
Sexual Assault

602.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to deter, prevent, and reduce sexual assaults within our campus community through vigorous enforcement and intensive investigation. This policy specifically addresses the commitment of this department to take enforcement action when appropriate, as well as to guide officers in the successful investigation of sexual assault cases.

Consistent with Penal Code § 293 and the Sexual Assault Victims' DNA Bill of Rights (Penal Code § 680), this policy will also establish a procedure by which sexual assault victims may inquire about and be provided with information regarding the status of any DNA evidence in their case, their right to confidentiality and other rights afforded by law.

602.2 INVESTIGATION CONSIDERATIONS

Officers should adhere to the following guidelines:

- (a) Every report of a sexual assault will be assigned a case number and documented based on the evidence collected through the investigation in a written report.
- (b) All reports should be taken as valid unless the evidence proves otherwise.
- (c) Be aware that victims of sexual assault may be reluctant to go forward with a report or recant or decline prosecution for various reasons.
- (d) Gather sufficient information in the victims own words to document the elements of a crime and leave the in-depth interview to the investigator.

602.2.1 VICTIM CONFIDENTIALITY

Officers investigating or receiving a report of an alleged sex offense shall inform the victim, or the victim's parent or guardian if the victim is a minor, that his/her name will become a matter of public record unless the victim requests that his/her name not be made public. The reporting officer shall document in his/her report that the victim was properly informed and shall include any related response made by the victim, or if a minor, any response made by the victim's parent or guardian (Penal Code 293 § (a) and (b)).

- (a) Except as authorized by law, members of this department shall not publicly disclose the name or address of any victim of a sex crime who has exercised his/her right to confidentiality (Penal Code § 293 (c) and (d)).

602.2.2 OFFICER RESPONSIBILITY

Whenever there is an alleged violation of Penal Code §§ 243(e), 261, 261.5, 262, 273.5, 286, 288a or 289, the assigned officer shall accomplish the following:

- (a) Immediately provide the victim with the "Domestic Violence and Sexual Assault" brochure containing the names and locations of rape crisis counseling centers within the county and their 24-hour counseling service telephone numbers (Penal Code § 264.2(a)) as well as a copy of the Marsy's Card, provided by the California Attorney General's office.
- (b) Notify the victim of their right to have a victim advocate and/or support person of their choosing present for any law enforcement interview or contact (Penal Code 679.04)

UC Davis Police Department

Policy Manual

Sexual Assault

- (c) If the reported sexual assault occurred to a minor and is within 72 hours, or no more than seven days, the responding officer will contact the on duty sergeant for approval of an Evidentiary Exam.
- (d) If the victim is transported to a hospital for any medical evidentiary or physical examination, the officer shall immediately cause the local rape victim counseling center to be notified (Penal Code § 264.2(b)(1)).
 - 1. Prior to any such examination the assigned officer shall ensure that the victim has been properly informed of his/her right to have a sexual assault victim counselor and at least one other support person present (Penal Code § 264.2(b)(2)).
 - 2. A support person may be excluded from the examination by the officer or the medical provider if his/her presence would be detrimental to the purpose of the examination (Penal Code § 264.2(b)(4)).
- (e) Notify the Title IX Compliance Officer via email of the time and date of the incident, location occurred and a brief summary of the crime excluding any victim information.

602.2.3 CAMPUS VIOLENCE PREVENTION PROGRAM (CVPP) ADVOCATE TO BE NOTIFIED

In accordance with the UC Davis domestic violence protocol agreements for Yolo and Sacramento Counties for rapes occurring in the jurisdiction of either campus, the CVPP Advocate will be contacted. The Campus Violence Prevention Program is the confidential rape crisis service dedicated to serve the UC Davis Community which includes students, faculty, staff and non-affiliates assaulted within the UC Davis PD jurisdiction.

Communications will call the on-call CVPP advocate and provide them with the officer's location and a brief overview of the assault circumstances.

Whenever the CVPP advocate is not available officers will contact:

- (a) Sexual Assault Domestic Violence Center (SADVC) in Yolo County, or
- (b) Women Escaping a Violent Environment, (WEAVE) in Sacramento County

602.2.4 JUVENILE SEXUAL ASSAULT VICTIMS

Officer's initial Response for victims up to age 17 years of age:

- (a) Obtain the child's name, date of birth, address, phone number and any relationship to the suspect
- (b) Obtain a brief statement regarding the suspected abuse from a reliable adult if possible rather than the child
- (c) The local professional forensic interviewing team should conduct the in-depth interview of the child
- (d) Whenever applicable follow Policy 330 - Child Abuse Reporting
- (e) In cases where the victim has had contact with the suspect within the previous seven days (sexual or otherwise) officers should immediately contact their supervisor to obtain approval to call the on-call Sexual Assault Forensic Examiner (SAFE) for consultation regarding an Evidentiary Exam.

UC Davis Police Department

Policy Manual

Sexual Assault

602.3 TESTING OF SEXUAL ASSAULT EVIDENCE

- (a) Subject to available resources and other law enforcement considerations which may affect the ability to process and analyze rape kits or other sexual assault victim evidence and other crime scene evidence, any member of this department assigned to investigate a sexual assault offense (Penal Code §§ 261, 261.5, 262, 286, 288a or 289) should take every reasonable step to ensure that DNA testing of such evidence is performed in a timely manner and within the time periods prescribed by Penal Code § 803(g).
- (b) In order to maximize the effectiveness of such testing and identifying the perpetrator of any sexual assault, the assigned officer should further ensure that the results of any such test have been timely entered into and checked against both the Department of Justice Cal-DNA database and the Combined DNA Index System (CODIS).
- (c) If, for any reason, DNA evidence in a sexual assault case in which the identity of the perpetrator is in issue is not going to be analyzed within two years of the crime, the assigned officer shall notify the victim of such fact in writing within no less than 60 days prior to the expiration of the two-year period (Penal Code § 680(d)).

602.4 VICTIM NOTIFICATION OF DNA STATUS

- (a) Upon receipt of a written request from a sexual assault victim or the victim's authorized designee, the assigned officer may inform the victim of the status of the DNA testing of any evidence from the victim's case.
 - 1. Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
 - 2. Absent a written request, no member of this department is required to, but may, communicate with the victim or victim's designee regarding the status of any DNA testing.
- (b) Subject to the commitment of sufficient resources to respond to requests for information, sexual assault victims shall further have the following rights:
 - 1. To be informed whether or not a DNA profile of the assailant was obtained from the testing of the sexual assault kit or other crime scene evidence from their case.
 - 2. To be informed whether or not there is a match between the DNA profile of the assailant developed from the evidence and a DNA profile contained in the Department of Justice Convicted Offender DNA Database, providing that disclosure would not impede or compromise an ongoing investigation.
 - 3. To be informed whether or not the DNA profile of the assailant developed from the evidence has been entered into the Department of Justice Data Bank of case evidence.
- (c) Provided that the sexual assault victim or victim's designee has kept the assigned officer informed with regard to current address, telephone number and e-mail address (if available), any victim or victim's designee shall, upon request, be advised of any known significant changes regarding the victim's case.
 - 1. Although such information may be communicated orally, the assigned officer should thereafter follow-up with, and retain a copy of, confirmation by either written or electronic mail.

UC Davis Police Department

Policy Manual

Sexual Assault

2. No officer shall be required to, or expected to, release any information which might impede or compromise any ongoing investigation.

602.5 DESTRUCTION OF EVIDENCE

Any destruction of evidence related to a sexual assault shall occur only after victim notification is made as required pursuant to Penal Code § 680 and only in compliance with the Property and Evidence Policy.