

"Keep Orlando a safe city by reducing crime and maintaining livable neighborhoods."

ORLANDO POLICE DEPARTMENT POLICY AND PROCEDURE

1403.4, SEXUAL BATTERY INVESTIGATIONS

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POLICY: It is the policy of the Department to have procedures for sexual battery investigations and call out of the Special Victims Unit detectives.

PROCEDURES:

1. CALL-OUT RESPONSIBILITIES

The Special Victims Unit is responsible for the follow-up investigation of cases routed to the Criminal Investigations Division (CID) or those that mandate investigative assignment. Those cases include investigations of sexual battery (both adult and child), home intrusions with sexual battery therein, exposures, voyeurism, child pornography and lewd acts. The following outlines call-out responsibilities for officers, supervisors, and CID personnel.

1.1 RESPONSIBILITIES OF PATROL OFFICERS

Officers encountering a situation involving the crimes listed in Section 1 or any other crime with a sexual connotation shall adhere to the following guidelines:

- a. The Criminal Investigations Division will have an on-call detective on duty for crimes against children and sex crimes from 1400 to 2200 hours, Monday through Friday. Calls for assistance or responses to informational requests shall be directed to the detective on call. Occasionally, the on-call detective may not be immediately available to respond to your request. If you are unable to reach the on-call detective, contact the on-call Special Victims Unit supervisor.
- b. Officers who need to respond to an informational directive or inquiry after 2200 hours should do so only if the directive or inquiry specifies this type of after-hours contact. Calls of this nature would include crime bulletin information, probable cause paperwork questions, or other matters that do not fall within the requirements under call-out procedures. These calls must be made to the on-call supervisor.
- c. All calls to on-call investigative personnel after 2200 hours or on weekends, whether for the purpose of determining response or to provide follow-up information, should only be made after a patrol supervisor, acting patrol supervisor, or watch commander has complete information to appropriately assess the situation and authorize the call.
- d. Suspects/arrestees should only be questioned or advised of constitutional rights by patrol personnel when authorized to do so by the responding detective or investigative supervisor.

- e. Officers should obtain as much information as possible regarding the suspect. If significant time has passed between the actual incident and notification to law enforcement, and there is no imminent threat to the victim's safety, officers should not contact the known suspect until consulting with the on-call Special Victims Unit Supervisor or responding detective.
- f. The initial responding officers assigned to the crime scene shall not be released prior to the detective's arrival unless relieved by the detective or a command officer.
- g. Crime scenes shall be secured and cordoned as quickly as possible. In those cases of home intrusions with sexual battery therein, it is imperative that the scene be preserved as much as possible. All personnel, including the victim, must be removed from the immediate areas involved in the crime. Officers should keep in mind the area in which the suspect entered and exited the residence. This area needs to be preserved for the purpose of a track and the collection of biological evidence (DNA). The Special Victims Unit supervisor will request that a bloodhound respond to the scene, if available.
- h. On-call investigative personnel shall be called regardless of whether the victim wishes to prosecute or undergo a sexual battery examination.

1.2 RESPONSIBILITIES OF FIELD SUPERVISORS

When an officer makes a request for a detective, the patrol supervisor or the acting patrol supervisor shall make a full assessment of the situation and determine the need for the call-out of a detective. In all cases, as soon as practically possible, the patrol supervisor shall respond to the scene.

The field supervisor shall be responsible for determining if the situation complies with the guidelines established in this directive. The field supervisor shall determine whether the Special Victims Unit detective is on duty to respond. If no detective is on duty, the field supervisor shall contact Communications to obtain the name and telephone number of the on-call investigative sergeant. It shall be the field supervisor's responsibility to contact the appropriate personnel and provide all the necessary information for a call out.

The field supervisor or authorized officer will not request or instruct Communications employees to make the notifications to on-call investigative supervisors, except in emergency cases.

2. PATROL RESPONSIBILITIES

2.1 INITIAL RESPONSE/GATHERING EVIDENCE

Officers will investigate allegations of sexual battery thoroughly and attempt to establish probable cause when conducting investigations by adhering to the following:

- a. Ascertain if the victim is in need of emergency medical assistance. Sexual battery victims requiring medical assistance will be routed to the nearest hospital emergency room. If not, it is preferred that the victim remain at the scene to assist the responding detective.
- b. Determine the venue of jurisdiction. The location where the victim was sexually battered determines which agency has jurisdiction and should respond, regardless if the victim was taken or abducted from the City limits of Orlando. The field supervisor will contact the appropriate agency and request it respond and take over the sexual battery investigation. If the agency refuses to respond, contact the on-call Special Victims Unit supervisor for further direction.
- c. Interview the victim to determine the circumstances of the allegation. Determine what sexual acts occurred and if the victim knows the identity of the suspect. Obtain the last known direction of travel by the assailant.

