Del Norte County
Sexual Assault Response Team
PROTOCOL

Mission Statement

The Sexual Assault Response Team (SART) will offer immediate and ongoing support to victims of sexual abuse/assault by coordinating the efforts of law enforcement, medical and forensic examiners, and advocacy agencies. This is a collaborative process which includes multiple agencies, and therefore it is understood that the term "victim", used exclusively throughout this document, may in other conversations be referred to as the survivor, patient, or client, depending on the discipline. Teamwork, cooperation, communication and flexibility are essential for the success of the SART Program.

Law enforcement agencies, social services agencies, advocate groups and the medical community in Del Norte County recognize the benefit to the victim and to society of the thorough investigation and successful prosecution of sexual offenders.

In order to better provide for the need of victim, surv. facilitate a timely investigation, collect and preserve any obtainable evidence, and successfully prosecute sexual offenders, this Sexual Assault Response Team Protocol is hereby adopted by the Sexual Assault Response Team Advisory Committee to include the following members:

California Highway Patrol (CHP)
California State Parks Services
Crescent City Police Department (CCPD)
Del Norte County Department of Health and Human Services (DHHS/CWS)
Del Norte County District Attorney (DA)
Del Norte County District Attorney Victim Witness
Del Norte County Probation Department
Del Norte County Sheriff's Office (DNSO)
North Coast Rape Crisis Team (NCRCT)
Pelican Bay State Prison (PBSP)
RHS Harrington House
Sutter Coast Hospital (SCH)
Tolowa Dee-ni Nation's Shu'-'aa-xuu-dvn
Yurok Public Safety
Yurok Social Services
Yurok Victim Advocates

Review Comite

This protocol shall be reviewed regularly by the SART Advisory Committee members. Changes will be reviewed and approved by SART Advisory Committee members as needed.

I. PROGRAM OVERVIEW

A. ADMINISTRATION

The District Attorney's Office is the lead agency for the Del Norte County SART Program, and will administer the program by:

1. Coordinating with SCH to safely store and secure equipment. SCH will provide a room outside of the Emergency Department (ED) for SART examinations.

2. Maintaining the records of the program, which shall include case reports, contact information for agencies and victims, grant funding records, MOUs, contracts, and any other relevant administrative records.

B. MEDICAL PROCEDURES

Medical Protocols and Standardized Procedures will be determined by the ED Medical Director and SART Advisory Committee in compliance with established medical procedures and the State Medical Protocol for sexual assault forensic examinations. Best Practices. w/ Contact of SANES.

C. SART ADISORY COMMITTEE

1. Representatives from the agencies adopting this Protocol will serve on a SART Advisory Committee, with meetings scheduled as agreed, and presided over by the SART Chair.

2. A decision making quorum shall consist of an advisory committee member from at least five separate agencies.

3. Recruiting and maintaining qualified SART Forensic Examiners to perform sexual assault evidentiary exams. Removed @ any may place on agenda

D. TRAINING

Training as to the Protocol will be provided within 120 days of the signing of the Protocol. Signatory agencies shall be responsible for providing training for their individual members and consistent with, and as outlined in this Protocol, shall coordinate with members of the SART Advisory Committee. The SART Advisory Committee recognizes the need for ongoing training procedures for professionals involved in the investigation of adult and child sexual abuse.

E. RECOGNITION OF THE NEEDS OF ALL CHILDREN

The SART Advisory Committee recognizes that the needs of all children should be addressed including children with special needs, suspected of being abused or neglected in the following situations, including but not limited to :

Intra-family or in-home

Out-of-Home (e.g.., daycare, group homes, public or private schools, foster care, licensed facilities)

Perpetrated by a stranger

Siblings of a child abuse fatality victim

Homes with domestic violence and/or drug abuse

F. SART RESPONSE

ADULTS AND CHILDREN "Acute time frame Lang.

