

- hospital-based facilities provide appropriate private examination and interview rooms, separate from the ED
- maintains special photographic equipment
- maintains necessary equipment and supplies to conduct a thorough medical-legal examination
- maintains locked refrigerator(s) and cabinets for evidence
- maintains separate locked cabinets for charts
- reviews policies and procedures yearly and revises as need according to recommendations from agencies such as the Center for Disease Control and the crime laboratories
- provides a system for the SAFE to obtain a second opinion

### 6.2 *STANDARD: Staffing*

Rationale: Consistency, security, timeliness, safety, cost effectiveness, and mobilization of the victim's own resources improves the appeal for the patient and helps to sustain SART services.

Outcome: SART facilities should efficiently utilize resources to help maintain the viability of the SART programs in San Diego County.

Measurement Criteria:

- employs a coordinator who is responsible for overseeing training, certification and scheduling of nurse examiners
- maintains a team of prepared SAFEs for on-call coverage, 24 hours per day, 7 days per week
- is separate from the ED

- maintains special equipment: colposcope; video, digital and/or 35mm cameras;
- locked refrigerator for evidence; locked cupboard for charts and other evidence, and an encrypted secure server for the storage of medical-legal records
- reviews protocol for the medical-legal examination and updates it yearly according to recommendations from agencies such as the Center for Disease Control and the crime laboratories
- provides a system for the SAFE to obtain a second opinion

**7. Community Rape Crisis Advocates: First Response Advocates and Staff Sexual Assault Counselors/Victim Advocates; UCSD CARE at the Sexual Assault Resource Center Campus Advocates; Victim/Witness Advocates; U.S. Dept. of Defense Sexual Assault Prevention and Response Program (SAPR)**

**Overview**

**7.1 STANDARD: Trauma-Informed Services**

Rationale: The advocate provides information, trauma-informed support, and crisis intervention to the victim/survivor during the medical, investigative, and judicial process.

Outcome: The victim/survivor is informed, empowered, and supported through the medical, investigative, and judicial process.

**Community Rape Crisis Advocates** provide services to any victim in San Diego County. Community Rape Crisis Advocates have completed a minimum of 40 hours of specified training in the crisis care of sexual assault victims. The advocate's primary role during the medical-legal examination is to provide "compassionate presence" to the victim. They also provide basic techniques of crisis intervention, reinforcement of explanations, information for emotional and legal follow-up and accompaniment during further legal and judicial proceedings.

**The First Response Advocate** is contacted upon the initiation of a forensic exam/SAFE by the SART medical facility and supports the victim/survivor only during the medical-legal examination.

**The Sexual Assault Counselor/Victim Advocate** may be called regardless of whether a medical-legal examination will be conducted. The Sexual Assault Counselor/Victim Advocate supports the sexual assault victim/survivor by providing follow-up care, advocacy, resource provision, and law enforcement/court accompaniment during legal and judicial follow-up. Services are provided regardless of the outcome of the criminal investigation.

**Non-Investigative SART Advocacy Protocol**

Victims who wish to have physical evidence collected pursuant to a sexual assault incident, but do not wish to have law enforcement investigate the incident, may have this evidence collected at one of the adult SART facilities in San Diego County. Advocates, including First Response Advocates, will offer services to victim/survivors

choosing a non-investigative SART, as they would for any victim/survivor, subject to any limitations discussed herein.

**Community Rape Crisis Advocates may specialize in providing services to particular victim populations. Four are described below and specialize in serving the general population, UCSD community members, crime victims and witnesses, and the military.**

*Note: See Appendix A for penal code citations relating to victim advocates.*

## **7.2 COMMUNITY RAPE CRISIS ADVOCATES: First Response Advocates and Staff Sexual Assault Counselors/Victim Advocates**

### **A. Training/Qualifications**

Pursuant to Cal. Evidence Code § 1035.2(a)(2), a "sexual assault counselor" [Community Rape Crisis Advocate] is a person working with an entity "commonly known as a rape crisis center" who has 40 hours of training in the areas of law, medicine, societal attitudes, crisis intervention and counseling techniques, role playing, referral services, and sexuality and is supervised by an individual who is a psychotherapist, has a master's degree in counseling or a related field, or has one year of counseling experience - at least six months of which is in rape crisis counseling. Community Rape Crisis Advocates (staff and volunteers) receive an additional 20 hours of enriched training, largely focusing on cultural competency.

All Community Rape Crisis Advocates, including First Response Advocates and Staff Sexual Assault Counselors/Victim Advocates, meet minimum on-going training requirements (12 hours/year) through monthly in-person training opportunities, among others. First Response

Advocates meet with the Staff Sexual Assault Victim Advocacy Manager for scheduled check-ins, are evaluated on their work, and pass reference and background checks before their placement in the community.

### **B. Service Eligibility**

Community Rape Crisis Advocates serve survivors of sexual assault, which includes any form of unwanted sexual contact or attempted sexual assault. Services are provided if the assault occurred anywhere in San Diego County or if the survivor currently lives in San Diego County.

