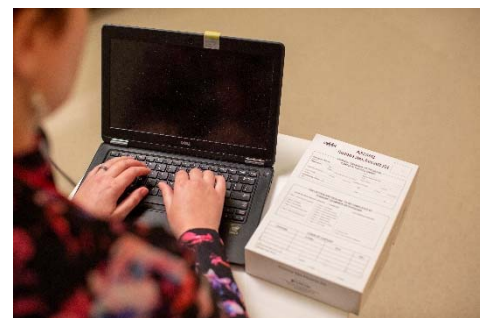


Multidisciplinary Protocol for Responding to Sexual Assault



Developed by the Pima County
Sexual Assault Response
Team/Pima County
Multidisciplinary Working
Group for the Pima County
Sexual Assault Kit Initiative¹



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INTRODUCTION

Sexual Violence impacts individuals in all communities, regardless of age, gender, race, or socio-economic status. At least one in five American women, one in six men and one in two gender non-conforming individuals experience sexual violence at some point in their lifetime². The short and long-term consequences of sexual assault are far reaching, impacting individuals and their loved ones physically, psychologically, socially, financially, and spiritually. For too long victims have faced disbelief, shame and guilt following their victimization, causing sexual assault to be a significantly underreported crime³.

Treating survivors of sexual assault with dignity and respect is the foundation and driving force behind the coordination of support within Pima County. The Sexual Assault Response Team (SART) in Pima County, Arizona is a collaboration of community partners who provide a coordinated and victim-centered community response to sexual assault. The following protocol is intended to maintain transparency and accountability to the SART by setting forth best practices and training for all disciplines involved in responding to sexual assault cases and supporting victims of sexual violence.

The SART involved in developing this protocol will continue to meet regularly to provide ongoing feedback concerning implementation and further refinement of best practices in response to evolving research and understanding in this area. Each meeting will involve networking to: (a) address issues, successes, and concerns; (b) coordinate training; (c) identify emerging issues; (d) and share insight from evaluation tools.

² Statistics. National Sexual Violence Resource Center. (n.d.). <https://www.nsvrc.org/statistics>

RAINN. (n.d.-b). <https://www.rainn.org/statistics/victims-sexual-violence>

Sexual Abuse & Assault of Boys & Men | Confidential Support for Men. (2022, April 5). <https://1in6.org/statistic/>

³ The Criminal Justice System: Statistics. RAINN. (n.d.). <https://www.rainn.org/statistics/criminal-justice-system>

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MEDICAL RESPONSE

Individuals who report being sexually assaulted need and deserve to be seen by appropriately trained medical personnel who are trauma-informed and sensitive to the unique issues presented by such patients. The primary responsibility and function of medical professionals is to tend to the health and welfare of the patient, but they must also remain neutral and objective in their evaluation.

In Pima County, there are two primary centers staffed by or contracted with medical personnel with the necessary qualifications and training to provide sexual assault examinations: The Southern Arizona Center Against Sexual Assault (SACASA) and the Children's Advocacy Center of Southern Arizona (CAC). Acknowledging the sensitive nature of such an exam leads to the strong recommendation that these exams be conducted at or coordinated by one of these two centers. This will ensure patient privacy, comfort, safety, and immediate specialized medical attention. Exceptions may be necessary based on the prioritization of medical care or the physical condition of the patient.

Under Arizona law, if a victim suffers a gunshot wound, knife wound, or "other material injury which may have resulted from a fight, brawl, robbery or other illegal or unlawful act," attending medical personnel must make a report to police pursuant to A.R.S. § 13-3806; in Pima County, this is to include sexual assault. However, the decision to report a sexual assault and participate with law enforcement rests with the victim. The following procedures are recommended for the medical forensic examiners performing sex assault examinations.

PROVIDER QUALIFICATIONS AND TRAINING

Medical professionals [hereinafter "examiners"] who provide medical forensic examinations [hereinafter "examinations"] are to receive specialized training to perform examinations and may include but not necessarily be limited to the following professions: physicians, physicians assistants, registered nurses and nurse practitioners.

Examiners are to complete didactic education comparable to that offered through the International Association of Forensic Nursing (IAFN) and demonstrate clinical skills to competency as guided by the IAFN through preceptorship and additional training as outlined by the contracted center. The coursework necessary to establish minimum qualifications for examiners will depend on the nature of their underlying licensure (e.g. registered nurse, nurse practitioner, physician assistant, physician, etc.) and be set by the contracted center.

INFORMED CONSENT

The purpose of the Patient Consent Form is to obtain the informed written consent of the patient to for the following: medical evaluation and treatment, coordination of care, examination, photography, and the release of the examination kit to law enforcement for evidence storage and/or testing. Additional consent may be obtained based on hospital policies or statute.

The consent process should be completed verbally and in writing prior to beginning the patient history and exam and should be conducted in the patient's preferred language, i.e. the language in which they demonstrate understanding. The patient should be informed of the risks and benefits of the examination and of their right to decline any or all parts of the examination, including the release of final records to investigating agencies. In situations when an adult lacks the capacity to consent for an examination, a legal guardian or representative can consent to the examination assuming the patient can safely

participate. Reassessment of consent throughout the process of an examination is appropriate, and the examination should be terminated at any point that consent is withdrawn or determined null and void. Adult and adolescent patients with the capacity to consent should be offered a copy of their signed consent form and/or discharge paperwork.

CONFIDENTIALITY

Federal privacy regulations created by the Health Insurance Portability and Accountability Act (HIPAA) require patients to give written authorization for a release of health information to non-healthcare providers. Written consent to release medical information can be obtained at the time of the examination authorizing law enforcement to a copy of the medical record. The contracted medical provider will retain all the original medical records sequestered away from health records in order to preserve the legal chain of custody and sensitive patient information. Physical charts should be stored behind a double lock and digital charts will be stored in the electronic health record with limited staff access and include break-glass protection. The records will be retained for at least seven years after the date of last service to the patient.

OPERATIONAL CONSIDERATIONS

By Arizona statute (A.R.S. § 13-1414), Pima County must pay for all medical-forensic examinations performed as a result of a Dangerous Crime Against Children (defined by A.R.S. § 13-705) or sexual assault (defined by A.R.S. § 13-1406). The fees for the examination are established by a separate contract between Pima County Behavioral Health and the centers who contract with or employ the examiners. With a chief complaint of sexual assault, medical providers are prohibited from billing the sexual assault patient for the cost of the examination. The patient's insurance cannot be billed for the cost of the examination. A patient's cooperation with law enforcement is not necessary for an examination to be paid for by Pima County. A billing form and itemized invoice should be submitted by the examiners to the contracted agency monthly for purposes of payment.

Emergency Medical Treatment and Labor Act (EMTALA) allows the transfer of a patient reporting sexual assault at a healthcare facility to a designated examination center after a medical screening examination (MSE) has been completed. The MSE is a minimal, uncomplicated procedure done to ensure that the patient is stable and is required through EMTALA. Once the MSE is completed, the patient can be transported to a designated center for completion of the examination, unless the patient requires emergency medical care. In the event that emergency medical care is necessary, the genital and anal exam should be deferred and performed by a trained examiner unless there is a concern about significant bleeding or other emergent injury to the genital or anal area. No urine should be collected unless indicated for medical treatment. If urination occurs prior to transfer either through medical need or patient need, a sample of the urine can be held and secured by the patient until the transfer and initiation of the examination. If the patient is going to be admitted to the hospital and is therefore not transferable for medical or psychiatric concerns, a trained examiner should be notified to perform the examination in the medical facility in which the patient is currently receiving care.

GENERAL CONSIDERATIONS

The sexual assault patient should be thoroughly evaluated in the same manner as any medical patient. Acute medical concerns and stabilization of the patient take precedence. Care should be taken to avoid or minimize altering the patient's state prior to collection of potential evidence. Assessment of the patient should include a complete medical history identifying the chief complaint and involve a detailed

physical examination. The examiner should use accurate and detailed documentation to include the patient's previous medical history and description of the assault. The description of the assault serves as a guide for collection of samples for potential evidence. If the patient is unsure or unable to recall the details of the assault, routine samples should be collected.

The Sex Assault Evidence Kit (SAEK) is provided by the Arizona Department of Public Safety and should be used in all cases. Examinations that include collection of potential evidence should be considered up to 120 hours following a sexual assault. The examination should be completed as soon as possible as the potential for physical evidence to be collected decreases over time.

The sexual assault patient not reporting to law enforcement shall have access to a medical forensic examination through the same means as a patient reporting to law enforcement. The examination report and evidence will be documented and submitted to law enforcement under the Violence Against Women's Act (VAWA). The kit will be labeled with patient name and date of birth as well as the assigned law enforcement case number for potential future identification purposes. A VAWA kit will be stored by law enforcement and tracked on the State's Track-Kit system but will be marked as not to be tested unless and until a patient chooses to identify their kit and make a report to law enforcement. The VAWA patient will be informed of the storage and destruction process. The VAWA examination documentation can only be released to law enforcement at the patient's request.

MEDICAL HISTORY

The examiner should obtain a medical history that is as complete as possible under relevant circumstances from the patient and should include medications, medication allergies, past immunizations, past medical and surgical history, and other ongoing medical concerns. Current medical conditions and/or medications may have an impact on the examination and acute medical status.

ASSAULT HISTORY

The examiner should obtain a history of the chief complaint. The history should be obtained from the patient using both open-ended and clarifying questions describing the assault. The assault should be documented by the examiner using exact quotations from the patient and should help guide the examination and collection of swabs and items for potential evidence.

PHYSICAL EXAMINATION

A thorough head-to-toe examination of the body is necessary to identify physical injuries; it is suggested that this examination include the genitals as sexual assault patients are often unaware of injuries sustained during an assault. The examiner will document the general appearance and demeanor of the patient using objective language. Documentation of all acute physical findings such as contusions, abrasions, lacerations, petechiae, cuts, etc. is important. A detailed description including size, color, location and type of injury should be noted. Body maps are useful in accurately documenting findings from a physical exam and should accompany the written description of injuries noted. The Sex Assault Examination Kit Report should be completed by the examiner. Photographs of each injury may accompany but will not replace written notation of physical findings during an examination.