Specific responsibilities of SART Members and other agencies and individuals are described in subsequent sections. In general, however, the SART response takes place as follows:

1. When a sexual assault forensic examination is required the investigating officer will notify the SART forensic examiner on call. A current call schedule will be maintained in the ED and at DNSO dispatch. In the event that an examiner is unavailable, the following options may be considered:
    a. Request that the ED physician complete the forensic exam.
    b. Notify Humboldt County SART at 707-498-0000 and have the exam completed in Humboldt County. Transportation of the victim to and from Humboldt County will need to be coordinated. Law enforcement will be required to make arrangements to maintain the rape evidence kit per established rules and regulations for chain of custody.
    c. When appropriate, the investigating officer may coordinate with the nurse examiner on call for the next day to have the victim return for the forensic exam the following day.
    d. The investigating agency, depending on jurisdiction, will call deputy DA, DA investigator, or the DA When calling is unsuccessful, follow up with an email.

2. The investigating officer and/or dispatch, will notify the NCRCT and the hospital of jurisdiction. **In cases of child abuse/assault CWS, and when necessary, the responsible parent(s) &/or custodial adult(s) will also be notified.**

3. The SART forensic examiner will utilize medical techniques to collect physical evidence, using the rape evidence kit and by performing an examination.

4. Items of evidence, including any audio visual recordings, biological specimens, and reports, will be maintained by law enforcement in accord with the established rules of evidence, in order to preserve the chain of evidence.

Best Practice to CAST - ~~Dare~~ nurse always seek SART

5. The timing for the investigative forensic interview and any evidentiary issues should be determined by law enforcement, CWS (in child cases), and the DA. NCRCT should be notified.

G. SART RESPONSE

VAWA

The Federal Violence Against Woman Act (VAWA) was reauthorized in 2005 and requires the following:

1. The right to a Sexual Assault Forensic Exam (SAFE) at no cost to the victim.

2. Provision of a SAFE without any requirement or obligation to cooperate with law enforcement or to participate in criminal justice proceedings.

3. In California, victims 12 years old and older have the right to consent (or decline consent) to a SAFE, and as such, SAFEs under VAWA will apply to those 12 year of age and older.

4. Upon arrival of the victim at the hospital, the ED healthcare providers will make a report to law enforcement, pursuant to California's mandatory reporting law for healthcare providers (PC11160). They will notify law enforcement that the victim does not want to report.

5. The ED healthcare providers will notify NCRCT, if not already present.

6. When a SAFE is requested by the victim, who declines to participate with law enforcement, the responding officer will notify the SART forensic examiner on call. A current call Schedule will be maintained in the ED and at DSO dispatch. In the event that an examiner is unavailable, the following options may be considered:
   a. Request that the ED physician complete the forensic exam.
   b. Notify Humboldt County SART at 707-498-0000 and have the exam completed in Humboldt County. Transportation of the victim to and from Humboldt County will need to be coordinated. Law enforcement will be required to make arrangements to maintain the rape evidence kit per established rules and regulations for chain of custody.

7. A case will be assigned to the victim per law enforcement and a case number generated. This case number will become the victim's ID number.

8. The SART forensic examiner will utilize medical techniques to collect physical evidence, using the rape evidence kit and by performing an examination.

9. Items of evidence, including any audio visual recordings, biological specimens, and reports, will be maintained by law enforcement in accord with the established rules of evidence, in order to preserve the chain of evidence.

10. The timing for the investigative forensic interview and any evidentiary issues should be determined by law enforcement and the DA. NCRCT should be notified.

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II. SART TEAM MEMBERS

The Del Norte County Sexual Assault Response Team consist of the District Attorney, a peace officer from the jurisdictional agency, a forensic examiner, a CWS investigator or follow-up investigator, and a NCRCT and Victim Witness member. Duties of the team members are described in subsequent sections.

Possible Placement

A. The **DISTRICT ATTORNEY** team member or his/her representative shall be available on call, and will be notified should any advice, consent, or authorization be needed in any evidentiary or logistic matter. DA VW

B. The **LAW ENFORCEMENT** team member will be the initial responding officer or investigator from the agency with jurisdiction in the sexual assault case. It's preferred each law enforcement agency will have an investigator(s) who has fulfilled Peace Officers Standards and Training (P.O.S.T.)/Prison Rape Elimination Act (PREA) requirements prescribed for sexual assault investigators.

Tribal PSRC

C. The **FORENSIC EXAMINER** team member will be a physician, physician assistant, registered nurse, nurse practitioner, or public health nurse, licensed to practice in California. The examiner will have completed an approved SART training course, and other such training as deemed appropriate.