### **C. Services Provided**

#### **SART response/Crisis Intervention (Forensic Exams/SAFE)**

- Provide 24/7 response to medical-legal exams
- Arrive within the designated timeframe provided by the SART medical facility
- Greet the survivor and explain a Rape Crisis Advocate's role and survivor's

rights

- Provide the survivor with relevant victim's rights information
- Support the survivor during the medical-legal examination as directed by the survivor (by explaining the process, addressing concerns, monitoring the survivor's tolerance of the exam, offering options and resources, providing comfort measures)
- Remove themselves from the exam at the survivor's request
- Advocate on behalf of the survivor when requested, necessary, and appropriate
- Facilitate informed decision-making by the survivor
- Provide safety-planning as requested
- Provide information/support to the survivor's family/friends when requested
- With survivor's consent, act as liaison between the survivor and SART's members
- With survivor's consent, provide input to SART as an interdisciplinary member
- Respect the human dignity, personal agency, and uniqueness of the survivor in a manner unclouded by considerations of race, age, gender-identity, social or economic status or personal histories or characteristics
- Maintain confidential and privileged communications
- Language capacity for advocacy during forensic exams varies

**Ongoing services & follow-up provided by Staff Sexual Assault Counselors/Victim Advocates (provided in addition to those services listed above)**

- Generally provided during regular business hours (Mon-Fri, 8am - 5pm)
- Employed by the community's Rape Crisis Center
- With survivor's consent, provide follow-up services within 72 hours post medical- legal exam
- Advocacy and accompaniment to: forensic exams, detective interviews, DA interviews & court
- Advocacy within a system: criminal justice, prison/jail, CalVCP, medical, employer, landlord, immigration, housing, public benefits
- Referrals and assistance finding other resources
- Consultation (in-person and via phone): explaining the criminal justice process, clarifying survivor's rights, processing case outcomes, brainstorming coping mechanisms and additional support
- Act as liaison for the survivor between SART's members to address questions, concerns and needs
- Work collaboratively with SART's members to ensure the provision of quality, survivor-centered services county-wide

**D. Confidentiality and Privilege**

Pursuant to CA Evidence Code § 1035.8, "a victim of a sexual assault ... has a privilege to refuse to disclose, and to prevent another from disclosing, a confidential communication between the victim and a sexual assault counselor ... " Accordingly, one-on-one communications between a victim/survivor and a Community Rape Crisis Advocate (both First Response Advocates and Staff

Sexual Assault Counselors/Victim Advocates) are legally privileged and will not be revealed by the Rape Crisis Advocate (or the Rape Crisis Center with which they are affiliated) unless instructed to by the survivor or ordered to by a court of law. Because Community Rape Crisis Advocates are either employed by or volunteer for a state-designated Rape Crisis Center established with state funding and administered by the state, Community Rape Crisis Advocates can oppose production of any communications with survivors that are sought by subpoena.

Confidentiality and privileged communications are paramount to ensuring that the relationship between the survivor and the Community Rape Crisis Advocate is safe for the survivor. Uncensored interaction with a Rape Crisis Advocate leads to more effective service provision and provides the survivor with at least one context in which their every word is not scrutinized.

## **8. UCSD CARE at the Sexual Assault Resource Center (CARE@SARC)**

Provides free and confidential services when there is UCSD jurisdiction and/or a UCSD community member (student, faculty, and staff). CARE@SARC Campus Advocates may be called as soon as an assault is reported, regardless of whether a medical-legal examination will be conducted. The CARE@SARC Campus Advocate may accompany the victim through the legal and/or campus judicial process.

### **A. UCSD CARE at CARE@SARC**

- employed by UCSD
- report directly to UCSD CARE@SARC Director, LCSW
- be able to respond to an incident within 1 hour anytime of the day or night
- be willing to attend initial (minimum 40 hours) and on-going advocate training (minimum 10-15 hours annually) provided by Community Crisis
- understand and maintain victim confidentiality
- provides crisis intervention to UCSD victims of sexual assault, dating violence, domestic violence and stalking (Director provides on-going counseling)
- provide immediate response to UCSD Student Health Services when a student discloses a violent crime incident to health practitioner
- provides rights and options (NIR, criminal, civil, and UCSD administrative process) to victims
- provides accompaniment to police, forensic exam, court dates, campus administrative hearings
- provides advocacy for academic or housing concerns
- provides referrals, on-campus and off-campus, for additional support
- provide crisis counseling and support to family member and/or friend of victim
- provide options and crisis counseling if UCSD community member is victim of domestic violence, dating violence and/or stalking

### **B. Training of UCSD CARE@SARC Campus Advocates**

- 40-60 hours of completed initial training provided by the Community Rape Crisis Center

- before they can participate as a victim advocate
- overview of UCSD CARE@SARC history, purpose, policies, procedures, educational outreach, clinical services
- understanding of UCSD CARE@SARC inter-connection with campus resources (academic, residential, medical) and community resources
- participate in presentations from subject matter experts (i.e. medical, legal, local law enforcement, SANE/SAFE) during initial training and on-going training
- understand, recognize and respond to symptoms of trauma
- understand culturally specific victim services
- understand and maintain confidentiality
- demonstrate effective listening techniques
- understand legislation regarding victims' rights, i.e. Sexual Assault Victim Rights
- participate in 10-15 hours of refresher training annually

## 9. **CRISIS CARE PROVIDER: Victim/Witness Advocate**

The Victim/Witness advocate helps crime victims and witnesses to access information, resources, and financial assistance. This assistance is provided whether or not a suspect is apprehended and prosecuted. Services provided are mandated by California Penal Code Section 13835.5.

### 9.1 ***STANDARD: Information Access, Resource, and Financial Assistance***

Rationale: The role of the Victim/Witness Advocate is to provide or arrange services to meet the informational, resource, and emotional needs experienced by crime victims and witnesses in San Diego County, thereby allowing for faster and more complete recovery from the effects of crime.