SAMPLE COLLECTION

CLOTHING

The clothing worn by the patient during the assault may contain trace biological evidence or may be ripped/torn/stained. The clothing may corroborate the patient's history of the event. A disposable changing paper or clean sheet can be used as a clean area for the patient to remove clothing. The changing sheeting should be labeled and packaged. The examiner should wear gloves when handling the clothing and change gloves between items. Each article of clothing should be placed into a separate paper bag (not plastic). Examiners will not write on or cut through existing rips/tears/stains unless medically necessary. If the clothing is damp or wet, the clothing should be placed in a secure location to thoroughly dry before packaging. Law enforcement or crime lab should be notified if items were unable to be dried prior to packaging. Each item bag should be properly labeled indicating the clothing item type. The chain of custody should reflect each item as additional packages to the entire sex assault evidence kit.

BIOLOGICAL STANDARD/REFERENCE SAMPLE

Collection of a buccal sample should be the standard mechanism for obtaining DNA for a patient's reference sample. A buccal swab or blood sample is routinely collected to positively identify the patient. Buccal swabs should be collected, dried, and placed in properly labeled paper box indicating the source site (buccal).

If the patient reports oral penetration, DNA other than the patient's may also be present in the oral cavity. Collection of an oral specimen should be collected prior to collection of the biological standard buccal swab. Following the collection of the oral swab, the patient should rinse the mouth prior to collection of the buccal swab. In such a case, the patient's blood sample also may be obtained to definitively identify the patient's DNA.

ORAL SWABS

Oral swab collection is indicated with a history of oral contact with the genitals or when a patient reports biting the individual. Food and liquids are encouraged to be avoided prior to the oral swab collection if possible. Oral swabs should be collected inside the mouth along the inner cheek, gum line, on the tooth surface, on the palate, and under the tongue.

Swabs should be properly dried and labeled with the source of the sample (oral). With a report of oral penetration many hours prior to the examination or in the case where the patient has eaten/drank multiple times prior to the exam, oral swabs should still be collected. If oral swabs are collected, circumoral or palmar body surface swabs also should be collected.

BODY SURFACE SWABS

Body surface swab collection is indicated with a history of potential body fluids, foreign materials, or potential touch DNA. Use of an alternative light source (ALS) might be helpful in identifying potential evidence. Any area that fluoresces with the ultraviolet light/ALS, or if the patient reports a history of an area where there may be body fluid transference (i.e. licking, kissing, sucking, biting, location of ejaculation) should be swabbed. Fingernail swabbing may be appropriate if the patient's history supports the need to collect this evidence.

Body surface swabs should be routinely obtained from high yield areas of patients with an unknown or undetermined history of suspected sexual assault. High yield areas for positive findings (with or without fluorescence) include the neck and breasts but can vary greatly based on the individual's age and nature of the assault. If there are dried secretions matted in any of the body hair, they may be cut out and placed in the debris envelope.

Body surface swabs are further indicated for potential touch DNA with a history of manual strangulation and other forms of forceful friction contact. The samples should be dried and placed in a properly labeled paper box indicating the source site of the sample (e.g., neck, right index finger, left arm).

ANAL AND EXTERNAL GENITAL SWABS

The collection of anal swabs is indicated when a patient reports any contact to the anus with a mouth, hand, genital, or other substance. Anal and external genital swabs should be collected prior to performing the vaginal exam to avoid cross-contamination. The swabs should be dried and placed in a properly labeled paper box indicating the collection site (i.e. external genital).

PENILE SWABS

The collection of penile swabs is indicated when a patient reports any contact with the penis, including manual, oral, genital, anal, or by any other body part or instrument. Penile swabs should be dried and placed in properly labeled boxes indicating the collection site (penile).

VAGINAL SWAB AND SAMPLES

The collection of vaginal swabs is indicated when a patient reports vaginal penetration or when it is believed that vaginal penetration occurred. Additionally, the collection of vulvar swabs should be considered on all cases of penetration of the vulva. Swab collection and inspection of the external genitals for trauma with separation of the surrounding tissue should be completed before the speculum exam. Placement of a speculum is discouraged in premenarchal, postmenarchal or other non-estrogenized patients. If a speculum exam is clinically indicated, the rationale for such an exam should be discussed with the patient. However, it is patient's choice whether or not to proceed unless medically indicated by factors such as obvious injury or bleeding. Blind vaginal swabs can still be collected carefully if a speculum is not used, but the examiner should always consider patient comfort in determining whether this is appropriate, particularly when examining a pre-pubescent child.

Vaginal swabs should be obtained from vaginal walls, around and behind the cervix, the face of the cervix and gently in the cervical os. The swabs should be dried and placed in properly labeled paper boxes indicating the source of the site (vaginal).

Although laboratories have varying capabilities, local forensic laboratories have determined vaginal aspirate is a valuable sample for DNA evidence. The benefits of proper collection by a trained examiner and subsequent DNA analysis outweigh the risk of harm to the patient. The examiner should obtain informed consent for all medical procedures prior to and throughout the examination.

MISCELLANEOUS ITEMS

The collection of debris, foreign material, or other potential trace evidence that may be found on the patient's body or clothing can be carefully packaged in the debris envelope using a pharmacy fold method. The item should be properly labeled to identify the contents and listed on the chain of custody.

TOXICOLOGY

The collection of blood and/or urine samples is indicated when a patient reports suspected or known ingestion (voluntary or involuntary) of alcohol and/or legal and illegal substances. Blood and/or urine kits will be used to gather toxicology samples when the patient consents. Ideally, the patient should not urinate until after the genital examination and swab collection is complete. The number of times a patient has urinated prior to collection should be documented. The samples should each be properly labeled including the following: sample collected (blood, urine), date and time sample was collected, and the date and time of the assault. The blood and urine toxicology samples should be packaged separately from the Sex Assault Evidence Kit (SAEK) and refrigerated. If the patient voids/urinates prior to the examination but while in the company of the examiner, providing medical staff, or law enforcement, the urine should be collected and remain in the custody of the patient until it can be submitted with the SAEK.

PHOTOGRAPHS

Photographs may be a component of the examiner's documentation. With the patient's permission, photographs should be taken by the examiner to supplement the written report and capture images of physical findings related to the assault. The photographs of the patient's body and genitals should be considered as taken for medical purposes and should not replace investigative photography. All medical photo documentation should be considered a part of the medical record and all original images should be stored and retained by the medical provider. Photographic body images may accompany investigative copies of medical records as patients permit, however, genital photographs will not be released to non-medical personnel at any time without a court order.

MEDICAL TREATMENT

The patient's medical stability takes priority over the sexual assault examination. Recommended referrals to a specialist or transfer to a higher level of care should be considered for treatment of injuries and examination findings if indicated. The most recent Center for Disease Control Treatment Guidelines for sexual assault and Sexually Transmitted Infection (STI) preventative therapy are available online at cdc.gov and should be referenced routinely for updates. Emergency contraception should be considered when the assault could result in pregnancy. Patients who have been sexually assaulted should be informed of postexposure vaccines for Hepatitis B and treatment options for nonoccupational post-exposure prophylaxis (nPEP) for HIV. Recommendations for HIV nPEP are individualized according to risk as advised by the CDC. Referrals for vaccines and nPEP should be readily available for a patient's continued care needs along with follow up and testing for sexually transmitted infections. The examiner is also responsible for patient education as it relates to management of injuries, when to seek medical attention, and risks and treatment of STIs.

CHAIN OF CUSTODY

All items collected as a part of the medical forensic exam will be properly packaged, labeled, and sealed with the examiner's handwritten date, time and initials across the tape and package or kit. The Chain of Custody documentation should be filled out by the examiner as a complete list of the items collected. A copy of the medical forensic exam record and the individually sealed envelopes should be sealed within the Sex Assault Evidence Kit (SAEK). All individual items such as blood, urine, and bulky clothing items with changing sheet, should be packaged and sealed separately from the SAEK.

For cases within Tucson Police Department's (TPD) jurisdiction, the examiner will properly store all evidence in the designated evidence refrigerator for pickup. For other jurisdictional cases, the examiner will retain all evidence until it is released to law enforcement. In the event that law enforcement is unavailable within a reasonable amount of time to complete transfer of evidence, the examiner will secure all evidence in a secure evidence locker/refrigerator until such a time when law enforcement is available to execute the transfer. Whenever an examiner transfers the evidence to an evidence refrigerator for pickup or to law enforcement, they will document doing so using the Chain of Custody Form. The form will clearly identify the evidence, including description and quantity, and the receiving officer's name, as well as the law enforcement agency's case number. The form will also include signatures from the examiner or designee and receiving law enforcement agent.

POSTMORTEM SEXUAL ASSAULT EXAMINATIONS

If a decedent's death investigation falls under the jurisdiction of the Pima County Office of the Medical Examiner, pursuant to A.R.S. § 11-593, postmortem sexual assault examinations will be performed if indicated by history and/or circumstances or upon request of an investigating agency. Postmortem examinations will be performed by a forensic pathologist medical examiner (ME) or under their direct supervision in compliance with the most current National Association of Medical Examiners Forensic Autopsy Performance Standards and in accordance with departmental policies and procedures. Standard Sex Assault Evidence Kits will be collected, packaged, labeled, stored, and released in accordance with departmental policies and procedures which are reviewed at least every two years and developed in collaboration with law enforcement crime lab partners.

LAW ENFORCEMENT RESPONSE

Law enforcement responds to reports of sexual assault committed against adults by conducting a thorough and unbiased investigation with a trauma-informed, victim-centered approach that proactively targets repeat offenders.

Effective investigation requires cooperation with a multidisciplinary team that includes the following professional disciplines: medical professionals, victim advocates, dedicated forensic interviewers, criminalists, prosecutors, and other law enforcement representatives. Law enforcement should consult and share information with the team and keep the victim apprised of the status of an investigation.

All persons will be treated with fairness, dignity, and respect. Law enforcement must be cognizant of victim safety, victim needs, victim and suspect rights, and hence, establish partnerships with other organizations involved in the treatment and support of victims. Advocacy centers should be utilized to provide support to victims during sexual assault investigations when possible.

This protocol will outline the best practices for sexual assault investigations within Pima County. Law enforcement agencies should follow these practices, bearing in mind that circumstances and resources may call for deviations from these practices. Because of the differences between agencies, this protocol recognizes that some investigations, or parts of investigations, may be carried out by patrol officers, rather than detectives. For that reason, the protocol distinguishes between “first responders⁴,” i.e. patrol officers responding in a more limited capacity prior to involvement of a senior officer or detective, and “investigators”, the latter denoting either a patrol officer designated as the investigator or a detective.

This protocol will incorporate communications/dispatch, patrol officer response, crime scene investigation, detective investigation, evidence collection including the Sex Assault Evidence Kit (SAEK), Combined DNA Index System (CODIS), cold case investigations, and training.