- d. Secure the scene and any involved persons, and cordon as quickly as possible. The importance of preserving potentially valuable physical evidence prior to forensic examination is crucial. The officer should explain to the victim that such evidence could be inadvertently destroyed by activities such as washing, showering, changing clothing, brushing teeth, urinating, smoking, using mouthwash, or douching. This preservation of evidence applies to any person where forensic evidence may be obtained, including the victim and/or suspect.
- e. In the case of home intrusions with sexual battery therein, it is imperative that the scene be preserved as much as possible. All personnel, including the victim, must be removed from the immediate areas involved in the crime. Officers should preserve the areas in which the suspect entered and exited the residence for the purposes of a track. The Special Victims Unit supervisor will request that a bloodhound respond to the scene.
- f. Suspects/arrestees should only be questioned or advised of constitutional rights by patrol personnel when authorized to do so by the responding detective or investigative supervisor.
- g. The initial responding officers assigned to the crime scene shall not be released prior to the detective's arrival unless relieved by the detective or a command officer.
- h. The Sexual Assault Response Team (S.A.R.T.) has an established protocol by which it will perform sexual battery examinations. The on-call detective or supervisor will advise the officer whether the sexual battery falls within the established timeframe in order to conduct a sexual battery examination.
- i. Consent of the victim is essential in conducting a sexual battery examination. The Sexual Assault Nurse Examiner (S.A.N.E.) will not conduct the examination without the victim's consent. Consent for the sexual battery examination is separate and distinct from an intent to prosecute. A parent/guardian must provide consent to treat a victim under 18 years of age. Additionally, when a victim is receiving inpatient treatment from a mental health facility and requires services from the SATC, a facility physician must provide written consent to treat the victim.
- j. The Victim Service Center of Central Florida will provide treatment for sexual battery victims who do not wish to pursue criminal prosecution or assist law enforcement. All victims will be treated, including juveniles 12 years of age or older. Services include, but are not limited to, access to a victim advocate, counseling, referrals, and treatment for sexually transmitted diseases. All victims will be provided with this information and the Sexual Assault Hotline phone number: 407.497.6701, or 1.866.757.2046. The Sexual Assault Hotline is monitored 24 hours a day, seven days a week. Victims should not be given the address nor be instructed to go directly to the Sexual Assault Treatment Center (S.A.T.C.). They must call the Sexual Assault Hotline to coordinate follow-up services.

2.2 REPORTING

All allegations of sexual battery will be documented on an Incident Offense Report. The responding detective will assume command of the investigation and submit a detailed supplement report. The primary officer shall provide the responding detective with a synopsis of the sexual battery allegations and the status of the investigation. The responding detective or his designee at the scene will determine if additional personnel are required.

Sexual battery cases occurring between family members where the domestic violence statutes apply should be treated as domestic violence cases. A SVU detective shall be contacted to determine if an arrest should be made if there is probable cause to believe a domestic violence sexual battery case has occurred. This is the case regardless of whether the victim agrees to the sexual battery examination, so long as there is probable cause.

Once the investigation determines an arrest of a sexual battery suspect is warranted, the primary officer shall be responsible for making a physical arrest, filing at large, or obtaining an arrest warrant. The responding detective shall assist the primary officer with establishing probable cause, documentation, and procedures as needed. If the detective directs the primary officer to complete a Charging Affidavit due to an arrest, the Affidavit will need to list the established probable cause and appropriate charge. If an arrest is made, the primary officer shall include the case disposition in the Incident Offense Report. Sexual battery cases requiring extensive follow-up will be assigned to the responding detective, unless otherwise determined by the Special Victims Unit Supervisor.

The location of the Sexual Assault Treatment Center (S.A.T.C.) is a confidential location; therefore, the address should be left out of the narrative of the initial police report. In addition, officers shall not provide the address of the S.A.T.C. to anyone other than law enforcement, including the victim or complainant. Indicating the victim was transported to the S.A.T.C. will be sufficient for your initial case report. Officers are reminded the police report becomes public record at the conclusion of the investigation.

3. CID RESPONSIBILITIES

The on-duty or on-call detective(s) shall respond to the scene; or to the S.A.T.C., 510 East King Street; or to the hospital, if the victim is in need of medical attention. If responding to the scene, the detective shall walk the scene with the victim and have a Crime Scene Technician respond to take photographs and collect all pertinent valuable evidence.

The detective or officer will transport the sexual battery victim (over 12 years of age) to the S.A.T.C. (the receiving facility for Orange County). Once inside the facility, the detective will conduct a follow-up interview in order to obtain more details of the incident. This interview shall be audio-recorded unless conditions dictate otherwise. The detective must conduct the interview to obtain specific details necessary for successful prosecution. The detective shall call the S.A.N.E. to conduct the sexual battery examination. A parent or legal guardian must be available to sign a consent form for minor victims.