D. The **NORTH COAST RAPE CRISIS TEAM (NCRCT)** member will have completed a certified sexual assault counselor course and will be available for adult and child victims.

E. The **DEL NORTE COUNTY DHHS CHILD WELFARE SERVICE** team member will investigate in instances where that agency has jurisdiction, such as an ~~in-home perpetrator or failure of parental protection~~. The team member will have completed the specialized training for sexual assault victims.

— WIC Codes. off parent. non offenders

III. TEAM DUTIES AND RESPONSIBILITIES

A. LAW ENFORCEMENT

Due to the highly sensitive and emotional nature of sexual assault cases, each law enforcement agency in Del Norte County is encouraged to designate one or more officers/investigators to handle sexual assault cases. These officers/investigators will be SART trained and available to respond as part of the SART team.

In any event, it is strongly suggested that patrol officers be directed by their agencies to defer extensive interviewing of sexual assault victims to the SART trained investigators/interviewer. All SART members will share all investigative information with other SART agencies, as appropriate.

1. **ADULTS AND CHILDREN**
   a. NOTIFICATION (Cross Reporting)
      i. When the initial report is received by Victim Witness, SCH, or CWS, law enforcement will be notified. Call out procedures will be initiated as determined by this Protocol.
      ii. The SART medical examiner mays be used as a resource by law enforcement officers and CWS in determining the appropriateness of a medical and/or forensic exam.
   b. INTERVIEW OF VICTIMS
      One of the goals of SART is to reduce the number of interviews to which the victim is subjected. As a practical matter, however, it may be impossible to obtain all necessary information in a single interview.

2. **ADULTS**
   a. Responding officers should take an initial report and defer detailed questioning of the victims to a SART trained investigator.
   b. The SART investigator/interviewer determines the timing of the in-depth investigative interview. The investigator/interviewer should consider the victim's age, well-being, the urgency of the investigation, and the present ability to preserve the evidence when deciding to interview the victim before or after the evidentiary exam. CWS.
   c. The investigator/interviewer will record the forensic interview. The agencies acknowledge that there may be circumstances under which use of video/audio tape is impractical.
   d. The NCRCT ~~member~~ Advocate will be notified prior to the interview process and the victims' rights will be explained prior to any interview taking place. contacted or Respond.

3. **CHILDREN**
   Responding patrol officers should defer detailed questioning of victims to the SART trained investigator or follow up detective.
   a. If the interviewing room is utilized, a SART trained investigator or follow up investigator will be responsible for arranging the interview room for the arrival of the child. When possible, interviews will be scheduled in advance to minimize the trauma and inconvenience to the child and family and to allow the most efficient scheduling of staff and agency time. When the perpetrator is in the home or the parents are failing to protect the child from an out of home perpetrator, CWS will take the responsibility of coordinating services for the child.

CART

b. The SART trained investigator or follow-up investigator will meet with the patrol officer, CWS social worker, and/or family members to gain information about the purpose of the interview (i.e., initial interview, degree of disclosure, etc.). Once the background information has been collected and the interview team has assembled, the SART trained investigator of follow-up investigator will take the child to the interview room where optimally the team can observe the interview through the monitoring system. The SART trained investigator or follow-up investigator will conduct a comprehensive interview following interview protocols designed to cover the topics required with a child. Children will be told what the purpose of the interview is and the manner in which it will occur, including the presence of observers, and the use of audio and videotaping. When available, the investigative team will meet for case review, decision making, case management, and planning.

c. Prior to the interview occurring, law enforcement will notify the CWS social worker and NCRCT, ~~when possible~~.

d. The investigative agency shall interview the child when and if applicable, and initiate a forensic exam when there is an indication that the child has been sexually abused/assaulted.

Note: For all forensic exams, pursuant to the State Medical Protocol, the forensic examiner obtains a history during the forensic exam. If the forensic exam precedes the in-depth interview, the investigator/interviewer should be present during the history taking portion of the forensic exam. Since the information disclosed may merit further inquiry during the in-depth interview.

2. TRANSPORTATION OF MINORS

The investigating officer shall coordinate and arrange, with Victim Witness, CWS and/or NCRCT, the transportation for the child and family members, if applicable, in the least obtrusive manner.