COMMUNICATIONS, 9-1-1 & DISPATCH

Those who serve in this capacity should receive training on the impact of trauma, the dynamics of victimization, and appropriate questioning of victims who report sexual assault. The call taker’s primary focus is victim well-being and safety and officer safety. Call takers will obtain appropriate information regarding the sexual assault, location, suspect, and suspect’s location, information and description. The investigator should secure the audio recording and printed details of the call and preserve as evidence.

FIRST RESPONDER RESPONSIBILITIES

A. In addition to any other training mandated by the agency, officers who will be serving as first responders to calls of sexual assault should receive training on the following topics:

1. Pima County Multidisciplinary Protocol for Responding to Sexual Assault;
2. Arizona Constitution, Article 2, § 2.1 Victim’s Bill of Rights; Title 13, Chapter 44;

⁴ This protocol recognizes that “first responder” may also be used in other contexts to include EMTs and paramedics who respond to a 911 call seeking medical care. Because they do not conduct criminal investigations, we limit the meaning of the term here.

3. Relevant sections of A.R.S. Title 13 for specific criminal conduct provisions;
4. Scene and evidence preservation;
5. Impact of trauma on sexual assault victims; and
6. Interviewing the sexual assault victim.

B. First Responder responsibilities are as follows:

1. Attend to the victim's immediate medical needs.
2. Secure the safety of those at the scene.
3. Contact the victim as described below.

C. Victim Contact

Sexual assault investigations typically include both an initial victim interview in the response phase and a subsequent in-depth interview in the investigative phase. The preliminary interview is a minimal fact interview to establish scenes and elements of the crime. It is best practice to conduct a separate investigative interview, even when the first responder and the investigator are the same person. This practice may allow the victim to recover from the initial assault so that memory will be less impacted than it is immediately after the trauma. Best practices include the following:

1. Officers equipped with body worn cameras should audio- and video-record all contact and investigation efforts and document that these recordings exist in the police report.
2. The first responder should conduct a brief and non-judgmental initial interview of the victim. The interview should be structured and conducted in a manner that allows the victim in these scenarios to give this information in an uninterrupted free-flowing manner. This interview should be recorded and take place in a private, safe setting. If the victim insists a support person remain with them during the interview, the first responder should make sure that that person is not a witness to the case (e.g. the first person the victim told).
 - a. The initial interview should be limited to the following:
 - i. Basic facts that establish the elements of the crime - a more detailed interview will be done later.
 - ii. Victim information, including phone numbers, date of birth and secondary contact information such as a close relative.
 - iii. What the victim can remember of what happened. (Let the victim talk without interruption. Do not press the victim.)
 - b. If victim does not provide the information above, you may ask the following questions:
 - i. Follow up questions concerning immediate safety issues of either the victim or the public (e.g., "Where did you last see him?" or "Which way did he go?").
 - ii. Where did it occur? (To determine scene(s)/ jurisdiction)
 - iii. When did it occur? (To determine need for an immediate sexual assault examination)
 - iv. Was a weapon used? If so, where is that weapon now?
 - c. If the victim knows the suspect, obtain as much information as possible regarding suspect description and any locating information.
 - d. If the victim does not know the suspect, obtain a description by asking open ended questions about appearance such as "What can you remember about the person's appearance?" "What can you remember the person wearing?"

- e. Document your objective observations about the victim's appearance and demeanor during the interview in the departmental report (e.g., crying, laughing, unemotional, dirty clothes, torn/missing item, visible injuries). Do not include personal opinions or beliefs about what you think.
 - f. If the sexual assault occurred within the last 120 hours or it appears there is potential to collect physical evidence or document injury:
 - i. Ask the victim if he/she is willing to participate in a medical forensic examination.
 - ii. If an exam is appropriate, explain the importance of such an exam (to provide needed medical treatment and potentially collect evidence) and that the exam will be done in a hospital or advocacy center in a professional and sensitive manner. Understand that a victim may need time to make such a decision.
 - g. Ask the victim if he/she is willing to speak with an investigator.
 - h. Do not ask the victim if he/she wants to press charges or wants to be a victim.
3. Ensure that the victim has transportation to a hospital or advocacy center, which has 24-hour access. Ideally, a victim should be transported to the hospital or advocacy center by an advocate or crisis worker who works with the police department. If such a resource is unavailable, the police should transport the victim, understanding that a victim always has the right to choose to be transported in a private car by a friend or family member. If the victim opts to be transported in a private car, he or she should be asked to avoid disrupting any potential biological evidence by not eating, drinking, chewing gum, brushing their teeth, changing clothes, bathing, or showering, or if possible, using the bathroom. Consider collecting accessible biological evidence (e.g., swabbing in or around their mouth) before the victim is transported, so they may be more comfortable. Should the victim wish to change their clothes, they should be asked to bring the worn clothes in a breathable container like a paper bag. Follow the victim or allow him/her to follow you to ensure he/she does not get lost.
4. Notification and Coordination of the Medical Forensic Exam (MFE).
Examiners trained to complete MFEs are available 24 hours a day, every day of the year. Per A.R.S. §13-1414, MFEs will be paid for by the county. Victims will not be charged for the exam.
- a. If the assault took place within the past 120 hours, a Medical Forensic Exam (MFE) should be done as soon as possible.
 - b. If the victim needs to be transported and admitted to a hospital, a qualified examiner will respond to the hospital to collect a SAEK.
 - c. The officer who has interviewed the victim should brief the examiner on essential information about the victim and briefly describe the reported assault.
 - d. Medical examination - Photos taken during the MFE are for medical purposes only. A police representative must take any necessary photographs for evidence purposes, except for photographs of breasts or genitals.
5. First responder should ensure a warm hand-off to an advocate or qualified examiner at the designated exam site before leaving.
- a. Provide victim with victim rights information and advocacy/resources.
 - b. Discuss victim safety concerns which may include Orders of Protection and other resources. (An advocate or crisis worker who works with law enforcement may do this.)
 - c. Either the first responder or the investigator shall take custody of the SAEK within five business days after the MFE is completed (per A.R.S. § 13-1426).

6. Documentation In Departmental Report

- a. The first responder, any officer who interviews a witness, victim or suspect, and any officer who identifies evidence or processes a crime scene shall document his or her actions in writing, including any referrals provided to the victim.
- b. Obtain biographical victim information.
 - i. Include the victim's full name, date of birth, home address, email, occupation, work address, work phone number, cellular phone number, email address, next of kin contact information, etc.
 - ii. Victim's rights mandates that some of this information must be redacted by the county attorney's office prior to disclosure to defense. Therefore, limit the number of times this information is listed in the police report narrative.
 - iii. The victim's name and other personal information should not be included in court documents, such as the probable cause statement. The victim(s) should be referred to as, e.g., "Victim 1".
- c. Names and contact information of all involved persons.
- d. Summaries of all interviews conducted with involved persons.
- e. The qualified examiner's name and the location where the examination took place.

D. Suspect Contact/Interview

1. First responders should only interview the suspect if the suspect is present, aware of the investigation, and is willing to make statements. If the agency has an on-call investigator, that investigator or supervisor should be consulted prior to conducting an interview.
2. If the suspect is not present, consult with detective, investigator, or supervisor prior to contact bearing in mind that the suspect may possess evidence that needs to be immediately collected.
3. If evidence needs to be collected from the suspect, the following are recommended:
 - a. Court Order for Identifying Physical Characteristics (A.R.S. § 13-3905) - This requires reasonable suspicion and cannot be used to draw blood.
 - b. Search Warrant - This requires probable cause.

INVESTIGATOR RESPONSIBILITIES:

It is recommended that each agency have a specialized unit to investigate or direct investigations of sexual assaults. Assignment to such a unit should be voluntary. Because of the complexity of these cases and the training, knowledge and expertise required, every effort should be made to retain skilled investigators in the unit as long as possible. Size of agency, resources and other special circumstances may make alternatives necessary. Because of the sensitive and personal nature of these cases, law enforcement should maintain timely communication and information sharing throughout the investigation with the victim. Special care should be taken to maintain a victim's privacy by not contacting friends and family members who may not be aware of the situation. (Refer to Victim Advocate Section of Protocol for list of victim services/advocate resources.)

A. Those responsible for such investigations should receive training in the following areas:

1. Arizona Constitution, Article 2 § 2.1 Victim's Bill of Rights, Title 13, Chapter 44.
2. Training on the investigation of sexual assaults.
3. 8 hours of continuing education each year relating to the investigation of sexual assaults.
4. Basic and advanced forensic interview training.

B. Investigator responsibilities are as follows: Where applicable, ensure the crime scene(s) remain secure.

1. Identify, document and collect crime scene evidence when available.
 2. Impound and submit evidence to the crime laboratory for testing.
 3. Conduct a detailed interview of the victim. (See below)
 4. Identify and interview other witnesses in the case.
 5. Identify and interview the suspect.
 6. When appropriate, work with agency's public information officer on which, if any, details should be disclosed to the public.
 7. Obtain a DNA sample from victim's consensual sex partner, if relevant sexual activity occurred in the past 7 days or if any items seized (e.g., bed linens) may contain DNA from the partner. The investigator role does not end once the case is submitted for prosecution. Investigators need to be aware of legal requirements and timelines with which prosecutors must comply. Therefore, at the earliest juncture, the investigator should work with the prosecutor assigned to the case. This will help ensure that discovery is completed in a timely fashion. Open communication also will provide the means to advise the prosecutor of any potentially exculpatory information.
- C. The Pima County Attorney's Office includes a Special Victims Bureau Chief whom law enforcement should call under the following circumstances:
1. An arrest is imminent and charges will be submitted.
 2. The case involves multiple victims, serious injury, or a complex or lengthy investigation.
 3. In any other circumstance where the investigator deems it appropriate.
- D. The Bureau Chief or an on-call prosecutor may:
1. Review the search warrant.
 2. Answer some legal inquiries.
 3. Attend the initial appearance.
 4. Attend case briefings/multidisciplinary team meetings.
- E. Scene Processing: The lead investigator must recognize that there could be multiple crime scenes such as the contact location, assault location, release location, victim and suspect (person, personal belongings, clothing, etc.). Some of the functions the investigator may complete at a scene include the following:
1. If scene is undetermined, the investigator may attempt to locate it by transporting the victim to the location.
 2. Preserve the victim's fingerprints for comparison, if appropriate.
 3. Ensure photographs are taken.
 4. Photographs should depict victim injuries, if any, and in a way that shows the scale of the injury. When appropriate, photograph the absence of injuries. Ideally a person of the same gender as the victim should take these photographs. Photographs of a victim's breasts or genitals should only be taken by a Medical Forensic Examiner.
 5. Document name of person who took photographs.
- F. Investigation/Interview of Suspect.
1. Run criminal history to:
 - a. Obtain past reports and court records on sex-related offenses.
 - b. Review other offenses, such as burglary, kidnapping or trespass, for possible sexual motivation.
 2. Conduct interview - If video recording is not possible, audio record.
 3. If evidence needs to be collected from the suspect, the following are recommended:
 - a. Court Order for Identifying Physical Characteristics (A.R.S. § 13-3905) - This only requires

reasonable suspicion and cannot be used to draw blood.