Outcome: Victims and witnesses will be able to access information and find help in applying for assistance.

#### Measurement Criteria:

When appropriate the Victim/Witness Advocate may:

- perform a crisis intervention
- conduct needs assessment
- help with emergency assistance
- assist with referrals based on needs assessment
- conduct follow-up assessment
- assist in filing Victims of Crime Compensation Claims
- assist the victim with property return
- orient victims to the criminal justice system
- provide court support, attend interviews, hearings or trials with the victim
- provide information regarding case status and case disposition
- notify family and friends as requested
- assist with restitution requests
- assist with victim impact statements
- provide creditor assistance

- provide crime prevention information
- understand and maintain victim confidentiality
- Collaborate by:
  - attending monthly SART and other appropriate meetings
  - communicating with law enforcement agencies, rape crisis center, prosecutors and other related agencies
  - providing presentations/trainings about victim issues
  - participating in community events, such as resource fairs
- Receive training as follows:
  - 40 hour Entry level, Advocate Training (Penal Code 13835.10)
  - 32 hour Advanced Level Advocate Training
  - minimum 16 hours annual continuing education
  - Coordinator Training is required by program coordinator/directors
  - maintain certification through California Victim/Witness Coordinating Council (for victim advocates and senior victim advocates) *optional*

**10. MILITARY: U.S. Dept. of Defense Sexual Assault Prevention and Response Program (SAPR)**

The Sexual Assault Prevention and Response (SAPR) Program promotes awareness, prevention education, crisis intervention, collection of reliable data, and victim response that is gender responsive, culturally-competent and recovery-oriented. The SAPR Advocate provides services when there is military jurisdiction and/or the victim/survivor is military-affiliated and may be called as soon as the assault is reported, regardless of whether a medical-legal examination will be conducted. The SAPR Advocate may accompany the victim through the legal and judicial follow-up.

**A. Key Program Roles & Qualifications**

**i) Role of Installation Sexual Assault Response Coordinator (SARC):**

The SARC is the subject matter expert on all aspects of the SAPR program. Their role is to:

1. Respond as a victim advocate when needed.
2. Supervise victim advocates in administration of advocacy duties.
3. Provide oversight of installation/tenant command program implementation and execution.
4. Provide case management of all reported sexual assaults from initial report through final disposition.
5. Coordinate and provide training for military personnel, SAPR personnel, and first responders.

**ii) Qualifications of Installation SARCs:**

The SARC are military or Department of Defense (DoD) civilian employees. The requirements to become a SARC are:

1. Completion of a four year degree in behavioral health or social science or minimum of three years of qualifying experience for civilian SARCs.
2. Commanding Officer appointment for military SARCs.
3. Minimum required SARC training on program implementation, policies, procedures, training facilitation, and victim advocacy.

4. 40 hours of initial SAPR VA training.
5. Receipt of Defense Sexual Assault Advocate Certification Program (D-SAACP) credentialing prior to providing victim support; 32 hours biannually, per program requirement, refresher training is required to maintain credentials.
6. Web-based DoD Sexual Assault Incident Database training.

**iii) Role of the SAPR Victim Advocate (SAPR VA):**

The SAPR VA provides non-clinical crisis intervention, referral, and ongoing non-clinical support to adult sexual assault victims. Support includes providing information on available reporting option, resources and navigation of the SAPR process. Their role is to:

1. Provide 24/7 response in person and via telephone
2. Inform victim of available support services
3. Discuss with the victim the following information:
  - a. Reporting options
  - b. State and local reporting mandates
  - c. Confidentiality and exceptions to Military Rules of Evidence (MRE) privilege
  - d. SAFE exam
4. Victim may complete the Victim Reporting Preference Statement (VRPS).
5. Turnover all pertinent documents to the SARC for case management.
6. Provide accompaniment and emotional support through the medical, investigation and legal process to:
  - a. Assist in the coordination of services.
  - b. Minimize re-victimization.

**iv) Qualifications of SAPRVAs:**

SAPR Victim Advocates are military or Department of Defense (DoD) civilian employees. The qualifications needed to become a SAPR VA are:

**Military-Uniformed SAPR VAs (SAPR UVAs):**

1. Submit SAPR VA package consisting of:
  - a. SAPR VA questionnaire or screening of commanding officer
  - b. Volunteer service agreement
  - c. Victim Advocate and Supervisor statement of understanding
2. Complete interview and screening with the installation SARC.
3. 40 hours of initial SAPR VA training.
4. Receipt of Defense Sexual Assault Advocate Certification Program (D-SAACP) credentialing prior to providing victim support; 32 hours biannually, per program requirement, refresher training is required to maintain credentials.

**Civilian SAPR VAs:**

1. Completion of a four year degree in in social work, sociology, psychology, or criminal justice and/or at least two to three years of prior qualifying experience.
2. 40 hours of initial SAPR VA training.
3. Receipt of Defense Sexual Assault Advocate Certification Program (D-SAACP) credentialing prior to providing victim support; 32 hours biannually, per program requirement, refresher training is required to maintain credentials.

## **B. Eligibility for SAPR Program Services**

The SAPR Programs provides services for adult victims who are 18 years of age or older, and whose perpetrator is not an intimate partner.

### **i) Full SAPR Services with Option for Unrestricted and Restricted Reporting:**

Active duty members and their adult dependents. Active duty can report sexual assaults that occurred prior to their enlistment or commissioning and receive full SAPR services.