3. EVIDENCE COLLECTION

a. The investigator need not be present in the examining room during the collection of the rape kit evidence. A NCRCT member may be present if the child request it.

b. The investigator/interviewer will collect the rape kit evidence and maintain it according to the law enforcement agency's policies and standard rules pertaining to the chain of evidence.

c. Any photographic evidence shall be submitted to the investigating agency and processed into evidence per agencies polices. The investigating agency shall make copies and distribute and log distribution as follows:

   i. The original shall be held in the investigator's case file.

   ii. Copies forwarded to the DA's Office. If originals are requested by the prosecuting DA's Office, the originals SHALL be provided through proper chain of custody by the investigator.

d. A copy of the Forensic Medical Report, CalOES (or successor agency) forms 923/924/925/930/950, shall be forwarded as indicated on the report.

4. REPORTS 24hr Hotline given
   a. The investigator shall complete the necessary reports required by his/her agency.
   b. The investigator will obtain a signed medical release from adult victims, or the parent/guardian of a child victim.
   c. The initial investigation report will be submitted, within a timely matter to the DA and to other appropriate agencies, including CWS in cases of child victims
   d. The investigator shall inform the victim regarding his/her rights regarding confidentiality per Penal Code 679.026 and shall inform the victim of his/her rights to have a NCRCT member present.

B. FORENSIC EXAMINERS

A forensic examination will be performed in compliance with the State Medical Protocol for Examination of Sexual Assault and Child Sexual Abuse Victims.

Forensic examiners will be continue to be recruited. They will attend the California Clinical Forensic Medical Training Center. Depending on with status with the hospital, they may be required to carry their own malpractice insurance.

1. NOTIFICATION
   a. For all SART cases, a forensic examiner will be notified by the investigating officer requesting the exam. In the event that an examiner is unavailable, the following options may be considered:
      i. Request that the ED physician complete the forensic exam.
      ii. Notify Humboldt County SART at 707-498-0000 and have the exam completed in Humboldt County. Transportation of the victim to and from Humboldt County will need to be coordinated. Law enforcement will be required to make arrangements to maintain the rape evidence kit per established rules and regulations for chain of custody.
      iii. When appropriate, the investigating officer may coordinate with the nurse examiner on call for the next day to have the victim return for the forensic exam the following day.
   b. The NCRCT will maintain the master call list for the SART forensic examiners and will have a copy available in the ED call book and at DNSO dispatch.
   c. For all cases of child sexual abuse/assault involving an in-~~home~~ perpetrator or a failure of parental protection, CWS will be contacted by the first mandated reporter learning of the incident.

A NCRCT member will be notified by the investigating officer and/or DNSO dispatch to respond to a forensic exam and offer services.

2. INTERVIEWS
    a. The primary focus of questioning by the forensic examiner is to obtain and document a medical history that has a direct bearing on the interpretation of findings related to the assault, pursuant to the State Medical Protocol. The forensic examiner is encouraged to obtain and document as much relevant history as possible.
    b. An in-depth investigative forensic interview may take place at a different time and place with the investigating officer. 12+

3. EVIDENCE COLLECTION
    a. The forensic examiner will obtain an appropriate written consent from the victim for the forensic examination. Parental consent is not required for examination, treatment, or evidence collection for suspected child abuse.
    b. The forensic examiner is responsible for the collection of evidence from the person of the victim. Medical emergencies shall have precedence over evidence collection.
    c. The forensic examiner will follow procedures established by CalOES (or its successor agency) for sexual assault and child sexual abuse examination.
    d. Rape kit evidence collected during the examination is controlled by the investigating agency and maintained following the established rules and regulations for chain of custody.

4. REPORTS
    a. The forensic examiner is responsible for completing the Forensic Medical Report, CalOES (or successor agency) forms 923/924/925/930/950, and any other reports required by the State Medical Protocol.
    b. The Forensic Medical Report is distributed as directed by the State Medical Protocol.