- b. Search Warrant if probable cause exists to arrest and/or blood is needed.

DETECTIVE CALLOUT CRITERIA (FOR AGENCIES WITH SPECIALIZED UNITS/PERSONNEL)

While it is recognized that the resources of each law enforcement agency may impact the ability of a detective to respond to assist patrol officers with investigations, the following criteria should be considered:

- A. Safety concerns. (e.g., whereabouts of suspect are unknown and there is a safety concern for the victim)
- B. Suspect is in custody and decision to make an arrest is needed.
- C. Need for court order for identifying physical characteristics or a search warrant for collecting evidence from the suspect or a crime scene.
- D. Need to process complex or multiple scenes. (apartment, vehicle, etc.)
- E. Serious physical injury.
- F. Multiple victims or a complex initial investigation and immediate follow-up investigation necessary.
- G. Any other situation where law enforcement determines detective response is appropriate.

VICTIM INTERVIEW BY INVESTIGATOR

- A. Interview victim as soon as possible at an advocacy center or other safe and private location that has audio and video recording capabilities. When video recording is not possible, audio record.
- B. If the victim is under the stress of the traumatic event, consider waiting a period of time.
- C. Do not ask a victim if he or she wishes to prosecute or wants "to be a victim". Instead, explain the process of the investigation to the victim.
- D. Victims should be interviewed using principles taught in the basic and advanced forensic interviewing courses as applied to victims of sex assault.
- E. Subsequent interviews may be necessary and conducted for clarification purposes or if additional information and evidence warrants it. These should be video or audio recorded.

EVIDENCE IMPOUND - GENERAL

- A. All items should be impounded in separate bags to prevent contamination.
- B. Wet items should be thoroughly dried to prevent mold/mildew.
- C. Once dried, items should be placed in paper evidence bags.
- D. Dried items should be stored in a refrigerator or freezer.
- E. Glass items should be stored at room temperature.
- F. Blood tubes and urine should be refrigerated.
- G. SAEK should be stored in freezer.
- H. Some items may be stored at room temperature after completion of lab analysis. Cases will involve various types of evidence. Adhere to agency policies for specific collection, impounding and analysis procedures.

SEX ASSAULT EVIDENCE KIT (SAEK)

A. SAEK

1. Personnel will notify law enforcement of a completed SAEK within 48 hours.
2. Law enforcement should collect and impound SAEK from examiner or a secure location at the exam site as soon as practicable, but no later than 5 business days after notification of an exam.
3. Law enforcement should submit SAEK to the appropriate crime laboratory within 15 business days.

B. MFE medical report (provided by examiner at time SAEK is picked up)

1. Incorporate with departmental report.
2. Scan and/or impound as evidence.

C. Detectives will document lab results in report and conduct appropriate follow-up investigation (See CODIS section).

D. Each agency is responsible for storage and preservation of each SAEK.

E. SAEKs will not be destroyed, regardless of lab results.

EVIDENCE RETENTION

Evidence may be used in future cases under Rules of Evidence 404(B) & (C) regardless of the outcome of the investigation. Therefore, all evidence in a sexual assault case will be retained by the investigating agency pursuant to A.R.S. § 13-4221.

CODIS - COMBINED DNA INDEX SYSTEM

A. Databases

1. LDIS - Local DNA Index System
2. SDIS - State DNA Index System
3. NDIS - National DNA Index System

B. Eligibility for entry into CODIS

1. Documentation a crime was committed.
2. Documentation that evidence originated from or can be associated with the crime scene and the putative perpetrator.

C. CODIS hits (matches) - Notification will be made to investigator.

1. Sample matched to specific person.
 - a. Determine whether this person was victim's consensual partner.
 - i. Case to case sample - Investigator needs to obtain records from other case to determine what follow up needs to be done.
2. A DNA sample of the suspect is necessary to ensure the integrity of the database hit.
 - a. Locate and interview suspect.
 - b. Obtain search warrant (preferred) or court order for identifying characteristics.
3. The decision on whether the victim is notified regarding a CODIS hit should be made by an investigator (rather than an initial responding officer) and in compliance with the Victim Notification Protocol.

4. No CODIS Hit - Consult with crime lab for alternative DNA searches and the most current approaches which may help identify a suspect or lead, such as familial searches or other characteristic identification.
5. Forensic samples are compared against other profiles in the appropriate level of CODIS at least twice weekly.

COLD CASES

A "cold case" sexual assault is defined as any case that is not actively being investigated and has remained unsolved for one or more years after reported to law enforcement. Investigators have the following responsibilities:

- A. Identify all unsolved sexual assault investigations within their agency.
- B. Evaluate, assess, and prioritize all unsolved sexual assault cases including whether there is a potential scientific analysis of untested evidence.
- C. Create a case assessment document to identify critical information and summarize the incident, i.e. evidence still available, evidence not tested, suspect identified, etc. This assessment should include a thorough review of the case and an evaluation of additional steps that can be taken to revive the case.
- D. Create tracking database, Excel workbook, or department records management system for pertinent information to include:
 1. Modus Operandi (MO), drug use, stranger/known, etc.
 2. SAEK collected, analyzed, results.
- E. Collaborate with designated crime lab and property management in the identification, testing and preservation of any evidence related to the case.
- F. Conduct timely, complete and appropriate follow-up investigation in which the suspect has been subsequently identified.
- G. Statute of limitations:
 1. No statute of limitations for class 2 felony sexual offense (effective August 9, 2001).
 2. Earlier reports may be prosecuted under certain circumstances and/or used as an aid in prosecution of another case (Rule of Evidence 404). Therefore, the detective must consult with the prosecutor before deeming a case as not prosecutable due to the statute of limitations. In cold cases, the following should be considered in deciding whether and/or how to make contact with the victim upon receipt of a CODIS hit or other new evidence:
 - i. Previous willingness to cooperate with law enforcement.
 - ii. If the CODIS hit or new evidence provides an actionable lead.
 - iii. Contact with the victim is necessary to advance the investigation.

FILED CHARGES

Investigators may be called on to testify multiple times (release hearing, grand jury, pretrial hearings, trial). They should prepare for each of these by:

- A. Reviewing the entire case, not just the investigation they did.
- B. Consulting with the prosecutor as to the nature of their testimony (areas to be covered, possible issues, rulings, whether they will be testifying to hearsay of other witnesses, etc.).

SUPERVISOR RESPONSIBILITIES

The supervisor plays an important role in sexual assault cases, and these cases often require unique investigatory and interview methods that may require additional guidance and supervision.

A. In addition to any other training mandated by the agency, supervisors should receive training on the following topics:

1. Arizona Constitution, Article 2 § 2.1 Victim's Bill of Rights, Title 13, Chapter 44.
2. Training on the investigation of sexual assaults
3. 8 hours of continuing education each year relating to the investigation of sexual assaults.

B. Supervisor Position

1. Assignment to a sex crimes unit as supervisor should be voluntary. Strong preference should be given to those who have investigative experience. He/she must possess strong interpersonal, investigative, organizational, and administrative skills.
2. The supervisor must have a thorough understanding of DNA and its analysis, crime scene investigation and interpretation, and they must have a good working relationship and understanding with the prosecuting attorneys.
3. The supervisor should be able to work with outside agencies in coordinating investigative efforts and be able to identify and work to obtain grant funding if the need should arise.

C. Policy and Direct Supervision

1. Provide ongoing and in-service training opportunities to ensure patrol officers and detectives are familiar with the policy, understand victim response, and comply with statutory requirements.
2. Review all suspected sexual incident reports, regardless of whether they will be forwarded to detective, an arrest has been made or a warrant requested.
3. Ensure that the first responder/investigator has completed all steps outlined in this policy and other department procedures.
4. Ensure that the investigating officer re-contacts the victim in person or by phone an appropriate time after the initial report to conduct a follow-up interview or inform the victim of the status of the case.
5. Ensure any follow-up requests from the prosecutor are completed, including providing discovery in a timely fashion.
6. Review all case closure determinations to ensure policy/procedure regarding case closure has been followed correctly.
 - a. Notify officers and investigators that they cannot close a case as unfounded based solely on the victim's initial statement or a cursory preliminary investigation.
 - b. Review investigators' caseloads to ensure no officer has a disproportionate number of unfounded cases or cases in which the victim no longer participates.
 - c. Document and review incidents that are presented as unfounded, including those where it is unclear if the legal elements of sexual assault are met.
 - d. Do not pressure investigators to clear a high percentage of cases.

NETWORKING/RESOURCES

A. Mentorship - Departments should work together to allow investigators and supervisors to shadow specialized detectives in different agencies. This includes responding to scenes, monitoring interviews, etc.

- B. The Pima County Sex Crimes Investigator Association (PCSCIA) is hereby established. Each year, one law enforcement agency will serve as coordinator of the PCSCIA. Responsibilities of that agency include:
1. Finding a location for quarterly meetings and/or trainings.
 2. Setting the agenda for the meetings/trainings.
 3. Maintaining an email list for the purpose of distributing:
 - a. Crime bulletins.
 - b. Crime trends.
 - c. Training literature.
 - d. Information regarding available training.

FORENSIC LAB RESPONSE

This protocol encompasses the various aspects of the laboratory testing of SAEKs and is not all inclusive of every scenario that may be encountered by any individual laboratory. Each CODIS participating laboratory is responsible for testing SAEKs in Arizona and will be an accredited laboratory and adhere to the FBI's DNA Quality Assurance Standards for DNA Testing Laboratories. Each laboratory will have detailed technical and administrative protocols that will be specific to the testing of evidence for the agencies they serve.