1. Reserve Component and National Guard (NG) who are sexually assaulted and their adult dependents.

### **ii) Limited SAPR Services with Option for Unrestricted Reporting ONLY:**

1. DoD civilian employees and their family members when they are stationed or performing duties OCONUS and eligible for treatment in the military healthcare system (MHS) at military installations or facilities overseas. (Air Force provides services to all Employees.)
2. U.S. citizen DoD contractor personnel when they are authorized to accompany the Armed Force in a contingency operation OCONUS.
2. Victims of sexual assault incidents occurring under DON jurisdiction are eligible, regardless of affiliation, for available advocacy services on a humanitarian basis.

## **C. Services Provided for Victims**

Victims receive services applicable to Unrestricted or Restricted reporting options.

### **i) Unrestricted Reporting:**

1. SAPR Victim Advocate
2. NCIS/law enforcement investigation
3. Military Protection Order (MPO)
4. Civilian Protection Order (CPO)
5. Expedited Transfer (active duty only)
6. SAFE exam
7. Medical treatment
8. Counseling
9. Chaplain services
10. Legal services
11. Victim Legal Counsel

### **ii) Restricted Reporting:**

1. SAPR Victim Advocate
2. Safe Exam
3. Medical treatment
4. Counseling
5. Chaplain services
6. Victim Legal Counsel
7. Option to change report to Unrestricted at anytime

## **D. Confidentiality & Privilege**

Confidentiality is essential to establishing trust and rapport between SARCs, SAPR VAs and victims of sexual assault. Confidentiality is critical to maintaining victim privacy and minimizing re-victimization. SARCs and SAPR VAs have confidentiality in all reports of sexual assault and privilege for unrestricted cases that proceed through the military justice system.

### **i) Confidential Communications:**

Oral, written, or electronic communications of personally identifiable information (PII) concerning a sexual assault victim and the sexual assault incident provided by the victim to the Sexual Assault Response Coordinator (SARC), Sexual Assault Prevention and Response Victim Advocate (SAPR VA), or healthcare personnel in a Restricted Report. This confidential communication includes the victim's Sexual Assault Forensic Examination (SAFE) Kit and its information.

### **ii) Military Rules of Evidence 514 (MRE-514) Privilege:**

Victim's privilege to refuse to disclose and prevent any other person from disclosing a confidential communication made between the victim and a victim advocate, in a case arising under the Uniform Code of Military Justice (UCMJ) process, if such communication was made for the purpose of facilitating advice or supportive assistance to the victim.

## **11. PROSECUTOR: DISTRICT ATTORNEY/CITY ATTORNEY/JUDGE ADVOCATE GENERAL**

The perpetrator is prosecuted when credible evidence exists that meets the burden of proof ensuring that justice is restored to the victim and the community.

### **11.1 STANDARD: *Judicial Processing***

Rationale: Prosecution of the perpetrator holds the criminal accountable, protects society, and restores a sense of safety and security for the victim through a trauma-informed approach.

Outcome: Perpetrators are held accountable for their crimes and the victims feel supported throughout the process.

#### Measurement Criteria:

The prosecutor:

- utilizes a vertical prosecution model in order to reduce the trauma to the victim
- evaluates cases submitted by law enforcement
- advises the victim of her /his right to be identified as Jane or John Doe in all records and during all proceedings if:
- the court finds it reasonably necessary to protect the victim's privacy

- it will not unduly prejudice the prosecution or the defense
- determines if sufficient credible evidence exists to support prosecution and promptly inform the victim of that decision
- informs the victim of the right to have a support person or advocate of the same or opposite gender to be present during any interview with law enforcement or the district attorney, unless no such person is reasonably available
- advises the victim of their rights related to the disclosure of personal records which may be subpoenaed during the criminal matter
- informs victims of the status of the case from the time of the initial charging decision to sentencing
- discourages case continuances
- explains the reasons for continuances and seeks mutually agreeable dates for hearings that are rescheduled
- arranges for interpreting services for victims and witnesses when necessary to assist a victim to understand questions and frame answers
- brings to the attention of the court the views of the victim on bail decisions, continuances, plea bargains, dismissals, sentencing, and restitution
- arranges for the prompt return of the victim's property if it is no longer needed as evidence in court
- seeks no contacts orders the pendency of the case, as well as for up to 10 years after case disposition
- informs and seeks input from the victim whenever possible on issues concerning the filing of the case, the reduction of charges, plea bargain offers, dismissal, or other possible case dispositions
- responds to inquiries by the victim as soon as possible
- consults with law enforcement, health care personnel, and rape crisis advocates in the furtherance of the prosecution of the case
- notifies the victim of his/her rights regarding HIV testing of the defendant
- provides a victim, upon written request, the convicted defendant's information on a sex offender registry, if the defendant is required to register as a sex offender
- refers the victim to Victim/Witness services for information regarding violent crime compensation from the state
- provides advance notice of court hearings including arraignment, disposition hearings, preliminary hearing, trial and sentencing
- discusses the case with the SAFE and other expert witnesses prior to trial date
- informs victims about their legal rights to make a statement about the impact of the crime for inclusion in the pre-sentence report and to make an in-person statement directly to the sentencing court.
- will inform victims about their legal right to make a statement about the impact of the crime at any future parole hearing, if applicable and offer the option of recording, or otherwise memorializing their statement to be used at the those future hearings.
- encourages victims to contact the Board of Parole Hearings and/or Department of Corrections and Rehabilitation for additional protections that may be available
- provides feedback and training to SART members

## Appendix A - Definitions/Citations

City Attorney: The name of the public officer who is designated to represent a City in legal matters and who may prosecute misdemeanor crimes within the city limits. NOTE: All cities have either city attorneys or hire out their legal work. However, except for the City of San Diego, no other cities within the County of San Diego choose to handle their own criminal misdemeanors.