5. FOLLOW UP CONTACTS
    a. The forensic examiner provides information and referral for any forensic follow-up services.
    b. The forensic examiner appears in court and provides testimony concerning the forensic examination when required. update language

C. NORTH COAST RAPE CRISIS TEAM (NCRCT) ADVOCATES

The NCRCT member shall have received training for SART crisis response. The role of the NCRCT member is to advocate and offer support, information, comfort, and empathy to the victim, and to counsel concerned family members. The wishes of the victim should be respected. If the victim does not wish a NCRCT member to be present, the NCRCT member will remain available in the event the victim changes his/her mind.

1. NOTIFICATION AND INTERVIEW OF ADULT VICTIMS
    a. Law enforcement will be provided with an on-call phone number, and will initiate a NCRCT member response.

b. The NCRCT member will be notified prior to the interview, to offer services and be present during the interview if requested by the victim, but does not take an active role in the interview process.

2. INTERVIEW OF MINORS
   See the protocol developed by the SART Advisory Committee on interviewing children, under the section Team Members and Responsibility.

3. EVIDENCE COLLECTION
   a. The NCRCT member may be present during evidence collection upon the resources for the victim.
   b. The NCRCT member is present for the comfort of the victim and does not take an active role in the collection of evidence.

4. FOLLOW-UP CONTACTS
   a. The NCRCT member provides information and referral to community resources for the victim.
   b. The NCRCT member should be available for follow-up contact with the victim.
   c. The NCRCT member will facilitate a referral to the Victim Witness program for application of services under Victim Compensation Program.
   d. The NCRCT Member may be used as a "support person" during the court process.

D. CHILD WELFARE SERVICES (CWS)

1. The CWS team member will be involved in the SART process in cases of child sexual abuse/assault when the case involves an in-home molest, a failure to protect, or any other case where CWS has jurisdiction. The CWS team member will assess safety and risk to the child and take steps to ensure the protection of the child.
   a. CWS will be notified by the law enforcement agency when the assault/abuse involves an in-home perpetrator or the parents are failing to protect the child from an out of home perpetrator, or in other cases where the CWS has jurisdiction.

   b. If the initial report is made to CWS, a CWS team member shall notify the appropriate law enforcement agency. CWS will coordinate with law enforcement in the assessment and investigation of the case.
   c. The CWS social worker may be present during the interview and/or forensic examination.

IV. OTHER ROLES

A. SART CHAIR

1. The Chair will be appointed by the SART Advisory Committee. The appointment shall commence each March 1st and shall be in effect for one year.

2. The Chair facilitates the meetings of the SART Advisory Committee.

3. The SART Advisory Committee will delegate the following: call schedules for forensic examiners, SART Advisory Committee meeting agendas and minutes, and case contact information.

4. The SART Advisory Committee shall provide a system for periodic quality review.

B. MEDICAL FACILITIES

1. When the initial report is made to an emergency room or other medical facility, the law enforcement agency of jurisdiction will be notified as well as NCRCT. The investigating officer will then notify the forensic examiner.

2. The medical facility shall obtain medical history, perform a medical screening exam (MSE), and provide appropriate medical treatment.

3. The SART Chair and NCRCT shall liaison with the ED Coordinator for any issues relating to SART.

C. SART ADVISORY COMMITTEE

1. The SART Advisory committee will be composed of a representative from each of the agencies listed on the front page of this document.

2. The Committee will meet monthly to provide an ongoing review and assessment of the SART Program. The SART Chair will facilitate these monthly meetings.

V. RESPONSIBILITY FOR PAYMENT

A. EVIDENTARY EXAM

1. The law enforcement agency of jurisdiction, in which the alleged offense was committed, is responsible for payment of the forensic portion of the examination and no costs may be charged "directly or indirectly" to the victim [PC 13823.95]

2. The law enforcement agency of jurisdiction will be billed for the costs of the sexual assault examination.

3. The DA will petition the court for an order for reimbursement by the defendant to the local agency for medical examination costs pursuant to [PC 1203.1h]

4. Individuals who file false reports of sexual assault will be held responsible for payment costs of the sexual assault examination.

5. In cases of VAWA exams, the law enforcement agency having jurisdiction over the criminal sexual assault pays for the exam. If the jurisdiction of the sexual assault is not identified, the Hospital jurisdiction, DNCSO, becomes the responsible agency. Pursuant to state law, health care professionals and medical facilities cannot charge more than $300 for these exams [PC Section 13823.959(d)]. The law enforcement agency can be reimbursed by submitting a claim to the California Office of Emergency Services for a maximum of $300 per exam.