A. Sexual Assault Case Submission

1. Forensic laboratories, whether public or private, must remain independent, unbiased and neutral when receiving sexual assault cases for examination, when evaluating items of evidence to test and when deciding which methodologies to use.
2. In order to preserve their resources, it is important that forensic laboratories have well established and defined case submission policies. Any exceptions to case submission policies should be a result of communication and collaborative efforts of the laboratory and its stakeholder (law enforcement, prosecution, defense, etc.)
3. Each forensic laboratory shall have a case submissions policy that documents the prioritization of cases for analysis and a mechanism for deviation to this procedure. The analysis of sexual assault cases should be of high priority.
4. Forensic laboratories may establish workflows for sexual assault cases, to include submission and analysis of sexual assault kits (SAEKs) within established and reasonable turnaround times.
5. Each forensic laboratory may establish a limit for the number of items that will be analyzed for DNA in each sexual assault case, specifically each SAEK submitted for analysis. Any such procedure should be based on the medical examination information and synopsis provided by sexual assault nurse examiners (SANE) and law enforcement officials.
 - a. An objective of laboratory testing is the development of a DNA profile that can be used to identify an individual(s). If initial testing yields the development of a CODIS eligible profile, additional item(s) may be processed in collaboration with criminal justice stakeholders.
 - b. If the results of the screening process are negative or demonstrate a low likelihood of obtaining a probative DNA profile, DNA testing may not be completed on these items thereby preserving sample for future analysis using advancing technology.
 - c. Ideally, reference samples will be collected from the victim, consensual sex partner(s), and suspect(s), if known. Buccal swabs or other appropriate reference samples should be collected to assist with the interpretation of the DNA results. Often mixtures are obtained from evidentiary items. Therefore, the victim's DNA profile as well as the consensual sex partners, if indicated in the SAEK paperwork, may be used to deduce a more informative DNA profile.

B. Sexual Assault Evidence Collection

1. The sexual assault evidence should be collected by the SANE using the State of Arizona Sexual Assault Examination Kit. Any other sexual assault evidence items, including clothing collected at the time of SAEK collection, should be packaged separately.
2. A tracking system for all SAEKs collected by SANE and law enforcement agencies should be established by state and local stakeholders.

- a. In the State of Arizona, all SAEKs should be entered into the Track-Kit software upon collection by the SANE.
3. All SAEKs, except for those collected under the provisions of the Violence Against Women Act (VAWA), should be submitted to the laboratory for analysis. Other items of evidence may also be submitted, especially if the case synopsis indicates other probative evidence (i.e. condom, clothing, bedding, etc.).

C. Screening

1. SAEKs samples should be screened via Y-screening or traditional serology methods.
 - a. Y-screening may be employed for screening of SAEK samples collected from a female, when determining the presence of male DNA is relevant to the case.
 - b. Traditional serology methods may be employed for SAEKs collected under alternative scenarios, e.g. male on male sexual assaults, as well as other items of evidence collected and submitted for examination in sexual assault cases.
 - c. Screening of any non-SAEK items of evidence should be triaged based on the results of the SAEK analysis, sexual assault case information and/or in consultation with criminal justice stakeholders.

D. DNA Testing

1. Current laboratory methodology typically involves four steps of DNA testing, which may include the use of automated and robotic platforms. Although helpful for high throughput processing, these platforms are not required.
2. DNA Extraction
 - a. Extraction (Differential and Non-differential)
 - i. Each laboratory should have a procedure to determine when differential versus non-differential extraction methods should be employed.
 - ii. Differential extraction is typically used on mixed biological fluid samples confirmed or suspected to contain sperm.
 - iii. Non-differential extraction is typically used on mixed biological fluid samples in the absence of sperm.
 - iv. Laboratories may validate the use of differential extraction on all SAEK samples for Y-screening.
 - b. Quantitation
 - i. The amount of DNA present in a sample may be determined through the use of quantitation methods and kits.
 - ii. Laboratories may establish minimum quantitation thresholds, as well as female to male ratios, and use as decision making points for autosomal STR and Y-STR testing.
 - c. Amplification
 - i. Autosomal STR Testing-samples will be processed using appropriate, STR amplification kits, approved by NDIS and containing, at a minimum, core CODIS loci.
 - ii. Y-STR Testing - select samples will be processed using appropriate, Y-STR amplification kits.
 - iii. Samples will be selected for Y-STR testing when informative for the case and in those instances when male DNA may be masked by higher levels of female DNA or when low levels of male DNA may be present in a sample. Submission of

reference samples from male consensual sex partner(s), and suspect(s) should be required prior to Y-STR testing and analysis.

d. Genotyping

- i. Genetic analyzers will be used to complete the DNA testing of STR and/or Y-STR amplified product.

3. Interpretation and Reporting

- a. The laboratory will have written procedures for taking and maintaining case notes, hard copy or electronic, to support conclusions drawn in the report.
- b. The analytical documentation shall be sufficient to support the reported conclusion, so that another qualified individual could evaluate and interpret the results.
- c. The laboratory may use DNA interpretation software, including probabilistic genotyping software, to aid in analysis and interpretation of the DNA results.
- d. The laboratory will follow the Quality Assurance Standards for Forensic DNA Testing Laboratories for reporting and reviewing of results.
 - i. As it pertains to sexual assault cases, the laboratory report may contain the information about the Y-Screening methods, detection of male DNA, as appropriate, as well as information about unknown, probative DNA profile(s) obtained and entered into the CODIS database.

4. Outsourcing

- a. State and local forensic laboratories may utilize the services of an accredited private DNA laboratory to complete DNA testing of sexual assault cases, to include processing of SAEKs.
 - i. Any outsourcing laboratory contracted to this work will follow the Quality Assurance Standards for Forensic DNA Testing Laboratories for outsourcing of cases to ensure CODIS eligibility and entry upon technical review of the outsourcing laboratory results by the CODIS participating laboratory.

E. CODIS Entry, Match Reporting and Follow Up

1. CODIS Entry

- a. The DNA profiles submitted to CODIS, at NDIS or SDIS, must be generated in accordance with the FBI Director's Quality Assurance Standards.
 - i. CODIS eligibility will be determined for DNA profiles developed from sexual assault cases. CODIS specimen category will be determined for each sample.
 - ii. DNA profiles must be from crime scene samples and be attributable to a putative perpetrator in order to be considered for CODIS entry.
 - iii. If a consensual sex partner is listed, the laboratory must request that an elimination sample be submitted for comparison purposes prior to entering the DNA profile into CODIS. Once this request has been made and documented, eligible DNA profiles can be entered into CODIS even if an elimination sample cannot be obtained.
 - iv. Eligible samples will be entered into SDIS and NDIS, as appropriate, and searched on regular basis.
 - v. Samples not meeting eligibility criteria for SDIS and NDIS entry may be entered and searched in LDIS based on each individual laboratory's policies.

2. Match Reporting

- a. All offender CODIS hits, associated with a match to an individual, will undergo the confirmation process.
 - b. Upon confirmation, the name of the individual will be released by the laboratory to the law enforcement agency.
 - c. If the CODIS hit is identified to a consensual partner, the law enforcement agency must notify the laboratory, so that the DNA profile is removed from CODIS.
 - d. All forensic CODIS hits associated with a match to another case, will be released to the law enforcement agency.
3. Follow Up: Any follow up of CODIS hits must be done in a timely manner by law enforcement agencies.

F. Glossary of Terms

Unsubmitted: A sexual assault examination kit (or other evidence) that is in police custody but has not yet been sent or submitted to a crime laboratory for forensic testing.

Untested: A sexual assault examination kit (or other evidence) that is at a crime lab but has not yet been through DNA testing.

Backlogged: Evidence received by the laboratory but has remained untested for more than 30 days.

Tested: Forensic testing has been completed on one or more samples from the SAEK that resulted in a CODIS eligible profile or exhausted all probative samples within the SAEK.

Prioritize: To designate or treat as more important than other things. (Each agency may have a system to evaluate incoming requests for analysis to appropriately prioritize sex crimes evidence kits and sexual assault casework. Please contact the laboratory you are working with for information regarding their case acceptance policy.)

DNA Testing: Testing of an evidence sample to obtain a DNA profile. Generally, the DNA testing process includes extraction, quantitation, amplification, and DNA typing.

Autosomal STR Testing: All humans inherit half of their genome from their biological mother (22 autosomal chromosomes plus one sex chromosome). Thus, there are two copies or two alleles of each gene in our genome. Short tandem repeats (STRs) are repeated segment of DNA that are typically 2-6 base pairs in length. These STRs are scattered throughout our genome. At each of the tested genetic sites, one STR allele comes from the mother and the other STR allele comes from the father. The number of repeats of each STR at each genetic site varies within the human populations, and this variability in the number or repeats makes autosomal STR testing extremely valuable as a human DNA identification tool.

Y-STR Testing: Targeted short tandem repeat testing of the Y chromosome found in males due to paternal inheritance. Y-STR testing is useful for detection of male DNA from evidence when there are high concentrations of female DNA or generally when low amounts of male DNA are present. It can be used in conjunction with or in lieu of autosomal STR testing.

CODIS: The Combined DNA Index System. It is the generic term used to describe the program and software supplied by the FBI to support criminal justice DNA databases used. One aspect of CODIS links DNA evidence obtained from crime scenes, thereby identifying serial criminals. The second aspect of

CODIS compares crime scene evidence to database profiles (which includes convicted offenders and arrestees), thereby providing investigators with the identity of a possible putative perpetrator. In addition, CODIS can link DNA evidence obtained from unidentified human remains to relatives of missing

persons and/or missing persons. The goal of CODIS is to provide investigative assistance to law enforcement. CODIS consists of three levels: The LDIS that contains the DNA profiles from individual laboratories; the SDIS that serves as the state's DNA database including DNA profiles that are eligible from participating laboratories at the federal, state, and local level.

CODIS Eligibility: A term used to describe what is allowed to be entered and searched within the CODIS system. In order for DNA records to be eligible for entry and searched in the forensic indexes at NDIS or SDIS, they must be from crime scene evidence. The DNA records offered to NDIS and/or SDIS must also be attributable to the putative perpetrator. DNA records voluntarily provided solely for the purposes of elimination are not acceptable. In regards to offender and arrestee samples, in order to be eligible for the Arizona CODIS database, they must be collected with respects to the A.R.S. § 13-610.

Offender Hit: When an unknown forensic profile matches an offender, arrestee, or other known standard.

Forensic Hit: When an unsolved forensic profile matches another forensic profile.

Probative: Relates to the effect of proving an issue or other information; serving to prove or substantiate.

Y-Screening: An alternative laboratory process for testing of biological samples (e.g. sex assault kit samples) for the presence of male DNA. This laboratory process is useful when dealing with mixtures containing female and male components.

Timely Manner: Pursuant to statute, DNA testing of the SAEK will be completed as soon as possible resources and personnel permitting.