Confidential Communication (California Code of Evidence §1035.4)

*"As used in this article, 'confidential communication between the sexual assault counselor and the victim' means information transmitted between the victim and sexual assault counselor in the course of their relationship and in confidence by a means which, so far as the victim is aware, discloses the information to no third persons other than those who are present to further the interests of the victim in the consultation or those to whom disclosures are reasonably necessary for the transmission of the information or an accomplishment of the purposes for which the sexual assault counselor is consulted. The term includes all information regarding the facts and circumstances involving the alleged sexual assault and also includes all information regarding the victim's prior or subsequent sexual conduct, and opinions regarding the victim's sexual conduct or reputation in sexual matters.*

*The court may compel disclosure of information received by the sexual assault counselor which constitutes relevant evidence of the facts and circumstances involving an alleged sexual assault about which the victim is complaining and which is the subject of a criminal proceeding if the court determines that the probative value outweighs the effect on the victim, the treatment relationship, and the treatment services, if disclosure is compelled. The court may also compel disclosure in proceedings related to child abuse if the court determines the probative value outweighs the effect on the victim, the treatment relationship, and the treatment services if disclosure is compelled.*

*When a court is ruling on a claim of privilege under this article, the court may require the person from whom disclosure is sought or the person authorized to claim the privilege, or both, to disclose the information in chambers out of the presence and hearing of all persons except the person authorized to claim the privilege and such other persons as the person authorized to claim the privilege is willing to have present. If the judge determines that the information is privileged and must not be disclosed, neither he or she nor any other person may ever disclose, without the consent of a person authorized to permit disclosure, what was disclosed in the course of the proceedings in chambers."*

Not all communications the victim has with the advocate are necessarily privileged i.e. confidential. Only those communications that meet the definition of Evidence Code section 1035.4 are considered confidential and privileged (see the definition of confidential communication found at the beginning of the document). In short, the communication must be made in the course of the advocate/victim relationship and must be made in confidence with no unnecessary third persons present. Even as to these communications deemed confidential, the victim as the holder of the privilege, can waive the privilege or the court can compel the advocate to disclose the communication.

Criminalist/Forensic Scientist: Criminalists may specialize in different types of evidence analysis potentially related to sexual assault including: DNA, toxicology, latent prints, and trace evidence.

Defense Attorney: An attorney who defends the suspect.

District Attorney: Prosecutes individuals who commit felony offenses throughout San Diego County and misdemeanor offenses outside the City of San Diego. This public officer is elected to conduct criminal prosecutions on behalf of the state. The office's jurisdiction includes all state crimes within the jurisdiction for which s/he is elected (San Diego County). Each district attorney has a staff of deputy district attorneys who work within his/her administration.

Expert Witness: A person who has training, education, and experience on a particular subject that qualifies them as an expert. The expert witness may give opinions in court on matters in which his or her expertise is relevant.

Investigator/Detective: An officer or detective who is assigned to conduct follow-up investigations. A detective builds upon a patrol officer's preliminary reports to fully investigate the facts of a case.

Medical-legal Examination: Interview and physical examinations of a sexual assault victim, conducted by a SAFE in accordance with the State of California OES standards or DOD standards for military exams. The purpose of the examination is to assess and document the health care status related to the assault, collect and document evidence, and determine if the physical findings support the history, based on the interview at the time of the examination. The medical-legal examination is also called a forensic-medical examination or an evidentiary examination.

The forensic examination is a legal procedure and as ordered by Penal Code Section 13823.95 is the financial responsibility of the law enforcement agency in whose jurisdiction the sexual assault occurred.

Military Restricted Report: The restricted reporting option does NOT trigger an investigation and is only available to Service members and adult military dependents. Healthcare personnel must initiate the emergency care and treatment of sexual assault victims and notify the SARC/SAPR VA. Healthcare personnel will not inform the victim's chain of command or law enforcement and will not report the incident to investigative services unless applicable law requires other officials to be notified. The medical-legal examination takes place as it would otherwise, in accordance with SART and/or DOD standards and professional protocols, without the participation of law enforcement. The physical evidence collected during the exam is stored for a minimum of 5 years during which time the patient/victim may report the sexual assault to law enforcement and request an investigation be initiated.

Military Unrestricted Report: Triggers an official investigation of the allegations, command notification, Victim and Witness Assistance Program rights and additional command protective actions. The medical-legal examination takes in accordance with SART standards and professional protocols, with the participation of law enforcement. Unrestricted Reporting allows eligible sexual assault victims access to medical treatment, legal services, and counseling.

Non-Investigative Report (NIR): A medical-legal examination for which a police investigation is not initiated at the time of the exam – at the sexual assault patient/victim's request. The

medical-legal examination takes place as it would otherwise, in accordance with SART standards and professional protocols, without the participation of law enforcement. The physical evidence collected during the exam is stored for a minimum of 18 months during which time the patient/victim may report the sexual assault to law enforcement and request an investigation be initiated. The patient/victim will be notified prior to the destruction of physical evidence collected during the exam.