The detective shall receive all collected evidence from the S.A.N.E. and submit it to the Property and Evidence Section per the current issue of P&P 1123, Property and Evidence.

If the victim is under 12 years of age, the detective will call 407.841.5111 and ask for the on-call Children's Advocacy Center Child Protection Team (CPT) case coordinator. The CPT case coordinator will then contact the on-call physician and have him or her respond to the Children's Advocacy Center at 601 E. Michigan Street. The same procedures regarding audio-recorded interviews and submission of evidence will apply to victims under 12 years of age. The Child Advocacy Center is a secured facility and only officers, victims and their immediate family are allowed to enter. A suspect, even if a parent, will not be allowed into the facility.

Acute sexual assault child cases requiring immediate medical attention will be routed to the nearest hospital emergency room.

4. EXEMPTION FROM PUBLIC RECORDS DISCLOSURE

Any information (including name, address, photograph, etc.) that reveals the identity of a victim of sexual battery, sexual offense, or child abuse is exempt from public records disclosure as provided in Florida Statutes, Chapter 119. These exemptions are automatic and do not require that the victim request anonymity.

In addition, there are other possible public records exemptions for victims of sexual battery, aggravated child abuse, aggravated stalking, harassment, aggravated battery or domestic violence. If one of these victims files a written request (Attachment A) for this exemption, including official verification (police report) that the applicable crime has occurred, then the exemption in §119.071(2)(j)(1), Florida Statutes (2012) will apply. For a period of five years thereafter, any information that reveals their home or employment telephone number, home or employment address, or personal assets is exempt from public disclosure.

5. OFFICER/PUBLIC OFFICIAL AS A SUSPECT

Circumstances may arise where a police officer or public official is the alleged perpetrator of a sexual battery. Officers responding to investigate these cases shall maintain neutrality and objectivity throughout the investigation. The on-call detective or supervisor shall be notified. A suspect officer/public official will be processed in the same manner as any other citizen suspect. If probable cause exists, an arrest will be made after consulting with a SVU detective in accordance with this policy. The watch commander will be notified as soon as possible and will respond to the scene of the investigation. The watch commander will ensure that the suspect officer's chain of command is notified and the appropriate disciplinary process initiated.

6. VICTIM ADVOCATE

The on-call Special Victims Unit Supervisor or responding detective will contact the Victim Service Center of Central Florida to facilitate the response of a victim advocate and the S.A.N.E. to the S.A.T.C. The victim advocate will then meet with the victim and coordinate follow-up services.

The Victim Service Center of Central Florida is located at 2111 East Michigan Street, Suite 210, Orlando, FL 32806. This is not the same location as the S.A.T.C. During normal business hours, call 407.254.9415. Officers can contact Communications for the current address of the S.A.T.C. Officers shall not direct victims to the S.A.T.C.

The Sexual Assault Hotline for Orange and Osceola Counties is available 24 hours a day, seven days a week, and can be reached at 407.497.6701 or 1.866.757.2046.

7. VICTIM COMPENSATION

Florida Statutes provide for the Bureau of Crimes Compensation and Victim Witness Services to pay for medical expenses connected with the initial physical examination. The payment will be made regardless of whether the victim is covered by health or disability insurance and requires that law enforcement certify there is reasonable belief that a sexual battery has been committed. Payment for the examination is made directly to the medical facility. Under no circumstances should a bill be presented or sent to the victim for the cost of the initial examination.

8. NOTIFICATION OF VICTIMS' RIGHTS AND SERVICES

Officers shall provide victims with a copy of the applicable brochure titled "Sexual Battery: Your Rights and Services," which is available in Supply, per Florida Statute 794.052.

ATTACHMENT A

**ORLANDO POLICE DEPARTMENT
EXEMPTION FROM PUBLIC RECORDS DISCLOSURE**

OPD CASE # _____

This form is a request for exemption of certain information from public records disclosure involving victims of the following crimes:

- | | |
|------------------------|---------------------------|
| a. Sexual Battery | e. Child Abuse |
| b. Aggravated Stalking | f. Harassment |
| c. Aggravated Battery | g. Domestic Violence |
| d. Sexual Offense | h. Aggravated Child Abuse |

I, _____ Date of Birth _____
(Print Name)

do hereby request that information which reveals any home or employment telephone number, home or employment address, or information about my personal assets, not be released or revealed through any public records disclosure by the Orlando Police Department as contained in §119.071(2)(j)(1), Fla. Stat.

Signature

Date

Officer Name and Employee #