VICTIM ADVOCACY RESPONSE

The reporting, prosecution and recovery processes following sexual assault crimes creates special challenges to all those who work with these types of victims. Crisis interventions, investigations and prosecution will be strengthened by an effective trauma-sensitive victim approach. Officers and advocates should work together to respond to and notify a victim of the status of their case. A specialized victim advocate and a law enforcement officer, who can foster trust through collaboration, are more likely to engage victims who may otherwise be hesitant to participate in the criminal justice system. Feelings of shame, embarrassment, fear, and betrayal, which are often associated with sexual assault, can exacerbate the mistrust experienced by victims if this process is not handled with empathy and compassion. A specialized advocate can also engage in a comprehensive effort to address sexual violence, intimate partner violence, domestic abuse, and human trafficking through collaboration with community agencies and social service providers. A specialized advocate will have the knowledge to be able to refer victims to culturally appropriate resources to include support groups, counselors, and community service agencies. Thus, a victim advocate with specialized training in the area of sexual assault will be in an ideal position to assist victims with the most beneficial resources.

A specialized advocate can facilitate the processing of emotions, reassure victims that their reactions are not uncommon, help counter self-blame, and encourage victims to rely on their strengths to enhance their coping skills.

A specialized advocate, who is well-versed in the neurobiology of trauma, grief, and traumatic stress, can also focus on building trust and rapport, remain empathic, engage in active listening, be able to address victim's concerns and provide honest and accurate information. A specialized advocate, who is able to provide initial intervention or notification is essential for a victim-centered approach that achieves our best efforts to help crime victims.

Pima County offers both Community-Based Advocates, provided through the Southern Arizona Center Against Sexual Assault (SACASA) and the Children's Advocacy Center of Southern Arizona (CAC), and Systems-Based Advocates, provided through the Pima County Attorney's Office Victim Services Division. While there is cross training between agencies as well as crossover and collaboration on many cases, the general scope of each agency is as follows:

- SACASA deploys advocates to local hospitals for immediate crisis intervention to assault patients. SACASA also houses the county-wide crisis hotline which is available 24/7 as well as office based advocacy and therapy services for long-term healing.
- CAC Family Advocates provide customized support during the investigation process and the transition into additional support services as well as on-site crisis counseling.
- Victims Services Advocates assist and provide support to victims at crime scenes, right after an incident has occurred, and as a victim navigates the criminal justice system.

CREATING A TRAUMA-INFORMED, VICTIM-CENTERED PRACTICE

Any sound structure for notifying and meeting the special needs of sexual assault victims in a Sexual Assault Protocol requires that it be trauma-informed, victim-centered, and strength-based. This requires the following attributes:

A. Training on the Neurobiology of Trauma

1. Require educational training on trauma for those who will work directly with victims of sexual assault. Encourage both formal and informal educational opportunities to create a victim-centered team response.

B. Impact of Sexual Violence

1. Sexual violence can have psychological, emotional, and physical effects on a victim. Some common experiences are a violation of safety and a loss of control. This distress can be exhibited in what may seem like counterintuitive behaviors. Increasing awareness and understanding of neurobiological responses, such as a flight, fight or freeze reaction resulting from a neurochemical release, can help increase the understanding of how victims cope with this type of violation and aid in finding ways to foster resiliency and recovery as well as empowering victims to decide what steps to take next. Understanding these behaviors as responses to the assault is an integral component to decrease the risk of re-traumatization.

C. Victim-Centered Practice

1. A victim-centered practice is founded upon a strength-based focus with the awareness of the impact of trauma and the ability to treat victims with empathy and compassion.
2. This victim-centered approach will guide each intervention and notification. Because each sexual assault victim and circumstance is unique, the training will include practical intervention and notification strategies that have the flexibility to adapt to a wide range of possible responses, circumstances, and needs of the victim.
3. In addition, interagency cross training with responders of sexual assault should be considered. Cross-training is a process by which responders explain their role in addressing sexual violence and the services provided by their agency. Training on each responder's role and responsibilities will assist multidisciplinary teams in understanding how agencies can contribute to the intervention and notification process and the development of a collaborative response to sexual assault. A monthly Sexual Assault Response Team (SART) Meeting is utilized to provide regular connection of agencies.
4. It is important to recognize that some populations, such as people of color, tribal communities, as well as lesbian, gay, bisexual, transgender, queer or questioning (LGBTQ+) individuals, are often subject to stigma and institutionalized discrimination. As a result, members of these populations might be reluctant to engage in the criminal justice process when victimized. It is critical that criminal justice responders be sensitive to the needs of underserved populations to decrease barriers to reporting sexual assault. Cultural responsiveness can be achieved through specialized training and community partnerships with organizations currently serving these populations.

D. Self-Care

1. The term "vicarious trauma" is generally associated with the "cost of caring" for others. Sometimes referred to as "compassion fatigue" or "secondary traumatic stress," all of these terms relate to the emotional response experienced by anyone working with crime victims. Vicarious trauma can be experienced by victim service providers after hearing the traumatic stories of the victims and witnessing the pain, fear, and terror that they have endured.
2. It is important that victim service providers are continually mindful of the signs and symptoms of vicarious trauma and the potential emotional effects of working with trauma survivors. Self-care is the practice of intentionally caring for our physical, psychological, emotional, and spiritual well-being. While self-care practices are unique to the individual, some common self-care practices include: mental health therapy, adequate sleep, nutritious diet, exercise, meditation, yoga, journaling, fun and leisure activities, supportive relationships, music, and

humor. Implementing self-care practices promotes overall good health and well-being. It is therefore recommended that the training include a module on the practice of self-care.

E. Safety Planning and Resources

1. Upon first contact with notification team, efforts should be made to help the victim feel safe. Safety planning with the victim may be necessary. Intervention may take the form of emergency referral and counseling or other services as needed. Intervention from an advocate will help address issues that arise out of the initial victim contact. The advocate can also guide the victim in helping him/her to understand the role of the victim advocate and the type of assistance and advocacy the victim will receive throughout the criminal justice process. A part of this intervention would also include assisting the victim in developing a safety plan which could be implemented as needed.

SPECIFIC PIMA COUNTY VICTIM'S SERVICES DIVISION AS A SYSTEMS BASED ADVOCACY PROGRAM

A specialized advocate who can provide support during the notification and status updates on investigations on a criminal case is essential to both investigation and prosecution. Victims who feel supported are more likely to participate in the prosecution of a case. This advocate can educate victims on what to expect in the criminal justice process and help them to understand their rights. The specialized advocate will also be uniquely situated to provide a seamless transition for the victim from the investigative phase to the prosecution phase as the advocate works for the County Attorney's Office and will provide support throughout the prosecution of the case.

The law enforcement agencies involved in working with victims of sexual assault must take the following into consideration: concerns about privacy, dignified treatment, protection, and the effects on the victim in situations where testing has been delayed. In these types of circumstances, victim notification following the delayed testing of kits can trigger emotional reactions by trauma survivors; therefore, a trauma-informed victim-centered approach is necessary to help victims avoid re-traumatization. In-person notification is the standard for these notifications to ensure crisis responses are addressed immediately and supports are provided without delay.

A. Law Enforcement Officer along with Specialized Advocate to Provide Notification

When law enforcement determines that there is potential that the victim's case may be revived, or that victim contact is necessary to complete forensic analysis, the law enforcement agency will develop a plan to contact the victim with the support of a specialized advocate.

The law enforcement team should include a detective and victim advocate but could include other team members as appropriate. Before contacting the victim, the case file will be reviewed for information about the victim that could shape the notification process. For example, if the sexual assault was by the victim's intimate partner and occurred in the context of domestic violence, then the notification can be appropriately focused on the victim's safety. It is also helpful to understand whether the victim initially wanted to move forward with filing charges and what barriers may have been present.

On a case-by-case basis, the officer and/or the specialized advocate will make first contact with the victim to advise of the change in case status. Ideally, the first contact with the victim to notify them of the change in status should take place in person with the law enforcement team. If the victim's location cannot be found, telephonic notifications with the team present should be the next step.

Advocates and law enforcement should spend the time necessary to address the safety needs of sexual

assault victims and provide crisis response, intervention, support, guidance, and advocacy to be able to further assess their needs.

Victims will be provided the opportunity to receive notification of the status of the case.

B. Victims' Rights at Law Enforcement Stage

Victims may need to be provided the Victims' Rights Request/Waiver Form (A.R.S. §§ 13-4405/8-386) depending on the date of the crime, victims' rights may not have been in existence, or the victim may not have returned the original form. Notification for future case status will be provided to all unless the victim opts-out of notification.

If there is an arrest in the case, the advocate and/or law enforcement officer will make sure the victim is notified of the arrest. (A.R.S. §§ 13-4405 or 8-386(f) or 13-4405.01/8-386.01). Upon arrest, the advocate will ensure that the victim is notified of the date, time and place of the initial appearance and of the victims' right to attend and be heard at this hearing. (A.R.S. § 13-4406). Timely notification is essential as the hearing may be scheduled within 24 hours of the arrest. A victim's statement at this hearing could affect the release conditions that may be set by the court. The advocate will arrange to attend the Initial Appearance when possible or have another advocate attend to support the victim.

C. Record Information in an Internal Secure Data System

To protect victim privacy, data entry and sensitive victim information will be limited to those who are directly involved in the case and working directly with victims. Ensure agency policies correlate with A.R.S. §§ 13-4430 and 8-409 (privileged info) and 13-4434 and 8-413 (victim privacy).

D. Victim Rights and Services at the Prosecution Stage

The role of the advocate in the County Attorney's Office is to assist the victim in navigating through a complex criminal justice system. The advocate can help reduce the stress of the court process and ensure that everything is being done to help a victim exercise their victim rights. The advocate will inform the victim of all hearings and trial dates. The advocate will explain the criminal justice process so the victim knows what to expect as the case moves through the system. The advocate will keep the victim updated on all case proceedings as needed. The advocate will provide emotional support and accompany the victim to interviews, hearings, trial, and throughout the post-conviction phase. During trial, the advocate will provide information about appropriate courtroom decorum and can help calm a victim who is waiting to testify. Advocates can refer victims to community resources to help address their needs.

Throughout the criminal justice process, the advocate will ensure the victim confers with the prosecutor on the case status. The advocate can assist in arranging meetings between the victim and the prosecutor when the victim wishes to confer with the prosecutor about the disposition (including declinations), dismissals, plea negotiations and pretrial diversion programs. The advocate will assist the victim with their impact statement at the time of sentencing and assist the victim in gathering the appropriate documentation for restitution and/or victim compensation.

