

314 SEXUAL BATTERY INVESTIGATIONS

I. DISCUSSION: Sexual Battery is a crime that may result in both physical and emotional injury to the victim. The Tampa Police Department views this violent criminal act as a heinous crime. All available resources, including Detectives from the Special Victims Unit, when certain criteria have been met, should be utilized in the department's efforts to arrest any person responsible for committing this crime.

II. DEFINITIONS:

A. Special Victims Unit: An investigative team consisting of the sex crimes supervisor and sexual battery detectives from the Criminal Investigations Division. The squad operates on an on-call status and responds to the scene of a sexual battery that fits the guidelines of the procedure provided below (III. Procedures).

B. Sex Crimes Matrix: A report detailing pertinent facts about offenses of a sexual nature. The matrix will document certain facts contained in reports to include suspect information, suspect vehicle information, location, and method of operation. The matrix will be maintained and updated by an analyst from the Criminal Investigation Division. The analyst will input the matrix information into the computer in a program that is easily accessible to all employees.

III. PROCEDURES:

A. The investigating officer will:

1. Secure the crime scene and interview the victim.
2. Issue temporary alerts and pick-ups as necessary.
3. Notify his/her immediate supervisor of the crime.
4. Utilize the Canine Unit for tracking purposes when feasible.
5. Protect the crime scene(s) and process as directed by the on-scene supervisor.
 - a. If a Detective is to be utilized, the area will be secure of all unnecessary contamination. The Forensic Investigative Unit personnel should only be notified to respond after the detective is in route. This will prevent occupying the crime lab longer than necessary.
 - b. Photos should be taken of a victim's physical injuries - e.g., bruises and cuts. Every effort should be made to have the photos taken by the crime scene technicians. All injuries to sexual organs will be noted during the medical exam by

the nurse examiner and will not be photographed by officers or the crime scene technicians.

6. Transport the sexual assault victim to the appropriate medical facility for an examination. Victims will not be detained at crime scenes for prolonged periods of time.
 - a. If the case is acute (within 120 hours) and the victim (male or female) is under the age of 13 or non-acute under 18 years, the medical exam should be handled as outlined in SOP 313.7, Child Abuse Investigations.
 - b. All acute victims, both male and female, 13 years of age or older are examined by the Hillsborough County Crisis Center Nurse Examiners. Acute cases are defined as 120 hours for victims 13 years of age or older. Non-acute cases of males or females 18 years or older are also done by nurse examiners. Those victims not needing emergency medical clearance will be examined at the Crisis Center at 1 Crisis Center Plaza at 202 W. Bearss Avenue.

In the event the victim cannot be seen at the Bearss location in a timely manner, officers can see if there is availability at the Ruskin location, located at 201 14th Avenue North SE, Ruskin, FL 33570.

- c. The officer will contact TPD Communications to obtain current contact information for the nurse examiners. The process for inquiring about both locations will be conducted through the same contact number. They will need to know the estimated time of the officer's arrival at the facility, name of the victim and age of the victim. The nurse examiners generally have a 60-minute response time. It is important to note that the Nurse Examiner can refuse to conduct exams when the offense occurred outside of Hillsborough County. If the officer is advised that the Nurse Examiner will not respond, he/she will advise the immediate supervisor of this information and document the name of the person who was contacted and refused to respond.
 - d. Officers will ensure that the victim has transportation from the medical facility, post exam, to their home or a safe place (shelter, relative, etc.). This does not necessitate officers stand-by during the exam, but it does require transportation arrangements be made prior to the officer leaving the victim. During the hours of 1900 to 0600 hours and on weekends (non-business hours) the officer may be asked to stand by with the victim and the nurse examiner for security reasons. This will be accommodated, if requested.

7. Interview available witnesses and conduct neighborhood surveys.
8. Originate the Offense Report.
 - a. The officer's copy of the sexual battery exam results contained in the small envelope will be forwarded to the Special Victims Unit, and not placed in evidence. The report will be written and sent through without delay. No medical forms or records of any type will be imaged into Versadex.
 - b. Officers will document which Crisis Center location the exam was completed at.

B. The On-Scene Supervisor will:

1. Obtain the details of the crime from the investigating officer.
2. Contact the shift commander and inform him/her of the facts surrounding the investigation.
3. Be responsible for the supervision of the investigation. If a supervisor assigned to the Criminal Investigations Division - Special Victims Unit appears on the scene, responsibility for the supervision of the investigation will be transferred to the Criminal Investigations Division - Special Victims Unit supervisor.

C. The Shift Commander will:

1. Maintain communications with the on-scene supervisor and gather the facts with reference to the investigation.
2. Determine whether the Special Victims Sergeant is to be notified.
3. Notify the Special Victims Sergeant if it is immediately apparent that the report is not delayed; and
 - a. The crime fits a pattern of like crimes; or
 - b. The victim was sadistically treated or seriously injured; or
 - c. A "stranger rape" has occurred, e.g., the victim was in a public place and was grabbed by a total stranger, therefore escalating the situation to a threat to public safety; or
 - d. The circumstances surrounding the offense are of an unusual nature, e.g., there is a need for a search warrant at the crime scene; the offender is arrested at the scene and wishes to talk to a detective to give information on additional offenses; the on-scene supervisor feels that a detective's presence will enhance the investigation.

D. The Special Victims supervisor will make the final determination on the utilization of resources based on information provided by the shift commander and the on-scene supervisor.

E. The Detective will:

1. Be responsible for thoroughly investigating each case assigned in a timely manner.
2. Record formal interviews with victims and suspects when practical.
3. Comply with F.S.S. 943.326, with regards to evidence collection and analysis. This statute requires that all sex assault kits (SAKs) will be submitted to a laboratory within 30 days. The laboratory then has 120 days to complete the testing. The detective will inform the victim of the purpose of submitting the evidence for testing. The Detective will inform the victim if a SAK was not completed, that the victim can request other DNA evidence associated with the offense to be tested. The Detective will document in their report that this notification was made to the victim, when applicable. When there is documentation supporting the findings that a crime has not been committed and the case is unfounded within the first 30 days, the SAK will not be submitted.
 - a. The case should NOT be considered unfounded if the victim is not cooperating with law enforcement or the judicial system, the victim cannot be located, the suspect states the sex occurred but it was consensual, the case was closed through a plea agreement, prosecution was declined by the State Attorney's Office, or statute of limitations has been met.

F. The Evidence Section will:

1. Maintain the SAKs in a secure, environmentally safe manner until the prosecuting agency has approved its destruction. Only the blood or urine obtained as part of the kit will be refrigerated. According to the Sexual Assault Survivors' Rights Act of 2016, SAKs are to be preserved for the duration of the statute of limitations. Therefore, any DNA evidence submitted for destruction must be reviewed and approved by the Special Victims Sergeant to ensure proper application of F.S.S. 775.15 on time limitations. It may also be necessary for the Special Victims Sergeant to consult with the SAO for proper application.

Supersedes SOP 314, dated 10/20.