Patrol Officer/Deputy: Generally refers to uniform field officers who respond to radio calls as dispatched by the communications department. Patrol officers conduct preliminary investigations. The preliminary patrol report is generally forwarded to Investigations for follow-up. Patrol officers/deputies work around the clock, 365 days a year. They are generally only available through their communications department, because their offices are their cars.

Police Communications Call-Taker: Receives the call concerning the sexual assault and activates the SART.

Police Communications Dispatcher: Receives the call from the call-taker and contacts the patrol officer in the jurisdiction to respond to the call.

Private Attorney: An attorney whose services are paid for by the client.

Public Defender: An attorney appointed by the court or employed by a government agency whose work consists of defending indigent defendants in criminal cases. Persons charged with crimes may, at their own expense, retain a private attorney of their choice to represent them.

Rape Crisis Advocate: A volunteer or professional who has completed a minimum of 40 hours of CA OES state certified training in crisis intervention and follow-up care for sexual assault victims.

The First Responder Advocate provides advocacy and accompaniment at the medical-legal exam, the Staff Advocate provides advocacy and accompaniment throughout the criminal justice process with the consent of the victim.

Rape Crisis Counselor: In the San Diego County Standards, Rape Crisis Counselor 1s used interchangeably with sexual assault counselor as defined in § 1035.2 of the CA Evidence Code.

§ 1035.2. As used in this article, "sexual assault victim counselor" means the following:

(a) A person who is engaged in any office, hospital, institution, or center commonly known as a rape crisis center, whose primary purpose is the rendering of advice or assistance to victims of sexual assault and who has received a certificate evidencing completion of a training program in the counseling of sexual assault victims issued by a counseling center that meets the criteria for the award of a grant established pursuant to Section 13837 of the Penal Code and who meets one of the following requirements:

- (1) Is a psychotherapist as defined in Section JOJO; has a master's degree in counseling or a related field; or has one year of counseling experience, at least six months of which is in rape crisis counseling.
- (2) Has 40 hours of training as described below and is supervised by an individual who qualifies as a counselor under paragraph (1). The training, supervised by a person qualified under paragraph (1), shall include but not limited to, the following areas: law, medicine, societal attitudes, crisis intervention and

*counseling techniques, role playing, referral services, and sexuality.*

*(b) A person who is employed by any organization providing the programs specified in Section 13835.2 of the Penal Code, whether financially compensated or not, for the purpose of counseling and assisting sexual assault victims, and who meets one of the following requirements:*

- (1) Is a psychotherapist as defined in Section 1010; has a master's degree in counseling or a related field; or has one year of counseling experience, at least six months of which is in rape assault counseling.*
- (2) Has the minimum training for sexual assault counseling required by guidelines established by the employing agency pursuant to subdivision (c) of Section 13835.10 of the Penal Code, and is supervised by an individual who qualifies as a counselor under paragraph (1). The training, supervised by a person qualified under paragraph (1), shall include, but not be limited to, the following areas: law, victimology, counseling techniques, client and system advocacy, and referral services*

**SART Call Receiver:** An individual who takes the call from law enforcement that there is a victim needing a medical-legal examination. They follow a protocol in activating the **SART** members.

**Sexual Assault:** A class of crimes of a sexual nature committed on a person. Sexual assault includes, but is not limited to: rape, sexual battery, rape of a spouse, sodomy, oral copulation, penetration of the genital or anal openings of another person with a foreign object, substance, instrument or device, annoying or molesting a child under 18 years old, unlawful sexual intercourse, or any attempt to commit any of the above acts.

**Sexual Assault Forensic Examiner (SAFE):** A professional licensed in the State of California including: registered nurse, nurse practitioner, physician's assistant, or physician who has successfully completed an eighty-hour initial course of preparation and continues to complete annual competency assessment. The SAFE performs the medical-legal examination for any sexual assault victim.

**Sexual Assault Prevention & Response (SAPR):** The designed military program to assist victims of sexual assault, associated with the military.

**Sexual Assault Response Team (SART):** An interdisciplinary group of professionals and volunteers who provide services to the criminal justice system including victims of sexual assault.

**Sexual Assault Response Coordinator (SARC):** A specially trained SAPR program manager/coordinator, operating within the military system under direction of the Department of Defense. When the medical-legal examination is conducted in the civilian system for a military beneficiary, a SARC assigned SAPR advocate accompanies the patient. Patients are then referred to the SAVI program and various resources for follow-on care.

**Victim:** Male or female victims of sexual assault. The terms "patient", "survivor", or "client" may also be used.

**Victim Advocate Advisals:**

*Penal Code 264.2 "Prior to the commencement of any initial medical evidentiary or physical examination arising out of a sexual assault, a victim shall be notified orally or in writing by the*

*medical provider that the victim has the right to have present a sexual assault victim counselor and at least one other support person of the victim's choosing*

*Penal Code 264.4 "A support person may be excluded from a medical evidentiary or physical examination if the law enforcement officer or medical provider determines that the presence of that individual would be detrimental to the purpose of the examination. "*

*Penal Code 679.04*

- (a) A victim of sexual assault has the right to have victim advocates and a support person of the victim's choosing present at any interview by law enforcement authorities, district attorneys, or defense attorneys. However, the support person may be excluded from an interview by law enforcement or the district attorney if the law enforcement authority or the district attorney determines that the presence of that individual would be detrimental to the purpose of the interview.*
- (b )(J) Prior to the commencement of the initial interview by law enforcement authorities or the district attorney pertaining to any criminal action arising out of a sexual assault, a victim of sexual assault shall be notified orally or in writing by the attending law enforcement authority or district attorney that the victim has the right to have victim advocates and a support person of the victim's choosing present at the interview or contact. This subdivision applies to investigators and agents employed or retained by law enforcement or the district attorney.*
- (c) an initial investigation by law enforcement to determine whether a crime has been committed and the identity of the suspects shall not constitute a law enforcement interview for purposes of this section.*

Victim/Witness Assistance Advocate: The victim/witness assistance advocate helps victims and witnesses of all types of crime, including sexual assault, to access information, material and financial assistance following a crime such as sexual assault.