Closely related to the need for crisis intervention and safety planning in the immediate aftermath of a crime and during the criminal justice process is the victim's need to have assistance in exercising the right to be notified of, present at, and heard at the Initial Appearance or Motion to Modify Conditions of Release. Conditions of release which are set at these proceedings are related to victim safety. Every victim wanting to exercise the right to address the court regarding release and the conditions of release should be afforded the opportunity to do so. Advocates should work closely with law enforcement and

prosecutors to assist these victims in receiving proper notice of court proceedings.

Safety concerns of the victim do not end with the arrest and pre-trial detention or release of the defendant. These concerns also extend to require reasonable measures to protect the victim from the defendant or agents of the defendant while the victim attends court proceedings. This means that advocates should work with victims to advise them of the separate and secure waiting areas that are available to them.

VICTIMS' RIGHTS (NOT INCLUSIVE OF ALL RIGHTS)

- A. The victim's right to be present applies to every proceeding where the defendant also has the right to be present. The County Attorney's Office should provide court accompaniment for every victim of sexual violence. This support must be provided by an advocate who can help the victim through trying and often stressful proceedings. A victim advocate will assist the victim to ensure their attendance if the victim chooses to exercise their right to be present. The role of the advocate is to provide support to the victim and to aid the victim to enhance their understanding of the criminal justice process.
- B. The right to be heard at any public proceeding involving post-arrest release, a negotiated plea, and sentencing.
- C. The victim has a right to have an independent voice at plea proceedings, sentencing, release hearings, etc. Advocates should assist every victim who wishes to be heard in exercising this right at any and all of these proceedings. Victims of crime should receive assistance in exercising their participatory rights.
- D. To confer with the prosecution, after the crime against the victim has been charged, before trial or before any disposition of the case, and to be informed of the disposition.
- E. The right to confer can arise throughout the consideration of a case in the County Attorney's Office. This right, to be meaningful, must obligate the County Attorney's Office to discuss with victims the reason for a decision and to give victims the right to express a view on the matter before a final decision is made. This should include, for example, charging and plea offer decisions. Victim advocates can assist the prosecutor in the discharge of this duty such as, setting up meetings, arranging phone calls or acting as a liaison between the victim and the prosecutor to facilitate communication to help address any questions or concerns.
- F. The right to receive prompt restitution from the person or persons convicted of the criminal conduct that caused the victim's loss or injury.
- G. The right to restitution requires the County Attorney's Office to provide victim assistance at two critical stages: sentencing and collection. The right to restitution is hollow if the court never learns of the full economic impact of the offense on the victim and if no reasonable efforts are made to assist a victim with having the court order restitution. An advocate can help to educate and/or assist the victim in the preparation of full and documented restitution claims, and how they might collect restitution once imposed.
- H. The right to a speedy trial or disposition and prompt and final conclusion of the case after the conviction and sentence.
- I. Delay and rescheduling challenges are issues that deeply affect a crime victim. In order to protect this right to proceedings, free from unreasonable delay, a victim advocate should be available to help with scheduling issues from the vantage point of the victim. Too often, scheduling decisions are made and matters are rescheduled for the convenience of the defendant, the court, or the lawyers, with little regard for the victim's schedule. A victim advocate should be available to communicate with the victim and to the court, through the prosecutor, the interests of the victim

on scheduling issues. Moreover, the victim needs to be advised that there is a right to be heard whenever a change in scheduling or a delay is requested, and an advocate should be available to help the victim assert the right to be heard.

- J. The right to be treated with fairness, respect, and dignity, and to be free from intimidation, harassment or abuse throughout the criminal justice system.
- K. The right to fairness includes the general right to due process which touches every aspect of how a victim is treated throughout the prosecution of a case. Special considerations should be given to respect the dignity and privacy of victims of sexual violence.

For a full list of constitutional rights and prosecutorial duties:

Arizona Constitution, Article 2, Section 2.1, Victims' Bill of Rights.

(http://www.azleg.state.az.us/const/2/2_1.htm)

Arizona Revised Statutes, Title 13, Criminal Code; Chapter 40, Crime Victims' Rights

(<http://www.azleg.state.az.us/ArizonaRevisedStatutes.asp?Title=13>)

Title 8, Chapter 3, Article 7, Victims' Rights for Juvenile Offenses

(<http://www.azleg.state.az.us/ArizonaRevised-Statutes.asp?Title=8>)

VICTIM ASSISTANCE

- A. Advise victims of their rights.
- B. Treat victims as human beings, not as pieces of evidence.
- C. Provide victims with information about case-related events, notice of hearings and inform them of what to expect next in the criminal justice system.
- D. Work together with the trial team to help prepare victims for their testimony and for what to expect in trial.
- E. Advise victims of proper courtroom decorum.
- F. Provide courtroom accompaniment for emotional support.
- G. Inquire about any concerns the victim may have about trial.
- H. Work together with the trial team to inform and confer with victims about potential plea-bargain negotiations or proposed plea offers.
- I. Work together with the trial team to give victims the opportunity for input into pretrial proceedings and assist victims with their victim impact statements.
- J. Pay attention to any response the victim may be experiencing, provide assistance to help reduce stress and provide community resource referrals to meet his/her needs.

ARIZONA CRIME VICTIM COMPENSATION PROGRAM

The Crime Victim Compensation Program is a fund of last resort that offers financial assistance to injured crime victims who are eligible. Examples of compensable expenses include counseling, loss of wages, and medical costs related to a crime. While there are eligibility criteria about reporting to law enforcement and participation with the investigation of the crime, the arrest of a suspect(s) is not required. Victims may apply online at [Home Page - VCompWarehouseMaster \(hostedbykarpel.com\)](http://Home Page - VCompWarehouseMaster (hostedbykarpel.com)) or ask for the assistance of a Victim Advocate in completing an application.

EVALUATION

An evaluation tool will be created and disseminated to crime victims to assess ways to improve their experience with the criminal justice system. This evaluation tool will be administered by the County Attorney's Office at the completion of their case.

PROSECUTOR RESPONSE

Successful and compassionate prosecution of sex crimes cases requires a cooperative approach, sensitivity to the victim, prosecutor access, prosecutor continuity, and the coordination of supportive services.

The Pima County Attorney's Office's Special Victims Unit specializes in the handling of sex-related offenses. Assignment to such a unit should be voluntary. Because of the complexity of these cases and the training, knowledge and expertise required, every effort should be made to retain skilled attorneys in the unit as long as possible. The following procedures are recommended for handling sex assault cases:

GENERAL PRINCIPLES

Prosecutors should receive extensive training in prosecuting adult sex crimes. This training should include:

- A. Forensic interviewing of sex assault victims.
- B. Victim behavioral characteristics.
- C. Neurobiology of trauma.
- D. Offender dynamics.
- E. Current case law.
- F. Alleging, evaluating, and presenting 404 evidence.
- G. Proving lack of consent.
- H. Prosecuting non-stranger sex assault cases.
- I. Medical findings and lack thereof in sex assault cases.
- J. Medical/SANE testimony.
- K. Presentation of DNA evidence. DNA Mixture testimony.
- L. Understanding DNA components.
- M. STR v. y-STR results.
- N. Non-DNA forensic science.
- O. Advanced trial advocacy.
- P. Statute of limitations.

VICTIM-CENTERED COMMUNICATION

Prosecutors should engage with victim(s) early in the case, practice active listening, and ensure that all team members treat the victim with compassion and respect.

INITIAL VICTIM MEETING:

The prosecutor should explain the role of the prosecutor and other team members, the court process, and options available, focusing on the goals of victim empowerment, community safety, and offender accountability.

PROSECUTOR CONTINUITY

Ideally, the same prosecutor should handle the case from beginning to end. If case transfer is necessary, the "outgoing" prosecutor should notify the victim directly with the assistance of the assigned advocate and should consult with the advocate about the best medium (e.g. phone call, in-person meeting,

remote video meeting) for that notification to occur. The “incoming” prosecutor should participate in that meeting, if possible, and set a meeting with the victim as soon as practicable to build rapport and comfort.

TEAM APPROACH

The prosecution team working on any sex assault case should include the prosecuting attorney, victim advocate, legal secretary, paralegal, investigators, law enforcement, lab personnel, and medical personnel. Team members will freely share ideas about follow-up investigation and trial strategy and will work together to support the victim and keep the victim informed. Conversations and meetings between the prosecuting attorney and the victim should include the victim advocate and case paralegal whenever possible.

CHARGING DECISIONS

The standard for charging is whether there is a reasonable likelihood of conviction at trial. If the prosecutor believes that additional information is necessary in order to make an informed charging decision, the prosecutor should ask the case agent to complete additional investigation before re-presenting the case for consideration.

If charges involving more than one victim are submitted on a suspect, the prosecutor should consider filing charges involving each victim in the same indictment. Each act should be set forth in a separate count.

Separate and distinct acts occurring during the same or overlapping time periods should be distinguished in the charging document, by using “to wit” parentheticals specifying sex act, location, and/or time in sequence, e.g. “the first time”.

The prosecutor should consider charges for each criminal act committed against the victim, including non-sex offenses.

If the defendant is charged with non-sex offenses such as aggravated assault, burglary, kidnapping or trespass, but the offenses are sexually motivated, the prosecutor should file an allegation of sexual motivation under A.R.S. § 13-118.

CASES DECLINED FOR PROSECUTION

If the charging attorney decides to decline a case for prosecution, he/she will explain the basis for the declination to the case detective and examine prospects for charging the case in the future. The attorney and case detective must establish how the victim will be notified about the declination. Notification will include advising the victim and/or the victim’s lawful representative of their right to confer with the prosecutor about why the case was declined. The assigned victim advocate will assess the appropriateness of additional follow-up with the victim and make additional recommendations for support services.

CASE DISPOSITIONS, PLEA AGREEMENTS, AND VICTIM INVOLVEMENT

General Considerations

Once a case is assigned to a prosecutor, the assigned victim advocate should contact the victim as soon as possible to set up a meeting between the victim, the victim advocate, the paralegal, and the prosecutor, to discuss the prosecution process and obtain the victim’s views about possible dispositions.

If the victim does not want to meet or is not ready to meet, the advocate should still obtain the victim's input.

During the initial contact with the victim, the victim should be given realistic expectations as to how long the prosecution process may take. Unless there are issues the victim would like to address, the advocate and/or prosecutor should avoid discussing the facts of the case during this meeting.

Although the right of the victim to confer with the prosecuting attorney does not include authority to determine disposition of the case, the prosecutor should respect the feelings of the victim. If those feelings are contrary as to what plea offer the prosecutor believes is appropriate, the prosecutor should explain to the victim that they have a right to attend the plea and sentencing hearings and how they can address the court regarding their concerns.