B. OTHER MEDICAL TREATMENT

1. The victim or his/her medical insurance carrier is responsible for payment of emergency or other medical treatment not part of the sexual assault forensic examination. These charges, however, may be submitted by the victim to the Victim Witness Program for submission to the state for reimbursement.

VI. SIGNATURES

This Sexual Assault Response Team Protocol is hereby adopted by the Sexual Assault Response Team Committee as indicated by the signatures below:

Larry Depee — Date
Crescent City Area Commander
California Highway Patrol

Laura Denny — Date
Chief Ranger
California State Parks Service,
Redwood National Park

Ivan Minsal — Date
Chief of Police
Crescent City Police Department

Heather Snow — Date
Director
Del Norte County Department of Health and Human Services

Katherine
Kathrine Micks — Date
~~Acting~~ District Attorney
Del Norte County District Attorney's Office

David Wadsworth — Date
Coordinator
Del Norte County District Attorney's Victim Witness

Lonnie Reyman — Date
Chief Probation Officer
Del Norte County Probation Department

Erik Apperson — Date
Sheriff
Del Norte County Sheriff's Department

Maryann Hayes Mariani — Date
Client Services Coordinator
North Coast Rape Crisis Team

CE Ducart — Date
Warden
Pelican Bay State Prison

Ivan Minsal — Date
Board Chair
Rural Human Services

Debbie Baker — Date
RN-CEN
ED/ICU Nurse Manager
Sutter Coast Hospital

Dorothy Wait — Date
Director
Community & Family Services
Tolowa Dee-ni Nation

Del Gray — Date
Interim Public Safety Chief
Yurok Public Safety

Thomas
~~Tom~~ O'Rourke — Date
Chairman
Yurok Social Services/Yurok Victim Advocates

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Crescent City Area Commander
California Highway Patrol

Laura Denny — Date
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California State Parks Service,
Redwood National Park

Ivan Minsal — Date
Chief of Police
Crescent City Police Department

Heather Snow — Date
Director
Del Norte County Department of Health and Human Services

Kathrine Micks — Date
Acting District Attorney
Del Norte County District Attorney's Office

David Wadsworth — Date
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Warden
Pelican Bay State Prison

Celia Perez — Date
Board Chair
Rural Human Services

Debbie Baker — Date
RN-CEN
ED/ICU Nurse Manager
Sutter Coast Hospital

Dorothy Wait — Date
Director
Community & Family Services
Tolowa Dee-ni Nation

Del Gray — Date
Interim Public Safety Chief
Yurok Public Safety

Tom O'Rourke — Date
Chairman
Yurok Social Services/Yurok Victim Advocates

VI. SIGNATURES

This Sexual Assault Response Team Protocol is hereby adopted by the Sexual Assault Response Team Committee as indicated by the signatures below:

5/24/16

~~Brandy Gonzalez~~ Date
Crescent City Area ~~Officer~~ LIEUTENANT
California Highway Patrol
BRETT FABBRI

5/10/16

Laura Denny Date
Chief Ranger
California State Parks Service,
Redwood National Park

8/2/2016

Ivan Minsal Date
Chief of Police
Crescent City Police Department

8/11/16

Heather Snow Date
~~Assistant~~ Director
Del Norte County Department of Health and Human Services

07/21/16

Dale Trigg Date
District Attorney
Del Norte County District Attorney's Office

6/13/16

Lonnie Reyman Date
Chief Probation Officer
Del Norte County Probation Department

7.29.16

Eric Apperson Date
Sheriff
Del Norte County Sheriff's Department

6/13/16

Maryann Hayes Mariani Date
Client Services Coordinator
North Coast Rape Crisis Team

7/25/16

CE Ducart Date
Warden
Pelican Bay State Prison

7/29/16

Scott Feller Date
Executive Director
Rural Human Services

Kevin D McCurdy Date
EMBA, MS-N, BS-N, BS, AS, RN, MLT - ASCP
ICU / Emergency Dept / Emergency Management Coordinator
Sutter Coast Hospital

6/13/16

Alison Baxter Date
Project Manager
Victim Witness

Leonard Masten Date
Chief
Yurok Public Safety