## **Appendix B - Related Forms**

Approved SART Facilities may provide copies of the appropriate State standardized forms completed during an evidentiary exam.

*(OES form 923) Forensic Medical Report: Acute (<120 hrs) Adult/Adolescent Sexual Assault Examination*

*(OES form 925) Forensic Medical Report: Non-Acute (>120 hrs) Child/Adolescent Sexual Abuse Examination*

*(OES form 930) Forensic Medical Report: Acute (<120 hrs) Child/Adolescent Sexual Abuse Examination*

*(OES form 950) Forensic Medical Report: Sexual Assault Suspect Examination*

*(DD Form 2911) DOD Sexual Assault Forensic Examination (SAFE) Report*

Additionally, they may provide any of the San Diego County SART OES Addendums used including:

*Clothing Documentation*

*Strangulation*

*History of Events*

Individual law enforcement agencies may have specific forms related to evidence collection and laboratory service requests. Additionally, law enforcement will use a victim rights advisal form for domestic violence/sexual assault cases.

## **Appendix C - Resources in San Diego County**

### **Approved SART Facilities:**

Forensic and Medical Services program at Rady Children's Hospital San Diego (Chadwick Center)

- Direct Line for Law Enforcement 858-966-8951
- General Number (best number to give to families) 858-966-5980
- Emergency Care Services 858-966-8005

Palomar Health Forensic Services 760-739-2150  
After Hours 888-211-6347

Military Medical Centers at Naval Base San Diego and Camp Pendleton Eligible persons contact appropriate Crisis line listed below

### **Crisis Counseling Centers:**

- Center for Community Solutions 858-272-5777 info@ccsd.org
- Women's Resource Center (WRC): 760-757-3500 wrc@sd.org
- Indian Health Council: 760-749-1410 x 5249
- Naval Base San Diego:

DoD Safe Helpline: 877-995-5247  
NBSD 24/7 Victim Advocate (VA) hotline: 619-279-2904  
NBSD 24/7 Sexual Assault Response Coordinator (SARC): 619- 261-3991 -OR- (619) 587-2836

- Marine Base:
  - Main Line 858- 577-6585 ext. 1129
  - Sexual Assault Helpline 858-864-2815
  - Safe Helpline 877-995-5247
  - Domestic Violence Helpline 858-864-3408

### **Law Enforcement Agencies:**

- Carlsbad Police Department 760-931-2197
- Chula Vista Police Department 619-691-5151
- Coronado Police Department 619-522-7350
- El Cajon Police Department 619-579-3311
- Escondido Police Department 760-839-4722
- La Mesa Police Department 619-469-6111
- Naval Criminal Investigative Services 619-556-1364
- National City Police Department 619-336-4411
- Oceanside Police Department 760-435-4900
- San Diego Police Department 619-531-2000
- SDPD Sex Crimes Unit 619-531-2210
- San Diego Sheriff's Office (Dispatch) 858-565-5200

Office of the District Attorney:

- Sex Crimes and Human Trafficking Division 619-615-6426
  - Family Protection Division (child abuse/domestic violence) 619-531-4300
  - Juvenile division (sexual assault involving juvenile offenders) 858-694-4271
  - Victim Assistance Programs
- San Diego 619-531-4041  
El Cajon 619-441-4538  
Chula Vista 619-498-5650  
Vista 760-806-4079

**Additional Resources**

Victims of Crime Resource Center (National) 800-842-8467 1800victims@pacific.edu

The California Governor's Office of Emergency Services (Cal OES)

3650 Schriever Avenue  
Mather, California 95655-4203  
916-845-8510  
<http://www.caloes.ca.gov/home>

The Crime Victims Action Alliance (CVAA)

1809 S Street, #101316  
Sacramento, CA 95811  
916-273-3603  
[information@cvactionalliance.org](mailto:information@cvactionalliance.org)  
<http://www.cvactionalliance.com/about/our-history>

National Organization for Victim Assistance (NOVA)

510 King Street, Suite 424  
Alexandria, VA 22314  
703-535-6682 or 800-777-9229  
<https://www.trynova.org/>

National Center for Victims of Crime

2000 M Street NW, Suite 480  
Washington, DC 20036  
202-467-8700  
<https://victimsofcrime.org/>  
[webmaster@ncvc.org](mailto:webmaster@ncvc.org)

California Victim Compensation Board

P.O. Box 3036  
Sacramento, CA 95812-3036  
800-777-9229  
[info@victims.ca.gov](mailto:info@victims.ca.gov)

<https://victims.ca.gov/>

California Coalition Against Sexual Assault (CALCASA)

1215 K St. Suite 1850

Sacramento, CA 95814

800-777-9229

[info@calcasa.org](mailto:info@calcasa.org)

<http://www.calcasa.org/>

The Substance Abuse and Mental Health Services Administration (SAMHSA)

5600 Fishers Lane

Rockville, MD 20857

877-SAMHSA-7 (877-726-4727)