The advocate and/or prosecutor should explain to the victim how a plea disposition may be advantageous, in part because it ensures a conviction, eliminates the need for victims to testify, and eliminates the right to a direct appeal.

Explaining charging decisions and a discussion of the strengths and weaknesses in the case will help in victim understanding the reason for the plea.

Encourage victims to attend settlement conferences. The victim's presence may convey to the court and parties the victim's willingness to participate in the process. It also may be helpful to hear a judge's evaluation of the strengths and weaknesses of a case.

Victim advocacy will remain available to the victim during and after their participation in this process. Additional referrals to supportive services will occur as appropriate.

PLEA GUIDELINES

The prosecution agency should develop plea guidelines to achieve consistency among similar cases while considering the strengths and weaknesses of each individual case. Trial attorneys may not deviate below the minimum authorized plea offer without prior approval from the SVB bureau chief.

In any plea offer, prosecutors should require a term of no less than ten years' probation on the sex offender caseload for at least one count. A plea should include this term even if the defendant is to serve a term of incarceration on another count. This is done to ensure that the defendant is supervised after release from custody.

If only one count of sexual assault is initially charged, the prosecutor should seek to try to have the defendant plead to an additional count if a factual basis can be made for the additional count. Possible examples may include sexual abuse, or kidnapping or unlawful imprisonment with sexual motivation.

The prosecutor should include sex offender probation terms with any plea involving probation.

If the offender has a license or profession that may give him or her access to future victims, the prosecutor should consider forfeiture of the license, or a ban on that profession during the term of probation as part of the plea.

If the defendant pleads guilty to a non sex offense, the prosecutor should consider requiring the offense to be plead to as a sexually motivated offense if a factual basis can be made, (A.R.S. § 13-118) so the

court has the option of requiring the defendant to register as a sex offender pursuant to A.R.S. § 13-3821.

Prosecutors should consider pleading a defendant to at least one count for each victim named in the indictment to ensure retention of post-conviction rights for all victims.

The prosecutor should include any restitution in a plea agreement. If necessary, restitution should be kept open in case the victim needs ongoing medical/counseling attention. Examples of restitution expenses are as follows:

- A. Counseling
- B. Psychiatric expenses
- C. Medication
- D. Wage loss
- E. Mileage to/from court, to/from doctor's appointments
- F. Medical bills
- G. Prosecutors should strive to obtain guilty pleas and limit acceptance of no contest pleas. Alford pleas should not be used.
- H. Pleas must include all statutory assessments pursuant to A.R.S. §§ 12-116, 13-824 and 13-1414.

GENERAL DUTIES OF THE PROSECUTOR'S OFFICE RE: VICTIMS' RIGHTS

When working with victims of sexual assault, prosecutors should observe the following guidelines:

- A. *When appropriate*, to ensure that the defendant be held non-bondable pursuant to A.R.S. § 13-3961, contact with the victim must be made as soon as a suspect is placed under arrest. Information should be gathered to determine how much danger the victim would be in, if the suspect is released pending trial. The victim should also be advised that they can provide input to the court handling the release hearing. If the prosecutor is aware of the case at the time of arrest, the prosecutor may need to ensure that information presented to the initial appearance court is sufficient.
- B. Confer with the victim early in the case to explain the criminal justice process and the likely route of prosecution.
- C. If a Victim's Rights attorney has become involved with the case, the prosecutor and the advocate should keep him/her advised as to the status of the case.
- D. To the extent possible, provide realistic expectations as to how the case will proceed through the criminal justice system.
- E. Speak with the victim about the disposition of the case before a formal offer is made and consider the views of the victim when deciding how to proceed with the case.
- F. Inform the victim that they will have to testify if the case goes to trial.
- G. Advise the victim that they have the right to be present at any court hearing, although their presence is not always necessary. Ensure that the victim is informed as to the nature of upcoming court proceedings so they can decide whether they want to attend or not.
- H. Inform the victim they have the right to decline an interview request from the defense.
- I. Advise the victim that their statements could be introduced at trial.
- J. Inform the victim they may set reasonable conditions for the interview and they can stop the interview at any time.
- K. Don't advise the victim that you would prefer that they not talk to the defense.

- L. The prosecutor should be present at the interview and actively participate.
- M. Make necessary arrangements for any reasonable conditions requested by the victim, including the presence of an advocate, courthouse dog or a non-witness support person.

PREPARING THE VICTIM FOR TRIAL

If the case is not disposed of by plea agreement, the prosecutor should recognize that the victim may experience anxiety or fear about testifying or about the trial process. To support and empower the victim before and during trial apprehension, the prosecutor may do the following depending on the facts:

- A. Discuss the victim's trial testimony. This would include going over the type and general order of questions that the prosecutor will ask the victim as well as anticipated areas of cross examination. The prosecutor should also discuss with the victim the defenses that the defendant will likely raise.
- B. Advise the victim about courtroom procedures. If possible, show the victim the courtroom, without telling the victim where the defendant will be sitting if the identity of the perpetrator is at issue.
- C. Address any safety concerns the victim may have.
- D. Advise the victim of the availability of the courthouse dog.
- E. Advise the victim of the availability of investigator transport and accompaniment.
- F. Advise the victim of any rulings that may limit his or her testimony.
- G. A victim advocate and a paralegal should be present at all meetings with the victim, and victim advocates will remain available to provide additional support outside of scheduled meetings.
- H. If the prosecutor becomes aware that the victim may be recanting or changing his or her account of the facts, the case agent or an investigator should be present at the meeting.

WORKING WITH THE CRIME LAB

Special considerations should be given when working with the crime lab.

- A. The prosecution team shall notify the lab of trial dates and continuances in a timely manner.
- B. The crime lab will be alerted of any plea agreements as soon as possible.
- C. Before any interview or trial, the prosecutor shall confer with crime lab witnesses to prepare them adequately for anticipated areas of examination and testimony.

TRIAL CONSIDERATIONS

CASE CONTINUANCES

When a trial is continued the prosecutor should ensure that the new dates are agreeable to the victim and witnesses. To the extent possible, these dates should be affirmed in advance. The reason for the continuance should be explained to the victim. If the victim objects to the continuance, the Court should be apprised of the victim's position.

EXPERT WITNESSES

Sexual assault cases often require retention of expert witnesses. The prosecutor should meet with and discuss the testimony of the expert before trial. This should include reading any studies or reports upon which the expert is basing their opinion. Experts may testify in the following areas:

- A. Victim behavioral characteristics (be prepared with appropriate case law in support of such testimony).
- B. Process of victimization.
- C. Non-stranger sexual assaults/Domestic Violence.
- D. DNA evidence and other forensic sciences.
- E. Medical findings (or lack of) in sexual assault cases, including non-genital injuries.
- F. 404 evidence.

PRO PER DEFENDANTS

If the defendant is representing himself, the prosecutor should request the court to order that all questioning take place from counsel table, that exhibits be shown to the victim by court personnel, and that objections be made from a seated position.

SPECIAL EVIDENTIARY CONSIDERATIONS WITH SEX CRIMES CASES

The prosecutor should recognize that sexual assault cases often require the filing of certain motions, including the following:

- A. Motion to Admit Evidence of Other Acts under Rule 404(b) (other crimes wrongs or acts) and (c) (evidence to show that the defendant has an aberrant sexual propensity).
- B. Motion to Preclude Evidence of Victim's Sexual History, pursuant to A.R.S. § 13-1421.
- C. Motions for Protective Orders in the event the case involves sensitive information or images, e.g. colposcopic or other very personal photographs.

JURY VERDICTS

The prosecutor and/or the advocate should inform the victim of his/her right to be present at the reading of the verdict. If the victim desires to be present, the prosecutor should advise the Court of the victim's desire and wait for the victim to get to the Court before the reading.

PREPARING THE VICTIM

- A. Whether the conviction is obtained either through a plea or at trial, the prosecutor should prepare the victim for the sentencing.
- B. Let victims know that their input can impact the sentence imposed by the Judge in a variety of ways and can help the Judge to make a more informed decision. Victims should be encouraged to write victim impact statements and/or make statements in court. Emotional support to the victim writing an impact statement will be available through victim advocates and the prosecution team.

SPECIAL SENTENCING CONSIDERATIONS

- A. Introduce evidence of aggravating circumstances when appropriate. Prior notice of these factors must be previously filed with the court at the time the case was opened.
- B. As a condition of probation include no contact with victim and his or her family when appropriate. Request restitution where appropriate or ask the Court to leave restitution open.
- C. Seek input from law enforcement and the victim advocates for sentencing recommendations.
- D. The prosecutor should advise the victim that the probation department will solicit victim input for inclusion in the pre-sentence report; this input is distinct from the input the victim may provide in person or in writing during sentencing.

POST CONVICTION RELIEF AND APPEALS

The prosecutor and/or the victim advocate should explain to the victim and his/her representative the possibility of review via petition for Post-Conviction Relief or an appeal.

PRIMARY LOCATIONS FOR MEDICAL FORENSIC EXAMS IN PIMA COUNTY

It is important to know that survivors of any age can present to any local hospital to initiate care and request a Crisis Advocate. However, the primary locations that will be utilized to perform Medical Forensic Exams are:

Banner University Medical Center Emergency Department

520-694-0111

1625 N. Campbell Avenue, Tucson, AZ 85719

Tucson Medical Center Emergency Department

520-327-5461

5301 E. Grant Road, Tucson, AZ 85712

Children's Advocacy Center of Southern Arizona

*Requires a law enforcement referral

520-724-6600 (Office) or 520-991-4771 (Afterhours)

2329 Ajo Way, Tucson, AZ 85713

ADVOCACY SERVICES

Children's Advocacy Center of Southern Arizona

520-724-6600 (Office) or 520-991-4771 (Afterhours)

2329 Ajo Way, Tucson, AZ 85713

Office Based Services:

Hours: Monday - Friday 8AM-5PM

Pima County Victim Services

520-740-5525

32 N. Stone Avenue #1400, Tucson, AZ 85701

Office Based Services:

Hours: Monday - Friday 8AM-5PM

Southern Arizona Center Against Sexual Assault

24- Hour Services include:

Bilingual Crisis Hotline: 520-327-7273 or (800) 400-1001

Sexual Assault Response Service to all local hospitals for victims of all ages

Office Based Services:

Hours: Monday - Friday 8AM-5PM

Main Line: 520-327-1171

1600 N. Country Club Road, Tucson, AZ 85745