<https://www.samhsa.gov/>

Center for Mental Health Services

240-276-1310

Center for Substance Abuse Prevention

240-276-2420

Center for Substance Abuse Treatment

240-276-1660

SAMHSA's National Helpline

1-800-662-HELP (4357)

Center for the Study and Prevention of Violence University of Colorado Boulder

483 UCB

Boulder, CO 80309-0483

303-492-1032

[cspv@colorado.edu](mailto:cspv@colorado.edu)

<https://www.colorado.edu/cspv/>

Centers for Disease Control and Prevention, National Center for Injury Prevention and Control

1600 Clifton Road

Atlanta, GA 30329-4027 USA

800-CDC-INFO 800-232-4636)

<https://www.cdc.gov/injury/index.html>

Domestic Violence Hotline

1-800-799-7233( SAFE)

National Crime Prevention Council

2614 Chapel Lake Drive, Suite B

Gambrills, MD 21054

443- 292-4565

<https://www.ncpc.org/>

The Nursing Network on Violence Against Women International

2401 E Orangeburg Ave Suite 675

Modesto, CA 95355-3379

mfordg@uwo.ca

<https://www.nnvawi.org/>

## **Additional Websites**

American Academy of Forensic Sciences	<a href="https://www.aafs.org/">https://www.aafs.org/</a>
American College of Emergency Physicians	<a href="http://www.acep.org">www.acep.org</a>
American Nurses Association	<a href="http://www.nursingworld.org/">http://www.nursingworld.org/</a>
California Coalition on Sexual Offending.	<a href="https://ccoso.org/">https://ccoso.org/</a>
California District Attorneys Association	<a href="https://www.cdaa.org/">https://www.cdaa.org/</a>
California Law	<a href="https://leginfo.legislature.ca.gov/faces/home.xhtml">https://leginfo.legislature.ca.gov/faces/home.xhtml</a>
Center of Disease Control	<a href="https://www.cdc.gov/">https://www.cdc.gov/</a>
The Coalition for Family Harmony	<a href="http://thecoalition.org/">http://thecoalition.org/</a>
FBI Victim Assistance	<a href="https://www.fbi.gov/resources/victim-assistance">https://www.fbi.gov/resources/victim-assistance</a>
FBI Bulletin	<a href="https://leb.fbi.gov/">https://leb.fbi.gov/</a>
Federal Committee on Statistical Methodology	<a href="https://nces.ed.gov/FCSM/index.asp">https://nces.ed.gov/FCSM/index.asp</a>
International Association of Forensic Nurses	<a href="http://www.forensicnurses.org/">http://www.forensicnurses.org/?</a>
Men Stopping Violence	<a href="https://menstoppingviolence.org/">https://menstoppingviolence.org/</a>
National Sexual Violence Resource Center	<a href="https://www.nsvrc.org/">https://www.nsvrc.org/</a>
National Center for Health Statistics	<a href="https://www.cdc.gov/nchs/index.htm">https://www.cdc.gov/nchs/index.htm</a>
National Institute of Justice	<a href="https://www.nij.gov/">https://www.nij.gov/</a>
The Nursing Network on Violence Against Women International	<a href="https://www.nnvawi.org/b">https://www.nnvawi.org/b</a>
Office for Victims of Crimes	<a href="https://ojp.gov/ovc/">https://ojp.gov/ovc/</a>
<i>Support for Partner of Sexual Abuse Survivors</i>	<a href="http://supportforpartners.org/">http://supportforpartners.org/</a>
Rape, Abuse, & Incest National Network (RAINN)	<a href="https://www.rainn.org/">https://www.rainn.org/</a>
The National Center for Victims of Crime: Victim's Rights	<a href="http://victimsofcrime.org/help-for-crime-victims/get-help-bulletins-for-crime-victims/victims'-rights">http://victimsofcrime.org/help-for-crime-victims/get-help-bulletins-for-crime-victims/victims'-rights</a>
SANE Program Development and Operation Guide	<a href="https://www.ovcttac.gov/saneguide/introduction/">https://www.ovcttac.gov/saneguide/introduction/</a>
Womens Health	<a href="https://www.womenshealth.gov/relationships-and-safety">https://www.womenshealth.gov/relationships-and-safety</a>
Moving to End Sexual Assault	<a href="http://movingtoendsexualassault.org/">http://movingtoendsexualassault.org/</a>
Darkness to Light: End Child Sexual Abuse	<a href="https://www.d2l.org/">https://www.d2l.org/</a>

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- San Diego Police Department. (1999). Investigations I: Sex Crimes Unit Operations Manual San Diego, California.
- Standards for providing services to survivors of sexual assault: State of New Jersey August 1998, Governor's Office
- "Statements Treatment of Sexual Assault Survivors: Position" [www.ena.org](http://www.ena.org)

## **Appendix E**

These Standards were updated in 2018 by the following participants: Center for Community Solutions

Chadwick Center at Rady's Children's Hospital

Chula Vista Police Department

County of San Diego, Division of Emergency Medical Services

County of San Diego, office of the District Attorney

County of San Diego, office of the District Attorney, Victim/Witness Program

Military Agencies

Military Medical

NCIS

Palomar Health Forensic Health Services

San Diego Police Department, Crime Lab

San Diego Police Department, Sex Crimes Unit

San Diego Sheriff's Department, Regional Crime Lab

Southern Indian Health Council

Strong Hearted Native Women's Coalition, Inc.

UCSD CARE

Women's Resource Center

## **Appendix F- Acknowledgements**

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